

MODESTO CITY COUNCIL
RESOLUTION NO. 88-1

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER REVISION
TO THE CAPITAL FACILITIES FEES FOR FAST FOOD RESTAURANTS**

BE IT HEREBY RESOLVED by the Council of the City of Modesto that January 19, 1988 , 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 revision to the Capital Facilities Fees for fast food restaurants based on a lower average of daily trips.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-2

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(443). (HAROLD & DIANE RENO)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by Harold & Diane Reno on October 20, 1987, to reclassify from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D, to allow conversion of a single family dwelling to a beauty salon including construction of a parking area and retention of two other existing dwellings, property located on the east corner of 15th and G Streets, described as follows:

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

All of Lots 30, 31, 32, and the northwestern 18.75 feet of 29 in the City of Modesto Block 119.

Including also the Southwestern 40.00 of "G" Street, Northeastern 40.00 feet of 15th Street and the Northeastern 10.00 feet of the alley in said Block 119 and all immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on November 30, 1987, 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. 87-194, 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 nicely provides for the permitted business use while maintaining housing, in support of General Plan policy.

2. The improvements which must be added to bring the property into commercial conformity will result in a general upgrading of this corner.

and

WHEREAS, after a public hearing held on December 22, 1987 at 7:30 p.m., and thereafter said public hearing was continued to January 5, 1988, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Harold & Diane Penn 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. 87-194 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2568 -C.S. on the 5 day of January, 1988, reclassifying the above-described property from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(443).

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

1. All development shall conform to the plot plan and floor plans titled "630 Fifteenth Street Adaptive Reuse" as amended in red, stamped approved by the Planning Commission on November 30, 1987.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Director of Parks and Recreation. 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:

Six-foot double-sided wood, stucco, or masonry wall or fence along the portion of the southeast property line adjoining off-street parking.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Director of Engineering Services. Improvements shall be constructed in accordance with the approved plans.
6. Prior to occupancy of the commercial use, the developer shall construct new replacement sidewalk, including full sidewalk, on the commercial portions of the frontages as required by the Director of Engineering Services.
7. All water and sanitary sewer services to each building shall be as approved by the Director of Engineering Services.
8. Drainage shall be provided as required by the Director of Engineering Services.
9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Director of Engineering Services.
10. Trash bins shall be kept in enclosures in accordance with the approved plan, and shall be constructed of building materials consistent with those used in the major buildings as approved by the Director of Planning and Community Development.
11. All signs shall comply with the sign requirements of the C-1 Zone.
12. 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.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(443):

The entire construction program be accomplished in one phase, construction to begin on or before November 30, 1989, and completion to be not later than November 30, 1990.

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.

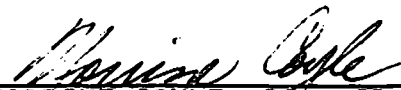
SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(443), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of January , 1988, by Councilmember McGrath , 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

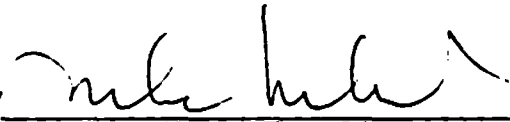
NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

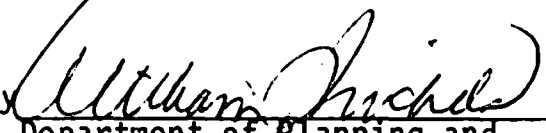
ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-3

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM C-1 TO P-D(443). (HAROLD & DIANE RENO)

WHEREAS, on January 5, 1988, the City Council introduced Ordinance No. 2568 -C.S. giving approval to a project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(443), property located on the east corner of 15th and G Streets, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(443), property located on the east corner of 15th and G Streets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of January, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
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. 88-4

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY
EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF THE SISK
ROAD/STANDIFORD-DALE INTERSECTION TRAFFIC SIGNAL PROJECT.
(STEVEN W. FARMER, ET AL.)

WHEREAS, on December 8, 1987, the Council of the City of Modesto by Resolution No. 87-1261 set a hearing to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on January 5, 1988, 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 Sisk Road/Standiford-Dale Intersection Traffic Signal Project,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described consists of 4,234± square feet of Assessor's Parcel No. 76-21-10 at the Sisk Road/Standiford-Dale Intersection, and is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, as are necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described as follows:

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:

Commencing at the intersection of the Northwesterly line of the Modesto Irrigation District Lateral No. 7 with the Southern line of Parcel "A" of the map filed July 27, 1977 in Book 25 of Parcel Maps, Page 69, Stanislaus County Records; thence along said Southern line of Parcel "A", South 88° 45' 53" West, 431.57 feet, to a point on the Northeastern line of 80.00 foot Sisk Road, said line being a non-tangent curve from which point a radial line bears South 24° 10' 17" West, and the true point of beginning of this description; thence Southeasterly along said non-tangent curve concave to the Southwest, having a Radius of 1130.00 feet, a

Central Angle of 13° 52' 53" and an Arc Length of 273.77 feet, to a point on said Northwesternly line of Lateral No. 7 from which point a radial line bears South 38° 03' 10" West; thence along the Northwesternly line of Lateral No. 7, North 52° 43' 37" East, 11.46 feet, to a point on a non-tangent curve from which point a radial line bears South 43° 32' 54" West; thence Northwesternly along said last mentioned non-tangent curve concave to the Southwest, having a Radius of 683.00 feet, a Central Angle of 20° 49' 30" and an Arc Length of 248.25 feet, to a point on said Southern line of Parcel "A", from which point a radial line bears South 22° 43' 24" West; thence along the Southerly line of Parcel "A", South 88° 45' 53" West, 36.21 feet, to the point of beginning.

Containing 4,324 square feet, more or less.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of January, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, 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

APPROVED AS TO DESCRIPTION:

By *Edward Estro*
Department of Engineering Services
EDWARD ESTRO

MODESTO CITY COUNCIL
RESOLUTION NO. 88-5

A RESOLUTION GRANTING THE APPEAL OF MID-VALLEY ENGINEERING, INC. ON BEHALF OF KINSEY-CONE, INC. TO REZONE PROPERTY FROM R-1 TO P-D(444), PROPERTY LOCATED ON THE WEST SIDE OF COFFEE ROAD, SOUTH OF SYLVAN AVENUE, AND OVERRULING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Kinsey-Cone, Inc. on September 14, 1987, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a two-story office complex, property located on the west side of Coffee Road, south of Sylvan Avenue, described as follows:

All that certain real property situated in a portion of the Southeast 1/4 of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

Commencing at the quarter corner common to said Section 9 and Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence South 0°50'30" East along the Section line common to said sections, 264.00 feet; thence North 89°24'00" West, 20.00 feet to a point on the west right-of-way line of Coffee Road and the true Point of Beginning of this description; thence continuing North 89°24'00" West, 278.00 feet to a point on the West line of North Hampton Park No. 2 Subdivision, as shown in Volume 25 of Maps, at Page 6, Stanislaus County Records; thence South 0°50'30" East along said North Hampton Park No. 2 Subdivision, 241.00 feet; thence South 89°24'00" East 278.00 feet to a point on said West right-of-way line of Coffee Road; thence North 0°50'30" West along said West right-of-way line, 241.00 feet to the Point of Beginning of this description.

Including also all of the West 20.00 feet of Coffee Road located between the East line of said Section 9 and the above described property.

and

WHEREAS, a public hearing was held by the Planning Commission on November 30, 1987, in the City Council Chambers, City Hall, 801 11th Street,

Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning the property as requested was not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 87-197, and

WHEREAS, an appeal of the Planning Commission's denial of the request to rezone the property was filed with the Office of the City Clerk by Mid-Valley Engineering, Inc. on behalf of Kinsey-Cone, Inc. by letter dated December 10, 1987, 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 January 5, 1988, at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(444), should be granted for the following reasons:

1. The P-D zone will provide for development that is compatible with the surrounding properties.
2. There is a need for office development in the area.

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, Inc. on behalf of Kinsey-Cone, Inc. to reclassify the property described above

from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(444), is hereby granted and the decision of the Planning Commission is overruled for the reasons set forth above.

SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(444), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "20,260 Square Office Building" as amended in red, stamped approved by the City Council on January 5, 1988.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Director of Parks and Recreation. Screen landscaping shall be installed along the west and south property lines and attain a 15-foot height within five years. 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 double-sided wood with masonry pilasters, stucco, or masonry wall or fence along the west and south 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. The developer shall dedicate street right-of-way required by the Director of Engineering Services to complete Coffee Road to major street standards. Said dedication shall be made prior to the issuance of a building permit or at any time requested by the Director of Engineering Services to alleviate a health, safety, or traffic problem in the area.
6. The Coffee Road frontage shall be improved to major street standards prior to the occupancy of any structures or when requested by the Director of Engineering Services to alleviate 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 Director of Engineering Services. Improvements shall be constructed in accordance with the approved plans.

8. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Director of Engineering Services.
9. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Director of Engineering Services. Easements for irrigation lines to remain shall be dedicated.
10. Drainage shall be provided as required by the Director of Engineering Services.
11. All outdoor lighting shall be shielded from adjacent residential properties as required by the Director of Engineering Services.
12. 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 Director of Planning and Community Development.
13. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Director of Engineering Services.
14. No signs shall be permitted above eight feet in height on the west face of the building.
15. All signs shall comply with the sign requirements of the P-0 Zone.
16. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Coffee Road frontage. The number shall be as determined by the Director of Engineering Services.
17. All curbcuts serving two-way driveways shall be 41 feet in width.
18. 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.
19. 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.

SECTION 3. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(444):

All development to be in one phase, construction to begin on or before January 5, 1990 and completion to be not later than January 5, 1991.

SECTION 4. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 5. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 6. EFFECTIVE DATE. The development plan and development schedule for Planned Development Zone, P-D(444), set forth in Sections 1 and 2 above, shall not become effective unless and until Ordinance No. 2569-C.S., introduced on the 5th day of January, 1988, reclassifying the property to Planned Development Zone, P-D(444), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1988, by Councilmember McGrath, 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: Lang, McGrath, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, Muratore

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. ...*
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-6

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(444). (KINSEY-CONE, INC.)

WHEREAS, on January 5, 1988, the City Council introduced Ordinance No. 2569-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 Planned Development Zone, P-D(444), property located on the west side of Coffee Road, south of Sylvan 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 Section Map 9-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(444), property located on the west side of Coffee Road, south of Sylvan Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1988, by Councilmember McGrath, 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: Lang, McGrath, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, Muratore

ATTEST: *Norpine Coyle*
NORPINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-7

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR REPLACEMENT OF KITCHEN HOOD IN LEGION HALL

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

SECTION 1. The plans and specifications for the replacement of the
kitchen hood in Legion 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 January 26, 1988, 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 5th day of January, 1988,
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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-8

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ANNUAL TIRE RECAPPING REQUIREMENTS

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

SECTION 1. The plans and specifications for furnishing annual tire recapping requirements

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 2, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-9

A RESOLUTION ACCEPTING THE BID OF J.K. HAYES INC. FOR THE INSTALLATION OF STREET LIGHTS - EAST MORRIS, LUCERN AND 10TH STREET CIRCUITS

WHEREAS, Resolution No.87-1247, adopted by the Council of the City of Modesto on December 1, 1987, approved the plans and specifications for the installation of street lights - East Morris, Lucern and 10th Street circuits and authorized the calling for bids; and

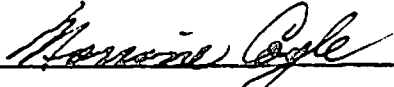
WHEREAS, the bids received for the installation of street lights - East Morris, Lucern and 10th Street circuits were opened at 11:00 a.m. on December 22, 1987, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of J.K. Hayes Inc. in the amount of \$141,460.50 be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of J.K. Hayes Inc. in the amount of \$141,460.50 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 January, 1988, 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:	Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-10

A RESOLUTION ACCEPTING THE BID OF CONTINENTAL LANDSCAPING FOR FURNISHING LANDSCAPING MAINTENANCE SERVICES AT PUMP STATIONS, LIFT STATIONS AND THE TREATMENT PLANT

WHEREAS, Resolution No.87-1228 adopted by the Council of the City of Modesto on November 25, 1987 , approved the plans and specifications for the purchase of landscaping maintenance services

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of landscaping maintenance services at pump stations, lift stations and the treatment plant were opened at 3:00 p.m. on December 15, 1987 , 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 Continental Landscaping in the amount of \$28,458.35 be accepted as the lowest responsible bid.

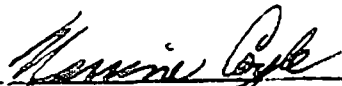
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Continental Landscaping in the amount of \$28,458.35 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January , 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-11

A RESOLUTION ACCEPTING THE BOISE WATERLINE EXTENSION FROM STANDISH TO DEZZANI AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the Boise waterline extension from Standish to Dezzani

has been completed by Bowers Company

in accordance with the contract agreement dated August 11, 1987 .

NOW, THEREFORE, BE IT RESOLVED that the Boise waterline extension
from Standish to Dezzani

be accepted from said contractor, Bowers Company ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$12,840 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 January ,
1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-12

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRANK AND KATHLEEN RADICH FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 4325 MCHENRY AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Frank and Kathleen Radich for water service to property outside City limits at 4325 McHenry Avenue between W. Union Avenue and Hetch Hetchy aqueduct

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 January, 1988, 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:	Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-13

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
INITIATING PROCEEDINGS ON ITS OWN MOTION FOR THE
DESIGNATION OF AN AREA OF BENEFIT FOR THE PURPOSE OF
FINANCING FOR CONSTRUCTION AND MAINTENANCE OF PARKS IN THE
CITY OF MODESTO.

WHEREAS, Section 7-1.804 of the Modesto Municipal Code provides that
the City Council may initiate proceedings on its own motion for the
designation of an area of benefit for a proposed public facilities project by
adopting a resolution stating its intention to do so, and

WHEREAS, Section 7-1.804 further provides that the City Council
shall refer the proposed public facilities project to the City Manager and
shall direct said City Manager with the assistance of City departments and,
where appropriate, interested landowners, to make and file with the City Clerk
a report in writing which shall contain provisions as set forth in said
section, and

WHEREAS, the Director of Engineering Services has proposed that the
Council initiate proceedings to establish a Public Facilities District for the
purpose of financing for construction and maintenance of parks in 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 states its
intention to initiate proceedings to establish a public facilities project to
be designated Public Facilities District 3 for the purpose of financing for
construction and maintenance of parks in the City of Modesto.

SECTION 2. The proposed public facilities project is hereby referred to the City Manager and the City Manager is directed, with the assistance of city departments to make and file with the City Clerk a report in writing containing all the pertinent information required by Section 7-1.804 of the Modesto Municipal Code for the purpose of establishing Public Facilities District 3.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of January, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
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. 88-14

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND VELIA E. ANTILA FOR THE PURCHASE OF 1,287+ SQUARE FEET OF HER PROPERTY AT 1445 SCENIC DRIVE FOR THE SCENIC - SUNNYSIDE TO ROSE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Velia E. Antila for the purchase of 1,287+ square feet of her property at 1445 Scenic Drive for the Scenic - Sunnyside to Rose project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1988, 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:	Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyne
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-15

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ALVIN E. OHLSON FOR THE PURCHASE OF 1,898+ SQUARE FEET OF HIS PROPERTY AT 1451 SCENIC DRIVE FOR THE SCENIC - SUNNYSIDE TO ROSE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Alvin E. Ohlson for the purchase of 1,898+ square feet of his property at 1451 Scenic Drive for the Scenic - Sunnyside to Rose project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1988, 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:	Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

RESOLUTION NO. 88-16

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND WESTAIR AIRLINES, INC. FOR THEIR OPERATION AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the ^{amended} agreement between the City of Modesto and WestAir Airlines, Inc. for their operation at the Airport

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1988, 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:	Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-17

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO AIR CHARTER, INC. FOR USE OF HANGAR PLOT 5 AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Modesto Air
Charter, Inc. for use of Hangar Plot 5 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 5th day of
January, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by Council-
member Irizarry, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrire Coyle
NORRIRE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-18

A RESOLUTION ACCEPTING IMPROVEMENTS IN DUTCHOLLOW NO. 4 SUBDIVISION AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Zagaris Management Services, subdividers of Dutchollow No. 4 have filed subdivision bonds for faithful performance and labor and materials in the amount of \$583,400.00 and \$291,700.00 respectively to guarantee improvements in Dutchollow No. 4 and;

WHEREAS, the Director of Engineering in a memorandum dated December 28, 1987, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

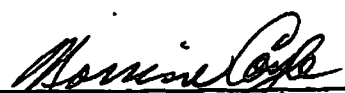
WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

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

1. The improvements in Dutchollow No. 4 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 583,400.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$ 291,700.00 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 January, 1988, 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: Irizarry, Lang, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: McGrath, Muratore

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-19

A RESOLUTION ACCEPTING IMPROVEMENTS IN DUTCH FAIRE SUBDIVISION AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Rule Enterprises, subdividers of Dutch Faire Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$494,100.00 and \$247,050.00 respectively to guarantee improvements in Dutch Faire Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated December 23, 1987 indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the 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 Dutch Faire Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$494,100.00 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 \$494,100.00 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 January, 1988, 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: Irizarry, Lang, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-20**

**A RESOLUTION APPOINTING MEMBERS OF THE DOWNTOWN IMPROVEMENT DISTRICT
ADVISORY BOARD (RALPH LOZANO AND TOM SLATER)**

**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
Downtown Improvement District Advisory Board for the respective
term as indicated:**

Ralph Lozano, term to expire 3/28/89

Tom Slater, term to expire 3/28/~~89~~91

**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 5th day of January,
1988, by Councilmember Sutton, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside**

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

**ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL
RESOLUTION NO. 88-21

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF ONE
GAS POWERED AIR COMPRESSOR FROM ERBCO

WHEREAS, the Utility Services Service Division is requesting the purchase of one gas powered air compressor to be placed into pool equipment and used by various departments; and

WHEREAS, informal bids were solicited from all known distributors, with ERBCO submitting the low bid.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of one gas powered air compressor is hereby waived.

BE IT FURTHER RESOLVED that purchase of one gas powered air compressor from ERBCO for the total price of \$11,058 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 January, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-22

A RESOLUTION ADOPTING A POLICY ENTITLED "A POLICY ON CURBED MEDIANS ON MAJOR STREETS"

WHEREAS, the Council deems it desirable to adopt a policy on curbed medians on major streets as recommended by the Planning Commission.


NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "A Policy on Curbed Medians on Major Streets", 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 12th day of January, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(Additions and deletions as noted are based on staff interpretation of suggestions made by City Council on December 8, 1987.)

Location

It is the policy of the City to install 6"-high curbed medians on all major streets, where sufficient width is available, near their intersection with other major streets or expressways. The median on each major street shall extend from the stop line at the intersection to a 300-foot length along the major street.

In addition, consideration of a 6"-high curbed median on a case-by-case basis is the policy for the entire length of all widened and new segments of major streets. Widening means improvement of a major street as designated on the General Plan from two travel lanes to four or more travel lanes. Consideration includes whether the median is to be four feet wide without landscaping or eight feet to sixteen-and-a-half feet wide with landscaping.

Breaks in these medians shall be provided at all major and collector streets. Medians may have breaks at local streets and at major driveways if approved by the City Council. The minimum spacing between median breaks shall be 600'.

Widths of Medians

The width of a median is the perpendicular distance between the curb faces. Medians shall have a minimum width of 4 feet. ~~Landscaping is not foreseen unless it is at the initiation of a developer and under perpetual maintenance responsibility of the proposed development.~~ Landscaped medians shall have a minimum width of 8 feet.

Widths of Lanes

- Travel Lanes and Lanes Next to Medians and Curbs

In urban areas lane widths of 11'-12' are satisfactory. To avoid having to drive on the gutter pan next to a curbed median, the lanes next to such medians or other curbs shall be at least 12'6" wide.

- Parking Lanes

Parking lanes should shall be at least 8' wide ~~although 7'6"-lanes may be permitted.~~

- Bicycle Lanes

Bicycle lanes shall be at least 5' wide.

- Left-Turn Lanes

Left-turn lanes should be 11' wide, and 12'6" wide if next to a curbed median.

Typical Laning of Various Major Streets

Modesto's major streets generally have widths of 70', 80', and 90' between curbs. Tables 1 and 2 shows the components that can be accommodated in the various street widths. Figures 1, 2, and 3--and-4 illustrate the components of Table 1. Figures 4, 5, 6, and 7 illustrate the components of Table 2.

Typical Costs

Situation 1 - Existing major street at existing major street. 300 feet of 4-foot wide median for each of four "legs" of the intersection, at \$32 per lineal foot is \$38,000 per new intersection. There is an additional cost of \$15,000 per existing intersection for moving of signal loops, and repainting traffic markings. The total would then be \$53,000 per existing intersection.

Situation 2 - New segments or widened segments of major streets - continuous 4-foot wide median. \$32 per lineal foot.

Situation 3 - New segments or widened segments of major streets - continuous 8-foot wide landscaped median. \$36 per lineal foot.

Situation 4 - New segments of widened segments of major streets - continuous 16.5-foot wide landscaped median. \$43 per lineal foot.

Financing Mechanisms:

- a. Annual four-year CIP, one or two intersections (or streets) added per year, financed by gas tax.
- b. Benefit assessment districts (including on-going maintenance for landscaped medians)
- c. 1/4 to 1/2 cents sales tax
- d. Capital Facilities Fees

The CIP process could identify the top priority streets each year, whether situation 1, 2, 3, or 4 applies, and indicate the financing mechanism.

TABLE 1

COMPONENTS OF VARIOUS STREET WIDTHS WITH FOUR FOOT WIDE MEDIANS

<u>Curb-Curb Width</u>	<u>No. Lanes</u>	<u>Pkg. Lanes</u>	<u>Bike Lanes</u>	<u>Comments</u>
70'	6	-	-	76' width preferred
70'	4	1	2	
70'	4	2	-	
80'	6	-	-	
80'	4	2	2	
90'	6	2	-	94' width preferred
90'	6	-	2	

TABLE 2

COMPONENTS OF VARIOUS STREET WIDTHS WITH LANDSCAPED MEDIANS

Eight-Foot Wide Medians

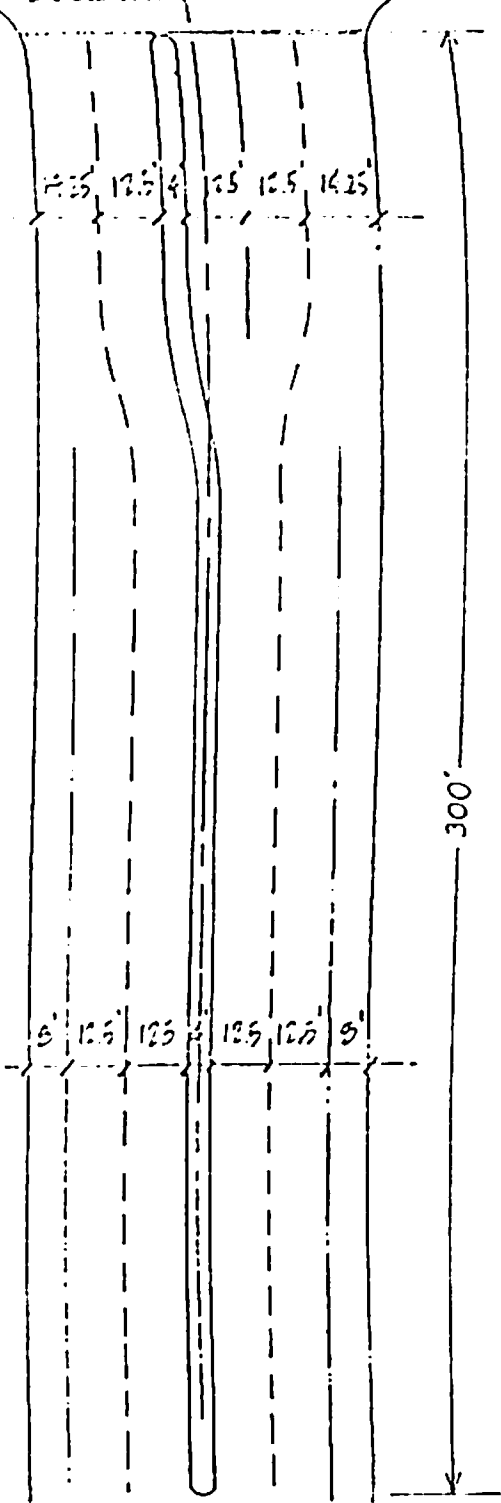
<u>Curb-Curb Width</u>	<u>No. Lanes</u>	<u>Pkg. Lanes</u>	<u>Bike Lanes</u>	<u>Comments</u>
<u>70'</u>	<u>4</u>	<u>2</u>	<u>=</u>	<u>75' width preferred</u>
<u>70'</u>	<u>4</u>	<u>=</u>	<u>2</u>	
<u>80'</u>	<u>6</u>	<u>=</u>	<u>=</u>	
<u>80'</u>	<u>4</u>	<u>2</u>	<u>2</u>	<u>85' width preferred</u>
<u>90'</u>	<u>6</u>	<u>=</u>	<u>2</u>	
<u>90'</u>	<u>4</u>	<u>2</u>	<u>2</u>	

Sixteen-Foot Six-Inch Wide Medians

<u>Curb-Curb Width</u>	<u>No. Lanes</u>	<u>Pkg. Lanes</u>	<u>Bike Lanes</u>	<u>Comments</u>
<u>70'</u>	<u>4</u>	<u>=</u>	<u>=</u>	
<u>80'</u>	<u>4</u>	<u>2</u>	<u>=</u>	<u>83' width preferred</u>
<u>80'</u>	<u>4</u>	<u>=</u>	<u>2</u>	
<u>90'</u>	<u>6</u>	<u>=</u>	<u>=</u>	
<u>90'</u>	<u>4</u>	<u>2</u>	<u>2</u>	<u>93' width preferred</u>

If there is insufficient width for both parking lanes and bicycle lanes, bicycles lanes shall take precedence.

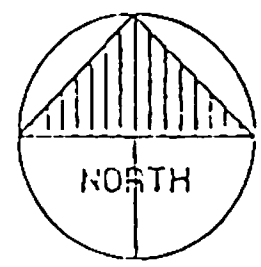
4'-MEDIAN
 1-LEFT TURN LANE
 4-THROUGH LANES



300-foot-long median near intersection only for existing major street segments with four or more travel lanes.

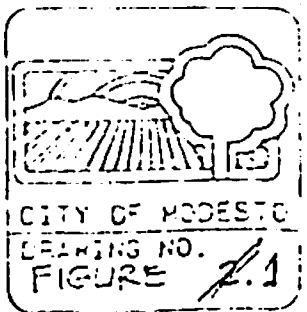
Continuous median for major street segments with two travel lanes when widened to four or more travel lanes and for entirely new segments of major streets.

4'-MEDIAN
 4-THROUGH LANES
 2-PARKING LANES
 SIDE



DOUGLAS J. CARMODY
 APPROVED BY: DIRECTOR:
Douglas J. Carmody
 CIVIL ENGINEER NO. 5583
 INSPECTED: DATE:
 DATE: DRAWN: LPA CHKD:

DEPARTMENT OF PARKING and TRAFFIC
 70' MAJOR STREET W/ MEDIAN



4'-MEDIAN
 1- LEFT TURN LANE
 4- THROUGH LANES
 2- PARKING LANES

5' 11.5' 10.5' 10.5' 12.5' 11.5' 8'

4'-MEDIAN
 2- BIKE LANES
 4- THROUGH LANES
 2- PARKING LANES

15' 10.5' 12.5' 12.5' 12.5' 15'

0' 5' 5' 6'

300

300-foot-long median near intersection only for existing major street segments with four or more travel lanes.

Continuous median for major street segments with two travel lanes when widened to four or more travel lanes and for entirely new segments of major streets.

DOUGLAS J. CARMODY
 APPROVED BY: DIRECTOR:

Douglas J. Carmody

CITY ENGINEER NO. 6331

DRAWN BY: DATE:

SCALE: DRAWING BOARD:

DEPARTMENT OF PARKING and TRAFFIC

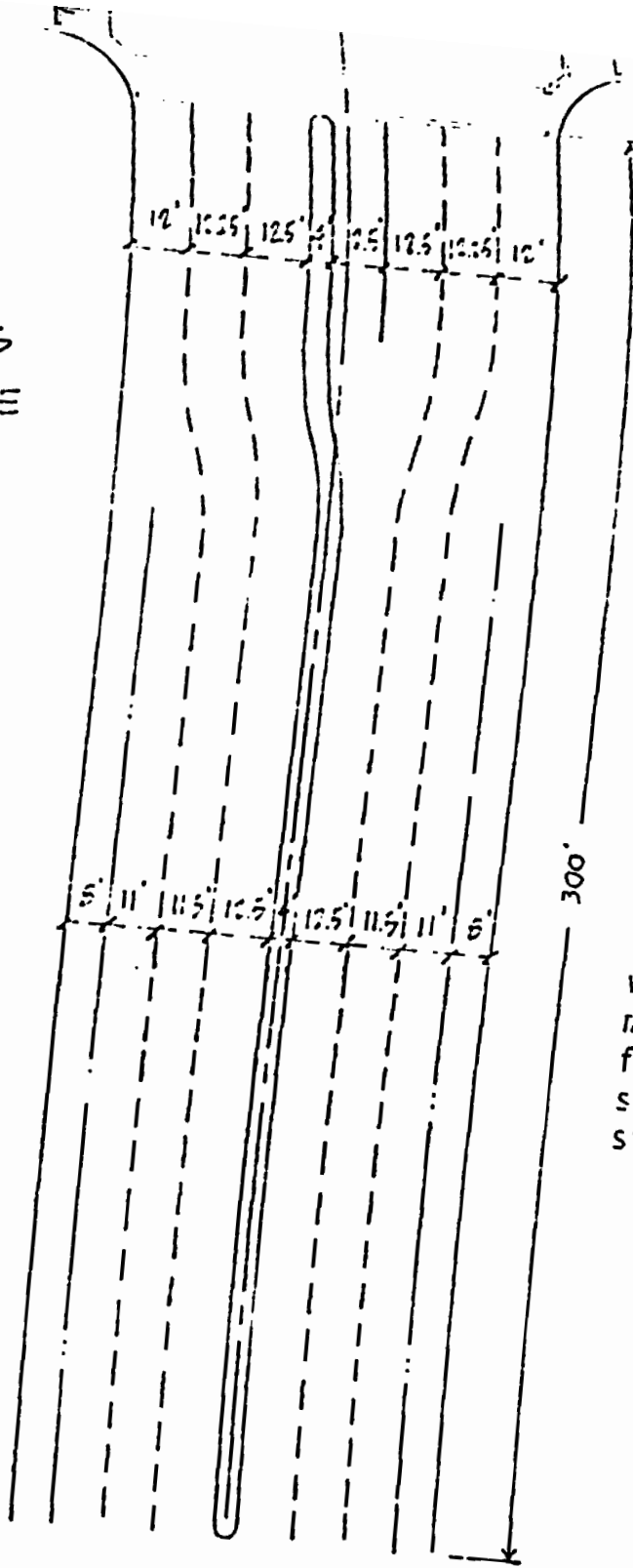
50' MAJOR STREET W/ MEDIAN



CITY OF MODESTO
 DRAWING NO. 2
 FIGURE 2

4'-MEDIAN
 6- THROUGH LANES
 1- LEFT TURN LANE

4'-MEDIAN
 6- THROUGH LANES
 2- PARKING LANES
 FILE



300-foot-long median near intersection only for existing major street segments with four or more travel lanes.

Continuous median for major street segments with two travel lanes when widened to four or more travel lanes and for entirely new segments of major streets.

DOUGLAS J. CARMODY
 APPROVED BY: DIRECTOR:

Douglas J. Carmody

CIVIL ENGINEER NO. 636
 REGISTERED: DATE:

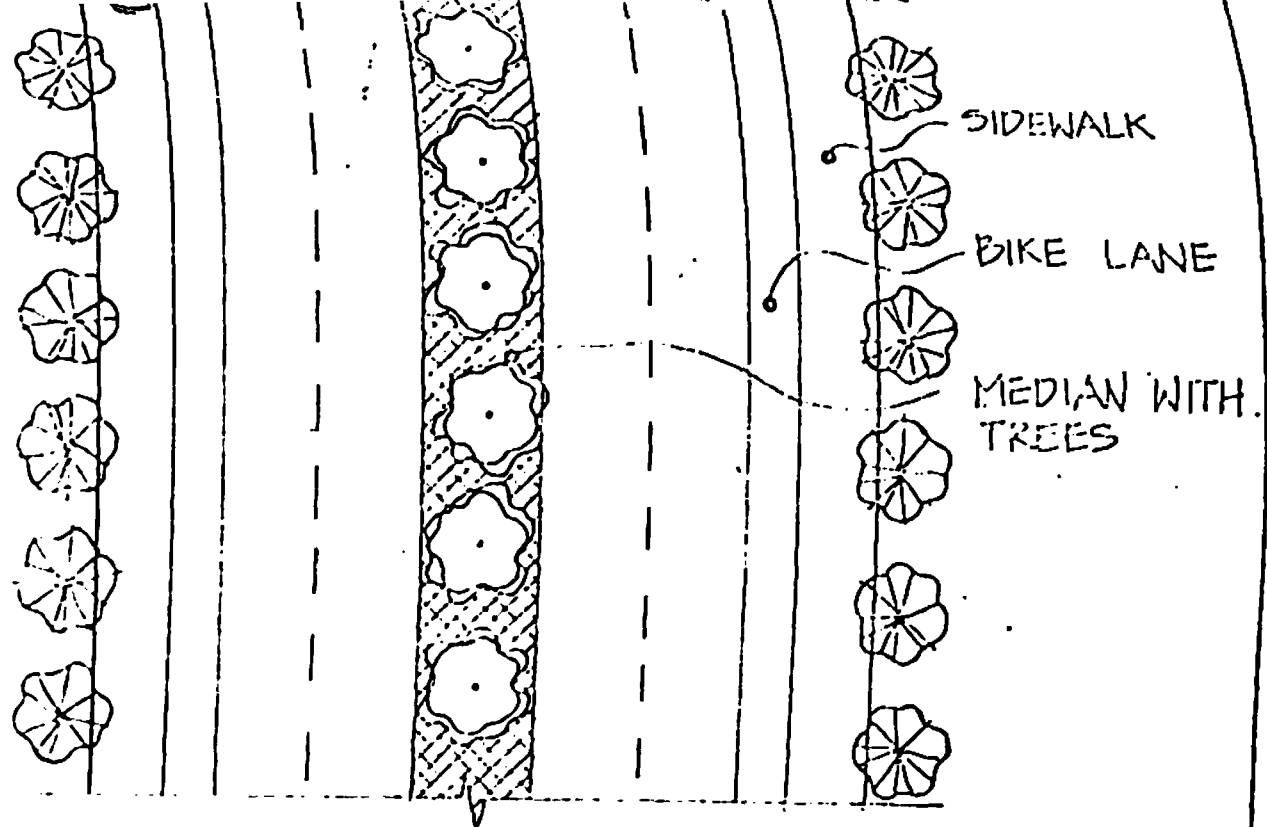
DESIGN: LPA CRD.

DEPARTMENT OF PARKING AND TRAFFIC

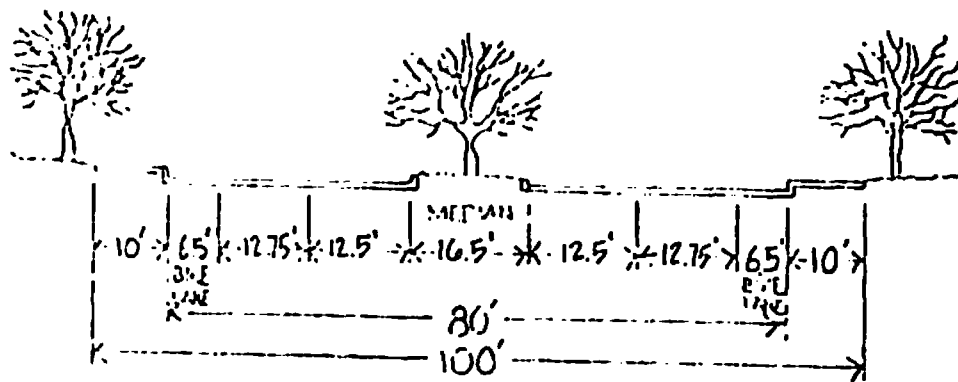
90' MAJOR STREET W/ MEDIAN



CITY OF MODESTO
 DRAWING NO. 3
 FIGURE 4



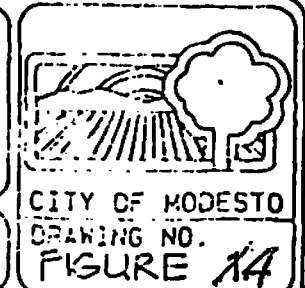
MAJOR STREET - PLAN



MAJOR STREET - SECTION

DOUGLAS J. CARMODY
 APPROVED BY: DIRECTOR:
Douglas J. Carmody
 CIVIL ENGINEER NO. 8381
 INSPECTED: DATE:
 DATE: DRAWN: LRA CHKD:

DEPARTMENT
 OF
 PARKING and TRAFFIC
 TYPICAL MAJOR STREET
 WITH
 MEDIAN



4'-MEDIAN
 1-LEFT TURN LANE
 4-THROUGH LANES

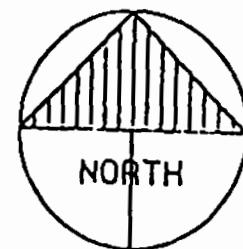
14.25' 12.5' 4' 12.5' 12.5' 14.25'

16.5'-MEDIAN
 4-THROUGH LANES

14.25' 12.5' 16.5' 12.5' 14.25'

8'-MEDIAN
 4-THROUGH LANES
 2-PARKING LANES

7.5' 11' 12.5' 8' 12.5' 11' 7.5'

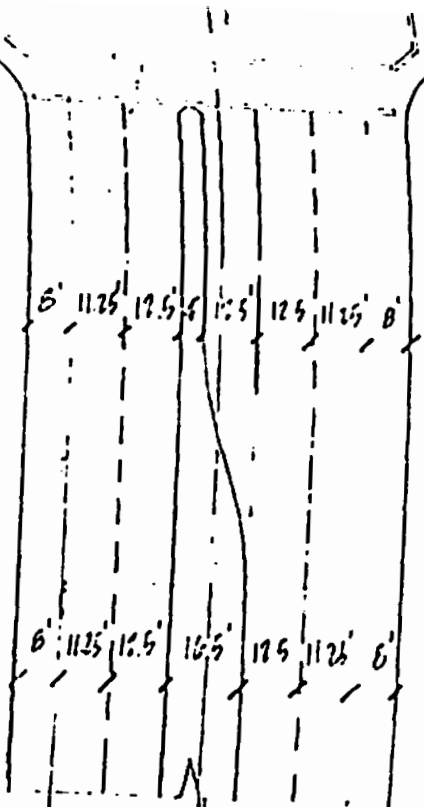


DOUGLAS J. CARMODY
 APPROVED BY: DIRECTOR:
Douglas J. Carmody
 CIVIL ENGINEER NO. 8381
 INSPECTED: DATE:
 DATE: DRAWN: LRA CHRD:

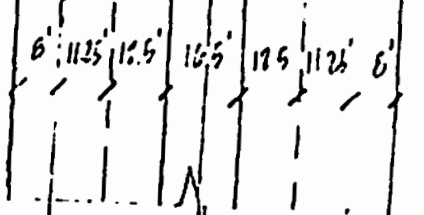
DEPARTMENT
 OF
 PARKING and TRAFFIC
 70' MAJOR STREET W/ MEDIAN



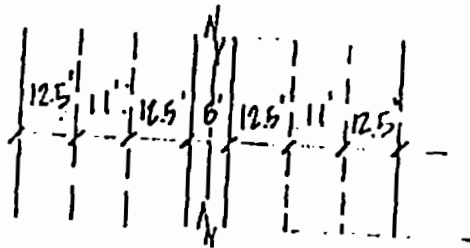
4'-MEDIAN
 1- LEFT TURN LANE
 4- THROUGH LANES
 2- PARKING LANES
 BIKE



16.5' - MEDIAN
 4 - THROUGH LANES
 2 - PARKING LANES
 BIKE

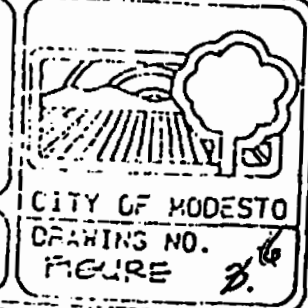


8'-MEDIAN
 6- THROUGH LANES



DOUGLAS J. CARMODY
 APPROVED BY: DIRECTOR:
Douglas J. Carmody
 CIVIL ENGINEER NO. 8381
 INSPECTED: DATE:
 DATE: DRAWN: LRA CHKD:

DEPARTMENT
 OF
 PARKING and TRAFFIC
 80 MAJOR STREET W/ MEDIAN



LANDSCAPED

4'-MEDIAN
 6- THROUGH LANES
 1- LEFT TURN LANE

12' 12.25' 12.5' 12.5' 12.5' 12.5' 12.5' 12'

16.5'-MEDIAN
 6- THROUGH LANES

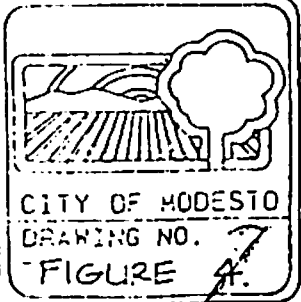
12' 12.25' 12.5' 12.5' 12.5' 12.5' 12'

8'-MEDIAN
 6- THROUGH LANES
 2- BIKE LANES

6.5' 11' 11' 12.5' 8' 12.5' 11' 11' 6.5'

DOUGLAS J. CARMODY
 APPROVED BY DIRECTOR
 Douglas J. Carmody
 CIVIL ENGINEER NO. 7081
 INSPECTED: DATE:
 DATE: DRAWN: LRA CHKD:

DEPARTMENT
 OF
 PARKING and TRAFFIC
 90' MAJOR STREET w/ MEDIAN



LANDSCAPED

MODESTO CITY COUNCIL
RESOLUTION NO. 88-23

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 (COMMUNITY PACIFIC BROADCASTING - 2347 E. ORANGEBURG AVE. - \$13,816.00)

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 January 13, 1987, adopt its Resolution No. 87-12, 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, January 12, 1988, 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 \$13,816.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$13,816.00, be assessed in 10 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 490 feet of the North 474 feet of the South 504 feet of the West 1/2 of Lot 5 of O. McHenry Ranch as per map filed February 14, 1905 in Volume 2 of Maps, Page 7, Stanislaus County Records; and commencing at a point that is 504 feet North and 490 feet West of the Southeast corner of the West half of said Lot 5, said point being the true point of beginning; thence East along the North line 23 feet to a point on a nontangent curve concave to the South having a Radius of 185 feet to the center located 200.5 feet East and 53 feet South of the true point of beginning; thence along said curve in a Northerly and Easterly direction to a point on the North line; thence West along said North line, 355 feet, more or less, to the point of beginning.

(Stanislaus County Assessor's Parcel No. 67-33-09)

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January , 1988 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-24

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 (CARL AND EVELYN CHRISTIANSEN - 2405 E. ORANGE-BURG AVENUE - \$3,776.00)

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 curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, January 12, 19 88, 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 \$3,776.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$3,776.00, be assessed in 10 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 one-half of Lot 5 of O. McHenry Ranch as per map filed Feb. 14, 1905 in Vol. 2 of Maps, Pg. 7, Stan. Cty. Records. Excepting the East 490 feet of said West one-half of Lot 5.
(Stan. Cty. Assessor's Parcel No. 67-33-08)

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 12th day of January, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-25

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 (LAWRENCE AND ELLEN WELCH - 2405 KANSAS AVENUE - \$1,687.00)

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, 1988, 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, January 12, 1988, 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 \$1,687.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,687.00, be assessed in 10 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:

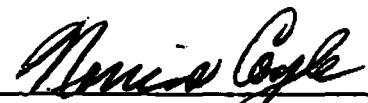
The North 176 feet of the South 226 feet of the East 117 feet of Lot 16 of Maze Colony as per map filed March 14, 1904 in Vol. 1 of Maps, Pg. 83, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 07-70-18)

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 12th day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-26

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 (DONALD AND MARY BAILEY - 620 EL CAMINO - \$1,053.00)

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, 1988, 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 curbs ----- on property abutting the property hereafter described; and

WHEREAS, January 12, 1988, 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 \$1,053.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,053.00, be assessed in 10 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 4 and the South 27.5 feet of Lot 5 of Bl. 1039 of El Camino Court as per map filed Feb. 6, 1950 in Vol. 16 of Maps, Pg. 67, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 112-39-16)

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 12th day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-27

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 (BRICE AND DIANNE GAULDIN - 602 EL CAMINO AVENUE - \$618.00)

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 curbs ----- on property abutting the property hereafter described; and

WHEREAS, January 12, 19 88, 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 \$618.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$618.00, be assessed in 10 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 of Bl. 1039 of El Camino Court as per map filed Feb. 6, 1950 in Vol. 16 of Maps, Pg. 67, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 112-39-19)

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 12th day of January, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:



NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-28

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 (WARREN STONE- 626 E. CAMINO AVENUE - \$1,505.00)

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 January 13, 1987, adopt its Resolution No, 87-11, 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 curbs on property abutting the property hereafter described; and

WHEREAS, January 12, 1988, 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 \$1,505.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,505.00, be assessed in 10 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 6 and the North 22.5 feet of Lot 5 of Bl. 1039 of El Camino Court as per map filed Feb. 6, 1950 in Vol. 16 of Maps, Pg. 67, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 112-39-15)

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 12th day of January, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-29

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 (JAMES AND KATHY BATEY - 312 E. ROSEBURG AVENUE - \$726.00)

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, 1988, 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 curbs ----- on property abutting the property hereafter described; and

WHEREAS, January 12, 1988, 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 \$726.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$726.00, be assessed in 10 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 5 of Block 658 of Palmrose Tract as per map filed Jan. 23, 1939 in Vol. 11 of Maps, Pg. 54, Stan. Cty. Records.

(Stan . Cty. Assessor's Parcel No. 112-03-03).

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January , 1988 , 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(Installation)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-30

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 (LETHA BRASHER - 420 E. ROSEBURG AVENUE - \$1,278.00)

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, 1988, 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 curbs ----- on property abutting the property hereafter described; and

WHEREAS, January 12, 1988, 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 \$1,278.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,278.00, be assessed in 10 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 55.29 feet of Lot 5 of Bl. 662 of the Palmrose Tract as per map filed Jan. 23, 1939 in Vol. 11 of Maps, Pg. 54, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 112-02-10)

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-31

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 (DAMON AND ELEANOR BROWNING - 318 E. ROSEBURG AVENUE - \$874.00)

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 curbs _____ on property abutting the property hereafter described; and

WHEREAS, January 12, 19 88, 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 \$874.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$874.00, be assessed in 10 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 6 of Bl. 658 of Palmrose Tract as per map filed Jan. 23, 1939 in Vol. 11 of Maps, Pg. 54, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 112-02-04).

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.

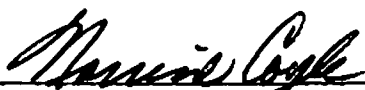
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book 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 12th day of January , 19 88 , 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-32

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 (FRANCES G. FIELDEN - 322 E. ROSEBURG AVENUE - \$2,778.00)

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, 1988, 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 curbs ----- on property abutting the property hereafter described; and

WHEREAS, January 12, 1988, 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 \$2,778.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,778.00, be assessed in 10 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 7 of Bl. 658 of Palmrose Tract as per map filed Jan. 23, 1939 in Vol. 11 of Maps, Pg. 54, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 112-02-05)

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 12th day of January, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-33

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 (EVELYN KEENER - 224 E. ROSEBURG AVENUE - \$1,314.00)

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 curbs ----- on property abutting the property hereafter described; and

WHEREAS, January 12, 19 88, 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 \$1,314.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,314.00, be assessed in 10 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 64.73 feet of Lot 4 of Bl. 658 of the Palmrose Tract as per map filed January 23, 1939 in Vol. 11 of Maps, Pg. 54, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 112-01-16)

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 12th day of January, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-34

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 (ROBERT AND JEAN LOCONDO - 506 E. ROSEBURG AVENUE - \$2,068.00)

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 curbs ----- on property abutting the property hereafter described; and

WHEREAS, January 12, 19 88, 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 \$2,068.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,068.00, be assessed in 10 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 12.3 feet of the South 145.34 feet of the North 166.36 feet of Lot 5 and the West 112.7 feet of the South 145.34 feet of the North 166.34 feet of Lot 8 of Miles Colony as per map filed May 14, 1906 in Vol. 2 of Maps, Pg. 6, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 112-02-11)

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 12th day of January , 1988 , 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-35

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 (JUNE C. MCELROY - 410 E. ROSEBURG AVENUE - \$1,172.00)

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 curbs ----- on property abutting the property hereafter described; and

WHEREAS, January 12, 19 88, 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 \$1,172.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,172.00, be assessed in 10 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 2 of Bl. 662 of Palmrose Tract as per map filed January 23, 1939 in Vol. 11 of Maps, Pg. 54, Stan. Cty. Records.


(Stan. Cty. Assessor's Parcel No. 112-02-07)

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-36

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 (ROBERT AND LINDA MILLER- 400 E. ROSEBURG AVENUE - \$2,978.00)

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 curb ----- on property abutting the property hereafter described; and

WHEREAS, January 12, 19 88, 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 \$2,978.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,978.00, be assessed in 10 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 of Bl. 662 of Palmrose Tract as per map filed Jan. 23, 1939 in Vol. 11 of Maps, Pg. 54, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 112-02-06)

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 12th day of January, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-37

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 (G. CLIFFORD AND VIVIAN MULLINS AND GARY AND SHIRLEY SWEETEN - 305 E. ROSEBURG AVENUE - \$1,638.00)

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 curb ----- on property abutting the property hereafter described; and

WHEREAS, January 12, 19 88, 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 \$1,638.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,638.00, be assessed in 10 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 259 feet of the South 280 feet of the West 80 feet of Lot 22 of the Mensinger Colony as per map filed May 19, 1909 in Vol. 4 of Maps, Pg. 25, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 31-13-39)

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 12th day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-38

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 (DORIS I. ROBERTS - 304 E. ROSEBURG AVE. \$1,028.00)

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 curbs ----- on property abutting the property hereafter described; and

WHEREAS, January 12, 19 88, 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 \$1,028.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,028.00, be assessed in 10 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 145.33 feet of the North 166.33 feet of the West 65.5 feet of Lot 5 of Miles Colony as per map filed May 14, 1906 in Vol. 2 of Maps, Pg. 26, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 112-02-01)

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.

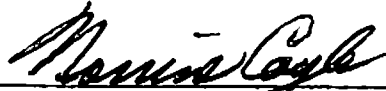
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book 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 12th day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-39

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 (ROBERT AND MABLE SNOW AND ROBERT AND ROSETTA ORR - 501 E. ROSEBURG AVENUE - \$2,978.00)

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 curbs ----- on property abutting the property hereafter described; and

WHEREAS, January 12, 19 88, 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 \$2,978.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,978.00, be assessed in 10 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 13 of Bl. 1125 of Happy Homesites as per map filed Apr. 3, 1946 in Vol. 14 of Maps, Pg. 54, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 31-14-54)

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 12th day of January, 19 88, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-40

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 (STANLEY AND MARIA SHAW - 509 E. ROSEBURG AVENUE - \$1,102.00)

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 curbs ----- on property abutting the property hereafter described; and

WHEREAS, January 12, 19 88, 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 \$1,102.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,102.00, be assessed in 10 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. 1125 of Happy Homesites as per map filed Apr. 3, 1946 in Vol. 14 of Maps, Pg. 54, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 31-14-53)

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 12th day of January, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-41

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 (RONALD AND KATHERINE WHEAT - 414 E. ROSEBURG AVENUE - \$1,172.00)

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, 1988, 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 curbs ----- on property abutting the property hereafter described; and

WHEREAS, January 12, 1988, 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 \$1,172.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,172.00, be assessed in 10 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 3 and the West 3 feet of Lot 4 of Bl. 662 of Palmrose Tract as per map filed Jan. 23, 1939 in Vol. 11 of Maps, Pg. 54, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 112-02-08)

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 12th day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-42

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER ADOPTING AN ORDINANCE ENTITLED, "MODESTO LANDMARK PRESERVATION COMMISSION"

BE IT HEREBY RESOLVED by the Council of the City of Modesto that February 2, 1988, 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 adopting an ordinance entitled, "Modesto Landmark Preservation Commission" as submitted by the Culture Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-43

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROSE MARIE FURTADO AND LILLIAN OTT, EXECUTORS OF ESTATE OF GERTRUDE SCHMIDIG FOR WATER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 2001 KANSAS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Rose Marie Furtado and Lillian Ott, executors of the Estate of Gertrude Schmidig for water service to property outside the City limits at 2001 Kansas Avenue, located on the north side of Kansas Avenue between Rosemore Avenue and Carpenter Road be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1988, by Councilmember Lang who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-44

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND J.B./J.B.H. FOR WATER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 1311 WOODLAND AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and J.B./J.B.H. for water service to property outside the City limits at 1311 Woodland Avenue, located on the north side of Woodland Avenue between McWilliams Way and North Emerald 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 12th day of January, 1988, by Councilmember Lang who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-45

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO IRRIGATION DISTRICT CONSENTING TO COMMON USE FOR THE SEA GULL WAY CROSSING
OF MID LATERAL NO. 2

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and M.I.D. consenting
to common use for the Sea Gull Way corssing of M.I.D. Lateral No. 2 at Encina
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 12th day of
January, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by Council-
member McGrath, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-46

A RESOLUTION APPROVING THE FINAL MAP OF THE WICKFORD PLACE
NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Zagaris Management Services, a corporation is possessed of
a tract of land situate in the City of Modesto, County of Stanislaus,
consisting of 4.362 acres, known as the Wickford Place No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City
Planning Commission on the 15th day of September, 1986, 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 Wickford Place No. 2 Subdivision meets all of the
provisions of the California Subdivision Map Act and the provisions of the
Modesto Municipal Code relating to subdivisions, and that the map is
technically correct, and

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12 day of January, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

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. 88-47

A RESOLUTION APPROVING THE FINAL MAP OF THE CEDAR BROOK
NO. 4 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Cedar Brook Homes, Inc., a corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 4.344 acres, known as the Cedar Brook No. 4 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 8th day of June, 1987, 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 Cedar Brook No. 4 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12 day of January, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stall T. Yamamoto
STALL T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-48

A RESOLUTION APPOINTING GORDON HART AS INTERIM PLANNING COMMISSION REPRESENTATIVE
TO THE BOARD OF ZONING ADJUSTMENT

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

WHEREAS, Section 10-2.1901 of the Modesto Municipal Code provides that one member of the Board of Zoning Adjustment shall be appointed from the members of the City Planning Commission; and

WHEREAS, the Planning Commission of the City of Modesto has recommended that Gordon Hart be appointed to serve as the Planning Commission's representative on the Board of Zoning Adjustment for an interim term until a Planning Commission member can be appointed to serve a full term.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Gordon Hart as interim Planning Commission representative to the Board of Zoning Adjustment until a Planning Commission member can be appointed to serve a full term.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-49**

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$250 FROM GENERAL FUND CONTINGENCY RESERVE TO PURCHASE MINI BLINDS FOR THE KING-KENNEDY CENTER

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


FROM: General Fund Contingency Reserve - \$250

Needed for purchase of mini blinds for the kitchen area at the King-Kennedy Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-50

A RESOLUTION GRANTING THE REQUEST OF WALDEN & JENSEN, ON BEHALF OF CENTRAL VALLEY INVESTMENT COMPANY, FOR A REFUND OF THE BEDROOM TAX AND 80% OF THE BUILDING FEES ASSESSED FOR AN APARTMENT COMPLEX PROJECT KNOWN AS PARADISE GARDENS.

WHEREAS, on September 13, 1985, Central Valley Investment Company obtained building permits to construct a 163-unit apartment complex known as Paradise Gardens, and

WHEREAS, said building permits were extended an additional six months due to financing difficulties, and

WHEREAS, the six month extension expired on September 13, 1986, and Central Valley Investment Company still did not have the necessary financing to begin construction of the apartment complex, and

WHEREAS, Central Valley Investment Company abandoned the apartment complex project and developed the property into an 81 single-family residential subdivision known as Paradise Estates, and

WHEREAS, by letter dated September 12, 1986, Central Valley Investment Company requested a refund of the building permit fees for the apartment complex project, pursuant to Uniform Building Code Section 304, and

WHEREAS, by letter dated September 24, 1986, the Department of Engineering Services denied said requested refund of building permit fees, and

WHEREAS, by letter dated November 24, 1987, Walden & Jensen, on behalf of Central Valley Investment Company, requested that this matter be put on the December 1, 1987, Council agenda, and

WHEREAS, by a memorandum to the City Manager dated November 30, 1987, the Director of Engineering Services of the City of Modesto reported that the Building Official may refund not more than 80% of permit fees if the application for refund is submitted not later than 180 days after fee payment, and

WHEREAS, the appellant's request for refund was beyond the 180 day limit, and

WHEREAS, as stated in the November 30, 1987, memorandum of the Director of Engineering Services, the Building Code also allows the Building Official to delay payment of plan check fees, and

WHEREAS, it was contemplated that plan check fees in the amount of \$11,916.51 would be collected when two site development permits were issued, however, site development permits were never issued and the fees were never collected, and

WHEREAS, the work represented by the plan check fees has been accomplished and was an actual expense to the City, and

WHEREAS, as stated in the November 30, 1987, memorandum of the Director of Engineering Services, the bedroom tax in the amount of \$3,545.00 is one hundred percent refundable, and

WHEREAS, by letter dated December 1, 1987, Walden & Jensen, on behalf of Central Valley Investment Company, requested the matter be continued to the January 19, 1988, Council meeting, and

WHEREAS, said request was set for hearing before the City Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on January 19, 1988, at 4:00 p.m., and

WHEREAS, the City Council, at said hearing, after hearing evidence both oral and documentary, found and determined that the request of Walden & Jensen, on behalf of Central Valley Investment Company, to refund the bedroom tax and 80% of the building permit fees for the abandoned apartment complex project known as Paradise Gardens, in the City of Modesto, should be granted, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request of Walden & Jensen, on behalf of Central Valley Investment Company, to refund the bedroom tax and 80% of the building permit fees for the abandoned apartment complex project known as Paradise Gardens, in the City of Modesto, is hereby granted, and the refund of the bedroom tax in the amount of \$3,545.00, and 80% of the building permit fees are hereby approved, less the deduction of \$11,916.51 in plan check fees which are due, which results in a total refund to the applicant of \$17,859.37.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-51

A RESOLUTION ESTABLISHING CAPITAL FACILITIES FEES AND
RESCINDING RESOLUTIONS NO. 87-498, 87-1039, and 87-1128.

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, Section 8-1.903 of the Modesto Municipal Code defines various types of uses which contribute to the impact of development on the City, and

WHEREAS, on June 23, 1987, the Modesto City Council adopted Resolution No. 87-498 establishing Capital Facilities Fees, and

WHEREAS, Resolution No. 87-498 has since been amended on several occasions for various reasons, and

WHEREAS, it is in the best interest of the City of Modesto to consolidate the various amendments into one resolution for the sake of administrative convenience, and

WHEREAS, it is further in the best interest of the City of Modesto to exclude any public parking garage area from the total number of square feet of building when computing capital facilities fees, and

WHEREAS, a study was recently conducted which determined that the actual traffic count for fast food restaurants was less than the figure used to calculate the capital facilities fees for that use, and

WHEREAS, it is in the best interest of the City of Modesto to adjust the fee for fast food restaurants based on the actual traffic count and to correspondingly adjust the capital facilities fees for other uses so that the total anticipated revenue from all capital facilities fees remains the same.

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

SECTION 1. Amount of Capital Facilities Fees. The amount of Capital Facilities Fees to be paid by developers shall be:

a. For each Low Density Residential Use to be constructed the developer shall pay a capital facilities fee of One Thousand Four Hundred Thirty-Four Dollars (\$1,434.00) per unit.

b. For each Medium Density Residential Use to be constructed the developer shall pay a capital facilities fee of One Thousand One Hundred Dollars (\$1,100.00) per unit.

c. For each Medium High Density Residential Use to be constructed the developer shall pay a capital facilities fee of Eight Hundred Eighteen Dollars (\$818.00) per unit.

d. For each Care Home Use to be constructed the developer shall pay a capital facilities fee of Twenty-Eight Cents (\$0.28) per square foot of building space.

e. For each Church Use to be constructed the developer shall pay a capital facilities fee of Thirty-Five Cents (\$0.35) per square foot of building space.

f. For each Office Use to be constructed the developer shall pay a capital facilities fee of Ninety-Two Cents (\$0.92) per square foot of building space.

g. For each School Use to be constructed the developer shall pay a capital facilities fee of Thirty-Five Cents (\$0.35) per square foot of building space.

h. For each Commercial Use to be constructed the developer shall pay a capital facilities fee of One Dollar Sixty Cents (\$1.60) per square foot of building space.

i. For each Fast Food Restaurant Use to be constructed the developer shall pay a capital facilities fee of Four Dollars Twenty-Three Cents (\$4.23) per square foot of building space.

j. For each Convenience Mart Use to be constructed the developer shall pay a capital facilities fee of Nine Dollars Eighty-Four Cents (\$9.84) per square foot of building space.

k. For each Industrial Use to be constructed the developer shall pay a capital facilities fee of Twenty-Two Cents (\$0.22) per square foot of building space.

l. For each hospital use to be constructed the developer shall pay a capital facilities fee of Sixty Cents (\$0.60) per square foot of building space.

m. 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 parking garages shall not be included in the area building space for the purpose of calculating the capital facilities fee for that use. As used

herein, the term "public parking garage" shall mean the same as the term is defined in the Uniform Building Code.

n. For any of the uses set forth above for which a capital facilities fee is payable and for which the City does not or cannot require a building permit, payment of the fee shall be a condition of any planned development approval or any other approval conferred by the City upon the project, including but not limited to, the entering into of any collateral agreements concerning the project with the City of Modesto.

SECTION 2. EXPANSION OF AND/OR ADDITION TO EXISTING STRUCTURES. A capital facilities fee shall be paid for the expansion of and/or addition to an existing use. The capital facilities fee for residential uses shall be a percentage of the appropriate residential use fee which is equal to the percentage of increase of new floor space over existing floor space in the use. The capital facilities fee for all other uses shall be based on the number of square feet being added.

SECTION 3. RESCINDS. Effective March 21, 1988, this resolution shall rescind Resolutions No. 87-498, 87-1039 and 87-1128.

SECTION 4. EFFECTIVE DATE. The fees provided for in this resolution shall be effective on and after March 21, 1988. All other provisions of this resolution shall be effective immediately.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19 day of January, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call

carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, 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. 88-52

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE INSTALLATION OF CARPET AT THE CROCKER BUILDING

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

SECTION 1. The plans and specifications for the installation of carpet
at the Crocker Building

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 2, 1988 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 January, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-53

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING LIGHTING AND SOUND SERVICES AT MODESTO
CENTRE PLAZA

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

SECTION 1. The plans and specifications for the purchase of lighting and sound services at Modesto Centre Plaza 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 9, 1988, at 3:10 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-54

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE FOUR WHEEL DRIVE MAINTENANCE
TRUCK WITH UTILITY BODY

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 four wheel drive maintenance truck with utility body 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 16, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-55

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING JANITORIAL SERVICES AT THE MODESTO
CENTRE PLAZA

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

SECTION 1. The plans and specifications for the furnishing of janitorial services at the Modesto Centre Plaza
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 9, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-56

A RESOLUTION ACCEPTING THE BID OF COMPUTERWARE FOR FURNISHING COMPUTER EQUIPMENT

WHEREAS, Resolution No.87-1254 adopted by the Council of the City of Modesto on December 8, 1987 , approved the plans and specifications for the purchase of computer equipment

and authorized the calling for bids; and

WHEREAS, the bids received for the computer equipment were opened at 3:00 p.m. on January 5, 1988 , 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 Computerware in the amount of \$8,059.07 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Computerware in the amount of \$8,059.07 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 January , 1988 , 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-57

A RESOLUTION REQUESTING THAT THE LOCAL AGENCY FORMATION
COMMISSION DEFER THE BRET HARTE NORTH REORGANIZATION.

WHEREAS, by Resolution No. 87-662 adopted on July 28, 1987, the
Council of the City of Modesto approved the Local Agency Formation Commission
City Questionnaire for the Bret Harte North Reorganization, and

WHEREAS, at its meeting of January 19, 1988, the Council
reconsidered the matter of the Bret Harte North Reorganization to the City of
Modesto, and

WHEREAS, on April 12, 1983, the City of Modesto and the County of
Stanislaus entered into a master property tax agreement which requires that
property tax agreements shall be independently negotiated for certain
annexation areas, and

WHEREAS, the Modesto City Council requests that the City of Modesto
and the County of Stanislaus deliberate on sales tax sharing formulas and
other matters of mutual concern, and

WHEREAS, the Council also considered a report to the City Manager
from the Director of Planning and Community Development dated January 12,
1988, a copy of which report is on file in the office of the City Clerk, and

WHEREAS, the Council found and determined that the proposed Bret
Harte North Reorganization should be deferred for the following reasons:

1. The Bret Harte North Reorganization to the City of Modesto would add significant annual operating costs to the City of Modesto.
2. The City Police and Fire Departments have raised concerns of needed additional staff to serve the proposed reorganization area.

3. The master property tax agreement dated April 12, 1983, requires that property taxes be independently negotiated prior to approval by the Local Agency Formation Commission.
4. The City of Modesto and Stanislaus County should deliberate on sales tax sharing formulas and other matters of mutual concerns prior to LAFCO consideration of the reorganization area.

and

WHEREAS, the Public Projects Committee previously reviewed and shared the concerns stated above, and

WHEREAS, after consideration of said matter, the Council desires to have the Bret Harte North Reorganization deferred until such time as the matter of tax negotiations between the City of Modesto and the County of Stanislaus are resolved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby request the Local Agency Formation Commission to defer the Bret Harte North Reorganization to the City of Modesto until such time as the matter of tax negotiations between the City of Modesto and the County of Stanislaus have been resolved.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this resolution to the Local Agency Formation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Moprine Coyle*
MOPRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-58

A RESOLUTION REQUESTING THAT THE LOCAL AGENCY FORMATION
COMMISSION DEFER THE BRET HARTE SOUTH REORGANIZATION.

WHEREAS, by Resolution No. 87-662 adopted on July 28, 1987, the
Council of the City of Modesto approved the Local Agency Formation Commission
City Questionnaire for the Bret Harte South Reorganization, and

WHEREAS, at its meeting of January 19, 1988, the Council
reconsidered the matter of the Bret Harte South Reorganization to the City of
Modesto, and

WHEREAS, on April 12, 1983, the City of Modesto and the County of
Stanislaus entered into a master property tax agreement which requires that
property tax agreements shall be independently negotiated for certain
annexation areas, and

WHEREAS, the Modesto City Council requests that the City of Modesto
and the County of Stanislaus deliberate on sales tax sharing formulas and
other matters of mutual concern, and

WHEREAS, the Council also considered a report to the City Manager
from the Director of Planning and Community Development dated January 12,
1988, a copy of which report is on file in the office of the City Clerk, and

WHEREAS, the Council found and determined that the proposed Bret
Harte South Reorganization should be deferred for the following reasons:

1. The Bret Harte South Reorganization to the City of
Modesto would add significant annual operating costs
to the City of Modesto.
2. The City Police and Fire Departments have raised
concerns of needed additional staff to serve the
proposed reorganization area.

3. The master property tax agreement dated April 12, 1983, requires that property taxes be independently negotiated prior to approval by the Local Agency Formation Commission.
4. The City of Modesto and Stanislaus County should deliberate on sales tax sharing formulas and other matters of mutual concerns prior to LAFCO consideration of the reorganization area.

and

WHEREAS, the Public Projects Committee previously reviewed and shared the concerns stated above, and

WHEREAS, after consideration of said matter, the Council desires to have the Bret Harte South Reorganization deferred until such time as the matter of tax negotiations between the City of Modesto and the County of Stanislaus are resolved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby request the Local Agency Formation Commission to defer the Bret Harte South Reorganization to the City of Modesto until such time as the matter of tax negotiations between the City of Modesto and the County of Stanislaus have been resolved.

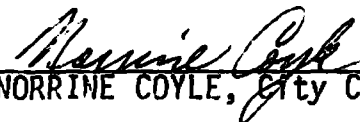
BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this resolution to the Local Agency Formation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-59

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER PROPOSED AMENDMENT TO THE LAND USE AND CIRCULATION ELEMENT OF THE MODESTO URBAN AREA GENERAL PLAN, COLLEGE WEST AREA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that February 9, 1988, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of a proposed amendment to the Land Use and Circulation Element of the Modesto Urban Area General Plan, College West Area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-60**

A RESOLUTION APPROVING APPROPRIATION TRANSFER IN THE AMOUNT OF \$28,000 FROM THE HOUSING PROGRAM OFFICE DIRECT GRANTS ACCOUNT TO NEW ACCOUNTS FOR HANDICAPPED BARRIER REMOVAL PROJECTS APPROVED BY CITY COUNCIL RESOLUTION NO. 87-1154

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

FROM: Direct Grants	\$28,000
(113 140 1454 0496)	
TO: Handicapped Tier (Pool)	\$ 2,500
(113 140 1454 5827)	
Handicapped drinking fountains	1,800
(113 140 1454 5828)	
Handicapped barrier removal/Thurman Field	23,700
(111 140 G798 6000)	

Money needed for handicapped barrier removal projects as approved by Council Resolution No. 87-1154.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Morrine Coyle
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-61

A RESOLUTION APPROVING AN AMENDED JOINT POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS DRUG ENFORCEMENT AGENCY TO PROVIDE FOR INCLUSION OF THE CITY OF CERES AND THE CITY OF WATERFORD IN THE AGENCY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended joint powers agreement between the City of Modesto and the Stanislaus Drug Enforcement Agency to provide for inclusion of the City of Ceres and the City of Waterford in the Agency be, and it is hereby approved.

BE IT FURTHER RESOLVED that all sections of the Stanislaus Drug Enforcement Agency joint powers agreement remain in full force and effect, and 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 19th day of January, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-62

A RESOLUTION APPROVING A LETTER OF INTENT BETWEEN THE CITY OF MODESTO AND MODESTO AIR CHARTER, INC. FOR AN OPTION TO LEASE CORPORATE HANGAR PLOT NO.4 AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Letter of Intent between the City of Modesto and Modesto Air Charter, Inc. for an option to lease corporate hangar plot No. 4 at the Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Letter of Intent by the designated 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 January, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-63

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO INITIATING PROCEEDINGS ON ITS OWN MOTION FOR THE DESIGNATION OF AN AREA OF BENEFIT FOR THE PURPOSE OF FINANCING FOR ACQUIRING RIGHT OF WAY AND CONSTRUCTING CURB, GUTTER AND SIDEWALK AT 1316 AND 1322 EAST ORANGEBURG IN THE CITY OF MODESTO. (PUBLIC FACILITIES DISTRICT 5)

WHEREAS, Section 7-1.804 of the Modesto Municipal Code provides that the City Council may initiate proceedings on its own motion for the designation of an area of benefit for a proposed public facilities project by adopting a resolution stating its intention to do so, and

WHEREAS, Section 7-1.804 further provides that the City Council shall refer the proposed public facilities project to the City Manager and shall direct said City Manager with the assistance of City departments and, where appropriate, interested landowners, to make and file with the City Clerk a report in writing which shall contain provisions as set forth in said section, and

WHEREAS, the Director of Engineering Services has proposed that the Council initiate proceedings to establish a Public Facilities District for the purpose of financing for acquiring right of way and constructing curb, gutter and sidewalk at 1316 and 1322 East Orangeburg in 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 states its intention to initiate proceedings to establish a public facilities project to be designated Public Facilities District 5 for the purpose of financing for acquiring right of way and constructing curb, gutter and sidewalk at 1316 and 1322 East Orangeburg in the City of Modesto.

SECTION 2. The proposed public facilities project is hereby referred to the City Manager and the City Manager is directed, with the assistance of city departments to make and file with the City Clerk a report in writing containing all the pertinent information required by Section 7-1.804 of the Modesto Municipal Code for the purpose of establishing Public Facilities District 5.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19 day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-64

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CLEO B. CARLSON FOR THE PURCHASE OF 1,725+ SQUARE FEET OF HER PROPERTY AT 1513 SCENIC DRIVE FOR THE SCENIC - SUNNYSIDE TO ROSE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Cleo B. Carlson for the purchase of 1,725+ square feet of her property at 1513 Scenic Drive for the Scenic - Sunnyside to Rose 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 January, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-65

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR THE FISCAL YEAR 1987-88 TO PROVIDE FUNDING FOR
THE CITY COUNCIL RUN-OFF ELECTION HELD IN DECEMBER 1987.

WHEREAS, it has been determined that certain adjustments are
required to the Annual Budget of the City of Modesto for Fiscal Year 1987-88
to provide funding for an unanticipated City Council run-off election held in
December 1987,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the following adjustments be made to the Annual Budget for the Fiscal
Year 1987-88 to fund the run-off election.

<u>Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
General Fund 010 800/8000/8003	General Fund Contingency Reserve	(\$68,200)
502/6502/0238	Elections	\$68,200

BE IT FURTHER RESOLVED that the Director of Finance 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 January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Horrine Coyle*
HORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-66

A RESOLUTION ADOPTING AMENDMENTS TO THE STANDARD SPECIFICATIONS FOR DRIVEWAY APPROACH STANDARDS IN 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" for driveway approach standards, said Standard Specifications to be prepared by the Director of Engineering Services and recommended by the Planning Commission, and

WHEREAS, the Director of Engineering 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 STANDARD SPECIFICATIONS Recommended Driveway Approach Standards 11/16/87", and

WHEREAS, the proposed amendments are to accomplish clarification of existing texts and drawings, updating to include the current editions of standards and tests, adding policies and procedures already used in practice, and adopting changes and/or additions to present policies and procedures, 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, Chamber of Commerce, and Modesto area civil engineers, and

WHEREAS, an informal public hearing to consider the proposed amendments was held by the Planning Commission on November 16, 1987, and

WHEREAS, the Planning Commission, by Resolution No. 87-188, adopted on November 16, 1987, 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 STANDARD SPECIFICATIONS Recommended Driveway Approach Standards 11/16/87", copies of which are on file in the offices of the Director of Engineering Services and the Secretary of the Planning Commission, and

WHEREAS, said proposed amendments to the Standard Specifications for Driveway Approach Standards in the City of Modesto, as prepared by the Director of Engineering Services and recommended by the Planning Commission, were considered by the City Council at its regular meeting on December 8, 1987, at which time the Council determined that the proposed amendments to the Standard Specifications for Driveway Approach Standards in 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", copies of which amendments are on file in the offices of the Director of Engineering Services and the Secretary of the Planning Commission, are hereby adopted as amendments to the Standard Specifications of the City of Modesto for Driveway Approach Standards.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19 day of January, 1988, 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: Irizarry, Lang, McGrath, Muratroe, Patterson, Sutton, 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 STANDARD SPECIFICATIONS
Recommended Driveway Approach Standards 11/16/87

3.13 Approaches: Approaches shall be constructed and repaired in accordance with the Drawings No. 3-R, 3-S, 3-SS, and 3-T, and Title VII of the Municipal Code.

The construction shall conform to Sections 73-1.02, 73-1.03, 73-1.04, 73-1.05, and 73-1.06, of the State Standards, except for references to payments, or as otherwise specified herein. Variances for approaches for neighborhood shopping centers or other comparable commercial establishments with equal or greater expected traffic may be approved by the City Engineer. Curbs shall be measured continuous through approaches. Approaches shall be measured to the "back of curb line" when payment is made by the square foot.

Weakened plane joints shall be constructed as shown on Drawings 3-R to 3-U. Depth of weakened plane joint shall be a minimum of 25% the thickness of the concrete. Concrete shall be surfaced with a light broom finish.

The total width of approaches serving a parcel of land shall not exceed the following limits:

- (1) For frontages having a vertical curb, the limit shall be 50% of the street frontage of the property or a single approach of 41 feet, whichever is greater; in the case of corner lots, the limitation shall apply to each street frontage.
- (2) For frontages having a drive-over curb, the limit shall be 50% of the street frontage of the property, or a single driveway of 35 feet, whichever is greater.
- (3) Approaches for two-way traffic shall be 41 feet, unless otherwise approved by the Engineer.
- (4) The Engineer may permit widths greater than 41 feet for industrial and commercial uses.

The minimum distance between approaches serving the same parcel of land shall be 20 feet. The distance between approaches on adjacent parcels may be less than 20 feet.

Approaches shall be located so they will not interfere with intersecting sidewalks, traffic signals, light poles, fire hydrants, or other public improvements unless specific approval is given by the Engineer and the necessary adjustments to the improvements are accomplished without cost to the City.

Commercial Approaches on Major/Collector Streets shall be located 1/2 the lot width from the intersection as measured from intersection centerline to approach centerline. The approach return should not be closer than 20 feet from the intersection return. Raised Medians shall be required for approaches on major streets which are located less than 300 feet from intersections (centerline to centerline). Full medians shall extend 100 feet beyond the approach return, and shall be at developer's expense.

The City's accessway policy should be pursued as fully as is reasonable and should provide access among parcels along a major street to facilitate rear freight delivery, refuse pickup, etc.; mid-range access for clients/customers; and front access so that driveways at periodic intervals can be used in common by the tenants on all parcels.

The number of driveways on a given frontage should be held to a minimum reduce left turning movement conflicts on the major street. As guidelines:

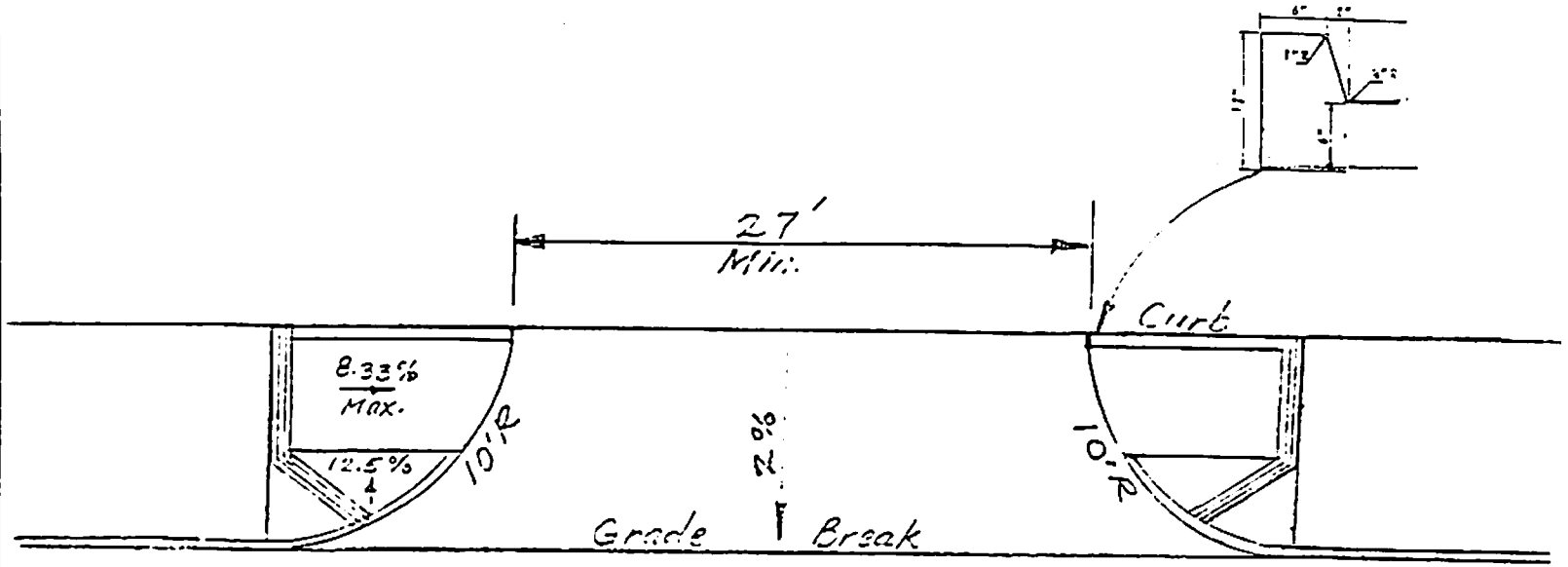
- a. One driveway provided for rear freight delivery for a row of uses.
- b. One driveway provided for customers, desirably not closer than 300 feet to a major/or major/expressway intersection, 150 feet for a major/collector or lesser intersection.
- c. Additional driveways sparingly provided.

Drop Curb Approaches shown on Drawing 3-SS may be used for Neighborhood Shopping Centers and comparable commercial development, which exceed 5 acres.

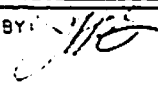
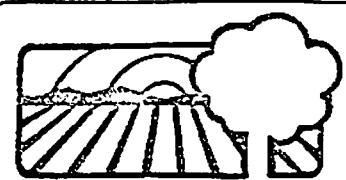

There should be only one drop curb approach for each frontage.

The Developer/Owner shall be responsible for hand sweeping the approaches to assure safety.

When approach design requires asphalt pavement in the sidewalk area, the owner will be responsible for maintaining the asphalt in a safe condition.



1. Ramps shall be sloped per Detail 3-Y.
2. The Approach shall have cold joints at the Property Line and at each end. A weakened plane joint is required at the center of the approach.
3. The approach shall be 6" thick concrete.
4. Widths greater than 50' must be approved by Director of Engineering.

APPROVED BY: 	DIRECTOR	<p><u>STREETS</u></p> <p>DROP CURB APPROACH</p>	 <p>CITY of MODESTO ENGINEERING DEPARTMENT</p>
DATE: 9/2/27	R. E.		
ASBUILT BY:	DATE:		
ASBUILT PLOTTED:	DATE:		
REVISED: 	DATE: 11/17/27	3-SS	ACTIVITY NO.
DATE:	DRAWN:	CHECKED:	FILE NO.
		FLD. BK.	PG.

ITEM B Amendment to the Standard Specifications, Section 3.13,
Approaches

The Engineering Services Department is responsible for maintaining the City's Standard Specifications. Attached to Commissioner's agendas are:

1. Two pages of the current Specifications containing Section 3.13 plus drawings 3-R to 3-V.
2. A memo dated September 22, 1987, from Senior Civil Engineer Butler with two pages of text revising Section 3.13 and adding a new drawing 3-SS.

Copies are available in the Department of Planning and Community Development, fourth floor, City Hall.

This revision was in response to a Commission request for a curb cut policy along major streets. A representative from Engineering Services will be present to respond to questions. Staff recommends that the Commission forward this amendment to the Council with their recommendation of approval.

Item B - Amendment to the Standard Specifications, Section 3.13,
Approaches

Civil Engineer Jerry Butler reviewed the amendments to the Standard Specifications. In response to Mrs. Davis' question, he explained that a skewed driveway would not be needed because the new standards would require a median on major streets 300 feet from their intersection with other major streets. He noted a minor change to Drawing 3-SS to meet handicap requirements. In response to Mr. Fleming's question, Mr. Butler said the drop curb approaches would be similar to street entrances except they will be concrete instead of asphalt.

Resolution No. 87-188, A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO THE STANDARD SPECIFICATIONS OF THE CITY OF MODESTO (DRIVEWAY APPROACHES) was introduced by John Fleming, who moved its adoption, which motion was seconded by Carole Davis and carried by the following vote:

Ayes: Bavaro, Davis, Fleming, Gallagher, Irizarry, and Hart
Noes: None
Absent: Shaffer

MODESTO CITY COUNCIL
RESOLUTION NO. 88-67

A RESOLUTION APPROVING THE FINAL MAP OF THE WESTVIEW
ESTATES SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Marvin C. Wallis and Madelene Wallis, husband and wife; and Westview Estates, a General Partnership, are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 0.134 acres, known as the Westview Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 6th day of July, 1987, 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 Westview 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 19 day of January, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-68

A RESOLUTION APPROVING THE FINAL MAP OF THE CROWN RIDGE
CONDOMINIUMS SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, CPC/LEW Venture, a joint venture, composed of: Continental Paragon Corporation, a California corporation; and Lew Investments, Inc., a California corporation, are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 9.870 acres, known as the Crown Ridge Condominiums Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 6th day of July, 1987, 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 Crown Ridge Condominiums 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 4-4.504(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 19 day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-69

A RESOLUTION VACATING AND ABANDONING EXCESS STREET RIGHT-OF-WAY FOR SALIDA BOULEVARD, IN BLOCK 13902, IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request from Steve Erickson of Thompson-Hysell Engineers for Brawley's R.V. Center, owners and developers of the adjacent property, to abandon the excess street right-of-way for Salida Boulevard, 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 on Salida Boulevard, in Block 13902 in the City of Modesto, and is more particularly described in Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto find and declares that:

1. The vacation is made pursuant to Chapter 1050, Streets and Highways Vacation Procedures, of the Statutes of 1980, of the Streets and Highways Code.

2. The excess street right-of-way located on Salida Boulevard, in Block 13902 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 on Salida Boulevard, in Block 13902 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 19 day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 John L. Christensen
Department of Engineering Services

Parcel 13902-1
LD 88-A

VACATE AND ABANDON EXCESS RIGHT OF WAY FOR
SALIDA BOULEVARD AT BLOCK 13902

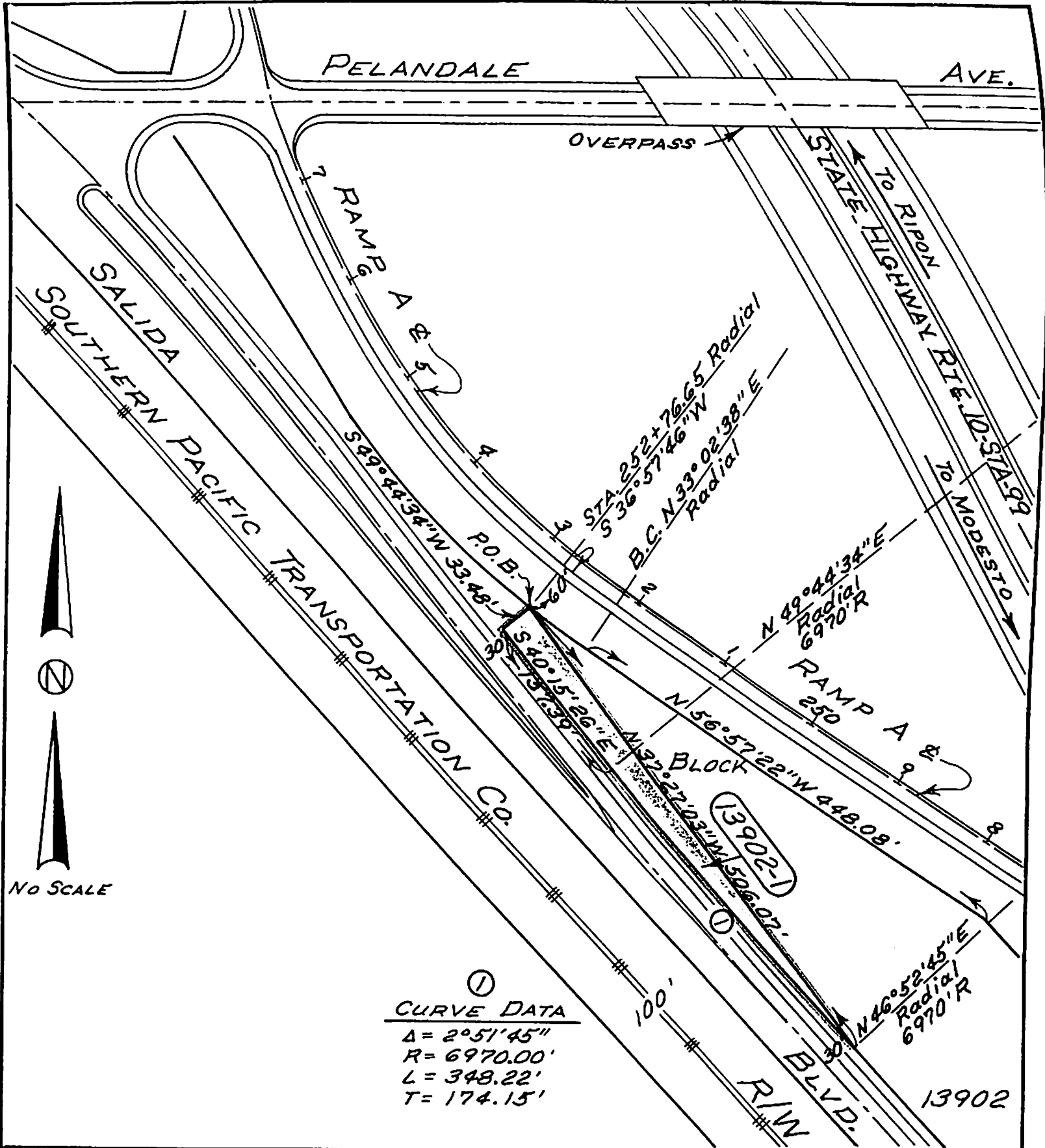
All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 3, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Section corner common to said Section 3 and to Section 10, above Township and Range; thence along the East line of said Section 10, South $00^{\circ} 13' 29''$ East, 477.34 feet; thence North $43^{\circ} 07' 15''$ West, 71.33 feet; thence North $27^{\circ} 27' 31''$ West, 851.96 feet; thence North $43^{\circ} 07' 15''$ West, 350.29 feet; thence North $56^{\circ} 57' 22''$ West, 448.08 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 860.00 feet, a Central angle of $03^{\circ} 55' 08''$ and an Arc Length of 58.82 feet to a point bearing South $36^{\circ} 57' 46''$ West, 60.00 feet from Engineer's Station 252+76.65 of the 1971 Ramp "A" centerline for State Highway Route 10-STA-99, and the true point of beginning of this description; thence South $49^{\circ} 44' 34''$ West 33.48 feet; thence at right angles, South $40^{\circ} 15' 26''$ East, 157.39 feet; thence Southeasterly along a tangent curve concave to the Northeast, having a Radius of 6970.00 feet, a Central Angle of $02^{\circ} 51' 45''$ and an Arc Length of 348.22 feet; thence along a non-tangent line, North $37^{\circ} 27' 03''$ West, 506.07 feet, to the point of beginning.

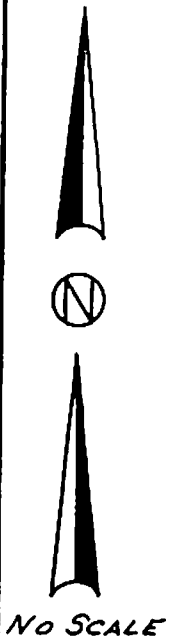
Reserving the Southwesterly 10.00 feet, measured at right angles, of the above described property as a public utility easement. The Southwestern line of said Southwesterly 10.00 feet being the new Northeastern line of Salida Boulevard.

Also reserving the following described property as a public utility easement:

Beginning at the above mentioned point of beginning; thence South $49^{\circ} 44' 34''$ West, 10.25 feet, to a point on a non-tangent curve from which point a radial line bears North $37^{\circ} 06' 44''$ East; thence Southeasterly along said non-tangent curve concave to the Northeast, having a Radius of 870.00 feet, a Central Angle of $02^{\circ} 21' 30''$ and an Arc Length of 35.81 feet, to a point on a non-tangent line from which point a radial line bears North $34^{\circ} 45' 14''$ East; thence along said non-tangent line, North $37^{\circ} 27' 03''$ West, 34.81 feet, to the point of beginning.



①
CURVE DATA
 Δ = 2°51'45"
 R = 6970.00'
 L = 348.22'
 T = 174.15'



RECOMMENDED BY:		DATE	BY
JERRY H. BUTLER			
CITY OF MODESTO DEPARTMENT OF ENGINEERING	VACATE AND ABANDON EXCESS RIGHT OF WAY FOR SALIDA BLVD. AT BLOCK 13902 LD88-A	FLD. BK. & PG.	
ALFRED KAUFMAN, DIRECTOR		W. O. NO.	
<i>J. Christiansen</i> R.E. 6743		FILE NUMBER 4-A-712	
DATE Jan. 7, 1988	DRAWN J. Christiansen	CHECKED	

MODESTO CITY COUNCIL
RESOLUTION NO. 88-70

A RESOLUTION OF THE MODESTO CITY COUNCIL PROTESTING THE
EXECUTION OF AN OPEN SPACE CONTRACT APPLICATION NO. 88-4171
(TOM AND SHERRY TROMBETTA).

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 fully considered, and

WHEREAS, the 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. 88-4171 (Tom and Sherry Trombetta) for the reason stated
above, and urge that the 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 19 day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-71

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MALLARD'S RESTAURANT FOR MODESTO CENTRE PLAZA CATERING AND CONSESSION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mallard's Restaurant for Modesto Centre Plaza catering and concession

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 January, 1988, 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:	Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	McGrath
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-72

A RESOLUTION DENYING THE REQUEST OF ALLEN GRANT THAT THE INFRASTRUCTURE FEE FOR THE MODESTO CENTRE PLAZA HOTEL BE WAIVED.

WHEREAS, Allen Grant appeared at the meeting of the Redevelopment Agency on January 12, 1988, and presented a report on the status of the development of the proposed Red Lion Inn and Centre Plaza Office Tower and presented a written report dated January 12, 1988, and

WHEREAS, a portion of the report related to Infrastructure Fees for the proposed project which would be in the approximate amount of \$323,000.00, and

WHEREAS, Allen Grant requested that the Infrastructure Fee for the Modesto Centre Plaza Hotel be waived, and

WHEREAS, the Redevelopment Agency set January 19, 1988, at 4:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, as the time and place for consideration by the City Council of said request, and

WHEREAS, at said Council meeting the Council considered the request of Allen Grant that the Infrastructure Fees for the Modesto Centre Plaza Hotel be waived, and after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the proposed project should pay its required Infrastructure Fee in order to obtain a building permit, but that the manner in which payment of the fee occurs may be negotiated,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby denies the request of Allen Grant that the Infrastructure Fee for the Modesto Centre Plaza Hotel be waived, but the manner in which payment of the fee occurs may be negotiated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-73

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JIM MONTALBANO FROM THE LOCAL CABLE PROGRAMMING COMMITTEE, EFFECTIVE JANUARY 19, 1988

WHEREAS, Jim Montalbano was appointed a member of the Local Cable Programming Committee on February 17, 1987; and

WHEREAS, Jim Montalbano has tendered his resignation from the Local Cable Programming Committee, effective January 19, 1988; and

NOW, THEREFORE, BE IT RESOLVED that the resignation of Jim Montalbano from the Local Cable Programming 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 Jim Montalbano 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 19th day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-74

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A SETTLEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND RDR PROPERTIES, SUBDIVIDERS OF DUTCH FAIRE SUBDIVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the settlement agreement between the City of Modesto and RDR Properties, subdividers of Dutch Faire Subdivision be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said settlement agreement by the designated 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 January, 1988, 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:	Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McGrath

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-75

A RESOLUTION APPROVING A SETTLEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY ON THE GEER ROAD LANDFILL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County regarding the Geer Road landfill be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-76

A RESOLUTION AUTHORIZING PROPERTY OWNERS ON NORTHERN McHENRY TO REQUEST CITY TO IMPLEMENT PARKING PROHIBITIONS FOR THEIR OWN FRONTAGES AT OWNERS' EXPENSE.

WHEREAS, the Council of the City of Modesto finds that regulation of the display of vehicles is essential for community safety and aesthetics, and

WHEREAS, Council has today enacted legislation to regulate such displays within the City, and

WHEREAS, Council now desires to augment that legislation by permitting the installation, upon request, of no parking zones in certain locations, and

WHEREAS, Sections 3-2.1007 and 3-2.1201 of the Modesto Municipal Code authorize the Director of Parking and Traffic to identify places where he has determined parking should be prohibited or restricted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that any owner of a business within the City fronting upon McHenry Avenue north of the Standiford/Sylvan intersection may request the City, through its Department of Parking Traffic, to designate as a no parking area that portion of McHenry Avenue fronting upon an owner's business.

BE IT FURTHER RESOLVED that upon request, the City shall perform the required sign installation, curb painting, and other tasks necessary to prohibit parking, in accordance with its standard procedures and normal work priorities, subject to Section 3 of this Resolution.

BE IT FURTHER RESOLVED THAT inasmuch as the City's Director of Parking and Traffic has advised the Council that, within eight to twelve

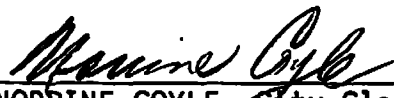
months, the State of California will perform, at state expense, all work necessary to prohibit parking on McHenry Avenue, the Council hereby resolves that any above-described owner requesting parking prohibitions shall deposit with the City Clerk a sum of cash sufficient to cover the cost to the City of the required work as estimated by the City's Director of Parking and Traffic. Upon completion of the work and computation of its actual cost, said deposit shall be credited against the actual costs. Any amount of owner's deposit in excess of actual costs shall be refunded to owner; any balance remaining unpaid after credit of deposit shall be paid to City by owner.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

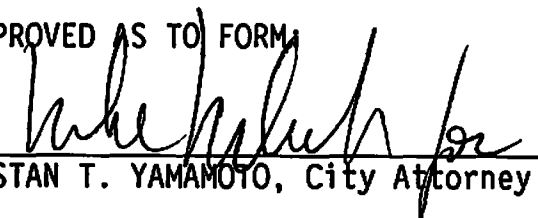
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-77

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 SECTIONS 10-2.603, 10-2.608 AND 10-2.703 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING TO INSURE PRIVACY TO R-1 DEVELOPMENT ADJACENT TO R-2 AND R-3 ZONES AND TO CONSOLIDATE DRIVEWAYS TO COLLECTOR AND MAJOR STREETS TO REDUCE TRAFFIC CONFLICTS IN THE CITY OF MODESTO.

WHEREAS, on January 26, 1988 the City Council introduced Ordinance No. 2575-C.S. giving approval to an amendment to Sections 10-2.603, 10-2.608 and 10-2.703 of Chapter 2 of Title X of the Modesto Municipal Code relating to zoning to insure privacy to R-1 development adjacent to R-2 and R-3 zones and to consolidate driveways to collector and major streets to reduce traffic conflicts in the City of Modesto, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 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 Sections 10-2.603, 10-2.608 and 10-2.703 of Chapter 2 of Title X of the Modesto Municipal Code relating to zoning to insure privacy to R-1 development adjacent to R-2 and R-3 zones and to consolidate driveways to collector and major streets to reduce traffic conflicts 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 26 day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-78

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE CONSTRUCTION OF RESTROOMS AND WADING POOLS
FOR LAKEWOOD PARK AND SIPHERD 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 restrooms and wading pools for Lakewood Park and Sipherd 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 February 23, 1988, 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 January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside .

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-79

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
C.J. RUMBLE AND SONS, INC., FOR THE LEASE OF CHRYSLER 99 #2 PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and C.J. Rumble and
Sons, Inc. for the lease of Chrysler 99 #2 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 26th day of
January, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-80

A RESOLUTION APPROVING THE FINAL MAP OF THE ROSELAWN COURT
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Jimmy V. Allen, and Anita S. Allen, husband and wife are
possessed of a tract of land situate in the City of Modesto, County of
Stanislaus, consisting of 1.820 acres, known as the Roselawn Court
Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 6th day of April, 1987, 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 Roselawn Court Subdivision meets all of the provisions
of the California Subdivision Map Act and the provisions of the Modesto
Municipal Code relating to subdivisions, and that the map is technically
correct,

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of January, 1988, 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: Irizarry, lang, McGrath, Muratore, Patterson, Sutton, 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. 88-81

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE
SOUTHERLY 150-FOOT PORTION OF A 20-FOOT PUBLIC ALLEY IN
BLOCK 71 OF THE CITY OF MODESTO.

WHEREAS, the City of Modesto Police Department has requested that
the City of Modesto vacate and abandon the southerly 150-foot portion of the
20-foot public alley in Block 71, bounded by 10th, 11th, and F and G Streets,
in the City of Modesto, and

WHEREAS, the City Council referred the request of the Modesto Police
Department to the Planning Commission for a report and recommendation, and

WHEREAS, a title report was submitted with the abandonment request
which vests fee title to the alley right-of-way in the City of Modesto, the
proponents of the abandonment, and

WHEREAS, the proposed alley abandonment has been referred to
affected City departments and the local utility companies and replies have
been received which state that various utilities are located in the alley
right-of-way which necessitates retention of a public utility easement until a
building is constructed across the easement and then appropriate arrangements
for existing utility lines would be required, and

WHEREAS, no objection to the proposed alley abandonment has been
received subject to appropriate arrangements for existing utility lines, and

WHEREAS, notices of an informal public hearing to consider the
request to abandon the southerly 150-foot portion of the 20-foot public alley
in Block 71 were posted in the area, and said hearing was held by the Planning
Commission on December 14, 1987, and

WHEREAS, the Planning Commission by Resolution No. 87-204, adopted on December 14, 1987, found and determined as follows:

1. That abandonment of the alley right-of-way will allow adjacent City properties to be combined for more efficient use of the land.
2. That an access easement agreement provided by the City allowing the two properties not owned by the City in the subject block to have access through City property to 10th Street will replace the alley access lost by the abandonment.
3. That retention of a 20-foot public utility easement over the abandoned alley right-of-way is necessary to serve the existing utility lines. If a building is constructed across the said easement, then the easement shall be abandoned subject to appropriate arrangement for existing utility lines.
4. The alley right-of-way proposed to be abandoned is not necessary to serve present or future traffic needs in the area.
5. The alley abandonment is in conformity with the General Plan.

and

WHEREAS, the Planning Commission by said Resolution No. 87-204 recommended to the City Council that the southerly 150-foot portion of the 20-foot public alley in Block 71 be vacated and abandoned, subject to the following conditions:

1. That within 90 days following final abandonment action by the City Council the City shall construct appropriate barriers across the abandoned alley right-of-way to physically close the alley to through traffic or shall take other measures to preclude appearance and use as a public alley. Said barriers or other measures shall be subject to approval by the Director of Engineering Services.
2. That an access easement agreement shall be prepared by the City Attorney's office allowing the two properties (APN 106-40-1A) not owned by the City access through the existing Police Department parking lot (APN 106-40-7). This shall be done within 90 days after City Council action.
3. That a 20-foot wide public utility easement be provided along the abandoned alley as approved by the Director of Engineering

Services. In the event a building is constructed across the said easement, the easement shall be abandoned and existing utility lines shall be rerouted as approved by all affected utility companies and the Director of Engineering Services.

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 southerly 150-foot portion of the 20-foot public alley in Block 71, bounded by 10th, 11th, and F and G Streets, 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 a Portion of the 20-Foot Alley in Block 71 LD87-H," dated January 1988, which is on file in the office of the City Clerk, and more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof as though set forth in full herein.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment of said public alley 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 February 23, 1988, at the hour of 7:30 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 Director of Planning and Community Development is hereby directed to cause notices of the proposed southerly 150-foot portion of the 20-foot public alley vacation and abandonment in Block 71, bounded by 10th, 11th, and F and G Streets, to be posted conspicuously along the line of said southerly 150-foot portion of the 20-foot public alley proposed to be vacated and abandoned at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the alley right-of-way proposed to be abandoned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of January, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 *John L. Christensen*
Engineering Services Department

Parcel 71-10
LD 87-H

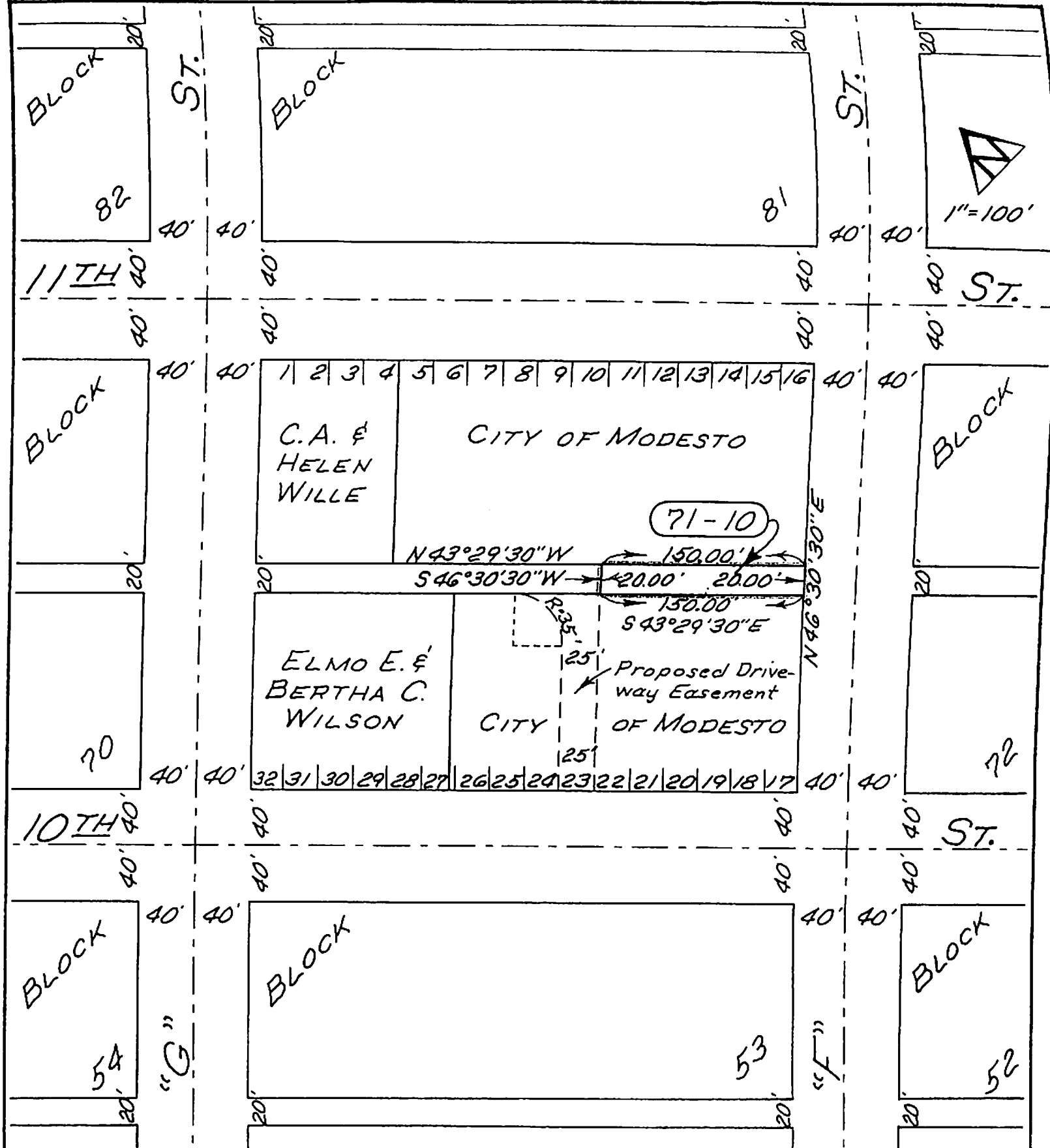
VACATE AND ABANDON A PORTION OF THE 20-FOOT ALLEY IN BLOCK 71

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 32, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

That portion of the 20-foot alley in Block 71 as delineated on the Official Map of the City of Modesto, as per map filed December 21, 1942, in Volume 15 of Maps, Stanislaus County Records, described as follows:

Beginning at the most Southerly corner of Lot 16 in said Block 71, said point being on the Northeastern line of said 20.00 foot alley in Block 71; thence along said Northeastern line of said alley, North 43° 29' 30" West, 150.00 feet, to the most Southerly corner of Lot 10 in Block 71; thence South 46° 30' 30" West, 20.00 feet, to the most Northerly corner of Lot 22 in Block 71, said point being on the Southwestern line of the 20.00 foot alley in Block 71; thence along said Southwestern line of said alley, South 43° 29' 30" East, 150.00 feet, to the most Easterly corner of Lot 17 in Block 71, said point being on the Northwestern line of 80.00 foot "F" Street; thence along said Northwestern line of "F" Street, North 46° 30' 30" East, 20.00 feet, to the point of beginning.

Reserving all of the above as a Public Utilities Easement.



RECOMMENDED BY:		DATE	BY
 JERRY H. BUTLER CITY OF MODESTO DEPARTMENT OF ENGINEERING			
ALFRED KAUFMAN DIRECTOR R.E. 6743		VACATE AND ABANDON A PORTION OF THE 20-FOOT ALLEY IN BLOCK 71~LD87-H	
DATE	DRAWN	FILE NUMBER	
Jan., 1988	J. Christiansen	4-A-711	

MODESTO CITY COUNCIL
RESOLUTION NO. 88-82

A RESOLUTION APPROVING A PURCHASE CONTRACT WITH ZENGER-MILLER, INC., FOR FURNISHING A VIDEO TRAINING PROGRAM FOR CITY EMPLOYEES

WHEREAS, the Training Committee is requesting that Council authorize the purchase of "FrontLine Leadership" program materials to provide training for City employees in the areas of management and supervision; and

WHEREAS, the Training Committee evaluated management and supervision training programs offered by a number of companies and individuals, and determined that the "FrontLine Leadership" program was the most suitable.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase contract with Zenger-Miller, Inc., for furnishing a video training program for City employees be, and it is hereby approved.

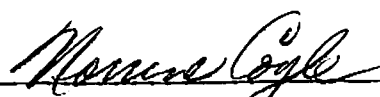
BE IT FURTHER RESOLVED that the execution of said agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-83

RE-
A RESOLUTION/APPOINTING MEMBER OF THE BOARD OF BUILDING APPEALS
(JAY PFARR)

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

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

SECTION 1. The following person is hereby/re-appointed to the Board of Building Appeals for the respective term as indicated:

Jay Pfarr

Term to expire 1/1/92

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly/re-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 26th day of January, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-84

RE-
A RESOLUTION/APPOINTING MEMBER OF THE CULTURE COMMISSION (MATT KEHOE)

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

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

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

Matt Kehoe

Term to expire 1/1/92

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-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 26th day of January, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-85

RE-
A RESOLUTION/APPOINTING MEMBERS OF THE HUMAN RELATIONS COMMISSION
(IDA LEAL AND FRANK MUENCH)

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 / ^{re-}appointed to the Human Relations Commission ^{for the respective} term as indicated:

Ida Leal and Frank Muench

Terms to expire: 1/1/92

SECTION 2. The City Clerk is hereby directed to transmit a copy ^{re-} of this resolution to the newly / appointed members of the Human Relations Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 19 88, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-86

RE-
A RESOLUTION/APPOINTING MEMBER OF THE BOARD OF PERSONNEL APPEALS
(DAVID PAYN)

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

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

SECTION 1. The following person is hereby/re-appointed to the Board of Personnel Appeals for the respective term as indicated:

David Payn

Term to expire 1/1/92

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly/re-appointed member of the Board of Personnel 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 26th day of January, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-87

RE-
A RESOLUTION/APPOINTING MEMBERS OF THE DOWNTOWN IMPROVEMENT DISTRICT
ADVISORY BOARD (FRANK BOOTS, KEITH VOGT)

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 ^{re-} / appointed to the
Downtown Improvement District Advisory Board ^{for the respective}
term as indicated:

Frank Boots and Keith Vogt
Term to expire 1/1/91

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly ^{re-} / 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 26th day of January,
19 88, by Councilmember McGrath, who moved its adoption,
which motion being duly seconded by Councilmember Sutton, was
upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-88

RE-
A RESOLUTION/APPOINTING MEMBER OF THE LOCAL CABLE PROGRAMMING COMMITTEE
(FRANK AZEVEDO)

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

SECTION 1. The following person is hereby/^{re-}appointed to the
Local Cable Programming Committee for the respective term as indicated:

Frank Azevedo

Term to expire 1/1/92

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly/^{re-}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 26th day of January , 1988 ,
by Councilmember McGrath , who moved its adoption, which motion being
duly seconded by Councilmember Sutton , was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 88-89

AMENDED

**A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND
J.H. KLEINFELDER & ASSOCIATES APPROVING ADDITIONAL WORK IN ASSOCIATION WITH THE
STODDARD SOLVENT CLEANUP OF BLOCK 58**

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the/amended agreement between the City of Modesto and J.H. Kleinfelder &
Associates approving additional work in association with the Stoddard solvent
cleanup of Block 58


be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
January, 1988, by Councilmember Sutton,
who moved its adoption, which motion being duly seconded by Council-
member Lang, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-90

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$171,829 FROM THE WATER EXIGENCY FUND TO COVER COSTS OF THE STODDARD SOLVENT CLEANUP OF BLOCK 58

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

FROM:	Water Exigency Fund (610 800 8000 8004)	\$171,829
TO:	Solvent Cleanup Block 58 (610 480 P846 6000)	\$171,829

Transfer needed to cover engineering management and consulting services provided by J.H. Kleinfelder and Associates in connection with the Stoddard solvent cleanup of Block 58.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 1988, by Councilmember Sutton, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-91

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE ROSELLE AVENUE WATERLINE EXTENSION

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

SECTION 1. The plans and specifications for the Roselle Avenue
waterline extension

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on February 23, 1988 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 February, 1988,
by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Sutton, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, McGrath, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-92

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE ROOSEVELT PARK WADING POOL PLUMBING RE-
CONSTRUCTION

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

SECTION 1. The plans and specifications for the Roosevelt Park wading pool plumbing 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 February 23, 1988, at 11:10 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, McGrath, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-93

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE INSTALLATION OF CHAIN LINK FENCE AT EAST
LA LOMA PARK

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

SECTION 1. The plans and specifications for the installation of a chain link fence at East La Loma 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 February 23, 1988, at 11:15 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, McGrath, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-94

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING LANDSCAPE MAINTENANCE SERVICES AT
THE MODESTO CENTRE PLAZA

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

SECTION 1. The plans and specifications for the purchase of landscape maintenance services at the Modesto Centre Plaza 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 23, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, McGrath, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-95

A RESOLUTION ACCEPTING THE BID OF LANG'S ENTERPRISES FOR THE LEGION HALL
KITCHEN HOOD REPLACEMENT

WHEREAS, Resolution No. 88-7 , adopted by the Council of the City of Modesto on January 5, 1988 , approved the plans and specifications for the replacement of the Legion Hall kitchen hood and authorized the calling for bids; and

WHEREAS, the bids received for the replacement of the Legion Hall kitchen hood were opened at 11:05 a.m. on January 26, 1988 , and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Lang's Enterprises in the amount of \$24,207.35 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Lang's Enterprises in the amount of \$24,207.35 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 February , 1988 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, McGrath, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-96

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WASTEWATER TREATMENT AND DISPOSAL FACILITIES, UNIT NO. 1 AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the construction of Wastewater Treatment and Disposal Facilities
Unit No. 1

has been completed by Dyn Construction Corp.

in accordance with the contract agreement dated June 5, 1984 .

NOW, THEREFORE, BE IT RESOLVED that the construction of the
Wastewater Treatment and Disposal Facilities, Unit No. 1

be accepted from said contractor, Dyn Construction Corp. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$7,153,235.81 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 February,
1988, by Councilmember Muratore, who moved its adoption, which
motion being duly seconded by Councilmember Sutton, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, McGrath, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-97

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO REVIEW PLANNING AND ZONING FEES FOR PLOT PLAN REVIEWS, CONDITIONAL USE PERMITS AND VARIANCES IN CONJUNCTION WITH A SINGLE-FAMILY HOUSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that February 23, 1988, 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 reviewing planning and zoning fees for plot plan reviews, conditional use permits and variances in conjunction with a single-family house.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, McGrath, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-98

A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN EASEMENT DEED TO MODESTO IRRIGATION DISTRICT FOR ELECTRICAL FACILITIES AT ALBERTA MARTONE SCHOOL SITE

WHEREAS, the City of Modesto has a joint use agreement with the Modesto City Schools for the use and development of the new Alberta Martone School/ park site; and

WHEREAS, the City has received a request from Modesto Irrigation District to grant an easement on the school site which has been reviewed by the School District and Parks Department and found to be satisfactory.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the City Manager and City Clerk are authorized to execute an easement deed to Modesto Irrigation District for electrical facilities at Alberta Martone School site.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of Feb., 1988, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, McGrath, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-98

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO IRRIGATION DISTRICT FOR AN EASEMENT DEED FOR ELECTRICAL FACILITIES AT
ALBERTA MARTONE SCHOOL SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Modesto Irrigation
District for an easement deed for electrical facilities at Alberta Martone
School 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 2nd day of
February, 19 88, by Councilmember Muratore
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, McGrath, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-99

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND
BOYLE/KILPATRICK & ASSOCIATES TO PROVIDE INTRACITY TRANSIT ADVERTISING THROUGH
6/30/89

BE IT HEREBY RESOLVED by the Council of the City of Modesto
amended
that the/agreement between the City of Modesto and Boyle/Kilpatrick
& Associates to provide Intracity Transit advertising through 6/30/89

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
February, 1988, by Councilmember Muratore,
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, McGrath, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-100

A RESOLUTION APPROVING THE FINAL MAP OF THE CARPENTER
VILLAS NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, P & R Enterprises is possessed of a tract of land situate
in the City of Modesto, County of Stanislaus, consisting of 2.812 acres, known
as the Carpenter Villas No. 2 Subdivision, and

WHEREAS, a vesting tentative map of said tract was approved by the
City Council on the 24th day of June, 1986, 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 Carpenter Villas No. 2 Subdivision meets all of the
provisions of the California Subdivision Map Act and the provisions of the
Modesto Municipal Code relating to subdivisions, and that the map is
technically correct, and

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, McGrath, 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. 88-101

A RESOLUTION ACCEPTING IMPROVEMENTS IN LIVE OAK CONDOMINIUMS
AUTHORIZING RELEASE OF SUBDIVISION BONDS

AND

WHEREAS, L.O. Associates/Florsheim Bros. , subdividers of Live Oak Condominiums have filed subdivision bonds for faithful performance and labor and materials in the amount of \$103,100.00 and \$51,550.00 respectively to guarantee improvements in Live Oak Condominiums. and;

WHEREAS, the Director of Engineering in a memorandum dated January 26, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

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

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

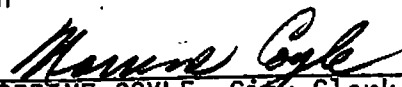
1. The improvements in Live Oak Condominiums Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$103,100.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$51,550.00 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 2nd day of February , 19 88 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, McGrath, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-102

A RESOLUTION ACCEPTING IMPROVEMENTS IN GREENSAN ESTATES SUBDIVISION AND
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Silas Green, subdividers of Greensan Estates Subdivision have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$188,300.00 and \$ 94,150.00 respectively to guarantee improvements in Greensan Estates Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated January 27, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

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

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

1. The improvements in Greensan Estates 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 \$ 188,300.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for labor and materials in the amount of \$ 94,150.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, McGrath, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-103

A RESOLUTION APPOINTING MEMBER OF THE MODESTO YOUTH COMMISSION (MARA J. COHN)

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:

Mara J. Cohn (Sr.)
611 Magnolia Avenue
Modesto, Ca. 95356
Term to expire 6/1/88

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 2nd day of February , 19 88 ,
by Councilmember McGrath , 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:	Irizarry, Lang, McGrath, Muratore, Sutton, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 88-104

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND UNCLE CHARLIE'S HOME FOR FUNDING THE PURCHASE AND ESTABLISHMENT OF A HOME FOR DELINQUENT CHILDREN UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR 1987-88

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Uncle Charlie's Home for funding the purchase and establishment of a home for delinquent children under the Community Development Block Grant Program for 1987-88

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 February, 1988, by Councilmember Sutton 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:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-105

A RESOLUTION ADOPTING A PLAN FOR PROVIDING TRANSPORTATION SERVICES TO HANDICAPPED PERSONS IN MODESTO

WHEREAS, pursuant to the requirements of the Urban Mass Transportation Administration (UMTA), staff prepared a plan for providing transportation services to handicapped persons in Modesto; and

WHEREAS, a public hearing was held on January 5, 1988 to accept public comments on the draft plan, and written comments were accepted through January 20, 1988; and

WHEREAS, the final plan proposes to continue operating Dial-A-Ride and Intracity Transit in the same fashion as they are currently operating, but calls for transit staff to continue to monitor Dial-A-Ride performance and, as appropriate, recommend capacity improvements to the City-County Joint Transportation Committee who would then forward its recommendation to the City Council for consideration.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the plan entitled "Plan for Providing Transportation Services to Handicapped Persons in Modesto", 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 9th day of February, 1988, by Councilmember Sutton , 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:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-106

A RESOLUTION DENYING THE APPEAL OF WARNER M. SOELLING, M.D., TO THE DECISION OF THE ENVIRONMENTAL ASSESSMENT COMMITTEE RELATING TO AN APPLICATION FOR A PLANNED DEVELOPMENT ZONE WITH DIRECT ACCESS TO AND FROM BRIGGSMORE AVENUE AND WITH DRIVEWAYS ONTO KENDALL AVENUE AND SANTA PAULA DRIVE IN THE CITY OF MODESTO.

WHEREAS, on January 27, 1988, the Environmental Assessment Committee of the City of Modesto reviewed a proposed project relating to an application for a Planned Development Zone with direct access to and from Briggsmore Avenue and with driveways onto Kendall Avenue and Santa Paula Drive in the City of Modesto, and

WHEREAS, after reviewing said proposed project, the Environmental Assessment Committee adopted an Initial Study and Findings dated January 27, 1988, indicating that the project may have a significant effect on the environment and an Environmental Impact Report is required, and

WHEREAS, by letters dated January 19, 30 and February 1, 1988, Warner M. Soelling, M.D., filed an appeal with the Council of the City of Modesto to the decision of the Environmental Assessment Committee, and

WHEREAS, said appeal to the decision of the Environmental Assessment Committee was considered by the City Council at a public hearing held in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, on February 9, 1988, at 7:30 p.m., as requested by Warner M. Soelling, M.D., by letters dated January 19, 30, and February 1, 1988, 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,


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby denies the appeal of Warner M. Soelling, M.D., to the decision of the Environmental Assessment Committee of the City of Modesto relating to an application for a Planned Development Zone with direct access to and from Briggsmore Avenue and with driveways onto Kendall Avenue and Santa Paula Drive for the reason that the project will have a significant effect upon the traffic and circulation, the decision of the Environmental Assessment Committee to require a traffic study is hereby affirmed, and an Environmental Impact Report is required for the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Mayor Whiteside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

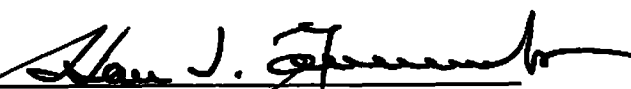
NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-107

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING SIGNAL LIGHT POLES

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

SECTION 1. The plans and specifications for furnishing signal light poles
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 1, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1988, by Councilmember Sutton, 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: Irizarry, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-108

A RESOLUTION ACCEPTING THE BID OF SEMCO FOR THE REMOVAL OF UNDERGROUND TANKS AT VARIOUS LOCATIONS

WHEREAS, Resolution No. 87-1276 adopted by the Council of the City of Modesto on December 22, 1987 , approved the plans and specifications for the removal of underground tanks at various locations and authorized the calling for bids; and

WHEREAS, the bids received for the removal of underground tanks at various locations were opened at 11:00 a.m. on January 26, 1988 , and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of SEMCO in the amount of \$13,225 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of SEMCO in the amount of \$13,225 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 February , 1988 , by Councilmember Sutton , 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: Irizarry, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-109

A RESOLUTION ACCEPTING THE BID OF JOHNSON RUG COMPANY FOR CARPET INSTALLATION AT THE CROCKER BUILDING

WHEREAS, Resolution No. 88-52, adopted by the Council of the City of Modesto on January 19, 1988, approved the plans and specifications for the carpet installation at the Crocker building at 10th and "I" Streets and authorized the calling for bids; and

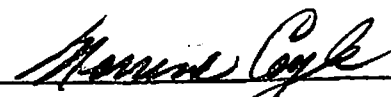
WHEREAS, the bids received for the carpet installation at the Crocker building at 10th and "I" Streets were opened at 11:00 a.m. on February 2, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Johnson Rug Company in the amount of \$16,828 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Johnson Rug Company in the amount of \$16,828 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 February, 1988, by Councilmember Sutton, 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:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-110

A RESOLUTION ACCEPTING THE MCHENRY MANSION RESTORATION PHASE II AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the McHenry Mansion restoration Phase II

has been completed by Don Hughes Construction
in accordance with the contract agreement dated December 16, 1986 .

NOW, THEREFORE, BE IT RESOLVED that the McHenry Mansion restoration
Phase II

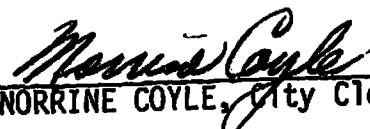
be accepted from said contractor, Don Hughes Construction ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$275,221.02 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 9th day of February,
1988, by Councilmember Sutton, 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: Irizarry, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-111

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF PARKS & RECREATION SOFTWARE FROM ARTHUR YOUNG & COMPANY, AND AUTHORIZING PURCHASE OF IBM EQUIPMENT RELATED TO THE SOFTWARE

WHEREAS, Arthur Young & Company is the only vendor with a complete computer system for Parks & Recreation application, covering the categories of recreation registration, facilities scheduling, sports scheduling and instructor invoicing.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of Parks & Recreation software and IBM equipment related to the software is hereby waived.

BE IT FURTHER RESOLVED that purchase of Parks & Recreation software from Arthur Young & Company for an estimated amount of \$18,000 is hereby approved.

BE IT FURTHER RESOLVED that purchase of IBM hardware required to run the software for an estimated amount of \$12,000 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 February, 1988, by Councilmember Sutton, 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: Irizarry, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-112

RESOLUTION SUPPORTING THE APPLICATION OF BEARD LAND
IMPROVEMENT COMPANY TO THE PUBLIC UTILITIES COMMISSION
REQUESTING EXTENSION OF THE BOUNDARY OF THE BEARD
INDUSTRIAL DISTRICT.

WHEREAS, the City of Modesto and the adjacent territory then known as the East Modesto Industrial District have been areas exempt from rate regulation since June 7, 1955, on the theory that since the transportation characteristics of traffic within both areas was the same that all such transportation should be accorded like treatment, and

WHEREAS, the East Modesto Industrial District at that time consisted of that portion of the Beard Industrial District located west of Riverside Drive, and the boundary line has never been extended to take into account the current borders of the Beard Industrial District, and

WHEREAS, the Beard Land Improvement Company believes there is no reason to distinguish between companies located on the west side of Riverside Drive as opposed to companies located on the east side of Riverside Drive because the transportation characteristics of the traffic throughout the entire Beard Industrial District is substantially the same, and

WHEREAS, it is the Beard Land Improvement Company's desire that all companies located within the Beard Industrial District be accorded the same rate exempt status,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto does hereby support the application of the Beard Land Improvement Company to the Public Utilities Commission requesting an extension of their boundary line subject to rate regulation exemption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9 day of February, 1988, by Councilmember Sutton, 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: Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-113

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE STATE OFFICE OF CRIMINAL JUSTICE PLANNING FOR THE MODESTO GANG VIOLENCE SUPPRESSION PROGRAM (SECOND YEAR FUNDING).

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

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

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

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

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1988, by Councilmember Sutton, 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: Irizarry, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-114

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO, THE COUNTY OF STANISLAUS, AND OGDEN MARTIN SYSTEMS EQUITY REGARDING SHARING EARNINGS ON EQUITY BOND PROCEEDS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County, and Ogden Martin Systems Equity regarding sharing earnings derived from the investment of the issuance of 1987 bonds

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 February, 1988, by Councilmember Sutton, 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:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-115

A RESOLUTION SETTING TIME AND PLACE FOR HEARING CONCERNING AN ORDINANCE AMENDING THE MUNICIPAL CODE TO ALLOW THE POLICE DEPARTMENT TO CHARGE A FEE FOR THE RELEASE OF AN IMPOUNDED VEHICLE AND ESTABLISHING THE FEE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that March 1, 1988, 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 ordinance amending the Municipal Code to allow the Police Department to charge a fee for the release of an impounded vehicle and establishing the fee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1988, by Councilmember Sutton, 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:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-116

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
ALOMA LACKEY FOR THE LEASE OF 1343 LEGION PARK DRIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Aloma Lackey for
the lease of 1343 Legion Park 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 9th day of
February, 1988, by Councilmember Sutton,
who moved its adoption, which motion being duly seconded by Council-
member Irizarry, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-117

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LARRY A. AND PATRICIA L. ASKEW AND DAVID AND SANDRA MESENHIMER FOR LEASE OF A PORTION OF HANGAR NO. 1 AND TIE DOWNS AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Larry A. and Patricia L. Askew and David and Sandra Mesenhimer for lease of a portion of Hangar No. 1 and tie downs at the Airport

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1988, by Councilmember Sutton 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:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-118

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

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

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1988, by Councilmember Sutton, 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:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-119

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GRACEADA MANSION PARTNERSHIP FOR THE LEASE OF A PORTION OF WELL SITE NO. 2

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Graceada Mansion Partnership for the lease of a portion of Well site No. 2 located at 110 Poplar 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 9th day of February, 1988, by Councilmember Sutton 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:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-119

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
JBH REAL ESTATE AND DEVELOPMENT FOR THE LEASE OF A PORTION OF WELL SITE NO. 2

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and JBH Real Estate
and Development for the lease of a portion of Well site No. 2 located at
110 Poplar 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 9th day of
February, 1988, by Councilmember Sutton
who moved its adoption, which motion being duly seconded by Council-
member Irizarry, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-120

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
ROBERT D. AND CATHERINE L. BANGHART FOR THE LEASE OF THE FORMER CROSBY PAINT STORE

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Robert D. and
Catherine L. Banghart for the lease of the former Crosby Paint Store

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
February, 1988, by Councilmember Sutton
who moved its adoption, which motion being duly seconded by Council-
member Irizarry, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-121

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
GEORGE FREDERICKSON AND PHILLIP BRAVARD FOR THE LEASE OF A PORTION OF FIRE STATION
NO. 5

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and George Frederickson
and Phillip Bravard for the lease of a portion of Fire Station No. 5

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
February, 1988, by Councilmember Sutton
who moved its adoption, which motion being duly seconded by Council-
member Irizarry, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-122

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND UNION PACIFIC RAILROAD COMPANY FOR THE SIGNALIZATION OF THE WHITMORE AVENUE CROSSING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Union Pacific Railroad Company for the signalization of the Whitmore Avenue crossing

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 February, 1988, by Councilmember Sutton 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:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-123

A RESOLUTION SETTING TIME AND PLACE FOR HEARING CONCERNING SETTING A FEE FOR FILING A NOTICE OF INTENT TO CIRCULATE AN INITIATIVE PETITION, AS PROVIDED BY A NEW STATE LAW

BE IT HEREBY RESOLVED by the Council of the City of Modesto that February 23, 1988, 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 setting a fee for filing a notice of intent to circulate an initiative petition, as provided by a new State law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1988, by Councilmember Sutton, 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:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-124

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY ECONOMIC DEVELOPMENT CORPORATION TO PROVIDE FINANCIAL ANALYSIS FOR THE ECONOMIC DEVELOPMENT REVOLVING LOAN FUND

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County Economic Development Corporation to provide financial analysis for the Economic Development Resolving Loan Fund

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 February, 1988, by Councilmember Sutton 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:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-125

A RESOLUTION APPROVING THE FINAL MAP OF THE PARK OAKS
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Santana & Thompson, Inc. is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 16.362 acres, known as the Park Oaks Subdivision, and

WHEREAS, a vesting tentative map of said tract was approved by the Planning Commission on the 2nd day of March, 1987, 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 Park Oaks 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9 day of February, 1988, by Councilmember Sutton, 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: Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-126

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3 TO C-2. (J. WILMAR JENSEN)

WHEREAS, on 02/16/88, 1988, the City Council introduced Ordinance No. 2577 -C.S. giving approval to a project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, to General Commercial Zone, C-2, property located on the western side of 16th Street south of H Street, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, to General Commercial Zone, C-2, property located on the western side of 16th Street south of H Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16 day of February, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-127

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR REROOFING THE MADDUX YOUTH CENTER AND THE MODESTO
COMMUNITY SERVICE CENTER

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

SECTION 1. The plans and specifications for the reroofing of the Maddux Youth Center and the Modesto Community Service 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 March 8, 1988 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 February, 1988, 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: Irizarry, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-128

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING PARKING & TRAFFIC COMPUTER 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 Parking & Traffic computer 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 March 8, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1988, 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: Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-129

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING WANG COMPUTER 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 Wang
computer 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 March 8, 1988, at 3:10 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 16th day of February, 1988,
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: Irizarry, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-130

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING PANEL SYSTEMS FOR THE CROCKER BANK
BUILDING

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

SECTION 1. The plans and specifications for the purchase of panel systems for the Crocker Bank Building 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 15, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1988, 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: Irizarry, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-131

A RESOLUTION REJECTING ALL BIDS FOR FURNISHING JANITORIAL SERVICES AT THE MODESTO CENTRE PLAZA, OPENED IN THE OFFICE OF THE CITY CLERK ON FEBRUARY 9, 1988, AT 3:00 P.M., AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 88-55 adopted by the Council of the City of Modesto on January 19, 1988, approved the plans and specifications for furnishing janitorial services at the Modesto Centre Plaza, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of janitorial services at the Modesto Centre Plaza were opened at 3:00 p.m. on February 9, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

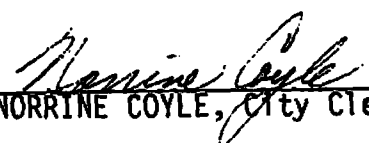
WHEREAS, because of confusion of some vendors concerning bid opening times and bid bond amounts, some company's bids were rejected.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for furnishing janitorial services at the Modesto Centre Plaza and opened in the office of the City Clerk on February 9, 1988, at 3:00 p.m. are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for furnishing janitorial services at the Modesto Centre Plaza to be opened March 22, 1988, at 3:20 p.m. 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 February, 1988 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:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-132

A RESOLUTION ACCEPTING THE BID OF BRANNON TIRE CORP. FOR FURNISHING THE CITY'S ANNUAL TIRE RECAPPING REQUIREMENTS

WHEREAS, Resolution No.88-8 , adopted by the Council of the City of Modesto on January 5, 1988 , approved the plans and specifications for the City's annual tire recapping requirements and authorized the calling for bids; and

WHEREAS, the bids received for the City's annual tire recapping requirements were opened at 3:00 p.m. on February 2, 1988 , 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 Brannon Tire Corp. in the amount of \$13,610 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Brannon Tire Corp. in the amount of \$13,610 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 February , 1988 , by Councilmember McGrath , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-133

A RESOLUTION AGREEING TO ACCEPT SEWAGE FROM AREAS 2 AND 3,
AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT
TO AGREEMENT WITH RESPECT TO AN ADDITIONAL SPECIFIED AREA
OF THE NORTH CERES SEWER SERVICE AREA.

WHEREAS, the City of Modesto and the City of Ceres entered into the
North Ceres Sewer Service Area Agreement (hereinafter referred to as the
"Agreement") on December 18, 1979, and

WHEREAS, paragraph 5 of said agreement provided for the City of
Modesto to accept sewage from certain designated areas within the City of
Ceres, and

WHEREAS, paragraph 5 of said agreement provides that the City of
Modesto will accept sewage from areas designated as Areas "2", and "3" when so
requested by the City of Ceres, subject to availability as determined by the
City of Modesto's wastewater treatment facilities to handle sewage flows from
said areas, and

WHEREAS, the City of Ceres has, by its Resolution No. 87-216,
requested the City of Modesto to accept sewage from subareas 2 and 3, and

WHEREAS, the City of Modesto has determined that treatment capacity
is available in Modesto's wastewater treatment facilities to handle sewage
from subareas 2 and 3, and

WHEREAS, the City of Ceres has, by its Resolution No. 87-216,
requested the City of Modesto to accept sewage from a strip of land within the
jurisdiction of the City of Ceres, which varies from 300 feet to 600 feet in
width and which lies south of Hatch Road from Richland Avenue to Central
Avenue (hereinafter referred to as the "Additional Area") but which is not
designated within said Agreement, and

WHEREAS, the City of Modesto has determined that treatment capacity is available in Modesto's wastewater treatment facilities to handle sewage from said Additional Area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby agree to accept sewage from subareas 2 and 3 pursuant to said Agreement and from said Additional Area, subject to the execution of an amendment to said Agreement.

BE IT FURTHER RESOLVED that if the City of Modesto in its sole discretion determines that excessive demands upon Modesto's wastewater treatment plant capacity are created at any time subsequent to the City of Modesto's acceptance of the Additional Area, the City of Ceres shall immediately agree to amend the North Ceres Sewer Service Agreement upon the City of Modesto's request to delete from subarea 4 of the North Ceres Sewer Service Area Agreement an area of land equal in sewer service demand or equal in size and sewer service demand to the Additional Area.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an Amendment to the North Ceres Sewer Service Area Agreement which encompasses the provisions set forth in this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1988, 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: Irizarry, McGrath, Muratore, Patterson
Sutton, Mayor Whiteside

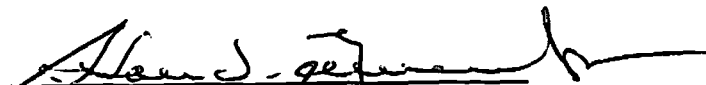
NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-134

A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION COMMISSION
"CITY ANNEXATION QUESTIONNAIRE" FOR THE CALIFORNIA-PANAMA NO. 2
REORGANIZATION

BE IT RESOLVED by the Council of the City of Modesto that
the attached Local Agency Formation Commission "City Annexation
Questionnaire" for the California-Panama No. 2 Reorganization
Annexation is hereby approved.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 16th
day of February, 1988, 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:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: _____

Norrine Coyle
NORRINE COYLE City Clerk

CITY REORGANIZATION QUESTIONNAIRE

1. Name of City Modesto

2. Name of Proposed Reorganization California Panama No. 2

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.

None

TO THE CITY OF MODESTO

SEC. 31, T.3 S., R.9 E., M.D.B.&M.

2.905 ACRES

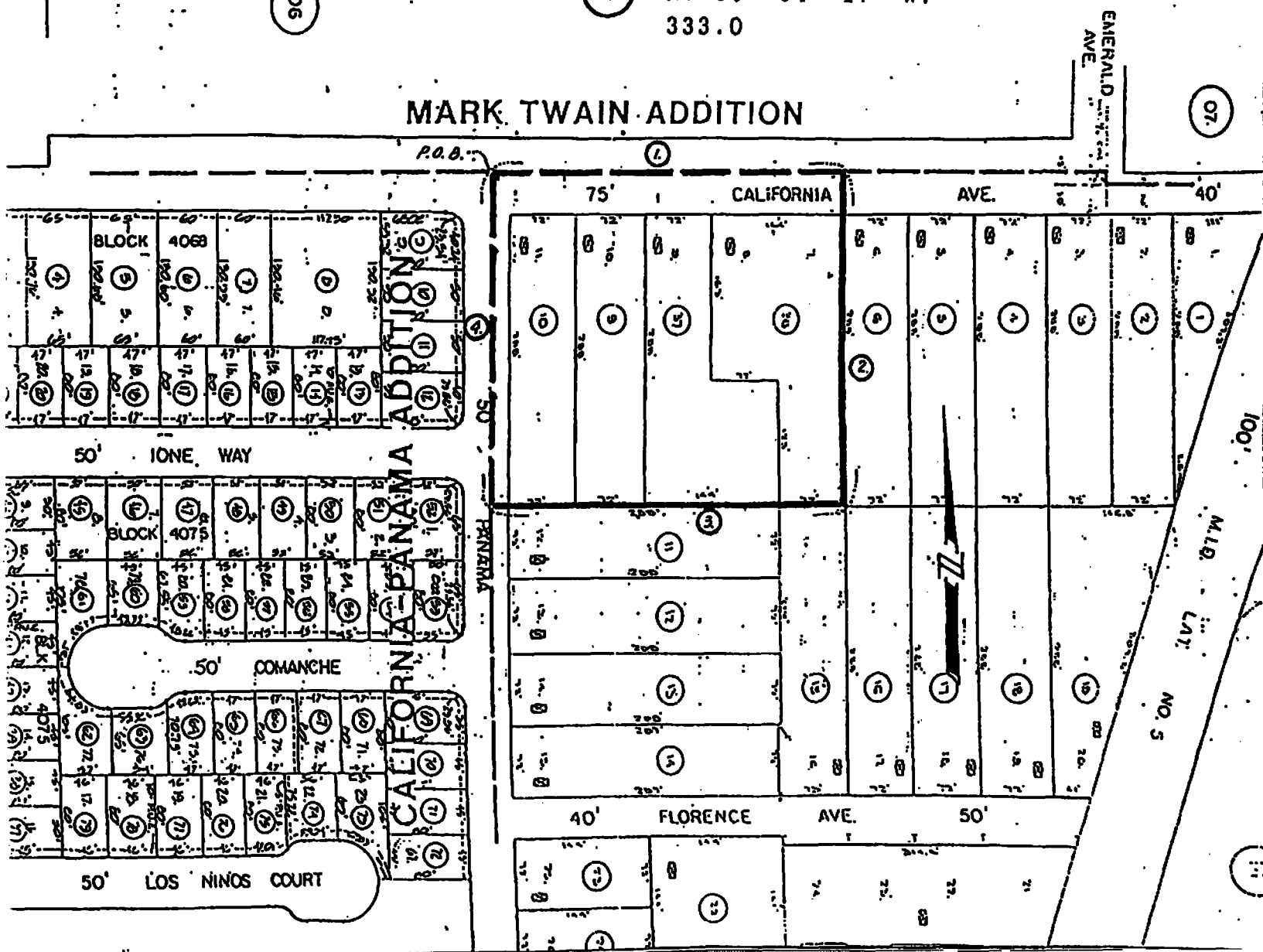
BASIS OF BEARINGS: N. 89° 55' 00" E. for the centerline of California Avenue as shown in Book 16 of Parcel Maps, Page 54, Stanislaus County Records.

PREVIOUS ANNEXATION BOUNDARY

1. N. 89° 55' 00" E.
380.00'
2. S. 00° 04' 17" E.
333.00'
3. S. 89° 55' 00" W.
380.00'
4. N. 00° 04' 17" W.
333.0

06

MARK TWAIN ADDITION



MODESTO CITY COUNCIL
RESOLUTION NO. 88-135

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO JUNIOR COLLEGE FOR USE OF THEIR STADIUM AND SWIMMING POOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Modesto Junior
College for use of their stadium and swimming pool

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
February, 1988, by Councilmember Muratore,
who moved its adoption, which motion being duly seconded by Council-
member Irizarry, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-136

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$5,650 TO COMPLETE THE BOY SCOUT CLUBHOUSE RESTROOM, ROBERTSON ROAD NEIGHBORHOOD PARK AND WOODLAND (ALBERTA MARTONE) NEIGHBORHOOD PARK PROJECTS

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

FROM: Picnic Units/Lights/Sprinkler Account: (200 310 P307 600050)	\$5,650
TO: Boy Scout Clubhouse Restroom(130 380 P494 6000050)	2,500
Robertson Road Neighborhood Park(140 310 P375 6000050)	1,150
Woodland Neighborhood Park (150 310 P409 6000050)	2,000

These funds are needed due to the actual cost being higher than originally estimated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1988, 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: Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-137

A RESOLUTION APPROVING THE FINAL MAP OF THE OPANGEVIEW
MANOR SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Rule Enterprises, a California corporation is possessed of
a tract of land situate in the City of Modesto, County of Stanislaus,
consisting of 5.992 acres, known as the Orangeview Manor Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 6th day of July, 1987, 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 Orangeview Manor Subdivision meets all of the provisions
of the California Subdivision Map Act and the provisions of the Modesto
Municipal Code relating to subdivisions, and that the map is technically
correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that said final map be approved; that the streets, alleys and easements as
shown thereon within the boundaries of said tract be accepted on behalf of the
public for public use; and that the City Clerk be authorized to certify the
map of said tract on behalf of the City of Modesto after the fees and deposits
required by the Modesto Municipal Code in amounts determined by the City
Engineer have been paid, and subdividers have furnished securities, as set
forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the
obligations set forth in Section 66499.3 of the Government Code of the State

of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

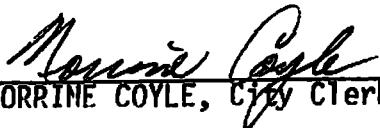
BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16 day of February, 1988, 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: Irizarry, McGrath, Muratore, Patterson
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-138

A RESOLUTION ACCEPTING IMPROVEMENTS IN PRESCOTT FAIRE SUBDIVISION AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Brooks & Sons Construction, subdividers of Prescott Faire Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$374,700.00 and \$ 187,350.00 respectively to guarantee improvements in Prescott Faire Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated February 9, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the 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 Prescott Faire Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$374,700.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bonds for labor and materials in the amount of \$ 187,350.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1988, 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:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-139

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ARE, INC. TO PERFORM THE DEFLECTION TESTING FOR THIS YEAR'S STREET MAINTENANCE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and ARE, Inc. to perform the deflection testing for this year's street maintenance

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 February, 1988, 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:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-140

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM ON BEHALF OF AUDREY J. AND EWELL R. DAVIS, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim from the law offices of J.J. Machado on behalf of Audrey J. and Ewell R. Davis, against the City of Modesto was received on February 2, 1988, in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim from the law offices of J.J. Machado on behalf of Audrey J. and Ewell R. Davis, against the City of Modesto, received on February 2, 1988, in the office of the City Clerk, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1988, 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: Irizarry, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-141

A RESOLUTION VACATING AND ABANDONING THE SOUTHERLY
150-FOOT PORTION OF A 20-FOOT PUBLIC ALLEY IN BLOCK 71 OF
THE CITY OF MODESTO.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 88-81 on January 26, 1988, declaring its intention to vacate and abandon the southerly 150-foot portion of a 20-foot public alley in Block 71 of the City of Modesto bounded by 10th, 11th, and F and G Streets of the City of Modesto, and

WHEREAS, said 150-foot portion of the 20-foot public alley in Block 71 of the City of Modesto bounded by 10th, 11th, and F and G Streets of the City of Modesto to be vacated and abandoned is more particularly shown on that certain map entitled, "Vacate And Abandon A Portion of the 20-Foot Alley in Block 71 LD87-H", dated January 1988, 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, and

WHEREAS, said Resolution No. 88-81 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

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

WHEREAS, a hearing was held on February 23, 1988, at the hour of 4:00 o'clock p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear and be heard, and

WHEREAS, the Planning Commission has considered the proposed vacation and abandonment and by Planning Commission Resolution No. 87-204 found and determined:

1. That abandonment of the alley right-of-way will allow adjacent City properties to be combined for more efficient use of the land.
2. That an access easement agreement provided by the City allowing the two properties not owned by the City in the subject block to have access through City property to 10th street will replace the alley access lost by the abandonment.
3. That retention of a 20-foot public utility easement over the abandoned alley right-of-way is necessary to serve the existing utility lines. If a building is constructed across the said easement, then the easement shall be abandoned subject to appropriate arrangement for existing utility lines.
4. That the alley right-of-way proposed to be abandoned is not necessary to serve present or future traffic needs in the area.
5. That the alley abandonment is in conformity with the General Plan.

and

WHEREAS, the Planning Commission has by Planning Commission Resolution No. 87-204 recommended the proposed vacation and abandonment, subject to certain conditions, and

WHEREAS, the Council has considered the Planning Commission's report and recommendation, and

WHEREAS, the staff has made a presentation regarding the proposed vacation and abandonment, which the Council has considered, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the 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 vacation and abandonment of the southerly 150-foot portion of the 20-foot public alley in Block 71 of the City of Modesto bounded by 10th, 11th, and F and G Streets of the City of Modesto,

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

1. That within 90 days following final abandonment action by the City Council the City shall construct appropriate barriers across the abandoned alley right-of-way to physically close the alley to through traffic or shall take other measures to preclude appearance and use as a public alley. Said barriers or other measures shall be subject to approval by the Director of Engineering Services.
2. That the City Manager shall be authorized to execute a covenant for access and maintenance which shall be prepared by the City Attorney's office allowing the two properties (APNS 106-40-1 and 9) not owned by the City access through the existing Police Department parking lot (APN 106-40-7). This shall be done within 90 days after City Council action.
3. That a 20-foot wide public utility easement be provided along the abandoned alley as approved by the Director of Engineering Services. In the event a building is constructed across the said easement, the easement shall be abandoned and existing utility lines shall be rerouted as approved by all affected utility companies and the Director of Engineering Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 John L. Chastensen
Engineering Services Department

January 12, 1988

Parcel 71-10
LD 87-H

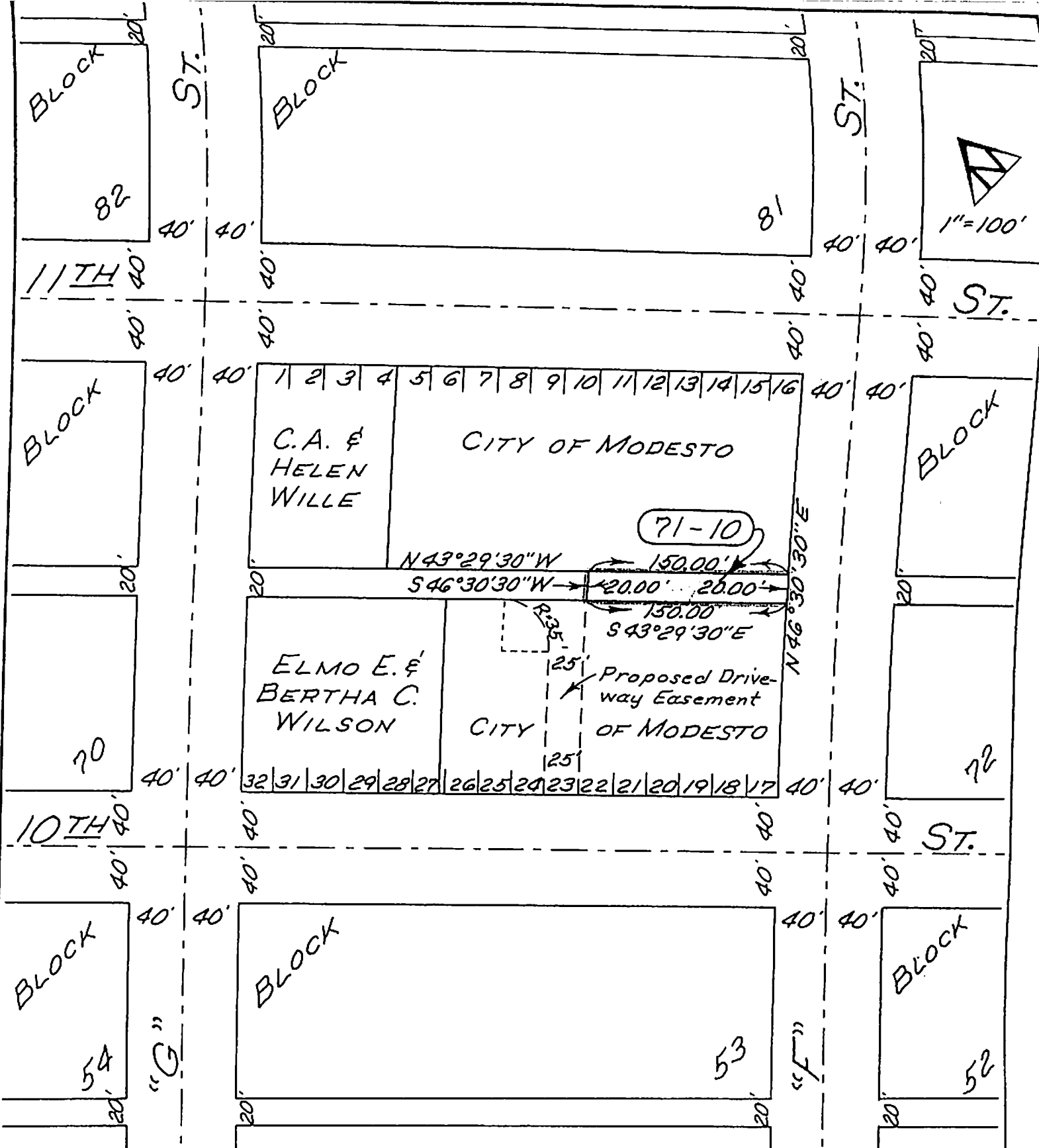
VACATE AND ABANDON A PORTION OF THE 20-FOOT ALLEY IN BLOCK 71

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 32, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

That portion of the 20-foot alley in Block 71 as delineated on the Official Map of the City of Modesto, as per map filed December 21, 1942, in Volume 15 of Maps, Stanislaus County Records, described as follows:

Beginning at the most Southerly corner of Lot 16 in said Block 71, said point being on the Northeastern line of said 20.00 foot alley in Block 71; thence along said Northeastern line of said alley, North $43^{\circ} 29' 30''$ West, 150.00 feet, to the most Southerly corner of Lot 10 in Block 71; thence South $46^{\circ} 30' 30''$ West, 20.00 feet, to the most Northerly corner of Lot 22 in Block 71, said point being on the Southwestern line of the 20.00 foot alley in Block 71; thence along said Southwestern line of said alley, South $43^{\circ} 29' 30''$ East, 150.00 feet, to the most Easterly corner of Lot 17 in Block 71, said point being on the Northwestern line of 80.00 foot "F" Street; thence along said Northwestern line of "F" Street, North $46^{\circ} 30' 30''$ East, 20.00 feet, to the point of beginning.

Reserving all of the above as a Public Utilities Easement.



RECOMMENDED BY:		DATE	BY
 JERRY H. BUTLER CITY OF MODESTO DEPARTMENT OF ENGINEERING ALFRED KAUFMAN DIRECTOR			
 R.E. 6743 DATE: Jan., 1988 DRAWN: J. Christiansen CHECKED:		VACATE AND ABANDON A PORTION OF THE 20-FOOT ALLEY IN BLOCK 71~LD87-H	
		FLD. BK. & PG.	
		W. O. NO.	
		FILE NUMBER 4-A-711	

MODESTO CITY COUNCIL
RESOLUTION NO. 88-142

A RESOLUTION ESTABLISHING ONE-WAY STREETS AND ALLEYS IN
THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 85-424.

WHEREAS, Chapter 2 of Title III of the Modesto Municipal Code
authorizes the City Council, by resolution, to establish one-way streets and
alleys in the City of Modesto,

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

SECTION 1. ONE-WAY STREETS AND ALLEYS. One-way streets and alleys
are hereby established at the following locations:

(a) One-way Streets:

5th Street, from Maze Boulevard to Sierra Drive
(southerly direction)

6th Street, from E Street to M Street (northerly
direction)

9th Street (northeast portion), from Tully Road to
Shoemake Avenue (northwesterly direction)

9th Street (southwest portion), from Tully Road to
Shoemake Avenue (southeasterly direction)

15th Street, from K Street to Needham Street
(northwesterly direction)

17th Street, from G Street to J Street (southeasterly
direction)

19th Street, from Burney Street to H Street
(northwesterly direction)

Briggsmore Avenue (south portion), from Prescott
Road to Oakdale Road (easterly direction)

Briggsmore Avenue (north portion), from Prescott
Road to Oakdale Road (westerly direction)

Burney Street, from G Street to Scenic Drive
(northerly direction)

Downey Avenue, from Burney Street to McHenry Avenue
(westerly direction)

First Street, from G Street to H Street
(southeasterly direction)

G Street, from First Street to Burney Street
(northeasterly direction)

H Street, from First Street to Burney Street
(southwesterly direction)

Haddon Avenue, from La Loma Avenue to Santa
Barbara Avenue (easterly direction)

K Street, from 9th Street to Needham Street
(northeasterly direction)

L Street from 9th Street to Needham Street
(southwesterly direction)

La Loma Avenue, from Burney Street to H Street
(northwesterly direction)

Sycamore Avenue (east portion), from Griswold
Avenue to north side of Block 724 (northerly
direction)

Sycamore Avenue (west portion), from Griswold
Avenue to north side of Block 724 (southerly
direction)

(b) One-way Alleys:

Between 1st and 2nd Streets, from H Street to G
Street (southeasterly direction)

Between 2nd and 3rd Streets, from Washington
Street to I Street (southeasterly direction)

Between 9th and 10th Streets, from I Street to K
Street (southeasterly direction)

Between 10th and 11th Streets, from F Street to G
Street (southeasterly direction)

Between 10th and 11th Streets, from I Street to J
Street (northwesterly direction)

Between 10th and 11th Streets, from 100 feet north
of J Street to K Street (northwesterly
direction)

Between 11th and 12th Streets, from I Street to J Street (southeasterly direction)

Between 11th and 12th Streets, from J Street to K Street (northwesterly direction)

Between 12th and 13th Streets, from I Street to K Street (northwesterly direction)

Between Locke Road and Downey High School, from Coffee Road to Brighton Avenue (easterly direction)

Between College and the TSRR Tracks, from Rumble to Leveland (southerly direction)

Between June Drive and Timothy Avenue, from Briggsmore Avenue to Judith Lane (southerly direction)

Between McHenry and Sherwood from 130 feet south of Leveland Lane to Leveland Lane (northerly direction)

Between McHenry and Timothy beginning 136 feet north of Granger and continuing northerly 285 feet (northerly direction)

Between Sheridan Street and Chicago Avenue, from Hudson Lane to Paradise Road (southeasterly direction)

Between Sutter and Alturas Avenues, Tuolumne Boulevard and Western Way, from Alturas Avenue to Sutter Avenue, (westerly direction)

SECTION 2. The provisions of this resolution shall become effective upon adoption and be in full force and operation when proper signs are posted by the Parking and Traffic Department of the City of Modesto or the Department of Transportation of the State of California.

SECTION 3. The Director of Parking and Traffic is hereby directed to implement the provisions of this resolution.


SECTION 4. Resolution No. 85-424 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1988, by Councilmember Sutton, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

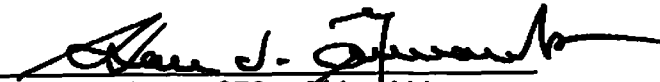
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-143

A RESOLUTION ESTABLISHING FILING FEES FOR ZONE BOUNDARY CHANGES, USE PERMITS, VARIANCES, ENVIRONMENTAL REVIEW, SUBDIVISIONS, AND OTHER APPLICATIONS, AND RESCINDING RESOLUTION NO. 87-1219.

WHEREAS, Section 10-2.2204 of the Modesto Municipal Code provides 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,

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

SECTION 1. FEES. The following filing fees and environmental review fees are hereby established:

(a) P-D Zoning	\$590.00
(b) Amend P-D Zone pursuant to Sec. 10-2.1709(b)	590.00
(c) Amend P-D Zone pursuant to Sec. 10-2.1709(a)	350.00
(d) Rezoning	540.00
(e) Plot Plan Review	
- for a satellite antenna	
for a single-family house	80.00
- all other plot plan reviews	235.00
(f) Conditional Use Permit	370.00
(g) Variance	
- on a lot with a single	
family house in the R-A,	
R-1, R-2 or R-3 zone	\$100.00
- all others	370.00
(h) Tentative Subdivision Map	285.00
(i) Tentative Parcel Map	275.00
(j) Reversion to Acreage	255.00
(k) Parcel Map Waiver	255.00

(l) Lot Line Adjustment	50.00
(m) Time Extension	50.00
(n) Environmental Assessment	
- initial study	95.00
- Environmental Impact Report	Actual Cost
- Environmental Impact Report deposit	\$1,750 advance deposit. Refund or balance due upon completion of final EIR
(o) Appeals	
- of Planning Commission or Board of Zoning Adjustment	70.00
- of administrative decisions	70.00
(p) Home Business Permit	
- initial and renewals	free
(q) Outdoor Sales and Display Permit	free
(r) Annexation	\$220.00 plus State Board of Equalization fee
(s) Documents	
- Planning Commission Minutes	\$24.00/year
- Planning Commission Agendas	36.00/year
- Board of Zoning Adjustment Minutes	15.00/year
- Board of Zoning Adjustment Agendas	15.00/year
- Report and Documents, mailed	4.00
- Reports and Documents, picked up at City Hall	3.00

SECTION 2. EXEMPTIONS. Public agencies shall be exempt from all the above fees except those fees required for the preparation of Environmental Impact Reports; provided, however, that public agencies do not have to make an advance deposit for Environmental Impact Report preparation.

SECTION 3. REPEALS. Resolution No. 87-1219 is rescinded effective April 30, 1988.

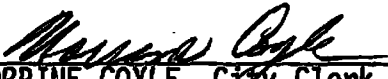
SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after May 1, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-144

A RESOLUTION APPROVING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED COLLEGE WEST NEIGHBORHOOD GENERAL PLAN AMENDMENTS AND AUTHORIZING THE FILING OF A NOTICE OF DETERMINATION.

WHEREAS, pursuant to the provisions of the Government Code 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 including the physical development of land outside its boundaries which, in the Commission's judgment, relates to its planning, and

WHEREAS, the Public Projects Committee recommended that an Environmental Impact Report be prepared on development of the College West Area for business park purposes, that a Neighborhood Zoning and Development Plan be prepared for the College West Area, and that a General Plan Amendment be prepared to redesignate the College West Area from Urban Reserve to Industrial for Business Park Uses, and

WHEREAS, the City Council on October 7, 1986 directed staff to prepare a General Plan Amendment, Neighborhood Zoning and Development Plan, and Environmental Impact Report for the College West Neighborhood, and

WHEREAS, the Planning Commission received and reviewed the General Plan Amendment, Neighborhood Zoning and Development Plan, and Final Environmental Impact Report and duly held a public hearing on said documents on December 14, 1987, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after review and consideration of said evidence, the Planning Commission, having determined and found that the adoption of the

proposed College West Neighborhood Amendment and expanded project alternative to the Land Use and Circulation Elements of the Modesto Urban Area General Plan would be in the interest of the general welfare has by Resolution No. 88-9 approved and recommended to the City Council an amendment to the Land Use and Circulation Elements of the Modesto Urban Area General Plan and further recommended that City Council adopt a statement of overriding considerations, and

WHEREAS, the Council on January 19, 1988, by Resolution No. 88-59, set February 9, 1988, at 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, as the time and place for consideration of the proposed amendment to the Land Use and Circulation Elements of the Modesto Urban Area General Plan and the Final Environmental Impact Report, and

WHEREAS, having duly continued the February 9, 1988 hearing, the City Council held a public hearing on said proposed amendment to the Land Use and Circulation Elements on February 23, 1988, at 7:30 p.m., in the Council Chambers at City Hall, Modesto, California, as required by law, at which public hearing evidence both oral and documentary was received and considered by the City Council, and

WHEREAS, the Council has received and reviewed the Final Environmental Impact Report prepared by the City of Modesto Department of Planning and Community Development, dated November 1987, for the project set forth in the proposed amendment to the Land Use and Circulation Elements of the General Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the adoption of the Proposed College

West Neighborhood Amendment and expanded project alternative to the Land Use and Circulation Elements of the Modesto Urban Area General Plan is required for the public health, safety and welfare for the following reasons:

1. The amendment will increase the City's inventory of industrial land and, upon development, add needed new jobs in greater proportion than attainable with agricultural uses.
2. A limited-access, 132-foot wide expressway loop will be the western boundary for the project and is expected to serve as a satisfactory division between urban and agricultural uses.
3. The amendment will allow for orderly development of the area bounded by Blue Gum Avenue, Morse Road extended, SPRR, Shoemake Avenue, and Poust Road, and
4. The amendment will assure that the area known as the College West Neighborhood shall be served by public sewer, water, a positive drainage system, and other municipal services, and

BE IT FURTHER RESOLVED by the Council that it hereby certifies that the Final Environmental Impact Report for the College West Neighborhood Amendment and expanded project alternatives to the Land Use and Circulation Elements of the Modesto Urban Area General Plan has been completed in compliance with the California Environmental Quality Act, the State CEQA Guidelines and local procedures adopted pursuant thereto, and that the Council has reviewed and considered the information contained in said Final Environmental Impact Report.

BE IT FURTHER RESOLVED by the City Council that it hereby makes the following findings with regards to the significant environmental impacts identified in the Final Environmental Impact Report:

1. Traffic

The Traffic Mitigation Measures set forth below shall be implemented by the City of Modesto and the property owner:

- a. Transportation Systems Management (TSM) measures and programs which have been successfully implemented elsewhere are a focus of consideration. These include:

Employee flex-time and/or staggered work hours;
Employer-sponsored programs to encourage ride sharing;
Employer-sponsorship of bus service and/or subsidy of employee transit passes;
Improved transit services; and
Facilities to encourage bicycle and pedestrian travel.

If aggressively implemented on a continuing basis, these kinds of management measures could reasonably result in a ten to twenty percent reduction in peak-hour peak-direction traffic volumes. An association of employers in the business park could facilitate coordination of transportation programs.

- b. The extension of Morse northerly and southerly. This measure will assist in reducing traffic on both Brink Avenue and Carpenter Road. This project can be accomplished in three stages as traffic demands. The first stage is northerly from Blue Gum Avenue to Beckwith Court at a width of two lanes of an eventual six lanes at the beginning of development. The second, an extension further north from Beckwith Road to Salida Boulevard at a width of two lanes of an eventual six lanes. The third, an extension south from Kansas Avenue to maze Boulevard at a width of two lanes of an eventual six lanes. These extensions will assist in reducing traffic on the Briggsmore and Beckwith overpasses.
- c. Increase of the number of lanes on the Briggsmore/ Carpenter overpass.
- (1) Eliminate existing bike lanes to accommodate additional vehicle lanes.
 - (2) Southern Pacific overpass/North 9th Street. The overpass should be striped for six lanes and coordinated to eliminate left turns into and out of North 9th Street.
 - (3) Freeway 99 overpass. Stripe the overpass for nine lanes which would result in reducing congestion by about 30 to 35 percent.
 - (4) Briggsmore and Carpenter. The roadways leading onto the overpass need to be widened as a result of the restriping proposal. Carpenter Road needs to be widened to five lanes to 800 feet south of Blue Gum Avenue.

- d. Signalize or upgrade signals at critical intersections. Controls at intersections near College West need to be upgraded to improve traffic flow in and around the project area. More sophisticated traffic controls are needed for the following intersections:
- (1) Briggsmore/Orangeburg;
 - (2) Briggsmore/Freeway 99 ramp;
 - (3) Standiford/Sisk; and
 - (4) Standiford Dale.
- e. Installation of Morse Road as a six lane expressway from Blue Gum Avenue to Beckwith Road to occur prior to any development on the College West Neighborhood.

That with the adoption of the measures set forth above, the significant environmental effect identified in the Final Environmental Impact Report resulting from the anticipated increase in traffic will be substantially mitigated.

2. Growth Inducement

That the growth-inducing impacts associated with this project as identified in the Final Environmental Impact Report is a significant Environmental effect which cannot be eliminated or mitigated to any substantial degree.

3. Loss of Agricultural Land

The agricultural land conversion impact associated with the project as identified in the Final Environmental Impact Report is a significant environmental effect which cannot be eliminated or mitigated to any substantial degree.

BE IT FURTHER RESOLVED by the City Council that it makes the following findings with regard to the project alternatives set forth in the Final Environmental Impact Report:

1. Alternatives Rejected

The No Project Alternative, the Delay Project Alternative, the Build-Elsewhere Alternative, and the Reduced Project Alternative are each rejected and found to be infeasible for the reasons set forth at pages 152 through 154 of the draft

Environmental Impact Report. In addition, these alternatives are rejected and found to be infeasible because of the need for developable industrial land and increased stable employment opportunities in the City of Modesto. In order to be able to effectively compete for the development of light industry, the City must increase its inventory of developable industrial land. At the present time, the City of Modesto has approximately 750 acres available for industrial development. As set forth below, this figure does not compare favorably with the amount of available industrial land in nearby cities.

Fresno - 9,300 acres
Sacramento - 7,000 acres
Stockton - 4,000 acres
Livermore - 3,000 acres

At buildout, depending on the density of the ultimate development, the project area will produce from 6,223 to 8,643 on-site jobs and from 16,535 to 19,826 off-site jobs.

2. Alternatives Adopted

For the reasons set forth at page 154 of the draft EIR, the City Council hereby adopts the Expanded Project alternative.

BE IT FURTHER RESOLVED by the City Council that since agricultural land conversion and growth inducement are two impacts which have been identified as significant environmental effects which are not eliminated or substantially mitigated and, further, since the traffic impact has been identified as a significant environmental effect which will be substantially mitigated, the Council hereby adopts the following statement of overriding considerations and thereby concludes that the benefits of the project outweigh any such adverse environmental effects:

There are overriding economic considerations which must prevail over the conversion of the approximately 270 acres of the prime farm land in the project area and the resulting traffic and growth inducing impacts. The City of Modesto at the present time does not have enough land available for industrial development to be competitive with nearby cities. The ultimate development of the project area has the potential to provide employment for up to nearly 20,000 Modesto residents. This contribution to the local economy in terms of employment opportunities would be greater than the present agricultural use.

BE IF FURTHER RESOLVED by the City Council that the Director of Planning and Community Development of the City of Modesto is hereby authorized and directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the approval of the College West Neighborhood General Plan amendments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: 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. 88-145

A RESOLUTION AMENDING THE LAND USE AND CIRCULATION ELEMENTS OF THE MODESTO URBAN AREA GENERAL PLAN TO CONVERT THE COLLEGE WEST AREA FROM URBAN RESERVE TO AN INDUSTRIAL DESIGNATION FOR BUSINESS PARK USES AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS AND THE CITY COUNCIL OF THE CITY OF CERES.

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)

and

WHEREAS, pursuant to the provisions of the Government Code 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 including the physical development of land outside its boundaries which, in the Commission's judgment, relates to its planning, and

WHEREAS, the Public Projects Committee recommended that an Environmental Impact Report be prepared on development of the College West Area for business park purposes, that a Neighborhood Zoning and Development Plan be prepared for the College West Area, and that a General Plan Amendment be prepared to redesignate the College West Area from Urban Reserve to Industrial for Business Park Uses, and

WHEREAS, the City Council on October 7, 1986 directed staff to prepare a General Plan Amendment, Neighborhood Zoning and Development Plan, and Environmental Impact Report for the College West Neighborhood, and

WHEREAS, the Planning Commission received and reviewed the General Plan Amendment, Neighborhood Zoning and Development Plan, and Final Environmental Impact Report and duly held a public hearing on said documents

on December 14, 1987, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after review and consideration of said evidence, the Planning Commission, having determined and found that the adoption of the proposed College West Neighborhood Amendment and expanded project alternative to the Land Use and Circulation Elements of the Modesto Urban Area General Plan would be in the interest of the general welfare has by Resolution No. 88-9 approved and recommended to the City Council an amendment to the Land Use and Circulation Elements of the Modesto Urban Area General Plan and further recommended that City Council adopt a statement of overriding considerations, and

WHEREAS, the Council on January 19, 1988, by Resolution No. 88-59, set February 9, 1988, at 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, as the time and place for consideration of the proposed amendment to the Land Use and Circulation Elements of the Modesto Urban Area General Plan and the Final Environmental Impact Report, and

WHEREAS, having duly continued the February 9, 1988 hearing, the City Council held a public hearing on said proposed amendment to the Land Use and Circulation Elements on February 23, 1988, at 7:30 p.m., in the Council Chambers at City Hall, Modesto, California, as required by law, at which public hearing evidence both oral and documentary was received and considered by the City Council, and

WHEREAS, the Council has received and reviewed the Final Environmental Impact Report prepared by the City of Modesto Department of Planning and Community Development, dated November 1987, for the project set

forth in the proposed amendment to the Land Use and Circulation Elements of the General Plan,

WHEREAS, the City Council on February 23, 1988 adopted Resolution No. 88-144 which approved the Final Environmental Impact Report for the College West Neighborhood General Plan Amendment,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby finds and determines that the adoption of the Proposed College West Neighborhood Amendment and expanded project alternative to the Land Use and Circulation Elements of the Modesto Urban Area General Plan is required for the public health, safety and welfare for the following reasons:

1. The amendment will increase the City's inventory of industrial land and, upon development, add needed new jobs in greater proportion than attainable with agricultural uses.
2. A limited-access, 132-foot wide expressway loop will be the western boundary for the project and is expected to serve as a satisfactory division between urban and agricultural uses.
3. The amendment will allow for orderly development of the area bounded by Blue Gum Avenue, Morse Road extended, SPRR, Shoemake Avenue, and Poust Road, and
4. The amendment will assure that the area known as the College West Neighborhood shall be served by public sewer, water, a positive drainage system, and other municipal services, and

BE IT FURTHER RESOLVED by the Council as follows:

1. That the Land Use Element of the General Plan be and hereby is amended to redesignate the western portion and the expanded project alternative of the College West Neighborhood from Urban Reserve to Industrial as shown on the map which is attached hereto and marked as Exhibit A and incorporated herein.
2. That the Circulation Element of the General Plan be and hereby is amended to continue the Morse Road segment of the Expressway Loop northerly from the Beckwith/Freeway 99 interchange to the Pelandale/Freeway 99 interchange as shown on the map which is attached hereto and marked as Exhibit A and incorporated herein.

3. That the College West Neighborhood Zoning and Development Plan be and hereby is adopted as shown on Exhibit B which is attached hereto and incorporated herein.
4. That prior to the further actions of annexation rezoning to Business Park Zone, and development, specific sources of funding for a Facilities Benefit District shall be identified and the phasing of all improvements shall be identified.
5. That the District referred to in the previous paragraph shall include provisions for payment by College West property owners for infrastructure to include their share of the traffic mitigation measures set forth in Modesto City Council Resolution No. 88-144 as well as the streets, storm drainage, and utilities to serve development proposals in the College West Neighborhood.
6. That funding shall be identified to insure construction of Blue Gum Avenue as a six-lane major street from Carpenter Road to north 9th Street prior to any development in the College West Neighborhood.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to certify copies of said Amended Land Use and Circulation Elements to the Board of Supervisors of the County of Stanislaus and to the City Council of the City of Ceres.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: 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. 88-146

A RESOLUTION ESTABLISHING A FEE FOR FILING A NOTICE OF INTENT TO CIRCULATE AN INITIATIVE PETITION AS PROVIDED BY LAW.

WHEREAS, Section 4002 of the Elections Code provides that before circulating an initiative petition in any city, the proponents of the matter shall file with the clerk a notice of intention to do so, which shall be accompanied by the written text of the initiative and may be accompanied by a written statement not in excess of 500 words, setting forth the reasons for the proposed petition, and

WHEREAS, effective January 1, 1988, Section 4002 of the Elections Code provides that any person filing a notice of intent with the clerk shall pay a fee to be established by the legislative body not to exceed two hundred dollars (\$200) to be refunded to the filer if, within one year of the date of filing the notice of intent, the clerk certifies the sufficiency of the petition, and

WHEREAS, the Council, by Resolution No. 88-123 adopted on February 9, 1988, set February 23, 1988 at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, as the time and place for consideration of establishing a fee for filing a notice of intent to circulate an initiative petition, as provided by the new State law, at which time and place said public hearing was held,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, as required by Section 4002 of the Elections Code, the Council hereby establishes a fee in the amount of two hundred dollars (\$200) to be paid by

cash or certified check by proponents filing a notice of intent to circulate an initiative petition. Said fee to be refunded to the filer if, within one year of the date of filing the notice of intent, the clerk certifies the sufficiency of the petition.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton,
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. 88-147

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE CONSTRUCTION OF T.B. SCOTT PARK RESTROOM

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

SECTION 1. The plans and specifications for the construction of T.B. Scott Park restroom 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 15, 1988, 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 February, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-148

A RESOLUTION REJECTING ALL BIDS FOR FURNISHING LIGHTING AND SOUND SERVICES AT THE MODESTO CENTRE PLAZA, OPENED IN THE OFFICE OF THE CITY CLERK ON FEBRUARY 9, 1988, AT 3:10 P.M., AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 88-53, adopted by the Council of the City of Modesto on January 19, 1988, approved the plans and specifications for furnishing lighting and sound services at the Modesto Centre Plaza, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of lighting and sound services at the Modesto Centre Plaza were opened at 3:10 p.m. on February 9, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, because of some confusion as to the bid bond requirements, it is recommended by staff that Council reject all bids and rebid the service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for furnishing lighting and sound services at the Modesto Centre Plaza and opened in the office of the City Clerk on February 9, 1988, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for furnishing lighting and sound services at the Modesto Centre Plaza to be opened March 22, 1988, at 3:00 p.m. 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 February, 1988, by Councilmember Sutton, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

RESOLUTION NO. 88 - 149

**A RESOLUTION OF INTENTION
TO MAKE ACQUISITIONS AND IMPROVEMENTS**

**CITY OF MODESTO
Local Improvement District No. 26
(Standiford-Sisk-Dale)**

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 hereto and made a part hereof.

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

3. All of said 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 hereinafter provided. There is to be excepted from the work above described any of such work already done to line and grade and marked excepted or shown not to be done on said plans, profiles and specifications. Whenever any public way is herein 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 said plans to be done therein. Said 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 said plans.

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

5. In cases where there is any disparity in level or size between the improvements proposed to be made herein and private property and where it is more economical to eliminate such disparity by work on said 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 such work on private property to eliminate such disparity. In such cases, said work on private property shall, with the written consent of the owner of said property, be done and the actual cost thereof may be added to the proposed assessment of the lot on which said work is to be done.

6. This Council does hereby adopt and establish as the official grades for said work the grades and elevations to be shown upon said plans, profiles and specifications. All such grades and elevations are to be in feet and decimals thereof 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 the description thereof. The plans and profiles of the work and maps and descriptions as contained in the Engineer's Report, hereinafter directed to be made and filed, shall be controlling as to the correct and detailed description thereof.

8. Said contemplated acquisitions and improvements, in the opinion of this Council, are of more than local or ordinary public benefit, and the costs and expenses thereof are made chargeable upon an assessment district, the exterior boundaries of which are shown on a map thereof on file in the office of the City Clerk, to which

reference is hereby made for further particulars. Said 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 said 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 departments thereof, shall be omitted from the assessment hereafter to be made to cover the costs and expenses of said acquisitions and improvements.

10. Said acquisitions and improvements are hereby referred to Alfred Kaufman, City Engineer of the City of Modesto, as Engineer of Work for this assessment district (the "Engineer of Work"), and said Engineer of Work is hereby directed to make and file with said 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 improvement 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 or 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.

(e) A diagram showing, as they existed at the time of the passage of the resolution of intention, 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 pursuant to subdivision (e).

When any portion or percentage of the costs and expenses of said acquisitions and improvements is to be paid from sources other than assessments, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of said acquisitions and improvements, and said assessment shall include only the remainder of the estimated cost and expenses.

11. If any excess shall be realized from the assessment it shall be used, in such 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

(c) For the maintenance of the improvements.

12. Michael B. Gilton, Senior Civil Engineer, Engineering Department, City of Modesto, is hereby designated as the person to answer inquiries regarding any protest proceedings to be had herein, and may be contacted during regular office hours at 801 – 11th Street, Modesto, California, 95353, or by calling (209) 577-5261.

13. To the extent that any of the work, rights, improvements and acquisitions indicated in the Engineer's Report, to be made as provided herein, 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 such public agency or public utility pursuant to Chapter 2 (commencing with Section 10100) of Division 12 of the Code, which agreement may provide for, among other matters, the ownership, operation and maintenance by such agency or utility of said works, rights, improvements and acquisitions, and may provide for the installation of all or a portion of such improvements by said agency or utility and for the providing of service to the properties in the area benefiting from said work, rights, improvements and acquisitions by such agency or utility in accordance with its rates, rules and regulations, and that such 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 any such agreement.

14. Notice is hereby given that serial bonds 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 such bonds, will be issued hereunder in the manner provided by the Improvement Bond Act of 1915, Division 10 of the Code, the last installment of which bonds shall mature not to exceed twenty-four (24) years from the second day of September next succeeding twelve months from their date. The provisions of Part 11.1 of said Division 10 of said Code, providing an alternative procedure for the advance payment and calling of bonds, shall apply to said 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 said Division 10 of said Code. 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 said bonds; provided, however, that a determination not to obligate itself shall not prevent the City from, in its sole discretion, so advancing funds.

Said bonds may be refunded pursuant to the provisions of Division 11.5 of the Code upon the determination of the City Council of the City that the public interest or necessity requires such refunding. Such 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 said assessments to given to owners of property assessed for the works herein described. Said 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 said refunding bonds, which resolution of intention shall also set forth the maximum term of years of said 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

Code, 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 said Division 11.5.

15. Notice is hereby given that it is the intention of this Council to comply with the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 of the Streets and Highways Code of the State of California) ("Division 4") by proceeding under Part 7.5 of said Division 4. Pursuant to said intention, it is hereby directed that the report referenced in Section 10 of this resolution shall include the following information:

(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; and

(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 the instant proceedings. Total true value may be estimated as the full cash value of the parcels as shown upon the last equalized assessment roll of the County of Stanislaus.

16. 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.

17. 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 thereto for the use and benefit of the assessment district contemplated by this Resolution, and to consider authorizing application of such revenues as a credit upon the assessment proposed to be levied in proceedings pursuant hereto.

THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson
Mayor Whiteside

NOES: Councilmembers: None

ABSTAIN/ABSENT: Councilmembers: Sutton (absent)

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(S E A L)

APPROVED AS TO FORM:

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

CITY OF MODESTO
Local Improvement District No. 26
(Standiford–Dale–Sisk)

DESCRIPTION OF WORK

Within the City of Modesto, County of Stanislaus, State of California, the construction of the following improvements, together with the acquisition of all required lands, easements, rights of way, licenses, permits, and franchises and the construction of all auxiliary work necessary and/or convenient to the accomplishment thereof:

1. The Standiford–Dale–Sisk intersection. The specific work at the Standiford–Dale–Sisk intersection will include: widening of the intersection, new traffic signals, curbs, gutters, sidewalks, street lights and positive storm drainage.

2. Widening of Standiford from its present two–lanes to four–lanes from Dale Road to the widened section near Prescott Road. The work planned for Standiford from Dale Road east to the four–lane section near Prescott will include: road widening, curb, gutters and sidewalk, street lights, positive storm drainage and payment to the City for the traffic signal at Standiford and Prescott.

3. Widening of Sisk Road from its present two lanes to four lanes from Brenner to Conant. The work planned for Sisk Road will include: road widening, curb, gutters and sidewalks, street lights, positive storm drainage and a traffic signal at Sisk and Rumble Road.

RESOLUTION NO. 88 - 150

**A RESOLUTION APPROVING AGREEMENT FOR LEGAL SERVICES
AND AUTHORIZING EXECUTION THEREOF**

**CITY OF MODESTO
Local Improvement District No. 26
(Standiford-Sisk-Dale)**

RESOLVED, by the City Council (the "Council") of the City of Modesto (the "City"), County of Stanislaus, California, that that certain Agreement for Legal Services between the City of Modesto and Jones Hall Hill & White, A Professional Law Corporation, this date presented to this Council, is hereby approved, and the City Manager of the City of Modesto is hereby authorized to execute said Agreement on behalf of the City of Modesto and the City Clerk of the City of Modesto is hereby directed to attest the signature of the City Manager and affix thereto the official seal 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 23rd day of February, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson
Mayor Whiteside

NOES: Councilmembers: None

ABSTAIN/ABSENT: Councilmembers: Sutton (absent)

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

JONES HALL HILL & WHITE,

A PROFESSIONAL LAW CORPORATION

AGREEMENT FOR LEGAL SERVICES

CITY OF MODESTO

Local Improvement District No. 26

(Standiford-Sisk-Dale)

Special Assessment Proceedings

This Agreement is between City of Modesto, A Municipal Corporation, County of Stanislaus, California (the "City"), and Jones Hall Hill & White, A Professional Law Corporation, San Francisco, California (the "Attorneys"), and is for special bond counsel services for the above special assessment proceedings.

A. Under this Agreement, Attorneys agree to:

1. Consult with City administrative officers and assist in the formulation of a coordinated financial, engineering, and legal program for the project.
2. Confer with City engineers as to the sufficiency of the Engineer's Report to be prepared in said special assessment and assessment bond proceedings to meet the requirements of law and review said report for compliance with law, and provide such legal forms as may be required for legal adequacy.
3. Prepare all resolutions, orders, ordinances, notices, affidavits, petitions, and documents of a legal nature that are necessary for the conduct of an effective, legal assessment and assessment bond proceeding.
4. Prepare the necessary legal documents for and assist in obtaining the required consent or approval of any other public legislative bodies.
5. Prepare the form of statutory notices of hearing and prepare instructions as to the publication, posting and mailing of such notices to assure that jurisdiction is acquired at any public hearing.
6. Prepare instructions relating to the proper filing of the map showing district boundaries, the proper recordation of the assessment roll and diagram and the notice of assessment, the proper filing of the diagram in the County Recorder's office, and the proper publication and mailing of notices to pay assessments.
7. Prepare or supervise preparation and distribution of factual information regarding the project to the property owners affected thereby, to the end that all concerned are fully and fairly informed of the facts regarding the project, when deemed necessary or desirable.
8. Prepare for and attend all meetings of the City or other public bodies relating to the proceedings and other public or staff meetings deemed necessary for the proper

conduct of the proceedings, or when called upon by you, including any public hearing in connection with the formation of the assessment district, and obtain and assist in the presentation of substantial evidence to support any findings made by the Council at the conclusion of any such hearing.

9. Prepare the List of Unpaid Assessments and provide instructions as to the execution and filing thereof.

10. Without undertaking an independent investigation, review any official statement or private placement memorandum prepared in connection with the financing proceedings.

11. Prepare and provide a receipt for the sale of bonds; a receipt for the proceeds of bonds; a signature certificate; and an arbitrage certificate and bond counsel arbitrage opinion, if required, to accompany the delivery of the bonds.

12. Prepare and provide complete transcripts of the conduct of the financing proceedings if necessary to accompany the delivery of the bonds.

13. Upon due and proper completion of the assessment proceedings, provide the legal opinion of our office approving in all regards the legality of the proceedings for the authorization, issuance, sale and delivery of bonds, levy of assessments, or other transactions relating to said financing conducted pursuant to our advice, and the opinion of our office that the interest on said bonds is exempt from taxation by the United States of America and from personal income taxes imposed by the State of California under existing statutes, regulations, rulings and judicial decisions and that said bonds are exempt from all other State of California taxes except inheritance, gift and franchise taxes.

14. Confer and consult with City officials with regard to problems which may arise during the period of servicing and payment of the bonds.

B. Under this Agreement, City agrees that:

1. Attorneys' compensation for such services shall be 1½% of the assessment (provided only that the minimum fee for any single proceeding shall be \$20,000.)

2. Attorneys' compensation is payable and shall be paid solely from the proceeds of the assessments to be levied and bonds to be issued pursuant to said proceedings and not otherwise. In the event more than a single assessment district is formed for completion of the project, the foregoing fee shall be applied to each district so formed. In the event the proceedings are terminated before bonds are issued, the City shall not be liable for Attorneys' compensation.

3. There are excepted from the services to be rendered by Attorneys for such compensation, any services as right-of-way agent relating to the acquisition of lands, easements, or properties. There is also excluded any service to be rendered in eminent domain proceedings directed by you to be undertaken by us, or in any other litigation involving the City including the prosecution of any validating suit deemed by us to be proper or advisable. Additionally, if Attorneys are requested to render substantial

assistance relating to the application for federal or state grants or loans in connection with the project, or for the sale of any bonds to the State of California or the Federal Government, or to any agency, division, department or mandatory thereof, Attorneys shall receive the reasonable value of such services.

4. For any excluded services which Attorneys are directed to render, compensation shall be made on a reasonable fee basis to be agreed upon.

5. There are also excluded any clerical services and postage expended in mailing official notices of sale and official statements, notices of hearing or notices to pay or in the preparation of any bond register or auditor's record in any assessment proceedings when assumed and performed by us, for which services Attorneys are to be paid a reasonable clerical fee and be reimbursed for outlays of postage and other out-of-pocket expenses.

6. It is understood that neither Attorneys nor any individual representing Attorneys possesses any authority with respect to any decision of the City Council or any City officials beyond the rendition of information, advice, recommendation, or counsel.

7. This agreement may be terminated or modified by mutual consent at any time.

Dated as of February 23, 1988

JONES HALL HILL & WHITE,
A Professional Law Corporation

By 

The foregoing agreement was accepted by motion of the City Council, duly adopted at a meeting thereof held on the _____ day of _____, 1988.

CITY OF MODESTO, a municipal
corporation

[S E A L]

By _____
GARTH LIPSKY, City Manager

ATTEST:

By _____
NORRINE COYLE, City Clerk

RESOLUTION NO. 88 - 151

**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. 26
(Standiford-Sisk-Dale)**

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

WHEREAS, on February 23, 1988, this Council adopted Resolution No. 88-149, a
Resolution of Intention to Make Acquisitions and Improvements, in which said
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, said report has been made and filed and duly considered by this
Council;

NOW, THEREFORE, IT IS ORDERED, as follows:

1. Said report as a whole and each part thereof, 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 said 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 said district in proportion to the estimated benefits to be received by said subdivisions, respectively, from said acquisitions and improvements, and of the expenses incidental thereto; are sufficient and are preliminarily approved.

2. Said report shall stand as the Engineer's Report for the purpose of all subsequent proceedings herein.

3. Tuesday, April 12, 1988, at the hour of 7:30 o'clock p.m., in the regular meeting place of this Council, 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 said acquisitions and improvements, and when and where it will consider and finally act upon said Engineer's Report.

4. The City Clerk shall cause notice of said 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 said assessment district at not more than three hundred feet apart, and not less than three in all. The first publication of said notice shall be made and said posting shall be completed at least twenty days before the date herein set for said hearing. Said 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 said Resolution of Intention, the filing of said report, the date, hour and place set for and the purpose of the hearing on said resolution and report and of protests; the total estimated cost, and a brief description of the proposed acquisitions and improvements; that any person interested may file a protest in writing as provided in

Division 12 of the Streets and Highways Code; and reference to said resolution and report for further particulars.

5. Said Clerk shall also cause notice of said hearing to be mailed, postage prepaid, at least twenty days before the date herein set for said 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 said Clerk. Said notices shall contain, in addition to the matters provided above for the notice to be published and posted, the amount, as shown by said report, to be assessed against the particular parcel covered by each such notice, respectively. Said notices shall be mailed to such owners at their addresses as same appear on said assessment roll, or as known to said Clerk, or to both if not the same.

6. The proposed boundaries of said assessment district are hereby described as shown on a map thereof filed in the office of said 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 such district, reference to such map being hereby made for particulars. Said map contains the name of said City and a distinctive designation in words or by number of the district shown thereon.

7. Said Clerk shall endorse certificates on the original and at least one copy of said map evidencing the aforesaid 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 said hearing, shall file a copy thereof with the County Recorder of the County of Stanislaus, in which County all of such proposed assessment district is located. The County Recorder shall endorse on said copy of said 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 such map by the name of said 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 23rd day of February, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson
Mayor Whiteside

NOES: Councilmembers: None

ABSTAIN/ABSENT: Councilmembers: Sutton (absent)

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

RESOLUTION NO. 88 - 152

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS, CALLING FOR SEALED PROPOSALS AND FIXING LIQUIDATED DAMAGES FOR FAILURE TO COMPLETE THE WORK WITHIN TIME SPECIFIED

**CITY OF MODESTO
Local Improvement District No. 26
(Standiford-Sisk-Dale)**

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

WHEREAS, on February 23, 1988, this Council adopted Resolution No. 88-149, A Resolution of Intention to Make Acquisitions and Improvements, and plans and specifications suitable for calling for bids for construction of said improvements have been submitted for approval by this Council;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. That said plans and specifications for the construction of said improvements, on file in the office of the City Clerk of this City, are hereby approved.
2. Said Clerk is hereby directed to publish once a week for two weeks in the Modesto Bee, a newspaper published and circulated in the City of Modesto a notice inviting sealed proposals or bids for the construction of said improvements, and referring to the plans and specifications on file in the office of said Clerk, the first publication of which notice shall be at least fourteen (14) days prior to the time fixed for opening bids.
3. All proposals or bids shall be accompanied by cash, a cashier's or certified check payable to the order of the City of Modesto amounting to ten percent (10%) of the bid, or by a bond in said amount and payable to the City of Modesto signed by the bidder and a corporate surety or by the bidder and two sureties who shall justify before any officer competent to administer an oath, in double said amount and over and above

all statutory exemptions. The amount so posted shall be forfeited to this City in case the bidder depositing the same does not, within fifteen (15) days after written notice that the contract has been awarded to him, enter into the contract to construct said improvements.

4. Pursuant to Section 1773 of the Labor Code of the State of California, the City of Modesto has obtained from the Director of the Department of Industrial Relations the general prevailing rate of *per diem* wages and the general prevailing rate for holidays and overtime work for each craft, classification, or type of workman required to execute the contract. A copy of said prevailing rate of *per diem* wages is on file in the principal office of the City of Modesto, to which reference is hereby made for further particulars. Said prevailing rate of *per diem* wages will be made available to any interested party upon request, and a copy thereof shall be posted at the job site.

5. That in the event the contractor, contracting owners included, does not complete the work within the time limit specified in the proposed contract or within such further time as this Council shall have authorized, the contractor or contracting owners, as the case may be, shall pay to this City liquidated damages in the amount of Eight Hundred and No/100 Dollars (\$800.00) per calendar day for each and every day's delay in finishing the work beyond the completion date specified in said contract. Additional provisions with regard to said time of completion and liquidated damages are set forth in the specifications, which provisions are hereby referred to and incorporated herein by reference.

6. Said sealed proposals or bids shall be delivered to the City Clerk of this City on or before 11:00 o'clock a.m. on March 29, 1988, said time being not less than fourteen (14) days from the time of the first publication of said notice. Bids will be publicly opened, examined and declared on said day and hour, and referred to and

considered by this Council at its meeting Tuesday, April 12, 1988, at the hour of 7:30
o'clock p.m..

THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson
Mayor Whiteside

NOES: Councilmembers: None

ABSTAIN/ABSENT: Councilmembers: Sutton (absent)

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. 88-153

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOE A. AND ADA M. FERNANDEZ TO ACQUIRE 0.131+ ACRES OF RIGHT OF WAY TO WIDEN THE CORNER AT EAST ORANGEBURG AND LAKEWOOD AVENUES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Joe and Ada M. Fernancez to acquire 0.121+ acres of right of way to widen the corner at East Orangeburg and Lakewood Avenues

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 February, 19⁸⁸, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-154

A RESOLUTION ACCEPTING IMPROVEMENTS IN CAPE COD ESTATES NO. 7 SUBDIVISION AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Arambel & Rose Development, subdividers of Cape Cod Estates No. 7 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$305,900.00 and \$152,950.00 respectively to guarantee improvements in Cape Cod Estates No. 7 and;

WHEREAS, the Director of Engineering in a memorandum dated February 17, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the 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. 7 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$305,900.00 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 \$ 152,950.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor, Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-155

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
CAROLINA CASUALTY INSURANCE FOR TRANSIT LIABILITY INSURANCE

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Carolina Casualty
Insurance for transit liability insurance for the period of March 1, 1988, to
March 1, 1989

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
February, 1988, by Councilmember Patterson,
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-156

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
LLOYDS OF LONDON FOR RENEWAL OF AIRPORT LIABILITY INSURANCE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Lloyds of London for renewal of Airport liability insurance for the period March 1, 1988, to March 1, 1989

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 February, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-157

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
AMERICAN EMPIRE SUPPLUS LINES TO RENEW PUBLIC OFFICIALS ERRORS AND OMISSIONS
INSURANCE POLICY**

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and American Empire Surplus Lines for renewal of public officials errors and omissions insurance policy for the period of March 1, 1988, to March 1, 1989

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 February, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-158

A RESOLUTION OPPOSING CALIFORNIA STATE SENATE BILL 1995 BY
SENATOR W. DEDDEH.

WHEREAS, State Senate Bill 1995 has been introduced by Senator
Deddeh, and

WHEREAS, this bill will make all federal monies from the Surface
Transportation Fund not expended by June 30, 1988, subject to state highway
provisions known as the north/south split and the county minimums formula, and

WHEREAS, the City of Modesto's federal demonstration grant of \$10.4
million to relocate the Union Pacific Railroad from 9th Street will not be
expended by June 30, 1988, and

WHEREAS, only .4% to 1.9% of our federal grant will be spent on a
state highway system, and

WHEREAS, Modesto's \$10.4 million grant will be considered state
highway work done in northern California, and

WHEREAS, all 45 northern California counties will be penalized for
Modesto's project,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto vigorously opposes SB 1995.

BE IT FURTHER RESOLVED that the Council of the City of Modesto urges
the League of California Cities, the Stanislaus County Board of Supervisors,
the City Councils of all the cities in Stanislaus County, and the Boards of
Supervisors in the other 44 northern California counties to oppose SB 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-159

A RESOLUTION APPOINTING MEMBERS OF THE PLANNING COMMISSION (JEFF GROVER AND ROBERT DUNBAR)

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

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

SECTION 1. The following persons ^{are} / hereby appointed to the Planning Commission:

Jeff Grover
1204 Romano Way
Modesto, Ca. 95355

Robert Dunbar
3201 Canterbury Court
Modesto, Ca. 95350

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed 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 23rd day of February, 1988, 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: Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-160

A RESOLUTION APPOINTING LECPOLD PRESCOTT TO THE BOARD OF ZONING ADJUSTMENT AND REAPPOINTING CHARLES HARDING TO THE BOARD OF ZONING ADJUSTMENT

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

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

SECTION 1. The following persons ^{are} hereby appointed to the Board of Zoning Adjustment for the respective term as indicated:

Charles Harding
1224 Mills Avenue
Modesto, Ca. 95350
Term to expire 1/1/92

Leopold Prescott
905 Edinburgh
Modesto, Ca. 95350
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 members of the Board of Zoning Adjustment and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-161

A RESOLUTION APPOINTING MEMBERS OF THE INTERNATIONAL FRIENDSHIP COMMITTEE
(ELWYN JOHNSON, PHILIP PIMENTEL, DUARTE SILVA, AND MARIDALE SMITH)

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

SECTION 1. The following persons ^{are} hereby appointed to the International
Friendship Committee for the respective term as indicated:

Elwyn Johnson	Term to expire January 1, 1992
Philip Pimentel	Term to expire January 1, 1989
Duarte Silva	Term to expire January 1, 1992
Maridale Smith	Term to expire January 1, 1992

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed members 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 23rd day of February, 1988,
by Councilmember McGrath, who moved its adoption, which motion being
duly seconded by Councilmember Sutton, was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 88-162

A RESOLUTION APPROVING AN OFFER FROM THE MODESTO IRRIGATION DISTRICT TO CO-SPONSOR THE CITY'S 1988 SUMMER YOUTH BEGINNING SWIM LESSONS PROGRAM.

WHEREAS, the Modesto Irrigation District Board of Directors has made a commitment to increase the number of youngsters learning to swim, and

WHEREAS, to achieve said commitment, the Modesto Irrigation District Board of Directors has offered to co-sponsor this summer's youth beginning swim lessons program sponsored by the City of Modesto Parks and Recreation Department, and

WHEREAS, the Modesto Irrigation District has offered to pay the enrollment fee of \$3.00 charged for each child, up to 600 children, participating in said program, and

WHEREAS, the Modesto Irrigation District submitted a request to the Council of the City of Modesto that the Council approve the Modesto Irrigation District's offer to be co-sponsor of the City's 1988 summer youth beginning swim lessons program, and

WHEREAS, through the monthly bill insert sent to their customers, the Modesto Irrigation District has offered to publicize said beginning swim lessons program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Modesto Irrigation District Board of Director's offer to co-sponsor the 1988 summer youth beginning swim lessons program is hereby approved.

BE IT FURTHER RESOLVED that the Council acknowledges that the Modesto Irrigation District will pay the enrollment fee of \$3.00 charged for each child, up to 600 children, participating in said program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-163

A RESOLUTION ESTABLISHING AN IMPOUNDED VEHICLE RELEASE FEE.

WHEREAS, Section 3-10.26 of the Modesto Municipal Code regulates the disposition of impounded vehicles in the City of Modesto, and

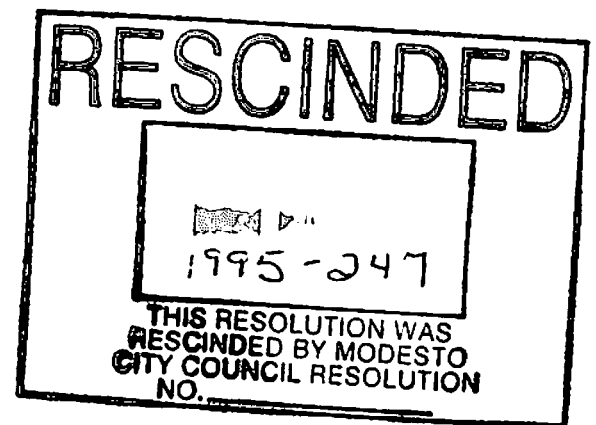
WHEREAS, on 3/1/88, the City Council introduced Ordinance No. 2578-C.S. relating to an amendment to Section 3-10.26 of the Modesto Municipal Code to provide that an impounded vehicle release fee shall be established by resolution adopted from time to time by the Council of the City of Modesto, and

WHEREAS, a written release must be obtained from the Modesto Police Department to secure release of an impounded vehicle, and

WHEREAS, the Police Department of the City of Modesto must issue said written release,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in accordance with Modesto Municipal Code Section 3-10.26, an impounded vehicle release fee in the amount of \$15.00 shall be charged all persons seeking a written release of a vehicle to cover the costs of processing and issuing said written release.

BE IT FURTHER RESOLVED that the impounded vehicle release fee established by this resolution shall become effective and apply on and after the effective date of Ordinance No. 2578-C.S.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1 day of March, 1988, by Councilmember McGrath, 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: Irizarry, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-164

A RESOLUTION ACCEPTING THE BID OF WEAVER'S WOVEN WIRE FOR THE INSTALLATION OF CHAIN LINK FENCING IN EAST LA LOMA PARK

WHEREAS, Resolution No. 88-93, adopted by the Council of the City of Modesto on February 2, 1988, approved the plans and specifications for the installation of chain link fencing in East La Loma Park and authorized the calling for bids; and

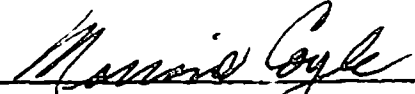
WHEREAS, the bids received for the installation of chain link fencing in East La Loma Park were opened at 11:15 a.m. on February 23, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Weaver's Woven Wire in the amount of \$13,930 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Weaver's Woven Wire in the amount of \$13,930 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 March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-165

A RESOLUTION ACCEPTING THE BID OF JOE MARTIN PIPELINE, INC. FOR THE ROSELLE AVENUE WATERLINE EXTENSION

WHEREAS, Resolution No. 88-91, adopted by the Council of the City of Modesto on February 2, 1988, approved the plans and specifications for the Roselle Avenue waterline extension and authorized the calling for bids; and

WHEREAS, the bids received for the Roselle Avenue waterline extension were opened at 11:05 a.m. on February 23, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Joe Martin Pipeline, Inc. in the amount of \$26,730 be accepted as the lowest responsible bid.

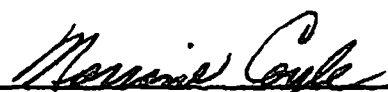
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Joe Martin Pipeline, Inc. in the amount of \$26,730 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-166

A RESOLUTION ACCEPTING THE BID OF B & L COMMERCIAL INDUSTRIAL BUILDERS FOR THE LAKEWOOD AND SIPHERD PARK RESTROOMS AND WADING POOLS

WHEREAS, Resolution No. 88-78 , adopted by the Council of the City of Modesto on January 26, 1988 , approved the plans and specifications for the Lakewood and Sipherd Park restrooms and wading pools and authorized the calling for bids; and

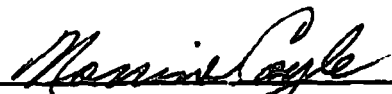
WHEREAS, the bids received for the Lakewood and Sipherd Park restrooms and wading pools were opened at 11:00 a.m. on February 23, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of B & L Commercial Industrial Builders in the amount of \$274,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of B & L Commercial Industrial Builders in the amount of \$274,000 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 1st day of March , 19 88, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-167

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF
TRAFFIC SIGNAL CONTROLLERS FROM SIGNAL CONTROL SALES COMPANY

WHEREAS, the Utility Services Electrical Division is requesting the purchase of twelve traffic signal controllers to be used to upgrade existing controllers in various locations throughout the City; and

WHEREAS, Signal Control Sales Company located in Burlingame, Ca. is the only known source to provide the complete cabinet and controller assembly.

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


BE IT FURTHER RESOLVED that purchase of traffic signal controllers from Signal Control Sales Company for the total price of \$50,168 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 March, 1988, 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; Irizarry, Lang, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside .

NOES: Councilmembers; None

ABSENT: Councilmembers; None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-168

A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF NECESSITY TO ACQUIRE PARCELS FROM NICK MASELLIS, CHARLES GIANNINI AND GREGORY STEVENSON NEEDED FOR THE SCENIC/SUNNYSIDE TO ROSE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that April 5, 1988, 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 parcels from Nick Masellis, Charles Giannini and Gregory Stevenson needed for the Scenic/Sunnyside to Rose project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-169

JOINT POWERS

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY AND CITIES IN THE COUNTY FOR PARTICIPATION IN THE CAL-ID PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the ^{joint powers} agreement between the City of Modesto and Stanislaus County and cities in the County for participation in the CAL-ID Program (computerized fingerprint service) through the California Department of Justice

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-170

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$45,500 FROM CONTINGENCY RESERVE TO FUND PARTICIPATION IN A JOINT POWERS COMPUTERIZED FINGERPRINT SERVICE WITH THE COUNTY AND CITIES IN THE COUNTY

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)	\$45,500
TO:	CAL-ID Program (130 190 P738 6000)	\$45,500

To fund participation in a joint powers CAL-ID Program (computerized fingerprint service) with the County and cities in the County through the California Department of Justice.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-171

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WINGS WEST AIRLINES INC. dba AMERICAN EAGLE FOR THEIR OPERATION AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Wings West Airlines Inc. dba American Eagle for their operation at the Airport

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-172

A RESOLUTION OF INTENTION TO ESTABLISH A PUBLIC FACILITIES DISTRICT FOR THE PURPOSE OF ACQUIRING RIGHT OF WAY AND BUILDING A SIDEWALK AT 1316 AND 1322 EAST ORANGEBURG AVENUE IN THE CITY OF MODESTO (PUBLIC FACILITIES DISTRICT 5).

WHEREAS, Section 7-1.804 of the Modesto Municipal Code provides that the City Council may initiate proceedings for the designation of an area of benefit for a proposed public facilities project by adopting a resolution stating its intention to do so, and

WHEREAS, Section 7-1.804 further provides that the City Council shall refer the proposed public facilities project to the City Manager and shall direct said City Manager with the assistance of City departments and, where appropriate, interested landowners, to make and file with the City Clerk a report in writing which shall contain the information required by said section, and

WHEREAS, Section 7-1.805 of the Modesto Municipal Code provides that upon receipt of the report described in Section 7-1.804, the City Council may declare its intention to designate an area of benefit by adoption of a resolution of intention, and

WHEREAS, on January 19, 1988 this Council adopted Resolution No. 88-63 which proposed to establish Public Facilities District 5 for the purpose of financing for acquiring right of way, and constructing curb, gutter and sidewalk at 1316 and 1322 East Orangeburg Avenue in the City of Modesto, and

WHEREAS, the City Manager has caused the Director of Engineering Services to prepare and submit to this Council a report dated January 1988,

which report contains the information required by Section 7-1.804 of the Modesto Municipal Code, a copy of which report is on file in the office of the City Clerk,

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

SECTION 1. The Council of the City of Modesto hereby declares its intention to establish Public Facilities District 5 for the purpose of financing for acquiring right of way, and constructing curb, gutter and sidewalk at 1316 and 1322 East Orangeburg Avenue in the City of Modesto.

SECTION 2. The report prepared by the Director of Engineering Services dated January 1988, on file in the office of the City Clerk, sets forth all the information required by subsections (a) through (f) of Section 7-1.805 of the Modesto Municipal Code for the purpose of establishing Public Facilities District 5.

SECTION 3. Notice is hereby given that April 5, 1988, 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 designation of the area of benefit relating to the proposed establishment of Public Facilities District 5.

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 and by mailing copies of the resolution of intention to the owners of the properties located within the proposed area of benefit at the addresses shown on the last equalized

assessment roll, or as otherwise known to the City Clerk, or by any other means which the City Clerk finds reasonably calculated to apprise affected landowners of the hearing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton,
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. 88-173

A RESOLUTION APPROVING APPROPRIATION TRANSFER IN THE AMOUNT OF \$6,000 TO PROVIDE FOR THE MASTER PLAN AND PRELIMINARY SURVEY OF THE MCKINNEY COLONY NEIGHBORHOOD PARK SITE

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)	\$6,000
TO:	McKinney Colony Neighborhood Park (130-380-P243)	\$6,000

To provide for the master plan and preliminary survey of the McKinney Colony Neighborhood Park site.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-174

A RESOLUTION APPROVING THE FINAL MAP OF THE DRY CREEK
BLUFF SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, CPC/LEW Venture, a joint venture is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 17.90 acres, known as the Dry Creek Bluff Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 16th day of March, 1987, 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 Dry Creek Bluff 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 1 day of March , 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-175

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

WHEREAS, Sutco Construction, Inc., a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 2.355 acres, known as the Shawnee Meadows Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 8th day of June, 1987, 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 Shawnee Meadows Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1 day of March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Morrine Coyle*
MORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-176

A RESOLUTION APPROVING THE FINAL MAP OF THE WESTRIDGE NO.
5 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Zagaris Management Services, Inc. is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 4.584 acres, known as the Westridge No. 5 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 5th day of January, 1987, 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 Westridge No. 5 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1 day of March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Morrine Coyle
MORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-177

A RESOLUTION ACCEPTING THE RESIGNATION OF MIGUEL DONOSO FROM THE
INTERNATIONAL FRIENDSHIP COMMITTEE

WHEREAS, Miguel Donoso was appointed a member of the International
Friendship Committee on March 10, 1987; and

WHEREAS, Miguel Donoso has tendered his resignation from the International
Friendship Committee, effective February 17, 1988.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Miguel Donoso from
the International Friendship 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
appreciation to Miguel Donoso 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 1st day of March, 1988, by Council-
member 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-178

A RESOLUTION DENYING THE APPEAL OF LORAIN MUELLER TO A DECISION OF THE CHIEF OF POLICE REVOKING AN AFTER-HOURS PERMIT AT HIGH CHAPPARAL, 1800 PRESCOTT ROAD, MODESTO AND AFFIRMING THE DECISION OF THE CHIEF OF POLICE.

WHEREAS, Section 4-1.413 of the Modesto Municipal Code requires that any holder of a Public Dance Hall Permit also have a valid permit to operate said dance hall between the hours of two o'clock a.m. and five o'clock a.m., and

WHEREAS, an After-Hours Permit for High Chapparal, located at 1800 Prescott Road, Modesto, California, was issued in August of 1987, and

WHEREAS, certain violations constituting misdemeanors under Section 4-1.410 of the Modesto Municipal Code have occurred at the High Chapparal, and

WHEREAS, the Chief of Police notified Loraine Mueller, owner of the High Chapparal, of the various violations and of his intention to revoke the After-Hours Permit, and

WHEREAS, after a public hearing on February 16, 1988, to carefully review and consider information and reports concerning said violations, it was determined that Loraine Mueller had not shown cause why the After-Hours Permit should not be revoked, and

WHEREAS, Loraine Mueller was notified that High Chapparal's After-Hours Permit was to be revoked under the authority of Modesto Municipal Code Section 4-1.413 effective March 4, 1988, and of her right to appeal said revocation, and

WHEREAS, an appeal to the revocation was filed by Loraine Mueller with the City Clerk of the City of Modesto on February 26, 1988, and

WHEREAS, said matter was set for public hearing before the City

Council at its regular meeting place located in the Council Chambers in City Hall, 801 - 11th Street, Modesto, California, at 7:30 p.m. on March 8, 1988, and

WHEREAS, at said meeting the Council, after hearing evidence both oral and documentary, found and determined that the appeal of Loraine Mueller to the revocation of the After-Hours Permit of the High Chapparal should be denied based upon the violations hereinafter set forth which constitute a misdemeanor under Section 4-1.410 of the Modesto Municipal Code and that the decision of the Chief of Police should be affirmed:

1. Failure to provide security personnel and to control crowds that gather in the parking lot after 2:00 a.m.
2. Failure to provide adequately lighted parking facilities.
3. Permitting unlawful conduct in the parking lot of the establishment.
4. Permitting minors to consume alcoholic beverages on the premises.
5. Permitting patrons to possess open containers in the parking lot which is within 300 feet of the establishment.
6. Permitting customers to bring liquor into the premises and to possess and use open containers of alcoholic beverages while inside the establishment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Loraine Mueller to the decision of the Chief of Police revoking said After-Hours Permit is hereby denied and the decision of the Chief of Police is affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1988, by Councilmember McGrath, 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: Lang, McGrath, Muratore, Patterson,
Sutton, Irizarry, 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. 88-179

A RESOLUTION DENYING THE APPEAL FILED BY ISADORE KURLAND TO A PLANNING COMMISSION DECISION DENYING A REZONING FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D, PROPERTY LOCATED ON THE WEST SIDE OF CARVER ROAD SOUTH OF STANDIFORD AVENUE, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Isadore Kurland on December 14, 1987, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone P-D, property located on the west side of Carver Road south of Standiford Avenue, described as follows:

All that real property situate in a portion of Lot 1 as shown on the map of the Knapp Tract filed in Volume 2 of Maps, on Page 2, Stanislaus County Records, and lying in the Southwest Quarter of Section 7, 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 Northwest corner of Parcel "1" as shown on that certain parcel map filed in the office of the Recorder of Stanislaus County, California, on August 31, 1979, in Volume 29 of Maps, Page 88; thence North on an eastern line of Parcel "2" as shown on said parcel map 297.48 feet to the most Northeastern corner of Parcel "2"; thence South $88^{\circ}16'03''$ East 250.00 feet to a Quarter Section line, also being the centerline of original 40.00 foot wide Carver Road; thence South along said center line 297.48 feet to a point established by the Easterly prolongation of the North line of said Parcel "1"; thence along said Eastern prolongation and North line North $88^{\circ}16'03''$ West 250.00 feet to the point of beginning.

and

WHEREAS, a public hearing was held by the Planning Commission on February 1, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 88-15, and denied the application of Isadore Kurland to amend Section 7-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone P-D, property located on the west side of Carver Road south of Standiford Avenue, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to rezone from Low Density Residential Zone, R-1, to Planned Development Zone P-D, property located on the west side of Carver Road south of Standiford Avenue, was filed with the Office of the City Clerk by Isadore Kurland, by letter dated February 12, 1988, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on March 8, 1988, at 7:30 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the west side of Carver Road south of Standiford Avenue, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution No. 88-15 and quoted below:

1. The proposed R-3 unit density clearly exceeds the R-1 density of the prototype neighborhood zoning and development plan for this area of the Goldsworthy neighborhood.

2. The configuration of the 1.5 acre property can lend itself to a conventional cul-de-sac design with R-1 lots or a P-D development for up to 15 units.

and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Isadore Kurland to the decision of the Planning Commission denying the request to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the west side of Carver Road south of Standiford Avenue, is denied for the reasons set forth in Planning Commission Resolution No. 88-15 and quoted above, and the decision of the Planning Commission is hereby affirmed.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: Muratore

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-180

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(445). (GRACEADA MANSION PARTNERSHIP - JOHN B. HINCHEY)

WHEREAS, a verified application for an amendment to Section 29-3-9 of the Zoning Map was filed by Graceada Mansion Partnership - John B. Hinchey on October 26, 1987, to reclassify from Low Density Residential Zone, R-1, Medium High Density Residential Zone, R-3, and Professional Office Zone, P-0, to Planned Development Zone, P-D, to allow office building and parking area additions to an existing office building, property located on the north side of Needham Street between Poplar Avenue and Park Avenue, described as follows:

All that certain real property situate in a portion of the Southeast quarter of the Northeast quarter of Section 29, 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:

P-0 to P-D

Lots 15, 16, and 17 in Block 19 of the Wisecarver Addition, according to the official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on March 7, 1907, in Volume 2 of Maps, page 45.

Including also the northern 32.50 feet of original 65.00-foot wide Needham Street and eastern 37.50 feet of Poplar Avenue immediately adjacent to the above described property.

R-3 to P-D

Lots 18, 19, and 20 in Block 19 of the Wisecarver Addition, according to the official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on March 7, 1907, in Volume 2 of Maps, page 45.

Including also the northern 32.50 feet of original 65.00-foot wide Needham Street, western 37.50 feet of Park Avenue and the adjacent 18.00-foot wide alley and all immediately adjacent to the above described property.

R-1 to P-D

The East 71.50 feet of Lots 13 and 14 in Block 19 of the Wisecarver Addition, according to the official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on March 7, 1907, in Volume 2 of Maps, page 45.

Including also the West 9.00 feet of the 18.00-foot wide alley in said Block 19 immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on November 30, 1987 and continued to February 1, 1988, 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. 88-14, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The area proposed for P-D zoning for office development includes property already developed with offices and is close to other properties also zoned and developed with professional offices.
2. The proposed P-D zoning for offices provides a transition from downtown commercial to single-family residential land uses.
3. Compatibility with adjoining residential areas will be strengthened by virtue of the development plan specifications and the conditions imposed on this P-D zone.

and

WHEREAS, after a public hearing held on March 8, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Graceada Mansion Partnership - John B. Hinchey 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. 88-14 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2579 -C.S. on the 8 day of March, 1988, reclassifying the above-described property from Low Density Residential Zone, R-1, Medium High Density Residential Zone, R-3, and Professional Office Zone, P-0, to Planned Development Zone, P-D(445).

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

1. All development shall conform to the plot plan and floor plans titled "100 Poplar 100 Park" as amended in red, stamped approved by the Planning Commission on February 1, 1988.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Director of Parks and Recreation. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Six foot wood fence with decorative masonry pilasters along the north property lines of the 100 Park property.
 - b. Six foot decorative masonry wall along the north property line of the City's well site as required by the Director of Utility Services.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. The adjoining alley shall be improved to City alley standards prior to the occupancy of the 100 Park building or when requested by the Director of Engineering Services 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 Director of Engineering Services. Improvements shall be constructed in accordance with the approved plans.
7. Drainage shall be provided as required by the Director of Engineering Services.
8. All outdoor lighting shall be shielded from adjacent residential properties as required by the Director of Engineering Services.
9. 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 Director of Planning and Community Development.
10. No signs shall be permitted above eight feet in height on the north face of both buildings.
11. All signs shall comply with the sign requirements of the P-0 Zone.
12. All conditions of Board of Zoning Adjustment Resolution No. 1336 not in conflict with this action shall remain in full force and effect.
13. That there shall be no decks, balconies or windows above the first floor facing north on 100 Park Avenue building which would allow view onto the adjoining property to the north.
14. 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.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(445):

The entire construction program be accomplished in one phase, construction to begin on or before February 1, 1990, and completion to be not later than February 1, 1991.

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.

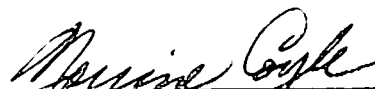
SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(445), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8 day of March , 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

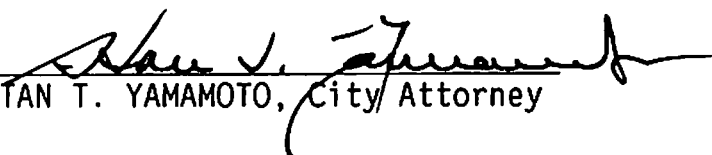
NOES: Councilmembers: None

ABSENT: Councilmembers: None

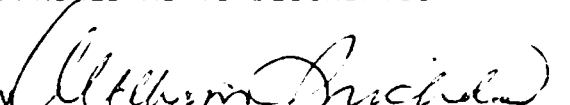
ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-181

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 29-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1, R-3, AND P-0 TO P-D(445). (GRACEADA MANSION PARTNERSHIP - JOHN B. HINCHEY)

WHEREAS, on March 8, 1988, the City Council introduced Ordinance No. 2579-C.S. giving approval to a project relating to an amendment to Section Map 29-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, Medium High Density Residential Zone, R-3, and Professional Office Zone, P-0, to Planned Development Zone, P-D(445), property located on the north side of Needham Street between Poplar Avenue and Park 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 Section Map 29-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, Medium High Density Residential Zone, R-3, and Professional Office Zone, P-0, to Planned Development Zone, P-D(445), property located on the north side of Needham Street between Poplar Avenue and Park Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8 day of March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-182

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 10-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-D(277) AND P-D(278) TO R-2. (JOHN STOCKER AND PETER SCOUTRIONO)

WHEREAS, on March 8, 1988, the City Council introduced Ordinance No. 2580-C.S. giving approval to a project relating to an amendment to Section Map 10-3-9 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(277) and P-D(278), to Medium Density Residential Zone, R-2, property located south of Sylvan Avenue, east of Kingswood Drive and south of Princewood Lane, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 10-3-9 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(277) and P-D(278), to Medium Density Residential Zone, R-2, property located south of Sylvan Avenue, east of Kingswood Drive and south of Princewood Lane.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8 day of March, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-183

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE BANK REPAIR AND EROSION PROTECTION AT EAST
LA LOMA PARK AND BEARD BROOK PARK

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

SECTION 1. The plans and specifications for the bank repair and erosion protection at East La Loma Park and Beard Brook Park copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 29, 1988, 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 March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-184

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE COLEMAN BROWN PARK PLAY APPARATUS REPLACEMENT

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

SECTION 1. The plans and specifications for the Coleman Brown Park play apparatus replacement

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 29, 1988, at 11:10 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-185

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING HEATING, VENTILATION, AND AIR CON-
DITONING SERVICE AT MODESTO CENTRE PLAZA

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

SECTION 1. The plans and specifications for furnishing heating, ventilation,
and air conditioning service at Modesto Centre Plaza
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 5, 1988, at 3:10 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 8th day of March, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-186

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE ANIMAL CONTROL TRUCK

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

SECTION 1. The plans and specifications for furnishing one animal control 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 April 5, 1988, at 3:15 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-187

A RESOLUTION ACCEPTING THE RECONSTRUCTION OF PUMP STATION NO. 7 AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the reconstruction of Pump Station No. 7

has been completed by Central Pump Company
in accordance with the contract agreement dated August 25, 1987 .

NOW, THEREFORE, BE IT RESOLVED that the reconstruction of Pump
Station No. 7

be accepted from said contractor, Central Pump Company ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$63,671 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 8th day of March,
1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-188

A RESOLUTION ACCEPTING THE CONSTRUCTION OF ROBERTSON ROAD PARK STREETS
AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the construction of Robertson Road Park streets

has been completed by Ragsdale & Sons, Inc.

in accordance with the contract agreement dated December 8, 1987 .

NOW, THEREFORE, BE IT RESOLVED that the construction of Robertson
Road Park streets

be accepted from said contractor, Ragsdale & Sons, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$30,277.20 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 8th day of March,
1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-189

A RESOLUTION ACCEPTING THE POLICE SHOP BUILDING DOOR MODIFICATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the Police shop building door modification

has been completed by Calaska Limited
in accordance with the contract agreement dated August 7, 1987 .

NOW, THEREFORE, BE IT RESOLVED that the Police shop building door
modification

be accepted from said contractor, Calaska Limited ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$8,417.50 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 8th day of March,
19⁸⁸, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-190

A RESOLUTION ACCEPTING THE REMODELING AND ADDITION TO THE REMOTE POND SITE CONTROL BUILDING AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering , that the remodeling and addition to the remote pond site control building has been completed by Howell Construction in accordance with the contract agreement dated April 28, 1987 .

NOW, THEREFORE, BE IT RESOLVED that the remodeling and addition to the remote pond site control building

be accepted from said contractor, Howell Construction ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$64,952 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 8th day of March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-191

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO IRRIGATION DISTRICT TO ENGAGE CONSULTING FIRMS FOR THE NEXT PHASE OF THE
DOMESTIC SURFACE WATER SUPPLY SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Modesto Irrigation
District to engage consulting firms for the next phase of the domestic surface
water supply 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
March, 1988, by Councilmember Sutton
who moved its adoption, which motion being duly seconded by Council-
member Muratore, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside
NOES:	Councilmembers:	Patterson
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-192

A RESOLUTION CALLING A SPECIAL ADVISORY ELECTION BY THE
VOTERS OF THE CITY OF MODESTO.

WHEREAS, an initiative ordinance entitled "Modesto Citizens Advisory Growth Management Act" was adopted by the voters of the City of Modesto at the general Municipal Election held on March 6, 1979, and

WHEREAS, said "Modesto Citizens Advisory Growth Management Act" requires that an advisory election by the voters of the City of Modesto, as provided by Section 5353 of the Elections Code of the State of California, be called before the City Council of the City of Modesto approves, authorizes or appropriates funds for the extension of any sewer trunk, and

WHEREAS, the Modesto High School District has notified the City of Modesto that it is planning to construct a high school and stadium in the Empire West Neighborhood which lies within the City of Modesto's Urban Reserve, and

WHEREAS, the City Council of the City of Modesto directed the City Attorney to render an opinion as to whether or not the extension of sewer service to various areas of the City's Urban Reserve including the Empire West Neighborhood requires an advisory election pursuant to the Modesto Citizens Advisory Growth Management Act, commonly known as Measure "A", and

WHEREAS, on or about January 21, 1988, the City Attorney rendered his written opinion which found among other findings that an extension of the Yosemite Avenue sewer trunk to service a high school and stadium in the Empire West Neighborhood would require an advisory election pursuant to Measure "A", and

WHEREAS, at a regularly scheduled meeting of the City Council of the City of Modesto on March 8, 1988, the Public Projects Committee of the City Council made recommendations to the City Council which included a recommendation that an advisory election pursuant to Measure "A" be held with respect to the Yosemite sanitary sewer trunk extension into the Empire West Neighborhood for a proposed high school and stadium, and

WHEREAS, the City Council has determined that it is desirous of considering the extension of the Yosemite Trunk Sewer.

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

SECTION 1. ELECTION CALLED. That the City Council of the City of Modesto does hereby call a Special Advisory Election in the City of Modesto on November 8, 1988, said Special Election to be known as "Special Sewer Trunk Extension Advisory Election".

SECTION 2. FORM OF BALLOT. On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, will be printed a question relating to the Yosemite sanitary sewer trunk extension advisory measure the proposed wording to be furnished to the Board of Supervisors of Stanislaus County prior to August 2, 1988.

SECTION 3. CONDUCT OF ELECTION. Said special advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, said special advisory election shall be held as provided for in the Charter of

said City and in all particulars not provided for therein said election shall be held as provided by law for the holding of advisory elections and special municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

(a) All persons qualified to vote at municipal elections in said City of Modesto on the day of said special advisory election herein provided for shall be qualified to vote upon said advisory measure hereby proposed by the Council of the City of Modesto on its own motion and submitted at said special advisory election.

(b) The polls at the polling places hereinafter referred to for said special advisory election shall be opened at 7:00 a.m. of said day of election, and shall be kept open continuously thereafter until 8:00 p.m. of said day of election, when the polls shall be closed, and the election officers shall thereupon proceed to canvass the ballots cast thereat.

(c) Said special advisory election shall be and is hereby consolidated with the general election to be held in Stanislaus County and in the City of Modesto on the date of said special advisory election hereby called, and the election precincts, polling places and voting booths shall in every case be the same, and there shall be only one set of election officers in each of said precincts; and the precincts, polling places and officers of said election within said city for said special advisory election shall be the same as those selected or to be selected and designated by the Board of Supervisors of Stanislaus County for said general election and set forth or to be set forth in the notice of election officers and polling places for said

general election published or to be published by the County Clerk of said County, as required by law, to which notice reference is hereby specifically made for a designation of the precincts, polling places and election officers for said special advisory election hereby called. Only qualified voters of said City shall be permitted to vote at said special advisory election hereby called. The Board of Supervisors of Stanislaus County is authorized to canvass, or cause to be canvassed, the returns of said special advisory election with respect to the votes cast in said City and to certify the results to the Council.

(d) On the ballots to be used at said general election and said special advisory election hereby consolidated therewith, in addition to all other matters required by law to be printed thereon, shall appear an advisory measure with respect to a proposed high school and stadium.

(e) To vote in favor of said advisory measure a voter shall punch a hole in the blank space opposite the word "YES" on the ballot to the right of said advisory measure, and to vote against said advisory measure a voter shall punch a hole in the blank space opposite the word "NO" on the ballot to the right of said advisory measure.

(f) The votes cast for and against said advisory measure shall be counted separate and apart from all other measures to be submitted at said general election and said special advisory election hereby consolidated therewith.

(g) At the next regular meeting of the Council occurring after the returns of said special advisory election have been canvassed and the results

thereof certified by the Board of Supervisors of Stanislaus County to the Council, or at a special meeting called thereafter for such purpose, the Council shall cause to be spread upon its minutes a statement of the results of said special advisory election as ascertained by said canvass.

SECTION 4. NOTICE. The City Clerk of the City of Modesto is hereby authorized and directed to prepare and sign a notice of said special advisory election in the form required by law, and said City Clerk is hereby authorized and directed to publish said notice in the time and manner required by law in THE MODESTO BEE, the official newspaper of said City and a newspaper of general circulation printed and published in said City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, 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'S CERTIFICATE

I, NORRINE COYLE, City Clerk of the City of Modesto, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the Council of said City at a regular meeting of said Council duly and regularly and legally held at the regular meeting place thereof on the 8th day of March, 1988, of which meeting all of the members of said Council had due notice and at which a majority thereof was present and acted; that at said meeting said resolution was, upon motion of Councilmember McGrath, seconded by Councilmember Patterson, and adopted by the following vote:


AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes. That said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and the seal of said City of Modesto, this 8th day of March, 1988.



NORRINE COYLE
City Clerk of the City of Modesto,
California

MODESTO CITY COUNCIL
RESOLUTION NO. 88-193

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO PROVIDE FOR THE CONSOLIDATION OF A SPECIAL ADVISORY ELECTION WITH THE GENERAL ELECTION TO BE HELD NOVEMBER 8, 1988.

WHEREAS, the Council of the City of Modesto, in Stanislaus County, State of California, has adopted Resolution No. 88-192 calling a special advisory election in said City to be held on Tuesday, November 8, 1988, at which will be submitted to the qualified electors of said City a sewer trunk extension advisory measure relating to the Yosemite sanitary sewer trunk extension, and

WHEREAS, a general election will be held on Tuesday, November 8, 1988, and it is the desire of said Council that said special advisory election be consolidated with said general election,

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

SECTION 1. Said special advisory election shall be consolidated with the general election to be held on Tuesday, November 8, 1988, at which election shall be submitted to the qualified electors of said City the question relating to the Yosemite sanitary sewer trunk extension advisory measure, the proposed wording to be furnished to the Board of Supervisors of Stanislaus County prior to August 2, 1988.

SECTION 2. The Board of Supervisors of Stanislaus County is hereby requested to order the consolidation of said special advisory election with the general election to be held on Tuesday, November 8, 1988, insofar as the City of Modesto is concerned, and to further provide that within the territory

affected by said order of consolidation, to wit, the City of Modesto, the election precincts, polling places and voting booths shall in every case be the same, and there shall be only one set of election officers in each of said precincts. Said advisory measure shall be set forth on all ballots to be used at said general election insofar as the same is held within said City of Modesto. Said Board of Supervisors of Stanislaus County is further requested to order the County Clerk of Stanislaus County (i) to set forth on all sample ballots relating to said consolidated elections, to be mailed to the qualified electors of said City, said advisory measure hereinabove set forth, and to mail with said sample ballots to said electors printed copies of the proposed advisory measure in pamphlet form and printed copies of arguments (if any) for and against said advisory measure, including rebuttals (if any), and (ii) to provide absent voter ballots for said general election and said special advisory election consolidated therewith for use by qualified electors of said City who are entitled thereto, in the manner provided by law.

SECTION 3. Said Board of Supervisors of Stanislaus County is hereby further authorized to canvass, or cause to be canvassed, as provided by law, the returns of said special advisory election with respect to the votes cast on said advisory measure and to certify such canvass of the votes cast for and against said advisory measure to this Council.

SECTION 4. The City Clerk is hereby authorized and directed to certify to the adoption of this resolution and to transmit a copy hereof so certified to the Board of Supervisors of Stanislaus County and to file a copy hereof so certified with the County Clerk of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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'S CERTIFICATE

I, NORRINE COYLE, City Clerk of the City of Modesto, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the Council of said City at a regular meeting of said Council duly and regularly and legally held at the regular meeting place thereof on the 8th day of March, 1988, of which meeting all of the members of said Council had due notice and at which a majority thereof was present and acted; that at said meeting said resolution was introduced by Councilmember McGrath, seconded by Councilmember Patterson, and adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes. That said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and the seal of said City of Modesto this ____ day of _____, 1988.



NORRINE COYLE, City Clerk of the City
of Modesto, California

MODESTO CITY COUNCIL
RESOLUTION NO. 88-194

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND TERRY D. & SHARON M. HAMILTON, AND RICHARD C. AND KATHY HAMILTON FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1339 CASCADE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Terry D. and Sharon M. Hamilton, and Richard C. and Kathy Hamilton for water service to property outside City limits at 1339 Cascade 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 8th day of March, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-195

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

WHEREAS, REDEV, Inc., and the William Lyon Company are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 5.03 acres, known as the Summerview Place Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 26th day of October, 1987, 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 Summerview Place Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

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

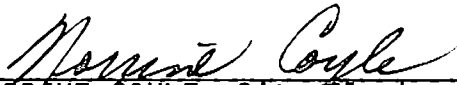
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use;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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8 day of March , 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

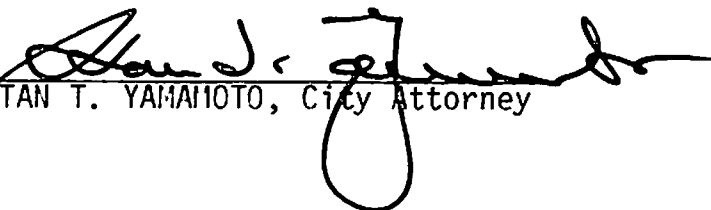
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-196

A RESOLUTION ACCEPTING IMPROVEMENTS IN CAPE COD ESTATES NO. 6 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Kaufman Broad of Northern California, subdividers of Cape Cod Estates No. 6 have filed subdivision bonds for faithful performance and labor and materials in the amount of \$263,200.00 and \$131,600.00 respectively to guarantee improvements in Cape Cod Estates No. 6 and;

WHEREAS, the Director of Engineering in a memorandum dated March 2, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the 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. 6 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 263,200.00 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 \$ 131,600.00 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 8th day of March, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-197

JOINT POWERS

**A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO HIGH SCHOOL DISTRICT FOR LAND ACQUISITION OF FIFTH HIGH SCHOOL/COMMUNITY
PARK**

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Modesto High School
District for land acquisition of Fifth High School/community 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 8th day of
March, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by Council-
member Irizarry, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-198

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 14-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-0. (NORA NARAGHI)

WHEREAS, on March 15, 1988, the City Council introduced Ordinance No. 2581-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 Professional Office Zone, P-0, property located on the southeast corner of Merle 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 negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 14-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-0, property located on the southeast corner of Merle Avenue and Oakdale Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15 day of March, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-199

A RESOLUTION GRANTING THE APPEAL OF SANTINA & THOMPSON, INC. ON BEHALF OF NORA NARAGHI TO THE DECISION OF THE PLANNING COMMISSION AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR NOREEN PARK SUBDIVISION. (NORA NARAGHI)

WHEREAS, the vesting tentative map of the Noreen Park Subdivision was filed in the office of the Secretary of the Planning Commission on May 20, 1987, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, said vesting tentative map was filed in conjunction with an application to rezone from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, and Planned Development Zone, P-D, for a mini-storage project, leaving the Noreen Park area in the R-1 Zone, and

WHEREAS, public hearings were held by the Planning Commission on July 6, 1987, August 3, 1987, and August 31, 1987, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearings evidence both oral and documentary was received and considered, and

WHEREAS, at said hearings the Planning Commission, by Resolution No. 87-150, found and determined that the vesting tentative map of Noreen Park Subdivision accepted for filing in the office of the Secretary of the Planning Commission on May 20, 1987, 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 Noreen Park Subdivision was filed with the City Clerk by Santina & Thompson, Inc. on behalf of Nora Naraghi by letters dated September 8, 1987, and October 13, 1987, and

WHEREAS, by Modesto City Council Resolution No. 87-1094 the Council set October 13, 1987 at 7:30 p.m. in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, as the time and place for a public hearing for consideration of said appeal, at which time said public hearing was continued to October 20, 1987 at 4:00 p.m., and

WHEREAS, on October 20, 1987, the City Council, by motion, declared its intent to approve the vesting tentative map of Noreen Park Subdivision, subject to certain conditions and the applicant making necessary site adjustments, and

WHEREAS, thereafter said appeal was continued to March 15, 1988 at 4:00 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 Santina & Thompson, Inc. filed on behalf of Nora Naraghi to the decision of the Planning Commission denying approval of the vesting tentative map of Noreen Park Subdivision should be granted for the following reason and the decision of the Planning Commission should be overruled:

The vesting tentative map for Noreen Park Subdivision has been revised to conform to the zoning pattern which is also being revised.

and

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

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

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

BE IT FURTHER RESOLVED by the Council that the appeal of Santana & Thompson, Inc. filed on behalf of Nora Naraghi to the decision of the Planning Commission denying approval of the vesting tentative map of Noreen Park Subdivision is hereby granted for the reason set forth above, and the decision of the Planning Commission denying said vesting tentative map of Noreen Park Subdivision is hereby overruled.

BE IT FURTHER RESOLVED that the revised vesting tentative map of Noreen Park Subdivision which was accepted for filing in the office of the Secretary of the Planning Commission on May 20, 1987, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. That the Oakdale Road frontages of the subdivision shall be developed to major street standards including the dedication of right-of-way to provide a 50-foot width east of the centerline and the construction of street improvements in accordance with City of Modesto Standard Specifications.
2. That the Merle Avenue frontages of the subdivision shall be developed to collector street standards including the dedication of right-of-way to provide a 30-foot width south of the centerline including a five-foot dedication for a left turn lane at the intersection with Oakdale Road and the construction of street improvements in accordance with City of Modesto Standard Specifications.

3. That direct vehicular and pedestrian access between MID Lateral No. 3 and the adjacent subdivision lots shall be denied by appropriate notes on the final map.
4. That a solid decorative masonry wall at least 7 feet in height shall be constructed adjacent to subdivision lots along the north line of MID Lateral No. 3 subject to the clear vision requirements of Section 10-2.2314 of the Municipal Code.
5. That all subdivision improvements shall be constructed in accordance with City of Modesto Standard Specifications and as required by the Director of Engineering Services pursuant to improvement plans.
6. That in the event of filing multiple maps, street barricades shall be constructed at the end of all deadend streets as required by the Director of Engineering Services pursuant to improvement plans.
7. That public utility easements as required by the utility companies serving the subdivision shall be dedicated by the final map. Costs of relocating public utility facilities pursuant to this subdivision shall be done by the subdivider. A five-foot Public Utility Easement for sewer and water facilities shall be dedicated along the entire east line of this subdivision.
8. That prior to final map recordation the subdivider shall pay \$1,164 to Stanislaus County which money is to be applied toward the County's share of traffic signals at the Floyd Avenue and Oakdale Road intersection.
9. That irrigation lines within the subdivision shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Director of Engineering Services. Appropriate easements for irrigation lines to remain shall be dedicated as necessary.
10. That the subdivider shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action, or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Modesto or its advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code of the State of California. The City of Modesto shall promptly notify the subdivider of any claim, action, or proceedings and shall cooperate fully in the defense.

11. That the development shall be served by positive storm drainage as required by the Director of Engineering. Drainage fees shall be paid as established for the Orchard Drainage District.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Secretary of the Planning Commission is hereby directed to file with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed subdivision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15 day of March, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-200

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(441). (STEVE ANGELO)

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by Steve Angelo on October 12, 1987, to reclassify from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D, to allow C-2, General Commercial land uses to occupy an existing shopping center, property located on the east side of Oakdale Road, north of Scenic Drive, described as follows:

All that certain real property situated in a portion of the southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

Commencing at the southwest corner of said Section 23, as shown on the map filed in Volume 3 of Surveys, at page 60, Stanislaus County Records; thence North 0° 45'00" west along the west line of said Section 23, 876.48 feet; thence North 89° 17'00" East, 41.50 feet to the true point of beginning of this description; thence continuing North 89° 17'00" East, 291.80 feet; thence South 0° 38'00" East, 526.19 feet; thence South 89° 15'00" West, 280.57 feet to a point on the East right-of-way line of Oakdale Road; thence North 0° 45'00" West along said East right-of-way line of Oakdale Road, 526.32 feet to the point of beginning of this description.

Including also all of the eastern portion of Oakdale Road located between said West line of Section 23 and immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on November 16, 1987, 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. 87-190, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The property proposed for commercial P-D zoning is oriented to a major street intersection in an area which has already been approved other specified C-2, General Commercial zone uses.
2. The proposed P-D zone will be accompanied by a general upgrading of the existing commercial site, in line with contemporary City standards including landscaping, public improvements, and maintenance standards.
3. Any future C-2 zone uses besides the current appliance store occupancy may be allowed only upon review by the Planning Commission and City Council as a P-D zone amendment.

and

WHEREAS, after a public hearing held on March 15, 1987, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Steve Angelo 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. 87-190 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2582-C.S. on the 15 day of March, 1988, reclassifying the above-described property from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(441).

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

1. All development shall conform to the plot plan titled "Addition to Angelo Shopping Center" as amended in red, stamped approved by the Planning Commission on November 16, 1987.

2. The applicant shall submit revised plot plans showing all changes required by the Planning Commission prior to the City Council hearing. All development shall conform to these revised plans as amended in red, stamped approved by the Planning Commission on November 16, 1987.
3. Prior to the issuance of an occupancy permit, a landscaping and irrigation plan shall be approved by the Director of Parks and Recreation. 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. The Oakdale Road frontage shall be improved to major street standards including street lighting prior to the issuance of an occupancy permit for any structures or when requested by the Director of Engineering Services to alleviate a health, safety, or traffic problem in the area.
6. Prior to issuance of an occupancy permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Director of Engineering Services. Improvements shall be constructed in accordance with the approved plans.
7. Prior to issuance of an occupancy permit the developer shall dedicate public utility easements as required by the utility companies and the Director of Engineering Services.
8. Drainage shall be provided as required by the Director of Engineering Services.
9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Director of Engineering Services.
10. Trash bins shall be kept in enclosures in accordance with the approved plan, and shall be constructed of building materials consistent with those used in the major buildings as approved by the Director of Planning and Community Development.
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 properties to the north and south, substantially as shown in red on the plot plan.
12. 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 Director of Engineering Services.

13. The loading dock area on the east side of the shopping center may not be used for outside storage of any type of material.
14. Any activity in the loading dock area, including the parking of trucks, may be conducted only between the hours of 7 a.m. and 10 p.m.
15. All signs shall comply with the sign requirements of the C-1 Zone.
16. That the developer shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Modesto or its advisory agency, appeal board, or legislative body concerning a P-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.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(441):

The entire construction program including improvements outlined above shall be accomplished in one phase, completion to be not later than March 15, 1990.

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(441), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15 day of March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 Atkins Smith
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-201

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM C-1 TO P-D(441). (STEVE ANGELO)

WHEREAS, on March 15, 1988, the City Council introduced Ordinance No. 2582 -C.S. giving approval to a project relating to an amendment to Section Map 23-3-9 of the Zoning Map of the City of Modesto to reclassify from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(441), property located on the east side of Oakdale Road, north of 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 Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 23-3-9 of the Zoning Map of the City of Modesto to reclassify from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(441), property located on the east side of Oakdale Road, north of Scenic Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15 day of March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Horrine Coyle*
HORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-202

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR ELECTRICAL MODIFICATIONS TO THE CROCKER BUILDING

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

SECTION 1. The plans and specifications for the electrical modifications to the Crocker building 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 29, 1988, at 11:15 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-203

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE REPLACEMENT OF THE SAND TRAP AT CITY WATER
WELL NO. 13

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

SECTION 1. The plans and specifications for the replacement of the sand trap at City water well No. 14

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 5, 1988, 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 15th day of March, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-204

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE INSTALLATION OF TRAFFIC SIGNALS AT OAKDALE
ROAD AND FLOYD 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 traffic signals at Oakdale Road and Floyd 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 April 12, 1988, 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 15th day of March, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-205

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING TWO FIRE PUMPER TRUCKS

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

SECTION 1. The plans and specifications for the purchase of two fire pumper trucks copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 3, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-206

A RESOLUTION ACCEPTING THE BIDS OF GARTON FORD TRACTOR FOR FURNISHING ONE FOUR-WHEEL DRIVE TRACTOR AND REED EQUIPMENT FOR FURNISHING ONE FOUR-WHEEL DRIVE LOADER

WHEREAS, Resolution No. 87-1277, adopted by the Council of the City of Modesto on December 22, 1987, approved the plans and specifications for the purchase of one four-wheel drive tractor and one four-wheel drive loader and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one four-wheel drive tractor and one four-wheel drive loader were opened at 3:00 p.m. on January 19, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of Garton Ford Tractor to furnish one four-wheel drive tractor for \$46,110, and Reed Equipment to furnish one four-wheel drive loader for \$49,423.07, be accepted as the lowest responsible bids.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bids of Garton Ford Tractor for furnishing one four-wheel drive tractor and Reed Equipment for furnishing one four-wheel drive loader, be accepted and the execution of contracts 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 March, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-207

A RESOLUTION ACCEPTING THE BID OF WANG LABORATORIES FOR FURNISHING COMPUTER EQUIPMENT

WHEREAS, Resolution No. 88-129, adopted by the Council of the City of Modesto on February 16, 1988, approved the plans and specifications for the purchase of Wang computer equipment and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of Wang computer equipment were opened at 3:10 p.m. on March 8, 1988, 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 Wang Laboratories in the amount of \$36,436 be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Wang Laboratories in the amount of \$36,436 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 15th day of March, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-208

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF TWO HALF-TON PICKUP TRUCKS AND TWELVE POLICE PATROL CARS THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Utility Services - Service Division is requesting the purchase of two half-ton pickup trucks and twelve Police patrol cars to replace vehicles currently in service; and

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

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of two half-ton pickup trucks and twelve Police patrol cars, is hereby waived.

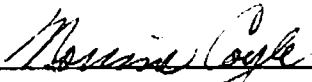
BE IT FURTHER RESOLVED that purchase of two half-ton pickup trucks and twelve Police patrol cars through the State of California Cooperative Purchasing Program for the total price of \$163,539, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-209

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HILL INTERNATIONAL, INC. FOR THIRD PARTY CLAIMS ASSESSMENT SERVICES ON THE WASTE-WATER TREATMENT PLANT EXPANSION PROJECT, UNIT 1

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Hill International, Inc. for third party claims assessment services on the Wastewater Treatment Plant Expansion Project, Unit 1

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 March, 1988, by Councilmember Lang who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-210

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND THORNTON, MARSHALL, BOOKER, LAWLOR ARCHITECTS TO COMPLETE FINAL PLANS AND SPECIFICATIONS FOR THE TERMINAL EXPANSION PROJECT AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the ^{amended} agreement between the City of Modesto and Thornton, Marshall, Booker, Lawlor Architects to complete final plans and specifications for the terminal expansion project 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 15th day of March, 1988, 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: Irizarry, Lang, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-211

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$8,918 FROM CONTINGENCY RESERVE TO COVER THE INCREASED COST OF THE TERMINAL EXPANSION PROJECT AT THE AIRPORT

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

FROM:	Contingency Reserve (632 800 8000 8003)	\$8,918
TO:	Passenger Terminal (632 480 G471 6000)	\$8,918

Increase needed to cover cost of inflation with the 1½ year delay. The specifications and materials requirements must be updated as well as reviewing new building code changes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1988, 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:	Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McGrath

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-212

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
DOMINIC DEPALMA FOR LEASE OF A PORTION OF THE FORMER McCLURE PROPERTY (DRY CREEK PARK)

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Dominic DePalma
for lease of a portion of the former McClure property (Dry Creek Park)

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 15th day of
March, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-213

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO REDS BASEBALL CLUB, INC. dba MODESTO A's BASEBALL CLUB FOR LEASE OF JOHN
THURMAN FIELD**

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Modesto Reds Baseball
Club, Inc. dba Modesto A's Baseball Club, for the lease of John Thurman Field

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 15th day of
March, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-214

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RECREATION SYSTEMS, INC. TO DEVELOP A MASTER PLAN FOR MCKINNEY COLONY NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Recreation Systems, Inc. to develop a master plan for McKinney Colony Neighborhood Park

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-215

A RESOLUTION APPROVING THE FINAL MAP OF THE PINEHURST I
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Kaufman and Broad of Northern California, a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 14.513 acres, known as the Pinehurst I Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 2nd day of February, 1987, 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 Pinehurst I Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State

of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15 day of March, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-216

A RESOLUTION APPROVING THE FINAL MAP OF THE WINDOM HEIGHTS
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Grant Construction Company, Inc., a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 8.064 acres, known as the Windom Heights Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 15th day of June, 1987, 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 Windom Heights 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 15 day of March, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-217

A RESOLUTION APPROVING THE FINAL MAP OF THE PHEASANT
VALLEY SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Raymond N. Franco and Jeannie E. Franco, husband and wife, as community property; dba: Heartland Properties are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 12.3615 acres, known as the Pheasant Valley Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 8th day of June, 1987, 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 Pheasant Valley 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 15 day of March, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-218

A RESOLUTION ADOPTING A WATER CONSERVATION PROGRAM FOR 1988 AND ESTABLISHING LIMITATIONS ON THE USE OF WATER FROM THE MUNICIPAL WATER SYSTEM FROM JUNE 1, 1988, THROUGH SEPTEMBER 30, 1988.

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 ensure an adequate local supply of water, and

WHEREAS, peak water demands on the municipal water system occur between the hours of 2 p.m. and 7 p.m. from June 1, through September 30, and

WHEREAS, the Modesto Irrigation District has advised that the peak electric power demands on the Modesto Irrigation District system occur between the hours of 2 p.m. and 6:30 p.m. from June 1, through September 30, and

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

WHEREAS, a year-long, comprehensive approach to water conservation, through limitations on usage and public education, will help to ensure an adequate local supply of water,

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

1. A year-long comprehensive approach to water conservation, through limitations on usage and public education, is hereby approved.

2. All outside water use, except for vegetable gardens, of water supplied by the municipal water system is prohibited between the hours of 2 p.m. and 7 p.m. of each day, Monday through Friday, from June 1, 1988, through September 30, 1988.

3. Violations of the above prohibition are declared to be a waste of water and shall be handled by the Director of Utility Services in accordance with the provisions of Section 11-1.14 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 15 day of March, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-219

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER AMENDMENTS TO THE ZONING REGULATIONS OF THE MODESTO MUNICIPAL CODE PERTAINING TO RECYCLING FACILITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that April 19, 1988, 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 amendments to the Zoning Regulations of the Modesto Municipal Code pertaining to recycling facilities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-220

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON APPEAL OF STONE & ASSOCIATES TO A PLANNING COMMISSION DECISION CONCERNING TENTATIVE PARCEL MAP ON THE NORTH SIDE OF SYLVAN AVENUE EAST AND WEST OF CLAREMONT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that April 5, 1988, 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 of Stone & Associates to a Planning Commission decision concerning tentative parcel map on the north side of Sylvan Avenue east and west of Claremont.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-221

A RESOLUTION GRANTING APPROVAL TO THE STANISLAUS COUNTY ARTS COMMISSION TO CONDUCT A "WORLD AT THIRD STREET FESTIVAL AND GRANTING APPROVAL FOR DIRECT CITY ASSISTANCE RELATING TO SAID FESTIVAL.

WHEREAS, by letter dated January 15, 1988, from Nancy Rieti, Director of the "Yes You Can Touch" Children's Museum, and Diana Walker-Smith, Executive Director of the Stanislaus County Arts Commission, they presented to the City Council a request to hold a multi-cultural street fair to be held in April, and

WHEREAS, said request was considered by the Council at its meeting of February 2, 1988, at which time the City Council referred the request to staff for a report and recommendation, and

WHEREAS, City staff has met with staff of the Stanislaus County Arts Commission, (hereinafter referred to as "Commission"), and the Commission is requesting that Third Street between "I" and "J" Streets be closed, and

WHEREAS, the City Council, by Resolution No. 80-1066 as amended by Resolution No. 83-128, adopted a "Policy for Evaluating Requests for Direct City Assistance," and

WHEREAS, the Modesto Police Department has been contacted relating to said street closure, and

WHEREAS, the Council deems it appropriate to grant approvals to Commission relating to its request to conduct a "World at Third Street" Festival and to grant the request for assistance, 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 "World at Third Street" Festival, a multi-cultural street fair,

1. Third Street between "I" and "J" Streets may be closed to all traffic except emergency vehicles on Saturday, April 30, 1988, from 8:00 a.m. to 8:00 p.m., subject to the approval of the Chief of Police of the City of Modesto, in order that Commission may have its "World at Third Street" Festival. Commission shall provide, at its own expense, necessary security to maintain the closure of Third Street between "I" and "J" Streets referred to herein.

2. The City of Modesto will supply the necessary barricades to close Third Street between "I" and "J" Streets referred to in Paragraph 1 above, on Saturday, April 30, 1988, subject to the approval of the Chief of Police of the City of Modesto, in order that Commission may have its "World at Third Street" Festival.

3. The barricades will be deposited by employees of the City's Utility Services Department near the corner of Third and "I" Streets. Commission shall be responsible for placing the barricades to close Third Street between "I" and "J" Streets and for removing and returning the barricades to the location where they were deposited by the City. The City of Modesto will remove the barricades from that location.

4. The City's Parks and Recreation Department shall make the necessary arrangements to provide four (4) chemical portable toilets on the Saturday of Commission's "World at Third Street" Festival.

4. The City of Modesto will supply twelve (12) chairs and four (4) tables which will be delivered by the Parks and Recreation Department.

5. The County of Stanislaus has agreed to assume the insurance responsibility for the event.

BE IT FURTHER RESOLVED that the City Clerk shall furnish Commission with a copy of this resolution. Commission 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 5 day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

ACCEPTANCE

I do hereby agree with and accept all of the terms and conditions set forth in Resolution No. 88-221 pertaining to the "World at Third Street" Festival", multi-cultural street fair, to be held on Saturday, April 30, 1988, from 8:00 a.m. to 8:00 p.m. sponsored by the Stanislaus County Arts Commission.

Dated: April 5, 1988.

STANISLAUS COUNTY ARTS COMMISSION,
a non-profit organization

By _____

By _____

(SEAL)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-222

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY
EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF THE
SCENIC/SUNNYSIDE TO ROSE PROJECT. (MASELLIS)

WHEREAS, on March 1, 1988, the Council of the City of Modesto by Resolution No. 88-168 set a hearing to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on April 5, 1988, 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 Scenic/Sunnyside to Rose Project,

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 1260.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described consists of 1859 square feet, more or less, located at 1505 Scenic Drive in the City of Modesto, Stanislaus County, California, and is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, as are necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described as follows:

All that portion of the Northwest quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 40 of BROUGHTON COLONY, as per map filed March 17, 1904 in Volume 1 of Maps, Page 78, Stanislaus County Records, described as follows:

COMMENCING at the Southwestern corner of said Lot 40, said point being on the centerline of Brighton Avenue; thence North 74° 24' 30" East, 20.77 feet, to the Southwestern corner of property conveyed to Nick Masellis, et ux, by deed recorded May 6, 1977 in Book 2911 of Official Records, at Page 01, Stanislaus County Records, and the true point of beginning of this description; thence continuing along the Northern line of Scenic Drive, North 74° 24' 30" East, 77.90 feet, to the Southeastern corner of said Masellis property; thence

along the Eastern line of Masellis property North 00° 05' 25" East 20.77 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Northerly from said Northern line of Scenic Drive; thence along said parallel line, South 74° 24' 30" West, 47.72 feet; thence Northwesterly along a Tangent Curve concave to the Northeast, having a Radius of 15.00 feet, a Central Angle of 105° 40' 55" and an Arc Length of 27.67 feet, to its point of tangency on a line which is parallel with and 30.00 feet, measured at right angles, Easterly from said Centerline of Brighton Avenue; thence along a radial line, North 89° 54' 35" West, 10.00 feet, to the Eastern line of 40.00 foot Brighton Avenue; thence along said last mentioned Eastern line of Brighton Avenue, South 00° 05' 25" West, 43.37 feet, to the point of beginning, containing 1,859 square feet, more or less.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of April, 1984, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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 Engineering Services

MODESTO CITY COUNCIL
RESOLUTION NO. 88-223

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY
EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF THE
SCENIC/SUNNYSIDE TO ROSE PROJECT. (STEVENSON)

WHEREAS, on March 1, 1988, the Council of the City of Modesto by Resolution No. 88-168 set a hearing to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on April 5, 1988, 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 Scenic/Sunnyside to Rose Project,

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 1260.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described consists of 1281 square feet, more or less, located at 1431 Scenic Drive in the City of Modesto, Stanislaus County, California, and is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, as are necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described as follows:

All that portion of the Northwest quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The Southern 20.00 feet, measured at right angles to the centerline of Scenic Drive, of the following described property:

The West 60.00 feet of Lot 34 of SUNNYSIDE ACRES, measured at right angles to the West line of said Lot, as per map filed May 24, 1911 in Volume 5 of Maps, Page 45, Stanislaus County Records.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of April, 1984, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *James H. Z...*
Department of Engineering Services

MODESTO CITY COUNCIL
RESOLUTION NO. 88-224

A RESOLUTION ACKNOWLEDGING THE WITHDRAWAL OF THE APPEAL OF STONE & ASSOCIATES TO A PLANNING COMMISSION DECISION CONCERNING THE TENTATIVE PARCEL MAP ON THE NORTH SIDE OF SYLVAN AVENUE EAST AND WEST OF CLAREMONT AVENUE AND APPROVING THE TENTATIVE PARCEL MAP, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the tentative parcel map of property located on the north side of Sylvan Avenue and west of Claremont Avenue was filed in the office of the Secretary of the Planning Commission on December 18, 1987, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code, and

WHEREAS, copies of said tentative parcel map were sent to the Modesto Irrigation District, the local utility companies, and the City Engineering Services 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 February 22, 1988, 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 Planning Commission adopted Resolution No. 88-20 on February 22, 1988, approving the tentative parcel map of property located on the north side of Sylvan Avenue and west of Claremont Avenue for the following reasons, subject to the conditions contained in said Planning Commission Resolution:

1. That the proposed parcel map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-224

A RESOLUTION ACKNOWLEDGING THE WITHDRAWAL OF THE APPEAL OF STONE & ASSOCIATES TO A PLANNING COMMISSION DECISION CONCERNING THE TENTATIVE PARCEL MAP ON THE NORTH SIDE OF SYLVAN AVENUE EAST AND WEST OF CLAREMONT AVENUE AND APPROVING THE TENTATIVE PARCEL MAP, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the tentative parcel map of property located on the north side of Sylvan Avenue and west of Claremont Avenue was filed in the office of the Secretary of the Planning Commission on December 18, 1988, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code, and

WHEREAS, copies of said tentative parcel map were sent to the Modesto Irrigation District, the local utility companies, and the City Engineering Services 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 February 22, 1988, 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 Planning Commission adopted Resolution No. 88-20 on February 22, 1988, approving the tentative parcel map of property located on the north side of Sylvan Avenue and west of Claremont Avenue for the following reasons, subject to the conditions contained in said Planning Commission Resolution:

1. That the proposed parcel map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.

2. That the discharge of waste as a result of the proposed parcel map into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
3. That the construction of improvements along the Sylvan and Claremont Avenue frontages of the property is necessary by not later than August 1, 1988, 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, an appeal to the decision of the Planning Commission was filed by Stone & Associates by letter dated February 22, 1988, to appeal two conditions imposed by the Planning Commission, and

WHEREAS, said appeal was set for hearing before the City Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at 4:00 p.m., on April 5, 1988, and

WHEREAS, said hearing was held and evidence, both oral and documentary, was presented and considered, and

WHEREAS, after said public hearing, the City Council of the City of Modesto found and determined as follows:

1. That the appeal filed by Stone & Associates to the two conditions imposed by the Planning Commission in its Resolution No. 88-20 was withdrawn.
2. That as to the date in Condition No. 4 imposed by the Planning Commission in its Resolution No 88-20, the date should be changed from August 1, 1988 to November 1, 1988.

and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the tentative parcel map of property located on the north side of Sylvan Avenue and West of Claremont Avenue is hereby approved as submitted and as shown in red on the face of the map subject to compliance with the following conditions:

1. That the Sylvan Avenue frontage of Parcels 1 and 2 shall be developed to major street standards including the dedication of right-of-way to provide a 50-foot width north of the centerline and the construction of street improvements in accordance with City of Modesto Standard Specifications.
2. That the Claremont Drive frontage of the Parcels 1 and 2 shall be improved to collector street standards in accordance with City of Modesto Standards, including an extra 10-foot dedication for a left turn lane at Sylvan Avenue per City Standards.
3. That improvement plans for required improvements shall be prepared by a registered civil engineer and submitted for approval by the Director of Engineering Services. All improvements shall be constructed in accordance with the approved plans.
4. That street improvements shall be completed as required by the Municipal Code in conjunction with property development of either parcel or by not later than November 1, 1988, whichever occurs first.
5. That a certificate giving notice that street improvements are required along the Sylvan and Claremont Avenue frontages of the property shall be placed on the parcel map.
6. That 10-foot wide public utility easements shall be dedicated along the Sylvan and Claremont Avenue frontages of the property.
7. That existing irrigation pipelines shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Director of Engineering Services.
8. That payment shall be made to the City for the planting of street trees along the Sylvan and Claremont 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 shall be as determined by the Director of Engineering Services.

9. That on-site drainage shall be stored and disposed of on-site.
10. That the property owner 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 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 proceedings and shall cooperate fully in the defense.

BE IT FURTHER RESOLVED that all other provisions and conditions of the above-referred to Planning Commission Resolution No. 88-20 shall remain in full force and effect and the decision of the Planning Commission be and is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 88-225

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3 TO P-0. (STONE BROTHERS AND ASSOC.)

WHEREAS, on April 5, 1988, the City Council introduced Ordinance No. 2583-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 Medium High Density Residential Zone, R-3, to Professional Office Zone, P-0, property located at the northwest corner of Sylvan Avenue and proposed Claremont 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 with mitigation measures in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 9-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, to Professional Office Zone, P-0, property located at the northwest corner of Sylvan Avenue and proposed Claremont Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Sutton

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. 88-226

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR RECONSTRUCTION OF COLDWELL AVENUE FROM COLLEGE
AVENUE TO TULLY 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 Coldwell Avenue from College Avenue to Tully 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 April 19, 1988, 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 April, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-227

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE FLOYD AVENUE OVERLAY AND RECONSTRUCTION

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

SECTION 1. The plans and specifications for the Floyd Avenue overlay and reconstruction

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 19, 1988, 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 5th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-228

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE CARPENTER/TORRID WATERLINE EXTENSION

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

SECTION 1. The plans and specifications for the Carpenter/Torrid
waterline extension

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on April 19, 1988, at 11:10 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 5th day of April, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-229

A RESOLUTION ACCEPTING THE BID OF A & B ROOFING FOR REROOFING THE MADDUX YOUTH CENTER AND THE MODESTO COMMUNITY SERVICE CENTER

WHEREAS, Resolution No. 88-127, adopted by the Council of the City of Modesto on February 16, 1988 , approved the plans and specifications for the reroofing of the Maddux Youth Center and the Modesto Community Service Center and authorized the calling for bids; and

WHEREAS, the bids received for the reroofing the Maddux Youth Center and the Modesto Community Service Center were opened at 11:00 a.m. on March 8, 1988 , and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of A & B Roofing in the amount of \$23,382 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of A & B Roofing in the amount of \$23,382 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 April , 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-230

A RESOLUTION ACCEPTING THE BID OF B & L BUILDERS FOR THE CONSTRUCTION OF THE T.B. SCOTT PARK RESTROOM

WHEREAS, Resolution No.88-147, adopted by the Council of the City of Modesto on February 23, 1988, approved the plans and specifications for the construction of the T.B. Scott Park restroom and authorized the calling for bids; and

WHEREAS, the bids received for the construction of the T.B. Scott Park restroom were opened at 11:00 a.m. on March 15, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of B & L Builders in the amount of \$28,141 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 \$28,141 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 April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-231

A RESOLUTION ACCEPTING THE BID OF B & L BUILDERS FOR THE REPLACEMENT OF PLAY APPARATUS IN COLEMAN F. BROWN PARK

WHEREAS, Resolution No. 88-184, adopted by the Council of the City of Modesto on March 8, 1988, approved the plans and specifications for the replacement of play apparatus in Coleman F. Brown Park and authorized the calling for bids; and

WHEREAS, the bids received for the replacement of play apparatus in Coleman F. Brown Park were opened at 11:10 a.m. on March 29, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of B & L Builders in the amount of \$13,250 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 \$13,250 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 April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-232

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR BANK REPAIR AND SLOPE PROTECTION AT E. LA LOMA AND BEARD BROOK PARKS

WHEREAS, Resolution No.88-182, adopted by the Council of the City of Modesto on March 8, 1988 , approved the plans and specifications for the bank repair and slope protection at E. La Loma and Beard Brook Parks and authorized the calling for bids; and

WHEREAS, the bids received for the bank repair and slope protection at E. La Loma and Beard Brook Parks were opened at 11:05 a.m. on March 29, 1988 , and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of George Reed, Inc. in the amount of \$81,650 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 \$81,650 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 April , 1988 , 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-233

A RESOLUTION ACCEPTING THE BID OF KIRKES ELECTRIC, INC. FOR ELECTRICAL MODIFICATIONS TO THE CROCKER BUILDING

WHEREAS, Resolution No.88-202, adopted by the Council of the City of Modesto on March 15, 1988, approved the plans and specifications for the electrical modifications to the Crocker Building and authorized the calling for bids; and

WHEREAS, the bids received for the electrical modifications to the Crocker Building were opened at 11:15 a.m. on March 29, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Kirkes Electric, Inc. in the amount of \$24,462 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Kirkes Electric, Inc. in the amount of \$24,462 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 April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-234

A RESOLUTION ACCEPTING THE BID OF BIBENS NURSERY FOR FURNISHING LANDSCAPE MAINTENANCE SERVICES AT THE MODESTO CENTRE PLAZA

WHEREAS, Resolution No.88-94 , adopted by the Council of the City of Modesto on February 2, 1988 , approved the plans and specifications for the furnishing of landscape maintenance services at the Modesto Centre Plaza and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of landscape maintenance services at the Modesto Centre Plaza were opened at 3:00 p.m. on February 23, 1988 , 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 Bibens Nursery in the amount of \$28,909 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Bibens Nursery in the amount of \$28,909 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 April , 1988 , 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-235

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF TRAFFIC LINE PAINT FROM APRIL 6, 1988, TO FEBRUARY 10, 1989, THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Parking and Traffic Department and Utility Services - Airport Division is requesting the purchase of traffic line paint which will be used by City crews to maintain streets and airport taxiways; 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 traffic line paint, is hereby waived.

BE IT FURTHER RESOLVED that purchase of traffic line paint through the State of California Cooperative Purchasing Program for an estimated cost of \$21,300 from April 6, 1988, to February 10, 1989, 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 April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-236

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING MAUGET TREE INJECTICIDE

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

SECTION 1. The plans and specifications for furnishing mauget tree injecticide copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 3, 1988, at 3:30 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-237

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE MCHENRY AVENUE WATER SERVICE STRENGTHENING
FROM STANDIFORD AVENUE TO NORTH OF MID LATERAL NO. 6

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

SECTION 1. The plans and specifications for the McHenry Avenue water service strengthening from Standiford Avenue to north of MID Lateral No. 6 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 19, 1988 at 11:15 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-238

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING NEW
CALL FOR BIDS FOR FURNISHING SIGNAL LIGHT POLES

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

SECTION 1. The plans and specifications for furnishing signal light
poles

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 26, 1988, at 3:00 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 5th day of April, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-239

A RESOLUTION ACCEPTING THE BID OF JHL OFFICE INTERIORS FOR FURNISHING FREE
STANDING PANEL SYSTEM FOR THE CROCKER BANK BUILDING

WHEREAS, Resolution No. 88-130, adopted by the Council of the City of
Modesto on February 16, 1988 , approved the plans and specifications for the
purchase of panel systems for the Crocker Bank Building
and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of panel systems for
the Crocker Bank Building
were opened at 3:00 p.m. on March 15, 1988 , 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
JHL Office Interiors in the amount of \$16,197 for free standing panel system
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that
the bid of JHL Office Interiors in the amount of \$16,197
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 5th day of April , 19 88, by Council-
member 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-240

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF A DEMOUNTABLE WALL PANEL SYSTEM FOR THE CROCKER BANK BUILDING, FROM JERI-CO OF MODESTO

WHEREAS, bids were opened March 15, 1988, at 3:00 p.m. for furnishing panel systems for the Crocker Bank Building; and

WHEREAS, the only bid received on the demountable wall system, from JERI-CO of Modesto, had to be rejected for failing to provide a bid bond; and

WHEREAS, the vendor, JERI-CO of Modesto is the only local vendor who specializes in this type of product.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of demountable wall panel system for the Crocker Bank Building, is hereby waived.

BE IT FURTHER RESOLVED that purchase of a demountable wall panel system from JERI-CO of Modesto for \$24,600, 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 April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-241

A RESOLUTION REJECTING ALL BIDS FOR FURNISHING ONE FOUR-WHEEL DRIVE MAINTENANCE TRUCK, AND OPENED IN THE OFFICE OF THE CITY CLERK ON FEBRUARY 16, 1988, AT 3:00 P.M. AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 88-54 adopted by the Council of the City of Modesto on January 19, 1988, approved the plans and specifications for the purchase of one four-wheel drive maintenance truck, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of one four-wheel drive maintenance truck were opened at 3:00 p.m. on February 16, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the only bid received was considerably higher than the City's estimate, and staff feels that a rebid will provide the City with a figure more in line with money budgeted.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for furnishing one four-wheel drive maintenance truck, and opened in the office of the City Clerk on February 16, 1988, at 3:00 p.m., are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for furnishing one four-wheel drive maintenance truck to be opened May 3, 1988, at 3:20 p.m. 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 April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-242

A RESOLUTION ACCEPTING THE BID OF KALLEEN'S, INC. FOR FURNISHING PARKING AND TRAFFIC COMPUTER EQUIPMENT

WHEREAS, Resolution No. 88-128, adopted by the Council of the City of Modesto on February 16, 1988, approved the plans and specifications for the purchase of Parking & Traffic computer equipment and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of Parking & Traffic computer equipment were opened at 3:00 p.m. on March 8, 1988, 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 Kalleen's, Inc. in the amount of \$11,143 be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Kalleen's, Inc. in the amount of \$11,143 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 April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-243

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING DIGESTER CLEANING SERVICES

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

SECTION 1. The plans and specifications for the purchase of digester cleaning 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 April 26, 1988, at 3:20 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-244

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE MICROFILM READER/PRINTER

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

SECTION 1. The plans and specifications for furnishing one microfilm reader/printer

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 10, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-245

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING THREE POLICE MINI VANS

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

SECTION 1. The plans and specifications for furnishing three Police
mini 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 April 26, 1988, at 3:10 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 5th day of April, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-246

A RESOLUTION ACCEPTING THE CONTRACT TO MODIFY TRAFFIC SIGNALS AT OAKDALE AND BRIGGSMORE AND BRIGGSMORE TIME BASE COORDINATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Parking and Traffic, that the contract to modify traffic signals at Oakdale and Briggsmore and Briggsmore time base coordination has been completed by M & M Electric Company in accordance with the contract agreement dated October 20, 1987 .

NOW, THEREFORE, BE IT RESOLVED that the contract to modify traffic signals at Oakdale and Briggsmore and Briggsmore time base coordination

be accepted from said contractor, M & M Electric Company ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$84,488.48 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 5th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-247

A RESOLUTION GRANTING THE APPEAL OF GIL WYMOND TO THE ASSESSMENT OF THE CAPITAL FACILITIES FEES ON THE NEW BURGER KING RESTAURANT BUILDING LOCATED AT 1233 OAKDALE ROAD IN THE CITY OF MODESTO AND AUTHORIZING REFUNDING A PORTION OF SAID FEES.

WHEREAS, building permit No. 63752D was issued on November 4, 1987, for construction of a Burger King Restaurant located at 1233 Oakdale Road, and

WHEREAS, the Capital Facilities Fees became effective on any building permit that was issued subsequent to July 1, 1987, and

WHEREAS, pursuant to City Council Resolution No. 87-498, the Building Inspection Department levied Capital Facilities Fees for the Burger King Restaurant 3,380 square foot building at the rate of \$7.35 per square foot, which fees amounted to \$24,843, and

WHEREAS, pursuant to City Council Resolution No. 88-51, adopted on March 21, 1988, the \$24,843 fee would have been calculated at the reduced rate of \$4.23 per square foot, which fees would have amounted to \$14,297.40, and

WHEREAS, the difference between the two fees is a reduction in the amount of \$10,545.60, and

WHEREAS, by letter dated March 2, 1988, an appeal to the assessment of the Capital Facilities Fees imposed on the new Burger King Restaurant building at 1233 Oakdale Road in the amount of \$24,843 was filed with the City of Modesto by Gil Wymond for a refund, 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 4:00 p.m., on April 5, 1988, 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 Gil Wymond to the administrative actions taken by the building Inspection Department as to the assessment of the Capital Facilities Fees imposed on the Burger King Restaurant building located at 1233 Oakdale Road, should be granted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants the appeal of Gil Wymond to the assessment of the Capital Facilities Fees imposed on the new Burger King Restaurant building in the amount of \$24,843, and authorizes a refund in the amount of \$10,545.60. Said refund would leave the balance of \$14,297.40, which would be in compliance with the Capital Facilities Fees imposed by Resolution No. 88-51.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 88-248

A RESOLUTION APPROVING PROGRAM SUPPLEMENT NO. 27 TO LOCAL AGENCY AGREEMENT NO. 10-5059 BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the supplement to State Agreement No. 10-5059 providing for the funding of the preliminary engineering for the Lakewood/Lincoln Bridge on Lincoln Avenue between Dry Creek Drive and Scenic Drive be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said supplemental agreement by the designated 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 April, 1988, 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: Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: Sutton

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-249

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE ADJUSTMENT TO FINAL GRADE OF FOUR SANITARY SEWER COVERS AND FIVE WATER VALVE COVERS IN CONJUNCTION WITH THE HIGHWAY CONSTRUCTION ON ROUTE 132 FROM D STREET TO SANTA ROSA AVENUE (10ut1923)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California Department of Transportation for the adjustment to final grade of four sanitary sewer covers and five water valve covers in conjunction with the Highway construction on Route 132 from D Street to Santa Rosa 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 April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-250

UTILITIES

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS FOR THE ADJUSTMENT OF 45 WATER VALVE COVERS TO FINAL GRADE ON ROUTE 108 (MCHENRY AVENUE BETWEEN SOUTH OF WELLS AVENUE AND NORTH OF ROUTE 219) (10UT1906)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Caltrans for the adjustment of 45 water valve covers to final grade on Route 108 (McHenry Avenue between south of Wells Avenue and north of Route 219)

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-251

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GRANT E. BALL FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 700 SPENCER AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Grant E. Ball for sewer service to property outside City limits at 700 Spencer Avenue between California Avenue and Marni Way

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-252

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS TO MODIFY TRAFFIC SIGNAL INSTALLATION AT THE INTERSECTION OF MCHENRY AVENUE AND RUMBLE ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Caltrans to modify traffic signal installation at the intersection of McHenry Avenue and Rumble 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 5th day of April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-253

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA TO CONSTRUCT A TRAFFIC SIGNAL AT THE INTERSECTION OF YOSEMITE AND SANTA ROSA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California to construct a traffic signal at the intersection of Yosemite and Santa Rosa 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 April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-254

A RESOLUTION SETTING TIME AND PLACE FOR HEARING CONCERNING AMENDMENTS TO THE ZONING REGULATIONS OF THE MODESTO MUNICIPAL CODE PERTAINING TO CURBSTONING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that April 26, 1988, 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 amendments to the Zoning Regulations of the Modesto Municipal Code pertaining to curbstoning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Sutton

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-255

A RESOLUTION SETTING TIME AND PLACE FOR HEARING CONCERNING THE ZONING AND DEVELOPMENT POLICY FOR THE NORTH SIDE OF NEEDHAM STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that April 26, 1988, 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 Zoning and Development Policy for the north side of Needham Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-256

A RESOLUTION WAIVING SIGN PERMIT FEES FOR EXISTING SIGNS TO BE REMOVED, MODIFIED OR REPLACED BY NEW SIGNS TO CONFORM TO THE SIGN REQUIREMENTS OF THE C-3 ZONE.

WHEREAS, Section 10-2.2103(i) of the Modesto Municipal Code authorizes the Council, by resolution, to establish sign permit fees, and

WHEREAS, Resolution No. 87-1021 established sign permit fees, and

WHEREAS, the Council desires to waive sign permit fees established by Resolution No. 87-1021 for existing signs to be removed, modified or replaced by new signs to conform to the C-3 requirements of the sign regulations, which signs are to be made conforming to the sign regulations referred to herein by October 18, 1988, and

WHEREAS, the time for which the Council desires to waive sign permit fees for existing signs to be moved, removed, modified or replaced by new signs is from the approval of this resolution to October 18, 1988.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby waives the sign permit fees established by Resolution No. 87-1021 for existing signs to be removed, modified or replaced by new signs to conform to the C-3 requirements of the sign regulations, from this date to October 18, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 88-257

A RESOLUTION APPROVING A CONTRACT AMENDMENT TO EXTEND THE STATE GRANT FOR THE TRANSPORTATION CENTER THROUGH JUNE 30, 1989

WHEREAS, the State granted the City of Modesto \$160,000 for the Transportation Center requiring completion of the Transportation Center by June 30, 1988; and

WHEREAS, the Transportation Center will not be completed by June 30, 1988, and it is necessary to request the grant contract be extended through June 30, 1989.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a contract amendment to extend the State grant in the amount of \$160,000 for the Transportation Center through June 30, 1989, and authorizes the City Manager to execute the amended 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 5th day of April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers	None
ABSENT:	Councilmembers:	Sutton

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-258

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND IN-SIGHT AVIATION, INC. FOR RENTAL OF HANGARS #1 AND #2 AND THREE AIRCRAFT TIE-DOWN SPACES 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 In-Sight Aviation, Inc. for rental of Hangars #1 and #2 and three aircraft tie-down spaces 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 5th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-259

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RONALD W. AND LORETHA ADAMS FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1341 CASCADE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ronald W. and Loretha Adams for water service to property outside City limits at 1341 Cascade Avenue, located on the west side of Cascade between Hatch Road and Crater 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 April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-260

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES B. AND CHARLENE M. SMITH FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 204 CRATER AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Charles B. and Charlene M. Smith for water service to property outside City limits at 204 Crater Avenue, located on the south side of Crater Avenue between Cascade Avenue and Crystal 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 April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-261

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES B. AND CHARLENE M. SMITH FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 205 CRATER AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Charles B. and Charlene M. Smith for sewer service to property outside City limits at 204 Crater Avenue, located on the south side of Crater Avenue between Cascade Avenue and Crystal 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 April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-262

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

WHEREAS, Marvin C. Wallis and Madelene Wallis, husband and wife; and Westview Estates, a General Partnership are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 4.561 acres, known as the Westview Estates Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 6th day of July, 1987, 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 Westview Estates Unit No. 2 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

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 5 day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stall T. Yamamoto
STALL T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-263

A RESOLUTION APPROVING THE FINAL MAP OF THE BEACON HILL
NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Stockton Service Corporation, a California corporation is
possessed of a tract of land situate in the City of Modesto, County of
Stanislaus, consisting of 2.117 acres, known as the Beacon Hill No. 2
Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City
Planning Commission on the 4th day of May, 1987, 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 Beacon Hill No. 2 Subdivision meets all of the
provisions of the California Subdivision Map Act and the provisions of the
Modesto Municipal Code relating to subdivisions, and that the map is
technically correct, and

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

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

Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 88-263A

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED NEAR THE SOUTHWEST CORNER OF 10TH AND K STREETS, COMMONLY REFERRED TO AS THE STRAND THEATER PROPERTY, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNATED REPRESENTATIVE OR AGENT TO ACCOMPLISH SAID PURCHASE.

WHEREAS, Elmer E. Jespersen and Sarah E. Jespersen are owners of the property located near the southwest corner of 10th and K Streets and have offered to sell said property to the City of Modesto, said property is commonly referred to as the former Strand Theater site and is more particularly described as follows:

Lots 4, 5, 6 and 7 in Block 57 of the City of Modesto, as per Map filed December 21, 1942, in Volume 15 of Maps, Stanislaus County Records,

and

WHEREAS, said offer was considered by the Council of the City of Modesto at its meeting of April 5, 1988, and

WHEREAS, the Council determined that it would be desirable to purchase said property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of real property located near the southwest corner of 10th and K Streets, commonly referred to as the former Strand Theater site, from Elmer E. Jespersen and Sarah E. Jespersen in the amount of \$210,000, plus closing costs and fees.

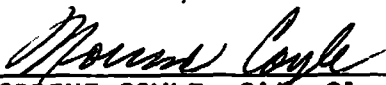
BE IT FURTHER RESOLVED that the City Manager or his designated representative or agent is hereby authorized to execute any and all documents necessary to accomplish said purchase.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1988, 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: Irizarry, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: McGrath, Patterson

ABSENT: Councilmembers: Sutton

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-264

A RESOLUTION ADOPTING ICMA'S DEFERRED COMPENSATION PLAN, APPOINTING THE ICMA RETIREMENT CORPORATION AS ADMINISTRATOR, AND APPOINTING THE CITY'S BENEFITS TECHNICIAN AS COORDINATOR FOR THE PROGRAM.

WHEREAS, the City of Modesto, hereinafter referred to as "Employer" has employees rendering valuable services, and

WHEREAS, the establishment of a deferred compensation plan for such employees serves the interests of the Employer by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel, and

WHEREAS, the Employer has determined that the establishment of a deferred compensation plan to be administered by the International City Management Association Retirement Corporation, hereinafter referred to as "ICMA Retirement Corporation" serves the above objectives, and

WHEREAS, the Employer desires that the investment of funds held under its deferred compensation plan be administered by the ICMA Retirement Corporation, and that such funds be held by the ICMA Retirement Trust, a trust established by public employers for the collective investment of funds held under their deferred compensation plans and money purchase retirement plans,

NOW THEREFORE BE IT RESOLVED that the Employer, unless it has already done so, hereby adopts the deferred compensation plan attached hereto as: (check one only if Employer is hereby adopting a plan)

- (1) Appendix A () or
(2) The plan provided by the Employer which is attached hereto and the Trust Agreement with the ICMA Retirement Corporation (Appendix C) (X)

and appoints the ICMA Retirement Corporation to serve as Administrator thereunder.

BE IT FURTHER RESOLVED that the Employer hereby executes the Declaration of Trust of the ICMA Retirement Trust, attached hereto as Appendix B.

BE IT FURTHER RESOLVED that the Benefits Technician shall be the coordinator for this program and shall receive necessary reports, notices, etc., from the ICMA Retirement Corporation or the ICMA Retirement Trust, and shall cast, on behalf of the Employer, any required votes under the program. Administrative duties to carry out the plan may be assigned to the appropriate departments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

ICMA RETIREMENT CORPORATION

Suite 700
1120 G Street, NW
Washington, DC 20005-3884
(202) 637-3311
Toll Free (800) 424-9249

EMPLOYEE ACTION FORM

INTRODUCTION

- This action form enables you to participate in a deferred compensation plan. You may use this form for four different types of transactions:
 - ENROLLMENT** in your present employer's deferred compensation plan administered by the ICMA Retirement Corporation (complete Parts A, B, and C)
 - AMENDMENT** of a previous agreement if you are already participating in the RC plan (complete Parts A and B)
 - CHANGING THE BENEFICIARY** of your account without changing your deferral amount or your fund allocation (complete Parts A and C)
 - TRANSFER OF FUNDS** if you have an account with RC and wish to move your accumulated assets among RC's investment options (complete Parts A and D)

To apply for benefit payments or any other type of withdrawal, please use the forms provided in RC's brochure, "Guide to Benefit Payments and Emergency Withdrawals."
- Each transaction requires that you complete specific parts of the form. However, Part A of the form must be completed on all forms submitted.
- Three (3) copies of the form are necessary for each transaction. The three copies, attached, do not require carbon paper, but be sure to use a ballpoint pen or a typewriter. After you submit the form to your employer for processing, your employer will return one copy to you, retain one copy, and mail one copy to the Retirement Corporation.

PART A. ESSENTIAL EMPLOYEE INFORMATION

This part of the form must be completed for all transactions. Part A asks you to identify yourself for purposes of establishing your account. RC will use the address you provide to mail account statements, newsletters, and notices of interest to you.

PART B. CONTRIBUTION AND INVESTMENT

1. INSTRUCTIONS FOR ENROLLMENT

- AMOUNT OF DEFERRED COMPENSATION**
IRS regulations limit the total amount a person may defer from federal income taxation. The limit is 25% of total compensation or \$7,500 a year, whichever is less. If you participate in other deferred compensation plans regulated by Section 457 of the Internal Revenue Code, the total amount deferred under all plans may not exceed this amount. See "General Information," paragraph 4, on the reverse side of the agreement.
Any compensation deferred must be future compensation and may only be contributed through payroll deduction.
 - Enter the percentage or dollar amount you, as an individual, wish to defer under the column labeled "Employee's Contribution." If your employer will also contribute to your deferred compensation account, enter the percentage of your salary or dollar amount under the column labeled "Employer's Contribution." The PERCENTAGE METHOD is recommended if you wish your contribution to increase automatically whenever your salary increases. The DOLLAR METHOD fixes a specific contribution amount which will not change unless you request it.

EXAMPLES

- PERCENTAGE METHOD** This participant will defer 5 percent of salary beginning June 15, 1983. The person is paid \$1000 every two weeks; the 5 percent represents a deferral of \$50 each pay period. When the participant receives a salary increase, the employer advises RC of this change and the deferral amount, in dollars, increases automatically.

Method of Deferring Deferred Compensation (Use only once)	Employee's Contribution	Employer's Contribution	Total
1. Percentage Method	5		5
2. Dollar Method (per pay period)	\$	\$	\$

*For Dollar Method, please give amount of each contribution.

Payday on which plan is to begin 6 - 15 - 83
Mo. Day Yr.
 My current salary is \$ 1000 per pay period
 I am paid every (2 weeks, month, 15 days, etc.) two weeks

- DOLLAR METHOD** This participant will defer \$125 every month beginning July 1, 1983. Of this amount, \$100 is deducted from each monthly paycheck and \$25 is contributed directly by the employer as a fringe benefit. An amended joinder must be filed each time the participant wishes to increase the amount of deferral, due to a salary increase or otherwise.

Method of Deferring Deferred Compensation (Use only once)	Employee's Contribution	Employer's Contribution	Total
1. Percentage Method			
2. Dollar Method (per pay period)	\$ 100	\$ 25	\$ 125

*For Dollar Method, please give amount of each contribution.

Payday on which plan is to begin 7 - 1 - 83
Mo. Day Yr.
 My current salary is \$ 1000 per pay period
 I am paid every (2 weeks, month, 15 days, etc.): MONTH

- On the line titled "Payday on which plan is to begin" enter the month, day, and year of the payday covering the pay period when you wish to begin deferring compensation. Be sure the effective date is not in the same month in which you are signing the agreement; a new agreement becomes effective in the month following the month in which it is signed.
- Your current gross salary should be accurately recorded. Do not subtract from your salary the amount you are deferring, nor add any contribution your employer may be making to your deferred compensation.
- When indicating how often you are paid be sure to distinguish between "every two weeks," "twice a month," etc.
- If you are nearing retirement and wish to participate in the catch-up provision, please attach a sheet explaining this. (For more information, call our toll-free number or refer to our brochure.)

• **ALLOCATION TO INVESTMENT FUNDS**

You have four investment options. You may request that all of your deferred compensation be placed in one option, or you may split it among the funds in any combination. For example, you may request that 100% be invested in the Balanced Fund, or you may divide the total so that 50% goes into the Balanced Fund and 50% goes into the Guaranteed Interest Fund. Or, you could request that a certain percentage be invested in each of the four funds. The only requirement is that any division must be made in whole percentages (i.e., 50%, 20%, 33%, etc. (not 50.5%, 20.6%, or 33.3%)).

Some state or local laws restrict the types of investments which may be made with deferred compensation funds. You should check with your employer to see if you have any such restrictions.

See "Selecting Investment Funds" on page 4 for a description of the investment options.

• **NAMING YOUR BENEFICIARY**

When you retire, you must designate a beneficiary for your account in the event of your death. Use Part C of the form to name your beneficiary. Instructions are on page 3.

2 INSTRUCTIONS FOR AMENDMENTS

- The agreement may be amended by completing only those sections in which you desire to make a change. (Be sure to complete Part A "Essential Employee Information" on all amended joiners.) Follow the instructions above for completing each section in which changes are to be made (amount of deferral, allocation, address change, etc.) and check the box at the top of the form labeled "Amendment of Previous Agreement."
- Agreements normally may be amended at any time, however, your employer may have a special policy on when and how often you may amend your agreement.
- Increases and reductions in the amount to be deferred are accomplished by submitting an amended agreement. If you wish to stop contributing altogether, write "none" in the column labeled "Amount of Deferred Compensation" and enter the effective date on the line titled "Payday on which plan is to begin."
- If you wish to increase your deferral in order to use the catch-up provision, be sure to indicate this by attaching a sheet explaining that you are using the catch-up provision as a supplemental provision.
- Amendments apply to future contributions only. To change the allocation of accumulated assets, please see instructions for fund-to-fund transfers (Part D).

PART C. DESIGNATING OR CHANGING BENEFICIARY

Please find instructions on page 3.

PART D. FUND-TO-FUND TRANSFER

1. Transfers affect past contributions only. To request a transfer, check the box at the top of the form marked "Fund Transfer." Then complete Part D of the form by indicating the amount or percentage of assets you wish to have transferred from one fund to another.

EXAMPLES

Using *dollar method* to split assets in Balanced Fund and move into Stock and Bond funds

Transfer **\$4530** from **Balanced** to **Stock**
amount (\$ or %) name of fund name of fund

Transfer **\$1200** from **Balanced** to **Bond**
amount (\$ or %) name of fund name of fund

Using *percentage method* to transfer all assets in Balanced, Bond, and Stock funds into Guaranteed Fund

Transfer **100%** from **Balanced** to **Guaranteed**
amount (\$ or %) name of fund name of fund

Transfer **100%** from **Bond** to **Guaranteed**
amount (\$ or %) name of fund name of fund

Transfer **100%** from **Stock** to **Guaranteed**
amount (\$ or %) name of fund name of fund

2. If you wish to change the allocation of future contributions at the same time you execute a transfer, check the "Amendment" box as well as the "Transfer" box and complete the "Allocation" box in Part B of the form. (See above, "Instructions for Amendments.")
3. Transfers may be made at any time, as long as three months have elapsed between transfers. Your employer may place additional restrictions on transfers.
4. Transfers may be made among the funds in any combination, with one restriction: transfers out of the Guaranteed Fund are limited. Since contributions to that fund will earn guaranteed interest for a certain number of years under contract, any assets committed to this fund cannot be transferred out until the contract expires.
5. RC executes all transfers on the last working day of the month in which your application is received. RC must receive your transfer form by the 20th of that month to allow for processing time, or else the transfer will be executed at the end of the following month.

SPECIAL NOTE TO EMPLOYERS: The "Employer's Use" box is for any internal procedures you may have for processing these forms. In addition, the box accommodates those employers who choose to approve each transaction requested by employees. To assure that RC honors an employer's choice to sign forms, a written notice to this effect should be mailed to RC with names of officials authorized to sign forms. More than one official should be named, since individuals cannot sign approval of their own forms, this implies "constructive receipt" of funds and is contrary to IRS regulations.

If an employer chooses not to sign forms, RC will assume that the employer has conferred to employees the right to change investments without signed approval. An employer may alter this procedure at any time, but RC should be notified in this event so that RC staff may aid the employer in screening submitted forms.

ANY PROBLEM WITH YOUR ACCOUNT MUST BE BROUGHT TO OUR ATTENTION NO LATER THAN 90 DAYS AFTER YOU HAVE RECEIVED YOUR ANNUAL STATEMENT

NAMING YOUR BENEFICIARY

Your beneficiary will receive the value of the accumulation under your account(s) as a death benefit if you die before full distribution of your account(s) during retirement. A beneficiary may be an individual, an institution, a trustee, or your estate, but one should always be designated.

You can guard against complications and insure faster payment of benefits by keeping your designation as simple as possible.

The Primary Beneficiary (Class I) receives the benefits to be paid when the participant dies. If no Primary Beneficiary (Class I) is living, the benefits are paid to the Contingent Beneficiary (Class II). If a class includes more than one person, the proceeds are divided equally among the living beneficiaries of the class unless you specify otherwise. If none of the beneficiaries are living, the proceeds go to your estate.

Be sure to show the complete name, relationship to you and date of birth of each individual you designate. The only exception to this is naming all your children as a class of beneficiaries, see example 1 below. You have the right to change your beneficiary at any time. It is wise to review your designations from time to time to be sure they are up to date.

Please note that the IRS has certain rules governing disbursement of accounts to beneficiaries. These rules are outlined in your employer's contract with RC and in RC's brochure on benefit payments, available to all interested individuals. Also see "General Information," item #3, on the reverse side of the joinder agreement.

Below are typical beneficiary designations. If you wish to make a designation that does not fit any of these categories, please call our participant services staff toll-free (800-424-9249) for assistance.

SAMPLE BENEFICIARY DESIGNATIONS

1. **Usual family situation**—spouse as Primary Beneficiary and children as Contingent Beneficiaries (names of guardians should not be stated)

Primary Beneficiary(ies) (Class I)	Date of Birth	Relationship
	Mo Day Yr	to you
Martha A. Doe	January 1, 1934	Wife
Contingent Beneficiary(ies) (Class II), if any		
My Children		

The term "My Children" provides equal treatment among your children—present and future—including those legally adopted by you. The advantage of using this designation rather than naming each child specifically is that a future child will automatically be included in any sharing in the benefits with other living children. If this designation is not appropriate for you, describe the designation you wish fully in the application—e.g., "the children born of my marriage to Martha A. Doe."

2. **One person a primary beneficiary:**

Primary Beneficiary(ies) (Class I)	Date of Birth	Relationship
Viola R. Doe	July 2, 1933	Sister

3. **Two equal primary beneficiaries:**

Primary Beneficiary(ies) (Class I)	Date of Birth	Relationship
Sarah B. Doe	February 3, 1911	Mother
Arthur R. Doe	July 2, 1910	Father

4. **One primary beneficiary and two contingent beneficiaries:**

Primary Beneficiary(ies) (Class I)	Date of Birth	Relationship
Sarah B. Doe	February 3, 1911	Mother
Contingent Beneficiary(ies) (Class II), if any		
Roger A. Doe	June 11, 1930	Brother
Viola R. Doe	July 2, 1933	Sister

5. **Estate as beneficiary** (names of executors or administrators should not be stated)

Primary Beneficiary(ies) (Class I):
My executors or administrators

6. **Trustee named in inter vivos (living) trust agreement:**

Primary Beneficiary(ies) (Class I):
First Bank and Trust Company, 16 Prince Street, Columbia, Ohio,
or its successors, as trustee under trust agreement dated October 10, 1962.

7. **Institution as beneficiary** (full legal name and address should be stated, also state whether the institution is a corporation)

Primary Beneficiary(ies) (Class I):
The ABC Company, a New York corporation,
Silver Springs, New York

SELECTING INVESTMENT FUNDS

Neither the Retirement Corporation nor your employer can offer you investment advice. The following is a general description of each fund and what you might expect according to conventional investment wisdom. A complete statement of the investment policy and objectives for each fund are published annually in the investment report of the ICMA Retirement Corporation. All investment policy statements are subject to periodic revision, based on the investment climate and the RC Board of Directors' strategy for accomplishing its objectives. There can be no assurances that these objectives will be met. The past performance of each fund is also recorded in RC's annual investment report.

In summarizing each fund, we have pointed out that all investments have a degree of risk. Conventional wisdom assumes that the greater the risk, the greater the possibility for a higher long-term return. However, with the exception of the Guaranteed Fund, future investment results cannot be assured.

The **STOCK FUND** is an investment primarily in common stock. It has the potential for the highest earnings of any RC investment option, but at a correspondingly higher degree of risk. As a long-term investment, the Stock Fund will experience yearly fluctuations exceeding those of RC's other funds. The Stock Fund's objective, over any five-year period, is to earn an average of 6 percent per year above the inflation rate. Only those participants whose investment goals are long-term and those who are willing to tolerate short-term losses should invest in this fund.

The **BALANCED FUND** is oriented towards common stock. However, because of the high volatility of return in equity investment, the fund is balanced with corporate bonds and government securities to protect your account against severe losses. In this fund you should expect significant fluctuations in earnings, in any single year a loss may be experienced. The Balanced Fund's long-term objective is to provide a return, over five years, in an average amount to exceed inflation by 4 percent per year.

The **BOND FUND** is designed to take advantage of the significant earnings which can be made by investing in high quality corporate and government bonds. Offering less risk than the Stock Fund or the Balanced Fund, the Bond Fund should provide steady gains over the long term. Yearly fluctuations will occur in this fund, but in any 12-month period, this fund should not have a negative return. The Bond Fund's objective is to provide a return, over five years, at an average yearly rate of 2 percent above inflation.

The **GUARANTEED FUND** offers protection of principal plus a guaranteed rate of return for a specified period of time. The return is underwritten by short-term guaranteed interest contracts and similar types of securities. The guaranteed rate of return will be based on current market conditions at the time contracts are negotiated. The current guaranteed rate is quoted in RC's brochures, or you can obtain current information by calling RC's toll-free number.

Check appropriate box(es):

- New Agreement
- Change of Beneficiary
- Amendment of Previous Agreement
- Fund Transfer

JOINDER AGREEMENT

For use with deferred compensation plans administered by the ICMA Retirement Corporation.

I hereby apply for participation in _____'s deferred compensation plan as follows:
(print name of employer)

PART A. ESSENTIAL EMPLOYEE INFORMATION

Full Name Miss Mrs. Mr. Ms. _____
First Middle Last

Sex M F Date of Birth Mo. _____ Day _____ Year _____ Social Security No _____

Job Title _____ Daytime phone number _____

Home or Office Address _____
No. Street City State Zip

PART B. CONTRIBUTION AND INVESTMENT

AMOUNT OF DEFERRED COMPENSATION

Effective on the payday shown below, I desire to be paid, in the form of deferred compensation as follows:

Method of Designating Deferred Compensation (Use Only One)	Employee's Contribution	Employer's Contribution	Total
(1) Percentage Method	%	%	%
(2) Dollar Method* (per pay period)	\$	\$	\$

*For Dollar Method, please give amount of each contribution per pay period

Payday on which plan is to begin _____
Mo. Day Yr.

My current salary is \$ _____ per pay period.
 I am paid every (2 weeks, month, 15 days, etc.): _____

Note: If you are using the catch-up provision, please submit "Retirement Age" form found in RC's brochure, "The Catch-Up Provision."

ALLOCATION TO INVESTMENT FUNDS

I request that the total amounts of future deferred compensation be applied to the available investment funds in the following percentages:

Fund	Whole Percentages
Balanced Fund	%
Bond Fund	%
Stock Fund	%
Guaranteed Fund	%
Total	100 %

I understand that where state or local law restricts the nature of the investment of these funds, it will be necessary to restrict the investment choice to those available under the law.

PART C. DESIGNATION OF BENEFICIARY

Primary Beneficiary(ies) (Class I):	Date of Birth	Relationship to You
Contingent Beneficiary(ies) (Class II), if any:		

NOTE: If no Primary Beneficiary (Class I) is living at time of your death, the proceeds are payable to the Contingent Beneficiary(ies) (Class II). If a Class includes more than one person, the proceeds are divided equally among the living beneficiaries of the Class. The right to change beneficiaries is reserved to you.

PART D. FUND TRANSFER

I request that assets in my deferred compensation account with the above employer, consisting of previously contributed amounts plus earnings, be transferred among available investment fund options, as follows:

Transfer _____ from _____ to _____
amount (\$ or %) name of fund name of fund

Transfer _____ from _____ to _____
amount (\$ or %) name of fund name of fund

Transfer _____ from _____ to _____
amount (\$ or %) name of fund name of fund

Transfer _____ from _____ to _____
amount (\$ or %) name of fund name of fund

SUPPLEMENTAL PROVISIONS: Please attach a sheet explaining any special considerations (lump sum contribution, rollover from another plan, use of the catch-up provision).

Employee Signature _____ Date _____ FOR EMPLOYER'S USE. See Special Note to Employers on the instructions page.

Upon termination of employment, I understand I must notify RC to schedule benefits.

DECLARATION OF TRUST OF ICMA RETIREMENT TRUST

ARTICLE I. NAME AND DEFINITIONS

Section 1.1 Name: The Name of the Trust created hereby is the ICMA Retirement Trust.

Section 1.2 Definitions: Wherever they are used herein, the following terms shall have the following respective meanings:

(a) **By-Laws.** The By-Laws referred to in Section 4.1 hereof, as amended from time to time.

(b) **Deferred Compensation Plan.** A deferred compensation plan established and maintained by a Public Employer for the purpose of providing retirement income and other deferred benefits to its employees in accordance with the provisions of section 457 of the Internal Revenue Code of 1954, as amended.

(c) **Guaranteed Investment Contract.** A contract entered into by the Retirement Trust with insurance companies that provides for a guaranteed rate of return on investments made pursuant to such contract.

(d) **ICMA.** The International City Management Association.

(e) **ICMA/RC Trustees.** Those Trustees elected by the Public Employers who, in accordance with the provisions of Section 3.1(a) hereof, are also members of the Board of Directors of ICMA or RC.

(f) **Investment Adviser.** The Investment Adviser that enters into a contract with the Retirement Trust to provide advice with respect to investment of the Trust Property.

(g) **Employer Trust.** A trust created pursuant to an agreement between RC and a Public Employer for the purpose of investing and administering the funds set aside by such employer in connection with its deferred compensation agreements with its employees.

(h) **Portfolios.** The Portfolios of investments established by the Investment Adviser to the Retirement Trust, under the supervision of the Trustees, for the purpose of providing investments for the Trust Property.

(i) **Public Employee Trustees.** Those Trustees elected by the Public Employers who, in accordance with the provisions of Section 3.1(a) hereof, are full-time employees of Public Employers.

(j) **Public Employer.** A unit of state or local government, or any agency or instrumentality thereof, that has adopted a Deferred Compensation Plan and has executed this Declaration of Trust.

(k) **RC.** The International City Management Association Retirement Corporation.

(l) **Retirement Trust.** The Trust created by this Declaration of Trust.

(m) **Trust Property.** The amounts held in the Retirement Trust on behalf of the Public Employers. The Trust Property shall include any income resulting from the investment of the amounts so held.

(n) **Trustees.** The Public Employee Trustees and ICMA/RC Trustees elected by the Public Employers to serve as members of the Board of Trustees of the Retirement Trust.

ARTICLE II. CREATION AND PURPOSE OF THE TRUST; OWNERSHIP OF TRUST PROPERTY

Section 2.1 Creation: The Retirement Trust is created and established by the execution of this Declaration of Trust by the Trustees and the Participating Public Employers.

Section 2.2 Purpose: The purpose of the Retirement Trust is to provide for the commingled investment of funds held by the Public Employers in connection with their Deferred Compensation Plans. The Trust Property shall be invested in the Portfolios, in Guaranteed Investment Contracts, and in other investments recommended by the Investment Adviser under the supervision of the Board of Trustees.

Section 2.3 Ownership of Trust Property: The Trustees shall have legal title to the Trust Property. The Public Employers shall be the beneficial owners of the Trust Property.

ARTICLE III. TRUSTEES

Section 3.1 Number and Qualification of Trustees.

(a) The Board of Trustees shall consist of nine Trustees. Five of the Trustees shall be full-time employees of a Public Employer (the Public Employee Trustees) who are authorized by such Public Employer to serve as Trustee. The remaining four Trustees shall consist of two persons who, at the time of election to the Board of Trustees, are members of the Board of Directors of ICMA and two persons who, at the time of election, are members of the Board of Directors of RC (the ICMA/RC Trustees). One of the Trustees who is a director of ICMA, and one of the Trustees who is a director of RC, shall, at the time of election, be full-time employees of a Public Employer.

(b) No person may serve as a Trustee for more than one term in any ten-year period.

Section 3.2 Election and Term.

(a) Except for the Trustees appointed to fill vacancies pursuant to Section 3.5 hereof, the Trustees shall be elected by a vote of a majority of the Public Employers in accordance with the procedures set forth in the By-Laws.

(b) At the first election of Trustees, three Trustees shall be elected for a term of three years, three Trustees shall be elected for a term of two years and three Trustees shall be elected for a term of one year. At each subsequent election, three Trustees shall be elected for a term of three years and until his or her successor is elected and qualified.

Section 3.3 Nominations: The Trustees who are full-time employees of Public Employers shall serve as the Nominating Committee for the Public Employee Trustees. The Nominating Committee shall choose candidates for Public Employee Trustees in accordance with the procedures set forth in the By-Laws.

Section 3.4 Resignation and Removal.

(a) Any Trustee may resign as Trustee (without need for prior or subsequent accounting) by an instrument in writing signed by the Trustee and delivered to the other Trustees, and such resignation shall be effective upon such

of the Trustees may be removed for cause, by a vote of a majority of the Public Employers.

(b) Each Public Employee Trustee shall resign his or her position as Trustee within sixty days of the date on which he or she ceases to be a full-time employee of a Public Employer.

Section 3.5 Vacancies: The term of office of a Trustee shall terminate and a vacancy shall occur in the event of the death, resignation, removal, adjudicated incompetence or other incapacity to perform the duties of the office of a Trustee. In the case of a vacancy, the remaining Trustees shall appoint such person as they in their discretion shall see fit (subject to the limitations set forth in this Section), to serve for the unexpired portion of the term of the Trustee who has resigned or otherwise ceased to be a Trustee. The appointment shall be made by a written instrument signed by a majority of the Trustees. The person appointed must be the same type of Trustee (i.e., Public Employee Trustee or ICMA/RC Trustee) as the person who has ceased to be a Trustee. An appointment of a Trustee may be made in anticipation of a vacancy to occur at a later date by reason of retirement or resignation, provided that such appointment shall not become effective prior to such retirement or resignation. Whenever a vacancy in the number of Trustees shall occur, until such vacancy is filled as provided in this Section 3.5, the Trustees in office, regardless of their number, shall have all the powers granted to the Trustees and shall discharge all the duties imposed upon the Trustees by this Declaration. A written instrument certifying the existence of such vacancy signed by a majority of the Trustees shall be conclusive evidence of the existence of such vacancy.

Section 3.6 Trustees Serve In Representative Capacity: By executing this Declaration, each Public Employer agrees that the Public Employee Trustees elected by the Public Employers are authorized to act as agents and representatives of the Public Employers collectively.

ARTICLE IV. POWERS OF TRUSTEES

Section 4.1 General Powers: The Trustees shall have the power to conduct the business of the Trust and to carry on its operations. Such power shall include, but shall not be limited to, the power to:

- (a) receive the Trust Property from the Public Employers or from a Trustee of any Employer Trust;
- (b) enter into a contract with an Investment Adviser providing, among other things, for the establishment and operation of the Portfolios, selection of the Guaranteed Investment Contracts in which the Trust Property may be invested, selection of other investments for the Trust Property and the payment of reasonable fees to the Investment Adviser and to any sub-investment adviser retained by the Investment Adviser;
- (c) review annually the performance of the Investment Adviser and approve annually the contract with such Investment Adviser;
- (d) invest and reinvest the Trust Property in the Portfolios, the Guaranteed Investment Contracts and in any other investment recommended by the Investment Adviser, provided that if a Public Employer has directed that its monies be invested in specified Portfolios or in a Guaranteed Investment Contract, the Trustees of the Retirement Trust shall invest such monies in accordance with such directions;
- (e) keep such portion of the Trust Property in cash or cash balances as the Trustees, from time to time, may deem to be in the best interest of the Retirement Trust created hereby, without liability for interest thereon;
- (f) accept and retain for such time as they may deem advisable any securities or other property received or acquired by them as Trustees hereunder, whether or not such securities or other property would normally be purchased as investments hereunder;
- (g) cause any securities or other property held as part of the Trust Property to be registered in the name of the Retirement Trust or in the name of a nominee, and to hold any investments in bearer form, but the books and records of the Trustees shall at all times show that all such investments are a part of the Trust Property;
- (h) make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

any conversion privileges, subscription rights, or other options, and make any payments incidental thereto, oppose, or consent to, or otherwise participate in, corporate reorganizations or other changes affecting corporate securities, and delegate discretionary powers, and pay any assessments or charges in connection therewith, and generally exercise any of the powers of an owner with respect to stocks, bonds, securities or other property held as part of the Trust Property;

(j) enter into contracts or arrangements for goods or services required in connection with the operation of the Retirement Trust, including, but not limited to, contracts with custodians and contracts for the provision of administrative services;

(k) borrow or raise money for the purpose of the Retirement Trust in such amount, and upon such terms and conditions, as the Trustees shall deem advisable, provided that the aggregate amount of such borrowings shall not exceed 30% of the value of the Trust Property. No person lending money to the Trustees shall be bound to see the application of the money lent or to inquire into its validity, expediency or propriety of any such borrowing;

(l) incur reasonable expenses as required for the operation of the Retirement Trust and deduct such expenses from the Trust Property;

(m) pay expenses properly allocable to the Trust Property incurred in connection with the Deferred Compensation Plans or the Employer Trusts and deduct such expenses from that portion of the Trust Property beneficially owned by the Public Employer to whom such expenses are properly allocable;

(n) pay out of the Trust Property all real and personal property taxes, income taxes and other taxes of any and all kinds which, in the opinion of the Trustees, are properly levied, or assessed under existing or future laws upon, or in respect of, the Trust Property and allocate any such taxes to the appropriate accounts;

(o) adopt, amend and repeal the By-Laws, provided that such By-Laws are at all times consistent with the terms of this Declaration of Trust;

(p) employ persons to make available interests in the Retirement Trust to employers eligible to maintain a deferred compensation plan under section 457 of the Internal Revenue Code, as amended;

(q) issue the Annual Report of the Retirement Trust, and the disclosure documents and other literature used by the Retirement Trust;

(r) make loans, including the purchase of debt obligations, provided that all such loans shall bear interest at the current market rate;

(s) contract for, and delegate any powers granted hereunder to, such officers, agents, employees, auditors and attorneys as the Trustees may select, provided that the Trustees may not delegate the powers set forth in paragraphs (b), (c) and (o) of this Section 4.1 and may not delegate any powers if such delegation would violate their fiduciary duties.

(t) provide for the indemnification of the officers and Trustees of the Retirement Trust and purchase fiduciary insurance.

(u) maintain books and records, including separate accounts for each Public Employer or Employer Trust and such additional separate accounts as are required under, and consistent with, the Deferred Compensation Plan of each Public Employer; and

(v) do all such acts, take all such proceedings, and exercise all such rights and privileges, although not specifically mentioned herein, as the Trustees may deem necessary or appropriate to administer the Trust Property and to carry out the purposes of the Retirement Trust.

Section 4.2 Distribution of Trust Property: Distributions of the Trust Property shall be made to, or on behalf of, the Public Employer, in accordance with the terms of the Deferred Compensation Plans or Employer Trusts. The Trustees of the Retirement Trust shall be fully protected in making payments in accordance with the directions of the Public Employers or the Trustees of the Employer Trusts without ascertaining whether such payments are in compliance with the provisions of the Deferred Compensation Plans or the agreements creating the Employer Trusts.

Section 4.3 Execution of Instruments: The Trustees may unanimously designate any one or more of the Trustees to execute any instrument or document on behalf of all, including but not limited to the signing or endorsement

of any check and the signing of any applications, insurance and other contracts, and the action of such designated Trustee or Trustees shall have the same force and effect as if taken by all the Trustees.

ARTICLE V. DUTY OF CARE AND LIABILITY OF TRUSTEES

Section 5.1 Duty of Care: In exercising the powers hereinbefore granted to the Trustees, the Trustees shall perform all acts within their authority for the exclusive purpose of providing benefits for the Public Employers, and shall perform such acts with the care, skill, prudence and diligence in the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

Section 5.2 Liability: The Trustees shall not be liable for any mistake of judgment or other action taken in good faith, and for any action taken or omitted in reliance in good faith upon the books of account or other records of the Retirement Trust, upon the opinion of counsel, or upon reports made to the Retirement Trust by any of its officers, employees or agents or by the Investment Adviser or any sub-investment adviser, accountants, appraisers or other experts or consultants selected with reasonable care by the Trustees, officers or employees of the Retirement Trust. The Trustees shall also not be liable for any loss sustained by the Trust Property by reason of any investment made in good faith and in accordance with the standard of care set forth in Section 5.1.

Section 5.3 Bond: No Trustee shall be obligated to give any bond or other security for the performance of any of his or her duties hereunder.

ARTICLE VI. ANNUAL REPORT TO SHAREHOLDERS

The Trustees shall annually submit to the Public Employers a written report of the transactions of the Retirement Trust, including financial statements which shall be certified by independent public accountants chosen by the Trustees.

ARTICLE VII. DURATION OR AMENDMENT OF RETIREMENT TRUST

Section 7.1 Withdrawal: A Public Employer may, at any time, withdraw from this Retirement Trust by delivering to the Board of Trustees a statement to that effect. The withdrawing Public Employer's beneficial interest in the Retirement Trust shall be paid out to the Public Employer or to the Trustee of the Employer Trust, as appropriate.

Section 7.2 Duration: The Retirement Trust shall continue until terminated by the vote of a majority of the Public Employers, each casting one vote. Upon termination, all of the Trust Property shall be paid out to the Public Employers or the Trustees of the Employer Trusts, as appropriate.

Section 7.3 Amendment: The Retirement Trust may be amended by the vote of a majority of the Public Employers, each casting one vote.


Section 7.4 Procedure: A resolution to terminate or amend the Retirement Trust or to remove a Trustee shall be submitted to a vote of the Public Employers if: (a) a majority of the Trustees so direct, or; (b) a petition requesting a vote, signed by not less than 25% of the Public Employers, is submitted to the Trustees.

ARTICLE VIII. MISCELLANEOUS

Section 8.1 Governing Law: Except as otherwise required by state or local law, this Declaration of Trust and the Retirement Trust hereby created shall be construed and regulated by the laws of the District of Columbia.

Section 8.2 Counterparts: This Declaration may be executed by the Public Employers and Trustees in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

APPROVED AS TO FORM


Stan T. Yamamoto, City Attorney

TRUST AGREEMENT WITH THE ICMA RETIREMENT CORPORATION

AGREEMENT made by and between the Employer named in the attached resolution and the International City Management Association Retirement Corporation (hereinafter the "Trustee" or "Retirement Corporation"), a nonprofit corporation organized and existing under the laws of the State of Delaware, for the purpose of investing and otherwise administering the funds set aside by Employers in connection with deferred compensation plans established under section 457 of the Internal Revenue Code of 1954 (the "Code"). This Agreement shall take effect upon acceptance by the Trustee of its appointment by the Employer to serve as Trustee in accordance herewith as set forth in the attached resolution.

WHEREAS, the Employer has established a deferred compensation plan under section 457 of the Code (the "Plan");

WHEREAS, in order that there will be sufficient funds available to discharge the Employer's contractual obligations under the Plan, the Employer desires to set aside periodically amounts equal to the amount of compensation deferred;

WHEREAS, the funds set aside, together with any and all assets derived from the investment thereof, are to be exclusively within the dominion, control, and ownership of the Employer, and subject to the Employer's absolute right of withdrawal, no employees having any interest whatsoever therein;

NOW, THEREFORE, this Agreement witnesseth that (a) the Employer will pay monies to the Trustee to be placed in deferred compensation accounts for the Employer; (b) the Trustee covenants that it will hold said sums, and any other funds which it may receive hereunder, in trust for the uses and purposes and upon the terms and conditions hereinafter stated, and (c) the parties hereto agree as follows:

ARTICLE I. GENERAL DUTIES OF THE PARTIES

Section 1.1 General Duty of the Employer: The Employer shall make regular periodic payments equal to the amounts of its employees' compensation which are deferred in accordance with the terms and conditions of the Plan to the extent that such amounts are to be invested under the Trust.

Section 1.2 General Duties of the Trustee: The Trustee shall hold all funds received by it hereunder, which, together with the income therefrom, shall constitute the Trust Funds. It shall administer the Trust Funds, collect the income thereof, and make payments therefrom, all as hereinafter provided. The Trustee shall also hold all Trust Funds which are transferred to it as successor Trustee by the Employer from existing deferred compensation arrangements with its Employees under plans described in section 457 of the Code. Such Trust Funds shall be subject to all of the terms and provisions of this Agreement.

ARTICLE II. POWERS AND DUTIES OF THE TRUSTEE IN INVESTMENT, ADMINISTRATION, AND DISBURSEMENT OF THE TRUST FUNDS.

Section 2.1 Investment Powers and Duties of the Trustee: The Trustee shall have the power to invest and reinvest the principal and income of the Trust Funds and keep the Trust Funds invested, without distinction between principal and income, in securities or in other property, real or personal, wherever situated, including, but not limited to, stocks, common or preferred, bonds,

retirement annuity and insurance policies, mortgages, and other evidences of indebtedness or ownership, investment companies, common or group trust funds, or separate and different types of funds (including equity, fixed income) which fulfill requirements of state and local governmental laws, provided, however, that the Employer may direct investment by the Trustee among available investment alternatives in such proportions as the Employer authorizes in connection with its deferred compensation agreements with its employees. For these purposes, these Trust Funds may be commingled with Trust Funds set aside by other Employers pursuant to the terms of the ICMA Retirement Trust. Investment powers vested in the Trustee by the Section may be delegated by the Trustee to any bank, insurance or trust company, or any investment adviser, manager or agent selected by it.

Section 2.2 Administrative Powers of the Trustee: The Trustee shall have the power in its discretion:

(a) To purchase, or subscribe for, any securities or other property and to retain the same in trust.

(b) To sell, exchange, convey, transfer or otherwise dispose of any securities or other property held by it, by private contract, or at public auction. No person dealing with the Trustee shall be bound to see the application of the purchase money or to inquire into the validity, expediency, or propriety of any such sale or other disposition.

(c) To vote upon any stocks, bonds, or other securities, to give general or special proxies or powers of attorney with or without power of substitution; to exercise any conversion privileges, subscription rights, or other options, and to make any payments incidental thereto, to oppose, or to consent to, or otherwise participate in, corporate reorganizations or other changes affecting corporate securities, and to delegate discretionary powers, and to pay any assessments or charges in connection therewith; and generally to exercise any of the powers of an owner with respect to stocks, bonds, securities or other property held as part of the Trust Funds.

(d) To cause any securities or other property held as part of the Trust Funds to be registered in its own name, and to hold any investments in bearer form, but the books and records of the Trustee shall at all times show that all such investments are a part of the Trust Funds.

(e) To borrow or raise money for the purpose of the Trust in such amount, and upon such terms and conditions, as the Trustee shall deem advisable; and, for any sum so borrowed, to issue its promissory note as Trustee, and to secure the repayment thereof by pledging all, or any part, of the Trust Funds. No person lending money to the Trustee shall be bound to see the application of the money lent or to inquire into its validity, expediency or propriety of any such borrowing.

(f) To keep such portion of the Trust Funds in cash or cash balances as the Trustee, from time to time, may deem to be in the best interest of the Trust created hereby, without liability for interest thereon.

(g) To accept and retain for such time as it may deem advisable any securities or other property received or acquired by it as Trustee hereunder, whether or not such securities or other property would normally be purchased as investment hereunder.

(h) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted.

(i) To settle, compromise, or submit to arbitration any claims, debts, or damages due or owing to or from the Trust Funds; to commence or defend suits or legal or administrative proceedings; and to represent the Trust Funds in all suits and legal and administrative proceedings.

(j) To do all such acts, take all such proceedings, and exercise all such rights and privileges, although not specifically mentioned herein, as the Trustee may deem necessary to administer the Trust Funds and to carry out the purposes of this Trust.

Section 2.3 Distributions from the Trust Funds: The Employer hereby appoints the Trustee as its agent for the purpose of making distributions from the Trust Funds. In this regard the terms and conditions set forth in the Plan are to guide and control the Trustee's power.

Section 2.4 Valuation of Trust Funds: At least once a year as of Valuation Dates designated by the Trustee, the Trustee shall determine the value of the Trust Funds. Assets of the Trust Funds shall be valued at their market values at the close of business on the Valuation Date, or, in the absence of readily ascertainable market values as the Trustee shall determine, in accordance with methods consistently followed and uniformly applied.

ARTICLE III. FOR PROTECTION OF TRUSTEE

Section 3.1 Evidence of Action by Employer: The Trustee may rely upon any certificate, notice or direction purporting to have been signed on behalf of the Employer which the Trustee believes to have been signed by a duly designated official of the Employer. No communication shall be binding upon any of the Trust Funds or Trustee until they are received by the Trustee.

Section 3.2 Advice of Counsel: The Trustee may consult with any legal counsel with respect to the construction of this Agreement, its duties hereunder, or any act, which it proposes to take or omit, and shall not be liable for any action taken or omitted in good faith pursuant to such advice.

Section 3.3 Miscellaneous. The Trustee shall use ordinary care and reasonable diligence, but shall not be liable for any mistake of judgment or other action taken in good faith. The Trustee shall not be liable for any loss sustained by the Trust Funds by reasons of any investment made in good faith and in accordance with the provisions of the Agreement.

The Trustee's duties and obligations shall be limited to those expressly imposed upon it by this Agreement.

ARTICLE IV. TAXES, EXPENSES AND COMPENSATION OF TRUSTEE

Section 4.1 Taxes: The Trustee shall deduct from and charge against the Trust Funds any taxes on the Trust Funds or the income thereof or which the Trustee is required to pay with respect to the interest of any person therein.

Section 4.2 Expenses: The Trustee shall deduct from and charge against the Trust Funds all reasonable expenses incurred by the Trustee in the administration of the Trust Funds, including counsel, agency, investment advisory, and other necessary fees.

ARTICLE V. SETTLEMENT OF ACCOUNTS

The Trustee shall keep accurate and detailed accounts of all investments, receipts, disbursements, and other transactions hereunder.

Within ninety (90) days after the close of each fiscal year, the Trustee shall render in duplicate to the Employer an account of its acts and transactions as Trustee hereunder. If any part of the Trust Fund shall be invested through the medium of any common, collective or commingled Trust Funds, the last annual report of such Trust Funds shall be submitted with and incorporated in the account.

If within ninety (90) days after the mailing of the account or any amended account the Employer has not filed with the Trustee notice of any objection to any act or transaction of the Trustee, the account or amended account shall become an account stated. If any objection has been filed, and if the Employer is satisfied that it should be withdrawn or if the account is adjusted to the Employer's satisfaction, the Employer shall in writing filed with the Trustee signify approval of the account and it shall become an account stated.

~~When an account becomes an account stated, such account shall be settled, and the Trustee shall be completely discharged and released, as if such account had been settled and allowed by a judgment or decree of a court of competent jurisdiction in an action or proceeding in which the Trustee and the Employer were parties.~~

The Trustee shall have the right to apply at any time to a court of competent jurisdiction for the judicial settlement of its account.

ARTICLE VI. RESIGNATION AND REMOVAL OF TRUSTEE

Section 6.1 Resignation of Trustee: The Trustee may resign at any time by filing with the Employer its written resignation. Such resignation shall take effect sixty (60) days from the date of such filing and upon appointment of a successor pursuant to Section 6.3, whichever shall first occur

Section 6.2 Removal of Trustee: The Employer may remove the Trustee at any time by delivering to the Trustee a written notice of its removal and an appointment of a successor pursuant to Section 6.3. Such removal shall not take effect prior to sixty (60) days from such delivery unless the Trustee agrees to an earlier effective date.

Section 6.3 Appointment of Successor Trustee: The appointment of a successor to the Trustee shall take effect upon the delivery to the Trustee of (a) an instrument in writing executed by the Employer appointing such successor, and exonerating such successor from liability for the acts and omissions of its predecessor, and (b) an acceptance in writing, executed by such successor.

All of the provisions set forth herein with respect to the Trustee shall relate to each successor with the same force and effect as if such successor had been originally named as Trustee hereunder.

If a successor is not appointed within sixty (60) days after the Trustee gives notice of its resignation pursuant to Section 6.1., the Trustee may apply to any court of competent jurisdiction for appointment of a successor

Section 6.4 Transfer of Funds to Successor: Upon the resignation or removal of the Trustee and appointment of a successor, and after the final account of the Trustee has been properly settled, the Trustee shall transfer and deliver any of the Trust Funds involved to such successor.

ARTICLE VII. DURATION AND REVOCATION OF TRUST AGREEMENT

Section 7.1 Duration and Revocation: This Trust shall continue for such time as may be necessary to accomplish the purpose for which it was created but may be terminated or revoked at any time by the Employer as it relates to any and/or all related participating Employees. Written notice of such termination or revocation shall be given to the Trustee by the Employer. Upon termination or revocation of the Trust, all of the assets thereof shall return to and revert to the Employer. Termination of this Trust shall not, however, relieve the Employer of the Employer's continuing obligation to pay deferred compensation to Employees in accordance with the terms of the Plan.

Section 7.2 Amendment: The Employer shall have the right to amend this Agreement in whole and in part but only with the Trustee's written consent. Any such amendment shall become effective upon (a) delivery to the Trustee of a written instrument of amendment, and (b) the endorsement by the Trustee on such instrument of its consent thereto.

ARTICLE VIII. MISCELLANEOUS

Section 8.1 Laws of the District of Columbia to Govern: This Agreement and the Trust hereby created shall be construed and regulated by the laws of the District of Columbia.

Section 8.2 Successor Employers: The "Employer" shall include any person who succeeds the Employer and who thereby becomes subject to the obligations of the Employer under the Plan.

Section 8.3 Withdrawals: The Employer may, at any time, and from time to time, withdraw a portion or all of Trust Funds created by this Agreement.

Section 8.4 Gender and Number: The masculine includes the feminine and the singular includes the plural unless the context requires another meaning

MODESTO CITY COUNCIL
RESOLUTION NO. 88-265

A RESOLUTION INCREASING THE AMOUNT IN THE PETTY CASH REVOLVING FUND BY \$475.00 AND AUTHORIZING THE TRANSFER OF \$475.00 FROM THE GENERAL FUND TO THE PETTY CASH REVOLVING FUND AND CONTINUING THE PETTY CASH ACCOUNT IN THE PARKING FUND FOR PURPOSES OF MAKING CHANGE ON OFF-STREET PARKING LOTS WHICH ARE ATTENDANT OPERATED AND SUPERSEDING RESOLUTION NO. 83-813.

WHEREAS, increased operations and the creation of two new Petty Cash Accounts have caused a need to expand Petty Cash Revolving Fund, and

WHEREAS, it is desirable and necessary that the amount in the Petty Cash Revolving Fund be increased to meet the current needs for cashiering and providing change for the Modesto Centre Plaza Box Office and Parking Garage, and

WHEREAS, Resolution No. 83-813 continued a Petty Cash Account in the Parking Fund in the amount of Forty and no/100ths (\$40.00) Dollars for the purpose of making change on off-street parking lots which are attendant operated, and

WHEREAS, the increased daily volume in the downtown parking garage has generated a need for an increase of cash in said Petty Cash Account,

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

1. The amount of \$475.00 be transferred from the General Fund (Fund 010) to the Petty Cash Revolving Fund (Fund 011) to provide monies for cashiering to meet current needs and to create Petty Cash Accounts for the Modesto Centre Plaza Box Office and Parking Garage.

2. The Petty Cash Account (Account No. 0106) in the Parking Fund (Fund 600) be continued and that the amount maintained therein be increased to

the sum of Eighty and no/100ths (\$80.00) Dollars, for the purpose of providing money to make change at attendant operated off-street parking lots.

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

BE IT FURTHER RESOLVED that this resolution supersedes Resolution No. 83-813 adopted by the Council on December 13, 1983.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 88-266

A RESOLUTION OF INTENTION TO VACATE AND ABANDON CERTAIN
EXCESS STREET RIGHTS-OF-WAY ON BRIGHTON AVENUE BETWEEN
COFFEE ROAD AND SCENIC DRIVE IN THE CITY OF MODESTO.

WHEREAS, the City Council initiated and referred to the Planning
Commission for a report and recommendation the proposed vacation and
abandonment of certain excess street rights-of-way on Brighton Avenue between
Coffee Road and Scenic Drive, and

WHEREAS, the proposed street rights-of-way abandonment has been
referred to affected City departments and the local utility companies, and no
objection to the proposed street rights-of-way abandonment has been received,
and

WHEREAS, notices of an informal public hearing to consider the
proposed street rights-of-way abandonment were posted in the area, and said
hearing was held by the Planning Commission on February 22, 1988, and

WHEREAS, the Planning Commission by Resolution No. 88-21, adopted on
February 22, 1988, found and determined as follows:

1. The street abandonment is in conformity with the General Plan
as Brighton Avenue has been reclassified from a major street to
a collector street. The portion of Brighton Avenue south of
Locke Road that was proposed to veer easterly before
intersecting with Scenic Drive was deleted.
2. That the portions of Brighton Avenue proposed to be abandoned
will return to a 60-foot wide right-of-way after abandonment of
excess street rights-of-way.
3. The excess street rights-of-way proposed to be abandoned are
not necessary to serve present or future traffic needs in the
area.

and

WHEREAS, the Planning Commission by said Resolution No. 88-21 recommended to the City Council the vacation and abandonment of certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive, subject to the following conditions:

1. That street improvements to collector street standards shall be installed along the Brighton Avenue frontage of the city-owned parcels located on the east side of Brighton Avenue and south of the alley south of Locke Road before said parcels are sold. Those parcels consist of about 1.37 acres as shown on the maps entitled "Brighton Avenue Excess Right-of-Way - Coffee Road to Scenic Drive, pages 6, 7, and 8. If the parcel shown on page 8 is sold separately and is combined with an adjacent parcel with frontage on Brighton Avenue, the frontage on Brighton Avenue of adjacent parcel shall be improved before said City parcel is sold.
2. That the City work with the Modesto School District to get street improvements to collector street standards along Brighton Avenue adjacent to Downey High School, and reconsider abandonment of excess right-of-way adjacent to Downey High School will occur after street improvements are installed.

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 those certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive, subject to the conditions recommended by the Planning Commission and hereinabove set forth. Said proposed vacation and abandonment is more particularly shown on those certain maps entitled "Brighton Avenue Excess Right of Way - Coffee Rd to Scenic Dr, Pages 1 through 9," dated March 21, 1988, which are on file in the office of the City Clerk, and more particularly described on the following listed exhibits marked A through I, respectively, which are attached hereto, and by this reference made a part hereof as though set forth in full herein:

1. Exhibit A, 1.14 acres of excess right-of-way on Brighton Avenue in block 1099 in the City of Modesto.
2. Exhibit B, 773 square feet of excess right-of-way on Brighton Avenue in block 1034 in the City of Modesto.
3. Exhibit C, 8,000 square feet of excess right-of-way on Brighton Avenue in block 1033 in the City of Modesto.
4. Exhibit D, 9,328 square feet of excess right-of-way on Brighton Avenue in block 1026 in the City of Modesto.
5. Exhibit E, 9,328 square feet of excess right-of-way on Brighton Avenue in block 1024 in the City of Modesto.
6. Exhibit F, .35 acre of excess right-of-way on Brighton Avenue in block 1024 in the City of Modesto.
7. Exhibit G, .855 acre of excess right-of-way on Brighton Avenue in block 1024 in the City of Modesto.
8. Exhibit H, .169 acre of excess right-of-way on Brighton Avenue in block 1022 in the City of Modesto.
9. Exhibit I, 1.08 acres of excess right-of-way on Brighton Avenue in block 1022 in the City of Modesto.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment of said certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive 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 May 10, 1988, at the hour of 7:30 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 Director of Planning and Community Development is hereby directed to cause notices of the proposed vacation and abandonment of said certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive, to be posted conspicuously along the line of said street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive proposed to be vacated and abandoned, at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the street rights-of-way proposed to be abandoned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. Chisholm
Engineering Services Department

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the West half of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Parcel 1 and Parcel B, as per map filed July 26, 1967 in Volume 3 of Parcel Maps, Page 121, Stanislaus County Records, described as follows:

Commencing at the Southeastern corner of said Parcel B; thence along the Southern line of Parcel B, South $89^{\circ}56'41''$ West, 15.00 feet, to the true point of beginning of this description; thence continuing along said Southern line of Parcel B, South $89^{\circ}56'41''$ West, 30.00 feet, to a point on a non-tangent curve from which point a radial line bears South $89^{\circ}12'48''$ West; thence Northwesterly along said tangent curve concave to the Southwest, having a Radius of 557.77 feet, a Central Angle of $70^{\circ}40'25''$ and an Arc Length of 688.00 feet; thence along a tangent line, North $71^{\circ}27'37''$ West, 534.91 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 645.00 feet, a Central Angle of $35^{\circ}51'49''$ and an Arc Length of 403.73 feet, to a point of reverse curve from which point a radial line bears North $54^{\circ}24'12''$ East; thence Southwesterly along said reverse curve concave to the South, having a Radius of 15.00 feet, a Central Angle of $144^{\circ}54'12''$ and an Arc Length of 37.94 feet, to its point of tangency on the Eastern line of 90.00 foot Coffee Road; thence along said Eastern line of Coffee Road, North $00^{\circ}30'$ West, 18.72 feet; thence Northeasterly along a tangent curve concave to the Southeast, having a Radius of 15.00 feet, a Central Angle of $105^{\circ}50'12''$ and an Arc Length of 27.71 feet, to a point of compound curvature from which point a radial line bears South $15^{\circ}20'12''$ West; thence Southeasterly along said compound curve concave to the Southwest, having a Radius of 106.61 feet, a Central Angle of $35^{\circ}41'49''$ and an Arc Length of 66.42 feet, to a point of reverse curvature, from which point a radial line bears North $51^{\circ}02'01''$ East; thence Southeasterly along said reverse curve concave to the Northeast, having a Radius of 615.00 feet, a Central Angle of $32^{\circ}29'38''$ and an Arc Length of 348.78 feet; thence along a tangent line, South $71^{\circ}27'37''$ East, 534.91 feet; thence Southeasterly along a tangent curve concave to the Southwest, having a Radius of 587.77 feet, a Central Angle of $70^{\circ}42'38''$ and an Arc Length of 725.39 feet, to the point of beginning from which point a radial line bears South $89^{\circ}15'01''$ West.

Containing 1.141 Acres, more or less.

EXHIBIT A

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lot 28 of the BROUGHTON COLONY, as per map filed March 17, 1904 in Volume 1 of Maps, Page 78, Stanislaus County Records, described as follows:

Commencing at the Southeastern corner of said Lot 28, said point being on the centerline of former 40.00 foot Brighton Avenue; thence along the Southern line of Lot 28, North 89°58' West, 30.00 feet, to a point on a non-tangent curve from which point a radial line bears North 89°51'59" East, said non-tangent curve being the Western line of 60.00 foot Brighton Avenue; thence Northerly along said non-tangent curve concave to the East, having a Radius of 2030.00 feet, a Central Angle of 1°24'40" and an Arc Length of 50.00 feet, to a point on the Northern line of the property conveyed to the City of Modesto by Deed recorded June 13, 1956, as Instrument 16464, Stanislaus County Records, from which point a radial line bears South 88°43'21" East; thence along said Northern line of said City property, North 89°58' West, 16.07 feet; thence South 00°35' East, 50.00 feet, to said Southern line of Lot 28; thence along said Southern line of Lot 28, South 89°58' East, 15.06 feet, to the point of beginning, containing 773 square feet, more or less.

Parcel 1033-1A

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Lot 1 in Block 1033 of DOWNEY MANOR, as per map filed August 5, 1955 in Volume 18 of Maps, Page 32, Stanislaus County Records.

Containing 8,000 square feet, more or less.

Parcel 1026-4A

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lot 1 in Block 1026 of the LOCKE TRACT, as per map filed July 24, 1946 in Volume 14 of Maps, Page 67, Stanislaus County Records, described as follows:

Beginning at the Southeastern corner of said Lot 1; thence along the Southern line of Lot 1 and the Northern line of 60.00 foot Locke Road, North $89^{\circ}56'30''$ West, 60.17 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 15.00 feet, a Central Angle of $89^{\circ}21'30''$ and an Arc Length of 23.39 feet, to its point of tangency on the Western line of said Lot 1; thence along said Western line of Lot 1 and the Eastern line of 60.00 foot Brighton Avenue, North $00^{\circ}35'$ West, 104.91 feet; thence Northerly along a tangent curve concave to the East, having a Radius of 1,970.00 feet, a Central Angle of $00^{\circ}09'10''$ and an Arc Length of 5.25 feet, to a point on the Northern line of Lot 1, from which point a radial line bears North $89^{\circ}34'10''$ East; thence along said Northern line of Lot 1, South $89^{\circ}57'$ East, 75.00 feet, to the Northeastern corner of Lot 1; thence along the Eastern line of Lot 1, South $00^{\circ}35'$ East, 125.01 feet, to the point of beginning, containing 9,328 square feet, more or less.

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Lot 1 in Block 1024 of the LOCKE TRACT, as per map filed July 24, 1946 in Volume 14 of Maps, Page 67, Stanislaus County Records.

Excepting therefrom the following described property:

Beginning at the Northwestern corner of said Lot 1, said point being the intersection of the Eastern line of 60.00 foot Brighton Avenue and the Southern line of 60.00 foot Locke Road; thence along the Western line of Lot 1 and said Eastern line of Brighton Avenue, South $00^{\circ}35'$ East, 15.17 feet, to a point of cusp with a tangent curve; thence Northeasterly along said tangent curve concave to the Southeast, having a Radius of 15.00 feet, a Central Angle of $90^{\circ}38'30''$ and an Arc Length of 25.73 feet, to its point of tangency on the Northern line of Lot 1; thence along said Northern Line of Lot 1 and said Southern line of Locke Road, North $89^{\circ}56'30''$ West, 15.17 feet, to the point of beginning.

Containing 9,325 square feet, more or less.

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of the South one-half of Lot 32 of the BROUGHTON COLONY, as per map filed March 17, 1904 in Volume 1 of Maps, Page 78, Stanislaus County Records, described as follows:

Commencing at the Northwest corner of said South one-half of Lot 32 of the BROUGHTON COLONY, said point being on the centerline of 60.00 foot Brighton Avenue; thence along the Northern line of said South one-half of Lot 32, North $89^{\circ}46'03''$ East, 30.00 feet, to the Eastern line of said Brighton Avenue; thence along said Eastern line of Brighton Avenue, South $00^{\circ}45'57''$ East, 10.00 feet, to a point on the Southern line of a 20.00 foot alley in Block 1024 and the true point of beginning of this description; thence continuing along the Eastern line of Brighton Avenue, South $00^{\circ}45'57''$ East, 120.01 feet, to a point on the Southern line of the North 130 feet of said South one-half of Lot 32; thence along said Southern line of the North 130 feet of said South one-half of Lot 32, North $89^{\circ}46'03''$ East, 163.70 feet; thence North $34^{\circ}34'11''$ West, 7.46 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 855.00 feet, a Central Angle of $8^{\circ}48'41''$ and an Arc Length of 131.49 feet, to a point on said Southern line of the 20.00 foot alley in Block 1024, from which point a radial line bears North $64^{\circ}14'30''$ East; thence along said Southern line of the 20.00 alley in Block 1024, said line being parallel with and 10.00 feet, measured at right angles, Southerly from said Northern line of the South one-half of Lot 32, South $89^{\circ}46'03''$ West, 95.07 feet, to the point of beginning, containing 0.350 Acres, more or less.

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of the South one-half of Lot 32 of the BROUGHTON COLONY, as per map filed March 17, 1904 in Volume 1 of Maps, Page 78, Stanislaus County Records, described as follows:

Commencing at the Southwestern corner of said Lot 32, said point being on the centerline of a public street known as Brighton Avenue; thence along the Southern line of said Lot 32, North $89^{\circ}46'03''$ East, 165.00 feet, to the true point of beginning of this description; thence continuing along said Southern line of Lot 32, North $89^{\circ}46'03''$ East, 163.46 feet; thence North $34^{\circ}34'11''$ West, 242.21 feet, to a point on the Southern line of the North 130 feet of said South one-half of Lot 32 of the BROUGHTON COLONY; thence along said Southern line of the North 130 feet of the South one-half of Lot 32, South $89^{\circ}46'03''$ West, 163.70 feet, to a point on the Eastern line of 60.00 foot wide Brighton Avenue; thence along said Eastern line of Brighton Avenue, said line being 30.00 feet, measured at right angles, Easterly from the Western line of said Lot 32, South $00^{\circ}45'57''$ East, 133.41 feet, to a point on the Northern line of the South 66.6 feet of said South one-half of Lot 32; thence along said Northern line of the South 66.6 feet of the South one-half of Lot 32, North $89^{\circ}46'03''$ East, 135.00 feet, to the Eastern line of the West 165 feet of the South 66.6 feet of the South one-half of Lot 32; thence along said Eastern line of the West 165 feet of the South 66.6 feet of the South one-half of Lot 32, South $00^{\circ}45'57''$ East, 66.6 feet, to the point of beginning, containing 0.855 Acres, more or less.

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lot 40 of the BROUGHTON COLONY, as per map filed March 17, 1904 in Volume 1 of Maps, Page 78, Stanislaus County Records, described as follows:

Beginning at the Northeastern corner of said Lot 40; thence along the Northern line of said Lot 40, South $89^{\circ}46'03''$ West, 163.87 feet; thence South $34^{\circ}34'11''$ East, 60.55 feet, to a point on the Southern line of the Northern 50.00 feet of Lot 40; thence along said Southern line of the Northern 50.00 feet of Lot 40, North $89^{\circ}46'03''$ East, 130.18 feet, to the Eastern line of Lot 40; thence along said Eastern line of Lot 40, North $00^{\circ}45'57''$ West, 50.00 feet, to the point of beginning, containing 0.169 Acres, more or less.

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the intersection of the center lines of a former 50.00 foot public road known as Scenic Drive and a 40.00 foot public road known as Brighton Avenue; thence along the center line of Scenic Drive, North $73^{\circ}47'09''$ East, 684.89 feet; thence Northerly along a curve concave to the Southwest, having a Radial line which is the center line of Scenic Drive, a Central Angle of $2^{\circ}51'58''$, a Radius of 900.00 feet, and an Arc Length of 45.02 feet, to a point which is North $73^{\circ}47'09''$ East, 272.76 feet from the Western line of property conveyed to the Hawaii and San Francisco Investment Company by Deed recorded February 7, 1964 as Instrument 5606, Stanislaus County Records, and the true point of beginning, said point being on the Northern line of a 20 foot width of property conveyed for road widening to the County of Stanislaus by Deed recorded April 3, 1964, as Instrument 13485, Stanislaus County Records, said line being parallel with and 45.00 feet, measured at right angles, Northerly from the center line of Scenic Drive; thence along said Northern line, South $73^{\circ}47'09''$ West, 61.02 feet; thence along a tangent curve concave to the Northwest, having a Central Angle of $94^{\circ}05'46''$, a Radius of 15.00 feet, and an Arc Length of 24.63 feet; thence Northwesterly along a tangent curve concave to the Southwest, having a Central Angle of $14^{\circ}01'33''$, a Radius of 855.00 feet, and an Arc Length of 209.30 feet; thence North $34^{\circ}20'10''$ West, 215.86 feet to a point on the Western line of said Investment Company property; thence along said Western line, North $0^{\circ}34'10''$ West, 161.92 feet; thence South $34^{\circ}20'10''$ East, 350.47 feet; thence Southeasterly along a tangent curve concave to the Southwest, having a Central Angle of $14^{\circ}32'19''$, a Radius of 945.00 feet, and an Arc Length of 239.79 feet; thence along a tangent curve concave to the Northeast, having a Central Angle of $86^{\circ}25'00''$, a Radius of 15.00 feet, and an Arc Length of 22.62 feet, to its point of tangency on the Northern line of property conveyed to the County of Stanislaus for road widening; thence along said Northern line, South $73^{\circ}47'09''$ West, 59.25 feet to the point of beginning, containing 1.082 Acres, more or less.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-267

A RESOLUTION ACCEPTING THE PUBLICATION ENTITLED "MODESTO COMMUNITY ASSESSMENT", A COMMUNITY ASSESSMENT OF MODESTO, AS COMPLETED BY THE STANISLAUS COUNTY ECONOMIC DEVELOPMENT CORPORATION.

WHEREAS, the Stanislaus County Economic Development Corporation (SCEDCO), in cooperation with the City of Modesto Economic Development Office and the Modesto Chamber of Commerce, has recently completed a community assessment of Modesto, and

WHEREAS, the publication entitled "Modesto Community Assessment" is a collection of data that businesses considering expanding or locating to the Modesto area would evaluate. Said assessments have been completed for seven of the nine cities in Stanislaus County, and

WHEREAS, the Stanislaus County Economic Development Corporation has requested that the Council of the City of Modesto accept the publication entitled "Modesto Community Assessment" and retain copies of said publication for distribution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts the publication entitled "Modesto Community Assessment", as completed by the Stanislaus County Economic Development Corporation, which said publication shall be retained for distribution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 88-268

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CAROL GARLITZ FROM THE FARM-CITY ADVISORY COMMITTEE AND LOCAL CABLE PROGRAMMING COMMITTEE, EFFECTIVE APRIL 5, 1988

WHEREAS, Carol Garlitz was appointed a member of the Farm-City Advisory Committee on October 16, 1984, and a member of the Local Cable Programming Committee on February 17, 1987; and

WHEREAS, Carol Garlitz has tendered her resignation from the Farm-City Advisory Committee and the Local Cable Programming Committee, effective April 5, 1988; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Carol Garlitz be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Carol Garlitz 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 5th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Sutton

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-269

A RESOLUTION DENYING A REQUEST FROM THE SYLVAN UNION ELEMENTARY SCHOOL DISTRICT FOR PERMISSION TO ACQUIRE A PORTION OF THE ORCHARD NEIGHBORHOOD PARK SITE AND UPHOLDING THE RECOMMENDATION OF THE PLANNING COMMISSION.

WHEREAS, a Neighborhood Zoning and Development Plan for the Orchard Neighborhood was adopted by the Planning Commission on March 15, 1977, and revised on May 30, 1978, and said plan included a ten-acre school site and five-acre park site, and

WHEREAS, based on information from the Sylvan Union Elementary School District that an elementary school would not be needed in the Orchard Neighborhood, the Orchard Neighborhood Zoning and Development Plan was revised on August 6, 1979, to drop the ten-acre school site and increase the five-acre park site to ten acres, and

WHEREAS, on February 16, 1988, a request was received by the City Council from the Sylvan Union Elementary School District for permission to acquire a portion of the Orchard Neighborhood park site for purposes of constructing an elementary school, and

WHEREAS, the Government Code requires a report and recommendation to be made by the local Planning Commission on proposals to dispose of City property, and

WHEREAS, the City Council referred the Sylvan Union Elementary School District's request to the Planning Commission for consideration and recommendation, and

WHEREAS, an informal public hearing to obtain input from neighborhood residents regarding the District's proposal was held by the

Planning Commission on March 7, 1988, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after holding said public hearing, the Planning Commission adopted Resolution No. 88-26 recommending to the City Council denial of the request by the Sylvan Union Elementary School District to acquire any portion of the City-owned Orchard Neighborhood Park for an elementary school site for the reasons stated in said Planning Commission Resolution No. 88-26 and quoted below:

1. The proposal is inconsistent with the Open Space and Recreation Element of the Modesto General Plan.
2. The proposal will reduce the open space and recreational area in this neighborhood below current standards as set forth in the General Plan.
3. This change in land use for the Orchard Neighborhood is inconsistent with the adopted Neighborhood Zoning and Development Plan, a copy of which is attached.
4. If approved, the elementary school would be on a very small site. Past experience indicates that an elementary school site needs to be ten acres for maximum program flexibility, so that relocatables can be added, etc. The proposal is in essence the substitution of a park site with a school site. This neighborhood needs a neighborhood park, and

WHEREAS, a public hearing was held by the City Council on April 12, 1988, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at 7:30 p.m., at which hearing the Council considered the recommendation of the Planning Commission which recommended denial of the request from the Sylvan Union Elementary School District, and

WHEREAS, thereafter, evidence, both oral and documentary, was presented and considered and the Council found and determined that the request by the Sylvan Union Elementary School District to acquire any portion of the City-owned Orchard Neighborhood Park for an elementary school site should be denied and the recommendation of the Planning Commission should be upheld,

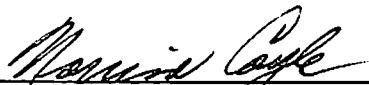
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request by the Sylvan Union Elementary School District to acquire any portion of the City-owned Orchard Neighborhood Park for an elementary school site is hereby denied for the reasons stated in said Planning Commission Resolution No. 88-26 and quoted above and the recommendation of the Planning Commission is hereby upheld.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-270

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING FIRE APPARATUS INTERCOM SYSTEMS

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

SECTION 1. The plans and specifications for the purchase of fire apparatus intercom systems 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 10, 1988, at 3:20 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-271

A RESOLUTION ACCEPTING THE TULLY ROAD CANAL CROSSING OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6 AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the Tully Road canal crossing of M.I.D. Lateral No. 6

has been completed by Floyd Johnston Construction
in accordance with the contract agreement dated December 23, 1986 .

NOW, THEREFORE, BE IT RESOLVED that the Tully Road canal crossing of
M.I.D. Lateral No. 6

be accepted from said contractor, Floyd Johnston Construction ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$187,995.77 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 April ,
1988, by Councilmember Patterson , who moved its adoption, which
motion being duly seconded by Councilmember McGrath , was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-272

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE BRIDGE CROSSING OF MODESTO IRRIGATION DISTRICT LATERAL NO. 5 AT CALIFORNIA AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering , that the construction of the bridge crossing of Modesto Irrigation District Lateral No. 5 at California Avenue has been completed by Floyd Johnston Construction in accordance with the contract agreement dated December 23, 1986 .

NOW, THEREFORE, BE IT RESOLVED that the bridge crossing of M.I.D. Lateral No. 5 at California Avenue

be accepted from said contractor, Floyd Johnston Construction ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$121,821.36 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 April, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-273

A RESOLUTION ACCEPTING THE EAST LA LOMA PARK FENCING INSTALLATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the installation of the chain link fencing in East LaLoma Park

has been completed by Weaver's Woven Wire
in accordance with the contract agreement dated March 1, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the installation of chain link
fencing in East LaLoma Park

be accepted from said contractor, Weaver's Woven Wire ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$13,930 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 April ,
19 88 by Councilmember Patterson , who moved its adoption, which
motion being duly seconded by Councilmember McGrath , was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-274

A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN EASEMENT DEED TO TURLOCK IRRIGATION DISTRICT FOR IRRIGATION FACILITIES ACROSS A DRAINAGE BASIN LOCATED NEAR THE INTERSECTION OF WHITMORE AVENUE AND CROWS LANDING ROAD

WHEREAS, a subdivision project on land adjacent to a City-owned drainage basin located in the northwest quadrant of Whitmore Avenue and Crows Landing Road requires the relocation of a T.I.D. irrigation line ; and

WHEREAS, the City has received a request to relocate a portion of the irrigation line across City property.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the City Manager and City Clerk are authorized to execute an easement deed to Turlock Irrigation District for irrigation facilities across a drainage basin located near the intersection of Whitmore Avenue and Crows Landing Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1988, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-275

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
TRANSAMERICA INSURANCE COMPANY TO PROVIDE SPECIAL EVENTS - TENANT/USER INSURANCE
COVERAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and TransAmerica
Insurance Company to provide special events - tenant/user insurance coverage

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
April, 19 88, by Councilmember Irizarry
who moved its adoption, which motion being duly seconded by Council-
member Lang, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-276

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER THE CITY'S
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR FISCAL YEAR 1988-89

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that May 3, 1988, at 4:00 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 the City's Community
Development Block Grant application for fiscal year 1988-89.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 12th day of
April, 1988, by Councilmember Patterson, who
moved its adoption, which motion being duly seconded by Councilmember
McGrath, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-277

A RESOLUTION ESTABLISHING FILING FEES FOR ZONE BOUNDARY CHANGES, USE PERMITS, VARIANCES, ENVIRONMENTAL REVIEW, SUBDIVISIONS, AND OTHER APPLICATIONS, AND RESCINDING RESOLUTION NO. 88-143.

WHEREAS, Section 10-2.2204 of the Modesto Municipal Code provides 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,

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

SECTION 1. FEES. The following filing fees and environmental review fees are hereby established:

(a) P-D Zoning	\$590.00
(b) Amend P-D Zone pursuant to Sec. 10-2.1709(b)	590.00
(c) Amend P-D Zone pursuant to Sec. 10-2.1709(a)	350.00
(d) Rezoning	540.00
(e) Plot Plan Review	
- for a satellite antenna	
for a single-family house	80.00
- all other plot plan reviews	235.00
(f) Conditional Use Permit	370.00
(g) Variance	
- on a lot with a single	
family house in the R-A,	
R-1, R-2 or R-3 zone	\$100.00
- all others	370.00
(h) Tentative Subdivision Map	285.00
(i) Tentative Parcel Map	275.00
(j) Reversion to Acreage	255.00
(k) Parcel Map Waiver	255.00

(l)	Lot Line Adjustment	50.00
(m)	Time Extension	50.00
(n)	Environmental Assessment	
	- initial study	280.00
	- Environmental Impact Report	Actual Cost
	- Environmental Impact Report deposit	\$1,750 advance deposit. Refund or balance due upon completion of final EIR
(o)	Appeals	
	- of Planning Commission or Board of Zoning Adjustment	70.00
	- of administrative decisions	70.00
(p)	Home Business Permit	
	- initial and renewals	free
(q)	Outdoor Sales and Display Permit	free
(r)	Annexation	\$220.00 plus State Board of Equalization fee
(s)	Documents	
	- Planning Commission Minutes	\$24.00/year
	- Planning Commission Agendas	36.00/year
	- Board of Zoning Adjustment Minutes	15.00/year
	- Board of Zoning Adjustment Agendas	15.00/year
	- Report and Documents, mailed	4.00
	- Reports and Documents, picked up at City Hall	3.00

SECTION 2. EXEMPTIONS. Public agencies shall be exempt from all the above fees except those fees required for the preparation of Environmental Impact Reports; provided, however, that public agencies do not have to make an advance deposit for Environmental Impact Report preparation.

SECTION 3. REPEALS. Resolution No. 88-143 is rescinded effective June 19, 1988.

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after June 20, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-278

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 ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AND SECTIONS 10-2.503, 10-2.903, 10-2.1002, 10-2.1003, 10-2.1009, 10-2.1104, 10-2.1109, 10-2.1402, AND 10-2.1602 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO RECYCLING.

WHEREAS, on April 19, 1988 the City Council introduced Ordinance No. 2585-C.S. giving approval to an amendment to Article 2 of Chapter 2 of Title X of the Modesto Municipal Code; and Sections 10-2.503, 10-2.903, 10-2.1002, 10-2.1003, 10-2.1009, 10-2.1104, 10-2.1109, 10-2.1402, and 10-2.1602 of Chapter 2 of Title X of the Modesto Municipal Code relating to recycling, 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 Article 2 of Chapter 2 of Title X of the Modesto Municipal Code; and Sections 10-2.503, 10-2.903, 10-2.1002, 10-2.1003, 10-2.1009, 10-2.1104, 10-2.1109, 10-2.1402, and 10-2.1602 of Chapter 2 of Title X of the Modesto Municipal Code relating to recycling.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19 day of April, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-279

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(446). (MID-CAL LAND DEVELOPMENT)

WHEREAS, a verified application for an amendment to Section 25-3-9 of the Zoning Map was filed by Mid-Cal Land Development on December 9, 1987, to reclassify from Highway Commercial Zone, C-3, to Planned Development Zone, P-D, to allow the development of a 28-unit, zero-lot line residential single-family project on the north portion of the property located on the north side of Yosemite Boulevard at Mariposa Road, described as follows:

Portion of Parcels B and C of a parcel map recorded in Book 22 of Parcel Maps at page 79, Stanislaus County Records and Parcels F and M of a parcel map recorded in Book 27 of Parcel Maps at page 115, Stanislaus County Records. All situated in Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, and more particularly described as follows:

Beginning at the southwest corner of Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence easterly along the south line of said Section 25 on a bearing of North 89°34'28" east, a distance of 912.98 feet; thence North 0°32'24" west, a distance of 67.00 feet, said point being located on the north right-of-way line of Yosemite Boulevard; thence North 0°32'24" west, a distance of 160.87 feet; thence North 89°33'48" east, a distance of 9.00 feet; thence North 0°32'24" west, a distance of 47.86 feet to the true point of beginning of this description; thence North 0°32'24" West, a distance of 222.49 feet; thence North 89°23'53" east, a distance of 336.19 feet to a point on the west right-of-way line of Mariposa Road; thence South 0°36'07" east, along the west right-of-way line of Mariposa Road, a distance of 102.25 feet; thence north 89°34'28" east, a distance of 60.00 feet to a point on the east right-of-way line of Mariposa Road; thence North 0°36'07" west, along the east right-of-way line of Mariposa Road, a distance of 97.44 feet; thence North 89°23'53" east, a distance of 418.00 feet; thence South 0°36'07" east, a distance of 220.00 feet; thence South 89°34'28" west a distance of 814.43 feet to the true point of beginning of this description.

Also including all of 60.00-foot wide Mariposa Road located between the above described Parcels F and M.

and

WHEREAS, after a public hearing held on January 4, 1988, and continued to February 16, February 22, March 7, and March 21, 1988, 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. 88-29, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The rezone to P-D for zero-lot line single-family dwelling units is consistent with the Modesto General Plan.
2. That a viable commercial center can be developed on the south portion of the property that will remain as C-3 property.
3. That the proposed P-D zone will meet all development standards.

and

WHEREAS, after a public hearing held on April 19, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Mid-Cal Land 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. 88-29 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2586 -C.S. on the 19th day of April, 1988, reclassifying the above-described property from Highway Commercial Zone, C-3, to Planned Development Zone, P-D(446).

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

1. All development shall conform to the plot plan and floor plans titled "Mariposa Square" as amended in red, stamped approved by the Planning Commission on March 21, 1988.
2. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - b. Eight-foot decorative masonry wall along the south and east property lines adjacent to neighboring C-3 property.
 - c. Seven-foot double sided wood, stucco, or masonry wall or fence between units and along the periphery.
3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. That the developer shall dedicate and improve Mariposa Road to collector street standards as approved by the Director of Engineering Services.
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 Director of Engineering Services. 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 Director of Engineering Services.
7. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Director of Engineering Services. Easements for irrigation lines to remain shall be dedicated.
8. Drainage shall be provided as required by the Director of Engineering Services.
9. Trash cans shall be screened from view from any public street.
10. All utilities shall be underground and cable television service shall be stubbed into all units.
11. All signs shall comply with the sign requirements of the R-1 Zone.
12. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded to create the proposed residential lots.

13. A street barricade shall be provided on the south end of Mariposa Road as approved by the Director of Engineering Services if the recorded final map does not extend Mariposa Road south to Yosemite Boulevard.
14. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Mariposa Road, Heatherwood Court, and Beaver Creek Court frontages. The number shall be as determined by the Director of Engineering Services.
15. The developer shall dedicate to the City of Modesto a street tree planting easement along the Heatherwood Court and Beaver Creek Court frontages as required by the Director of Parks and Recreation.
16. 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.
17. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Planning and Community Development Department.
18. 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 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(446):

The entire construction program be accomplished in one phase, construction to begin on or before March 21, 1990, and completion to be not later than March 21, 1991.

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(446), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19 day of April, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 Prindle
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-280

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 25-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM C-3 TO P-D(446). (MID-CAL LAND DEVELOPMENT)

WHEREAS, on April 19, 1988, the City Council introduced Ordinance No. 2586-C.S. giving approval to a project relating to an amendment to Section Map 25-3-9 of the Zoning Map of the City of Modesto to reclassify from Highway Commercial Zone, C-3, to Planned Development Zone, P-D(446), north portion of property located on the north side of Yosemite Boulevard at Mariposa 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 Map 25-3-9 of the Zoning Map of the City of Modesto to reclassify from Highway Commercial Zone, C-3, to Planned Development Zone, P-D(446), north portion of property located on the north side of Yosemite Boulevard at Mariposa Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19 day of April, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-281

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE SCENIC DRIVE AND LAKEWOOD AVENUE WATERLINE

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

SECTION 1. The plans and specifications for the Scenic Drive and Lakewood
Avenue waterline

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on May 3, 1988, at 11:05 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 19th day of April, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-282

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE HATCH ROAD/PEARSON AVENUE WATER STRENGTHENING

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

SECTION 1. The plans and specifications for the Hatch Road/Pearson
Avenue water strengthening

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on May 3, 1988, at 11:00 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 19th day of April, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-283

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE CLAUS ROAD, ARDIA AVENUE AND PARKWAY DRIVE
WATERLINE EXTENSION

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

SECTION 1. The plans and specifications for the Claus Road, Ardia Avenue
and Parkway Drive waterline extension

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on May 3, 1988, at 11:10 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 19th day of April, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-284

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING FOUR PICKUP TRUCKS AND ONE VAN

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

SECTION 1. The plans and specifications for the purchase of four pickup trucks and one van 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 17, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-285

A RESOLUTION ACCEPTING THE BID OF POPE CHEVROLET FOR FURNISHING ONE ANIMAL CONTROL TRUCK

WHEREAS, Resolution No.88-186, adopted by the Council of the City of Modesto on March 8, 1988, approved the plans and specifications for the purchase of one animal control truck and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one animal control truck were opened at 3:15 p.m. on April 5, 1988, 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 Pope Chevrolet in the amount of \$17,383 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Pope Chevrolet in the amount of \$17,383 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 April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-286

A RESOLUTION ACCEPTING THE BID OF CHALLENGE ELECTRIC FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET IMPROVEMENTS ON OAKDALE ROAD AND FLOYD AVENUE

WHEREAS, Resolution No. 88-204, adopted by the Council of the City of Modesto on March 15, 1988, approved the plans and specifications for the construction of traffic signals and street improvements on Oakdale and Floyd and authorized the calling for bids; and

WHEREAS, the bids received for the construction of traffic signals and street improvements on Oakdale Road and Floyd Avenue were opened at 11:00 a.m. on April 12, 1988, and later tabulated by the Director of Parking and ^{Traffic} / for the consideration of the Council; and

WHEREAS, the Director of Parking and ^{Traffic} / has recommended that the bid of Challenge Electric in the amount of \$90,986 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Challenge Electric in the amount of \$90,986 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 April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-287

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND
DIAL-A-RIDE TO PROVIDE FOR THE ADDITION OF ONE DIAL-A-RIDE VAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the ^{amended} agreement between the City of Modesto and Dial-A-Ride to
provide for the addition of one Dial-A-Ride van, bringing the maximum number of
vans in operation to seven

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
April, 1988, by Councilmember Muratore
who moved its adoption, which motion being duly seconded by Council-
member Patterson, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-288

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
COMPUTIL CORPORATION TO PROVIDE CITATION PROCESSING SERVICES FOR THE PERIOD ENDING
AUGUST 9, 1989

BE IT ~~HEREBY~~ RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Computil Corporation
to provide citation processing services for the perior ending August 9, 1989

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
April, 1988, by Councilmember Sutton,
who moved its adoption, which motion being duly seconded by Council-
member Muratore, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-289

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR THE FISCAL YEAR 1987-88.

WHEREAS, it has been determined that certain adjustments are
required to the Annual Budget of the City of Modesto for Fiscal Year 1987-88,

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 1987-88.

GENERAL FUND (Fund No. 010)

Revenue Adjustments			Increase (Decrease)
Agency	Source	Description	Amount
510	1101	Current Year Taxes - Secured	222,600
510	1107	Current Year Taxes - Unsecured	45,700
510	1116	In-Lieu Property Tax	(410)
510	1119	Property Transfer Tax	11,600
		(Total Property Taxes \$279,490)	
510	1201	Sales and Use Tax	600,000
510	1204	Utility Users Tax	(300,000)
510	1210	Transient Occupancy Tax	(42,000)
510	1404	Business License Gross Receipts Tax	98,220
510	3119	Motor Vehicle License Fees	274,000
440	4001	Building Fee - All Inclusive	(299,500)
440	4002	Building Inspections	174,000
440	4003	Plumbing Inspections	28,800
440	4004	Electrical Inspections	43,600
440	4005	Heating/Cooling Inspections	19,000
440	4006	Mobile Home Inspections	8,900
440	4007	Plan Checking Fees	91,700
		(Total Building Inspection Fees \$66,500)	

330	4075	Dryden Golf Fees	17,700
330	4076	Muni 9-Hole Golf Fees	9,500
330	4077	Golf Cart Fees	900
330	4078	Driving Range Fees	(3,100)
		(Total Golf Course Fees \$25,000)	
510	6101	Interest on Bank Accounts	75,000
510	1207	Amusement Tax	(2,000)
510	1304	PG&E Franchise	(57,900)
510	1307	Garbage and Swill License	133,100
510	1310	Water Company Franchise	1,250
510	1313	Railroad Franchise	13,485
380	1319	Thurman Field Franchise	7,100
330	1322	Dryden Park Clubhouse Concession	1,390
310	1325	Beyer Park Concession	665
510	1401	Business License Registration	35,900
190	2101	Bicycle License	(2,020)
190	2104	Dog License	(11,400)
510	2201	Pinball Machine Permits	(45)
510	2204	Bingo Permits	15,000
440	2207	Removal Permits	(800)
440	2210	Encroachment Permits	24,400
440	2213	Street Closure/Abandonment Fee	(155)
510	3104	Homeowner Prop Tax, Exemption	(1,000)
510	3108	State Supplemental Subvention	3,600
510	3116	Trailer Coach License Fees	(18,400)
190	3128	Police Training Reimbursement	41,600
190	3129	D A R E Reimbursement	65,000
190	3131	State Grant	(1,000)
190	3501	Federal Grant	100,000
140	4008	Zoning Fees	21,200
140	4009	E I R Fees	2,630
140	4010	Plot Plan Review Fees	3,810
140	4011	Subdivision Inspection Fees	26,700
140	4012	Annexation Fees	600
190	4021	Extradition Reimbursement	(900)
190	4022	Animal Shelter Fees	(220)
190	4024	Fingerprint Fees	900
190	4025	Special Police Protection	(54,000)
190	4026	Drug Abuse Prevention	14,000
180	4041	Cleaning Vacant Lots	770
460	4051	State Highway Maint. Agreement	20,000
460	4052	Traffic Signal Maint Agreement	3,250
460	4053	Forced Construction Reimbursement	(11,100)
460	4055	Street Name Signs	9,700
320	4070	Street Trees	28,500
370	4071	Swimming Pool Fees	(2,320)
370	4072	League Fees	10,700
370	4074	Miscellaneous Recreation	(9,300)

510	4090	Revenue Bond Application Fee	22,610
510	4092	Copying Fees	19,100
510	4093	City Billing Fees	12,310
510	4095	Miscellaneous Special Services	(10,220)
510	4096	Recycling Program Fee	(7,296)
510	6201	Lease of land	(556)
510	6202	Sidewalk Use	1,000
510	6204	Rent, Taxi Stands	(410)
380	6207	Clubhouse Rental	480
380	6213	Service Center Rental	(5,200)
380	6216	Mancini Bowl Rental	700
510	6225	City Building Rental	(8,344)
380	6228	Sr. Citizens Center Rental	(130)
510	6231	Bike Locker Rental	70
510	7104	Littering Fines	(400)
510	7107	Animal Leash Violations	(50)
510	7113	Parking Fines	73,200
510	7201	Trust Deposits Forfeited	150
510	8104	Sale of Personal Property	3,100
510	8107	Donations	500
510	8122	Refunds & Damage Recovery	11,200
510	8125	Telephone Refunds	140
510	8129	Prior Year Expense Abatement	(1,000)
510	8131	Cashier Overage	25
510	8134	Returned Check Charge	20
420	8137	Sale of Construction Codes & Specs	(3,170)
420	8140	Sale of Standard Contract Specs	1,031
340	8141	Community Center Souvenir Sales	2,500
510	8143	Items for Resale	30
510	8155	Miscellaneous Revenue	14,700
		(Total All Other Revenues \$538,780)	
		Total General Fund	1,614,990

Appropriation Adjustments Increase
(Decrease)

Agency	Org	Object	Description	Amount
010	0101	0301	Office Supplies	375
010	0101	0235	Services, Prof. & Other	12,000
020	0202	0205	Printing & Binding	2,500
020	0202	0230	Advertising	2,500
020	0202	0235	Services, Prof. & Other	2,500
040	0401	0110	Salaries and Wages, Regular	39,036
040	0401	0188	Benefits	12,843
040	0401	0208	Business Expense	340
040	0401	0209	Training	400
040	0401	0218	Equipment Pool	2,267
040	0401	0301	Supplies	300
040	0401	0401	Membership & Dues	90
040	0401	9990	Service Credits	(2,430)

480	4801	0110	Salaries and Wages, Regular	(39,036)
480	4801	0188	Benefits	(12,843)
480	4801	0208	Business Expense	(340)
480	4801	0209	Training	(400)
480	4801	0218	Equipment Pool	(2,267)
480	4801	0301	Supplies	(300)
480	4801	0401	Membership & Dues	(90)
480	4801	9990	Service Credits	2,430
050	0501	0223	Repair & Maintenance - Outside	1,200
050	0501	0230	Advertising	2,000
160	1601	0209	Training Expense	1,400
160	1601	0255	Services - City Forces	7,400
180	1832	0130	Salaries and Wages, Overtime	300,000
180	1832	0210	Utilities, Cty Central Communications	30,000
190	1901	0130	Salaries and Wages, Overtime	7,780
190	1921	0130	Salaries and Wages, Overtime	28,868
190	1941	0130	Salaries and Wages, Overtime	27,085
190	1961	0130	Salaries and Wages, Overtime	172,517
190	1901	0210	Utilities, Cty Central Communications	100,000
190	1941	0301	Office Supplies	24,300
310	3112	0235	Services, Professional & Other	12,000
380	3812	0304	Custodial & Institutional Supply	800
380	3812	0235	Services, Professional & Other	820
502	6502	0208	Youth-in-Government	500
502	6502	0235	International Friendship Committee	2,800
502	6502	0235	Criminal Justice Construction Fee	31,000
502	6502	0442	Forward Modesto Four	4,100
502	6502	0465	Underground Tanks	5,000
010	8000	8003	Contingency Reserve	835,545

NONGENERAL FUND ADJUSTMENTS

FUND	AGY	ORG	OBJT/ SRCE	DESCRIPTION	REVENUE INCREASE (DECREASE)	APPROP INCREASE (DECREASE)
51	160	F434	6000	BIKE PATH MAINTENANCE		1,100
51	800	8000	8003	CONTINGENCY RESERVE		(1,100)
70	510	9510	3110	STREETS & HIGHWAYS-CODE 2106B	62,000	
70	510	9510	3125	MOTOR VEHICLE FUEL TAX-CODE 2107	77,100	
70	510	9510	3504	FEDERAL SHARE OF STREET PROJECTS	(212,113)	
70	430	6708	6000	SYLVAN/COFFEE TO OAKDALE		(346,171)
70	800	8000	8003	CONTINGENCY RESERVE		273,158
111	140	6799	6000	BARRIER REMOVAL		45,000
111	140	6800	6000	WESTSIDE IMPROVEMENTS		6,000
111	140	1452	9990	SERVICE CREDITS		(48,000)
111	800	8000	8003	CONTINGENCY RESERVE		(333,800)

111	700	7000	7113	TRANSFER OUT TO FUND 113		330,800
113	700	7000	9111	TRANSFER IN FROM FUND 111	330,800	
113	140	1454	218	EQUIPMENT POOL RENTAL		2,000
113	140	1454	255	SERVICES - CITY FORCES		90,000
113	140	1454	235	SERVICES - PROF & OTHER		43,000
113	140	1454	496	CDBG - DIRECT GRANTS		135,000
113	140	1454	452	INTEREST EXPENSE		22,900
113	140	1454	5868	REAL PROPERTY		37,900
130	510	9510	3134	STATE GRANTS - PARKS & REC	(334,000)	
130	510	9510	3138	STATE SHARE OF STREETS PROJECTS	(354,000)	
130	700	7000	7170	TRANSFER OUT TO 170		(354,000)
170	700	7000	9130	TRANSFER IN FROM 130	(354,000)	
170	510	9510	3134	STATE GRANTS - PARKS & REC	354,000	
130	800	8000	8003	CONTINGENCY RESERVE		(334,000)
130	510	9510	8301	COP PROCEEDS	(765,000)	
130	800	8000	8003	CONTINGENCY RESERVE		(765,000)
131	190		4015	CFF - POLICE DEPT	107,000	
131	190		5101	SPECIAL ASSESSMENTS	(51,000)	
132	180		4015	CFF - FIRE DEPT	(231,000)	
132	180		5101	SPECIAL ASSESSMENTS	(102,000)	
132	180	P111	6000	DRILL TRAINING CENTER		(205,000)
132	180	P319	6000	FIRE STATION #9		(205,000)
133	430		4015	CFF - EXPRESSWAY LOOP	254,500	
133	430		5101	SPECIAL ASSESSMENTS	(68,500)	
134	430		4015	CFF - ENERGIZE STREET LIGHTS	(67,200)	
134	430	P244	6000	ENERGIZE STREET LIGHTS		(70,000)
135	310		4015	CFF - PARKS	(652,800)	
135	310	P351	6000	ROSELLE NEIGHBORHOOD PARK		(1,013,000)
136	430		4015	CFF - NEW TRAFFIC SIGNALS	(99,800)	
136	430	P731	6000	T/S ROSELLE & BRIGGSMORE		(120,000)
136	430	P732	6000	T/S ROSELLE & FLOYD		(80,000)
136	430	P733	6000	T/S ROSELLE & MERLE		(80,000)
137	380		4015	CFF - SENIOR CITIZENS CENTER	(1,614,200)	
137	380		5101	SPECIAL ASSESSMENTS	(2,471,400)	
137	380	P734	6000	SENIOR CITIZENS CENTER		(4,119,000)
138	490		4015	CFF - CITY HALL EXPANSION	(2,539,300)	
138	490	P730	6000	CITY HALL EXPANSION		(2,600,000)
180	510	9510	3134	STATE GRANTS	(76,000)	
180	360	P276	6000	MCHENRY MANSION RESTORATION		(76,000)
180	380	P282	6000	MCHENRY MANSION ELEVATOR		15,000
180	800	8000	8003	CONTINGENCY RESERVE		(15,000)
170	310	G313	6000	FAIRWAY NEIGHBORHOOD PARK		(21,000)
170	310	P418	6000	DRY CREEK EROSION REPAIR		(7,992)
170	800	8000	8003	CONTINGENCY RESERVE		28,992

200	030	F279	6000	TELECOMMUNICATION SYSTEM		
130	800	8000	8003	CONTINGENCY RESERVE		(80,625)
130	700	7000	7200	TRANSFER OUT TO 200		25,000
200	700	7000	9130	TRANSFER IN FROM 130	(25,000)	(25,000)
200	120	G133	6000	PHOTOCOPIER - 4TH FLOOR CITY HALL		(5,781)
200	180	F354	6000	EMERGENCY BREATHING EQUIPMENT		(193)
200	190	F332	6000	MOBILE DIGITAL TERMINALS		(2,699)
200	190	F420	6000	COMMUNICATION EQUIPMENT		(131)
200	310	G401	6000	GOLDSWORTHY PARK - LAND ACQSTN		(126)
200	310	G408	6000	ORCHARD NEIGHBORHOOD PARK		(14,459)
200	310	P801	6000	HANDICAPPED BARRIER REMOVAL		(72,658)
200	330	G491	6000	DRYDEN GOLF WALKWAY/CART PARKING		(19,000)
200	430	G145	6000	SURVEY EQUIPMENT UPGRADE		(211)
200	430	P674	6000	POSITIVE STORM DRAINS - REPAIR		(1,367)
200	430	G040	6000	REPLCE H.V. STREET LGHTS-STODDARD		(194)
200	430	G379	6000	RECONSTRUCT 8TH STREET		(8,805)
200	430	G380	6000	RECONSTRUCT F STREET		(6,305)
200	800	8000	8003	CONTINGENCY RESERVE		187,554
070	430	G634	6000	TULLY RD - BRIGGSMORE/PALMILLA		(23,149)
070	700	7000	9200	TRANSFER IN FROM 200	(3,515)	(3,515)
200	700	7000	7070	TRANSFER OUT TO 070		(3,515)
200	800	8000	8003	CONTINGENCY RESERVE		3,515
070	800	8000	8003	CONTINGENCY RESERVE		19,634
070	430	P647	6000	MISC IMPROVEMENTS		(55,000)
070	700	7000	9200	TRANSFER IN FROM 200	(55,000)	(55,000)
200	700	7000	7070	TRANSFER OUT TO 070		(55,000)
200	800	8000	8003	CONTINGENCY RESERVE		55,000
051	430	P653	6000	11ST/BST/DST		(16,817)
051	700	7000	9200	TRANSFER IN FROM 200	(16,817)	(16,817)
200	700	7000	7051	TRANSFER OUT TO 051		(16,817)
200	800	8000	8003	CONTINGENCY RESERVE		16,817
051	430	P977	6000	9TH STREET BRIDGE (REPAIR & OVER)		(16,312)
051	700	7000	9200	TRANSFER IN FROM 200	(16,312)	(16,312)
200	700	7000	7051	TRANSFER OUT TO 051		(16,312)
200	800	8000	8003	CONTINGENCY RESERVE		16,312
632	480	G956	6000	TERMINAL PARKING LOT EXPANSION		(3,900)
632	700	7000	9200	TRANSFER IN FROM 200	(3,900)	(3,900)
200	700	7000	7632	TRANSFER OUT TO 632		(3,900)
200	800	8000	8003	CONTINGENCY RESERVE		3,900
200	180	G319	6000	FIRE STATION #9		(205,404)
200	800	8000	8003	CONTINGENCY RESERVE		205,404
200	310	G242	6000	BEARDBROOK PARK		(35,000)
200	800	8000	8003	CONTINGENCY RESERVE		35,000

130	700	7000	9200	TRANSFER IN FROM 200		
130	800	8000	8003	CONTINGENCY RESERVE	(35,540)	
200	700	7000	7130	TRANSFER OUT TO FUND 130		(35,540)
200	800	8000	8003	CONTINGENCY RESERVE		(35,540)
						35,540
130	310	6640	6000	RIVERSIDE & DRYCREEK		
130	800	8000	8003	CONTINGENCY RESERVE		(130)
						130
600	510	9510	4101	OFFSTREET PARKING	(84,000)	
600	510	9510	4102	METER PARKING	60,000	
600	510	9510	4103	VALIDATING LOTS	35,700	
600	160	1682	0210	UTILITIES		3,000
600	800	8000	8003	CONTINGENCY RESERVE		8,700
651	160	1672	9990	SERVICE CREDITS		(7,400)
651	800	8000	8003	CONTINGENCY RESERVE		7,400
651	160	1672	0232	TRANS OPERATING CONTRIBUTION		48,830
651	510	9510	3525	UMTA OPERATING CONTRIBUTION (FED)	16,505	
651	510	9510	3301	COUNTY - OPERATING CONTRIBUTION	4,883	
651	510	9510	1213	LTF	27,442	
652	160	1673	0232	TRANS OPERATING CONTRIBUTION-DAR		24,000
652	510	9510	3525	UMTA OPERATING CONTRIBUTION (FED)	8,088	
652	510	9510	3301	COUNTY - OPERATING CONTRIBUTION	2,640	
652	510	9510	1213	LTF	13,272	
885	190	1970	0110	SALARIES AND WAGES, REGULAR		17,394
885	190	1970	0188	BENEFITS		6,592
885	800	8000	8003	CONTINGENCY RESERVE		(23,986)

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-290

A RESOLUTION TERMINATING THE PROCEEDINGS TO ESTABLISH PUBLIC FACILITIES DISTRICT 5 AND THE AREA OF BENEFIT PROPOSED TO BE ESTABLISHED FOR SAID DISTRICT.

WHEREAS, on January 19, 1988, the Council of the City of Modesto adopted Resolution No. 88-63 which initiated proceedings to establish Public Facilities District 5 for the purpose of acquiring right of way and constructing curb, gutter and sidewalk at 1316 and 1322 Orangeburg Avenue in the City of Modesto (the "project"), and

WHEREAS, on March 1, 1988, this Council adopted Resolution No. 88-172 which declared the Council's intention to establish Public Facilities District 5 for said purpose and set a public hearing to be held on April 5, 1988, and

WHEREAS, in the interim, both of the property owners within the area of benefit have dedicated the needed right of way to the City and have contracted with a local contractor to have the work done, and

WHEREAS, City staff has recommended to the Council that with the right of way dedication and the improvements being installed in accordance with the Mandatory Sidewalk Program that the proceedings to establish Public Facilities District 5 should be terminated,

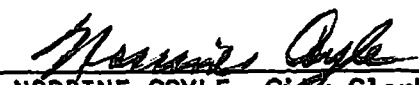
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proceedings to establish Public Facilities District 5 and the area of benefit proposed to be established for said district are hereby terminated for the reasons that the right of way for the project has been dedicated by the property owners and the installation of the curb, gutter and sidewalk will be accomplished through the City's Mandatory Sidewalk Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19 day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

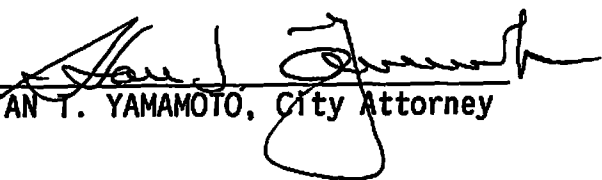
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-291

RESCINDED

1990-54

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO STATING ITS INTENTION TO INITIATE PROCEEDINGS ON ITS OWN MOTION FOR THE DESIGNATION OF AN AREA OF BENEFIT AT COFFEE ROAD BETWEEN RUMBLE AND SYLVAN, OAKDALE ROAD, NORTH OF M.I.D. LATERAL 3 TO MERLE, AND PRESCOTT ROAD, NORTH OF RUMBLE, IN THE CITY OF MODESTO. (PUBLIC FACILITIES DISTRICT 6)

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 19

WHEREAS, Section 7-1.804 of the Modesto Municipal Code provides that the City Council may initiate proceedings on its own motion for the designation of an area of benefit for a proposed public facilities project by adopting a resolution stating its intention to do so, and

WHEREAS, Section 7-1.804 further provides that the City Council shall refer the proposed public facilities project to the City Manager and shall direct said City Manager with the assistance of City departments and, where appropriate, interested landowners, to make and file with the City Clerk a report in writing which shall contain provisions as set forth in said section, and

WHEREAS, the Director of Engineering Services has proposed that the Council initiate proceedings to establish a Public Facilities District at Coffee Road, between Rumble and Sylvan, Oakdale Road, north of M.I.D. lateral 3 to Merle, and Prescott Road, north of Rumble, in 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 states its intention to initiate proceedings to establish a public facilities project to be designated Public Facilities District 6 at Coffee Road, between Rumble and Sylvan, Oakdale Road, north of M.I.D. lateral 3 to Merle, and Prescott Road, north of Rumble, in the City of Modesto.

SECTION 2. The proposed public facilities project is hereby referred to the City Manager and the City Manager is directed, with the assistance of city departments to make and file with the City Clerk a report in writing containing all the pertinent information required by Section 7-1.804 of the Modesto Municipal Code for the purpose of establishing Public Facilities District 6.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-292

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND OAKRIDGE TOWNHOUSE ASSOCIATION WITH REGARD TO A FENCE AT EAST LA LOMA PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Oakridge Townhouse Association with regard to a fence at East La Loma 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 19th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-293**

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER PLANNING COMMISSION RECOMMENDATION TO THE CITY COUNCIL FOR A ZONING STUDY OF THE AREA NORTH OF PROPOSED NEW STATE HIGHWAY 132 FROM DRY CREEK TO LAS FLORES AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 10, 1988, 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 Planning Commission recommendation to the City Council for a zoning study of the area north of proposed new State Highway 132 from Dry Creek to Las Flores Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-294

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ELLA MAE GIANNINI AND CHARLES ROY GIANNINI FOR THE PURCHASE OF 3526+ SQUARE FEET OF THEIR PROPERTY AT 1419 SCENIC DRIVE FOR THE SCENIC, SUNNYSIDE TO ROSE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ella Mae Giannini and Charles Roy Giannini for the purchase of 3526+ square feet of their property at 1419 Scenic Drive for the Scenic, Sunnyside to Rose 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 April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-295

A RESOLUTION APPROVING REQUEST FOR PROPOSALS FROM CONSULTING FIRMS TO IMPLEMENT
A PHASE III IRRIGATION STUDY AT THE SECONDARY WASTEWATER TREATMENT FACILITY

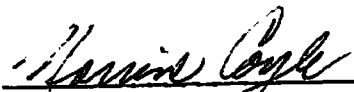
WHEREAS, in July of 1987, Phase II of the Secondary Wastewater Treatment Facility Irrigation Study was contracted by Metcalf & Eddy Consulting Engineers with Nolte and Associates as subcontractors to verify our ability to load the irrigation fields with higher concentrations of B.O.D. (Biochemical Oxygen Demand) without any adverse effects; and

WHEREAS, Phase II of the Secondary Wastewater Treatment Facility Irrigation Study has been completed and it is now appropriate to do a Phase III Irrigation Study.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the request for proposals from consulting firms to implement a Phase III Irrigation Study at the Secondary Wastewater Treatment Facility, and authorizes the Director of Utility Services to seek proposals.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-296

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BANK OF AMERICA N.T. & S.A. TO USE THE AIRPORT FOR CONDUCTING COURIER SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bank of America N.T. & S.A. to use the Airport for conducting courier 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 19th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-297

A RESOLUTION ORDERING THE LAUREL AVENUE NO. 3
REORGANIZATION TO THE CITY OF MODESTO (INHABITED).

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution dated December 16, 1987, approved the proposed Laurel Avenue No. 3 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 Laurel Avenue No. 3 Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that the territory included in the proposed Laurel Avenue No. 3 Reorganization is inhabited territory, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution ordered that said Reorganization consist of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the Woodland 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 on December 16, 1987, ordered that a Negative Declaration be filed as to the environmental impact of the subject Reorganization, 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 reasons for this annexation are as follows:

In order to make the full range of City services available to serve the existing development in the area, 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 26th day of April, 1988, 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 April 26, 1988, 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 upon all protests made to the proposed reorganization, and

WHEREAS, written protests have been filed and not withdrawn by less than twenty-five (25) percent of the registered voters within the territory of the proposed reorganization and less than twenty-five (25) percent of owners of land who own less than the total assessed value of land within the affected inhabited territory, and

WHEREAS, the value of said protests was determined to be insufficient as such protests consisted of less than twenty-five (25) percent of the registered voters within the territory and less than twenty-five (25)

percent of owners of land with less than twenty-five (25) percent of the total assessed value of land located within the inhabited territory proposed for reorganization,

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

1. All requirements of the Cortese/Knox Local Government Reorganization Act of 1985 have been complied with.
2. That the area or territory designated as the Laurel Avenue No.
3. 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 Woodland Fire Protection District.
5. Said territory is hereby annexed to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer district.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of this Reorganization has been reviewed and considered.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

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 R. Chughan
Engineering Services

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Southeastern corner of the LAUREL AVENUE ADDITION (376), as per description filed June 28, 1978, as Instrument 82698, Stanislaus County Records, said point also being on a Northern line of the MAZE COURT ADDITION (42), as per description filed October 9, 1951, as Instrument 23639, Stanislaus County Records, said point also being on the Southern line of the Modesto Irrigation District Lateral No. 4;

1. thence along the existing City Limits on the boundary of said ADDITION (42), said boundary being the Southern line of said Modesto Irrigation District Lateral No. 4, the following bearings and distances, North $64^{\circ}18'30''$ East, 46.15 feet;
2. thence North $42^{\circ}45'00''$ East, 419.48 feet;
3. thence North $69^{\circ}45'30''$ East, 116.93 feet;
4. thence South $79^{\circ}49'00''$ East, 565.65 feet;
5. thence North $62^{\circ}47'00''$ East, 165.25 feet;
6. thence North $31^{\circ}19'30''$ East, 228.29 feet, to a point on the East line of said Section 30;
7. thence continuing along the existing City Limits on said East line of Section 30, North $00^{\circ}34'00''$ West, 356.86 feet, to its intersection with the Easterly extension of the centerline of the 20-foot alley reservation between Elm Avenue and Laurel Avenue;
8. thence leaving the existing City Limits and along said centerline and its Easterly extension, North $89^{\circ}23'$ West, 1758.15 feet, to a point on the Western line of 60.00 foot Bennett Avenue;
9. thence along said Western line of Bennett Avenue, South $00^{\circ}37'04''$ East, 248.57 feet, to a point on the Northern line of ADDITION (376);
10. thence along the existing City Limits on said Northern line of ADDITION (376), said line being the centerline of former 40.00 foot Laurel Avenue, South $88^{\circ}53'$ East, 514.09 feet, to the Northeastern corner of ADDITION (376);
11. thence continuing along the existing City Limits on the Eastern line of ADDITION (376), South $01^{\circ}09'17''$ West, 656.40 feet, to the point of beginning, containing 20.521 Acres, more or less.

Approved as to description

ON NOV-3-1987
BY [Signature]

MODESTO CITY COUNCIL
RESOLUTION NO. 88-298

A RESOLUTION ORDERING THE CALIFORNIA-PANAMA NO. 2
REORGANIZATION TO THE CITY OF MODESTO (UNINHABITED).

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution dated February 24, 1988, approved the proposed California-Panama No. 2 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 California-Panama No. 2 Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that the territory included in the proposed California-Panama No. 2 Reorganization is uninhabited territory, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution ordered that said Reorganization consist of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the Burbank-Paradise Fire Protection District; and (c) the annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus County Local Agency Formation Commission on February 24, 1988, ordered that a Negative Declaration be filed as to the environmental impact of the subject Reorganization, 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 reasons for this annexation are as follows:

In order to make the full range of City services available to serve the proposed development in the area, 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 26th day of April, 1988, 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 April 26, 1988, 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 upon all protests made to the proposed reorganization, and

WHEREAS, no written protests were filed by any owners of land within the affected territory prior to said hearing, and

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 California-Panama No. 2. Reorganization is more particularly described on Exhibit A attached hereto and made a part hereof by reference as though set forth in full herein.

3. Said territory is hereby annexed to and made a part of the City of Modesto.

4. Said territory is hereby detached from the Burbank-Paradise Fire Protection District.

5. Said territory is hereby annexed to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer District.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.


BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of this Reorganization has been reviewed and considered.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Simon, Mayor Whiteside

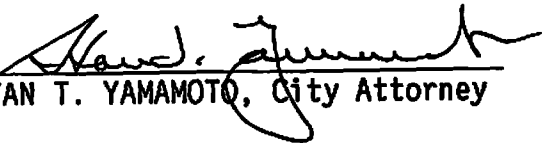
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Engineering Services

CALIFORNIA-PANAMA NO. 2
REORGANIZATION TO THE
CITY OF MODESTO

D E S C R I P T I O N

All that real property in the State of California, County of Stanislaus, being a portion of the West half of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at a point on the existing City Limits as established by the most Northeasterly corner of the CALIFORNIA-PANAMA ADDITION, as per description filed December 30, 1977, as Instrument Number 42193, Stanislaus County Records;

1. thence along the existing City Limits on the Southern line of the MARK TWAIN ADDITION (70), North $89^{\circ}55'00''$ East, 380.00 feet;
2. thence leaving the existing City Limits, South $00^{\circ}04'17''$ East, 333.00 feet to the Southeast corner of lot 7 as shown on the Map of High School Acre Tract recorded in Volume 9 of Maps at Page 68, Stanislaus County Records;
3. thence South $89^{\circ}55'00''$ West, 380.00 feet, to a point on the existing City Limits, and the centerline of Panama Drive;
4. thence along the existing City Limits as established by the CALIFORNIA-PANAMA ADDITION, also being the centerline of Panama Drive, North $00^{\circ}04'17''$ West, 333.00 feet to the point of beginning.

CONTAINING 2.905 Acres.

Approved as to description

1

ON 1-14-88
BY City Miller

MODESTO CITY COUNCIL
RESOLUTION NO. 88-299

A RESOLUTION ADOPTING A ZONING AND DEVELOPMENT PLAN FOR THE NORTH SIDE OF
NEEDHAM STREET

WHEREAS, it is desirable to adopt a zoning and development plan for properties fronting on the north side of Needham Street in order to guide property owners in planning for the development of their parcels and to assist the Planning Commission and City Council to more adequately plan for the community; and

WHEREAS, the Planning Commission held meetings at which evidence both oral and documentary was received and considered and subsequently recommended adoption of the zoning and development plan for the north side of Needham Street.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled "Zoning and Development Policy for the North Side of Needham Street", a copy of which is attached hereto.

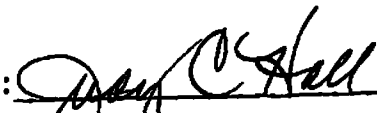
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

ZONING AND DEVELOPMENT POLICY FOR THE NORTH SIDE OF NEEDHAM STREET

Needham Street marks the north boundary of the City's downtown area, extending east-west between McHenry Avenue and North 9th Street for approximately three-quarters of a mile. The south side is entirely in commercial zoning except for the First Baptist Church property which is zoned P-D(158). The west frontage along the north side of Needham Street is zoned C-1. The portion of Needham from the west side of Hackberry Avenue east to McHenry Avenue has until mid-1981 been zoned R-3 except that Graceada Park is R-1. This basic zoning pattern has existed at least 32 years.

In August 1981, and again in 1986 and 1988, the City Council granted rezoning for business/professional office uses to three separate properties. Prior to the last rezoning, the Planning Commission determined that a zoning study was necessary to assure that any emerging zoning pattern was properly directed and not the result of haphazard land use decisions. An informal neighborhood meeting was held on January 19, 1988 in the Boy Scout Clubhouse in Enslin Park. The preponderance of opinion was that the neighborhood would be better served if this stretch of Needham Street frontage were to be allowed to convert to office use rather than held out exclusively for apartment development. In subsequent meetings of February 1, 1988 and March 7, 1988, the Planning Commission has determined the following as policy for continued development of the north side of Needham Street from the west side of Hackberry Avenue east to McHenry Avenue:

1. P-0, Professional Office Zoning, on specific properties as sought by applicants will be as indicated on the attached map. P-D zoning can also be considered if a minimum one-acre land package can be assembled.
2. All office buildings must be residential in appearance and of architectural style conforming to the large older houses in the adjoining neighborhood to the north.
3. Size and bulk of buildings shall conform to reasonable scale; gross floor area should not exceed 50% of net land area.
4. Buildings must be oriented to Needham Street; parking located toward the north side of buildings along with masonry walls and landscaping to serve as visual/privacy buffer for adjacent dwellings, also to provide driveway access a reasonable distance from street corners.
5. No direct driveways onto Needham Street; all access to be from side streets and alleys.
6. The depth of office and parking development from Needham Street is limited to two properties from Needham Street except as specifically dimensioned on the attached map.

It is the policy of the Planning Commission that the above standards be applied at such time as individual P-D Zones are approved by the Planning Commission and City Council, or P-0 plot plans are approved by the Board of Zoning Adjustment.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-300

A RESOLUTION DENYING THE APPEAL OF THE LANCEY DRIVE NEIGHBORHOOD TO A STAFF DECISION REGARDING 3-WAY STOP SIGNS ON LANCEY DRIVE, AND UPHOLDING THE DECISION OF THE CITY STAFF.

WHEREAS, on February 3, 1988, Mrs. Danice Wood contacted the Department of Parking and Traffic to request a representative from the Parking and Traffic Department to attend a Lancey Drive neighborhood meeting to discuss several traffic related concerns, and

WHEREAS, Parking and Traffic Superintendent Jeff Barnes attended said meeting on February 11, 1988, and addressed several concerns expressed by the Lancey Drive neighborhood, which concerns included slowing down speeding motorists on Lancey Drive, installation of a 3-way stop sign at Lancey Drive and Ellison Drive, installation of speed bumps to slow speeding traffic, street closure, and yield signs presently in place being changed to stop signs, and

WHEREAS, the Lancey Drive neighborhood residents also questioned Mr. Barnes as to the appeal process if they wished to pursue their request for a 3-way stop sign, and

WHEREAS, by letter dated February 20, 1988, Mrs. Danice Wood, on behalf of the residents of Lancey Drive, requested to be placed on the Council agenda to appeal a staff decision denying a request for 3-way stop signs on Lancey Drive, and

WHEREAS, by letter dated April 5, 1988, Mrs. Danice Wood requested that the appeal hearing be rescheduled to April 26, 1988, and

WHEREAS, said appeal was set for hearing before the City Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on April 26, 1988, at 7:30 p.m., and

WHEREAS, the City Council, at said hearing, after hearing evidence both oral and documentary, found and determined that the appeal of the Lancey Drive neighborhood to the staff decision denying their request for 3-way stop signs on Lancey Drive, should be denied, and the decision of staff should be upheld, for the following reasons:

1. Because the State of California Highway Design Manual recommends a policy of not installing stop signs to control the speed of traffic.
2. The standard design criteria does not warrant a 3-way stop sign at this intersection.

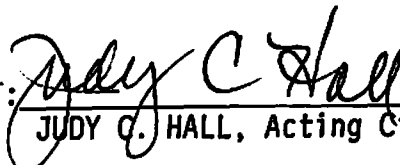
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Mrs. Danice Wood, on behalf of the Lancey Drive neighborhood, to the staff decision denying their request for 3-way stop signs on Lancey Drive, is hereby denied, and the decision of staff is upheld.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

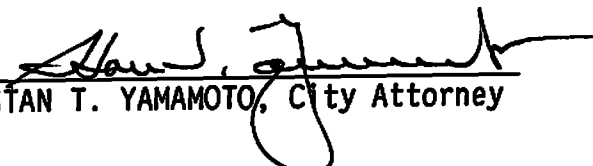
NOES: Councilmembers: None

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. 88-301

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE INSTALLATION OF TRAFFIC SIGNALS AT PRESCOTT
AND RUMBLE

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

SECTION 1. The plans and specifications for the installation of traffic
signals at Prescott and Rumble
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 24, 1988, at 11:00 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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


The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 26th day of April, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-302

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE OVERLAY OF KEARNEY AVENUE

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

SECTION 1. The plans and specifications for the overlay of Kearney Avenue

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 17, 1988, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

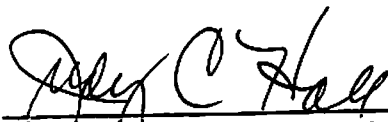
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-303

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE COPY MACHINE

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

SECTION 1. The plans and specifications for furnishing one copy machine 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 24, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

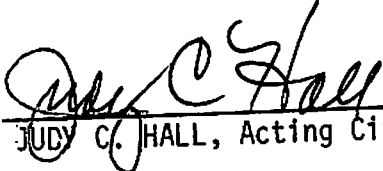
SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-304

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE PURCHASE OF ONE TRUCK CAB AND CHASSIS WITH
AERIAL LIFT TOWER

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 truck
cab and chassis with aerial lift tower

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 24, 1988, at 3:10 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

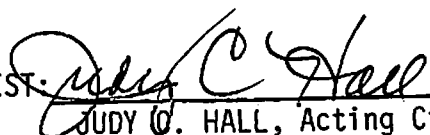
SECTION 3. After the bids are opened, they shall be tabulated and analyzed
and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 26th day of April, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY O. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-305

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING JANITORIAL SERVICES AT THE AMERICAN
LEGION HALL

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

SECTION 1. The plans and specifications for furnishing janitorial
services at the American Legion 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 May 31, 1988, at 3:15 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

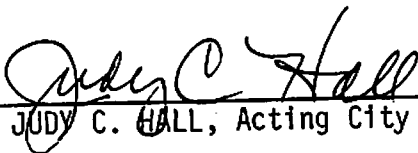
SECTION 3. After the bids are opened, they shall be tabulated and analyzed
and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 26th day of April, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-306

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING HEARING AUGMENTATION DEVICES

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

SECTION 1. The plans and specifications for furnishing hearing augmentation devices

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 24, 1988, at 3:30 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

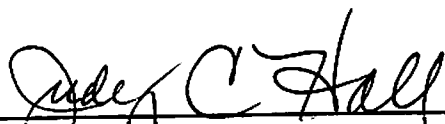
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-307

A RESOLUTION REJECTING ALL BIDS FOR THE REPLACEMENT OF THE SAND TRAP AT WATER WELL NO. 13, OPENED IN THE OFFICE OF THE CITY CLERK ON APRIL 5, 1988

WHEREAS, Resolution No. 88-203 adopted by the Council of the City of Modesto on March 15, 1988, approved the plans and specifications for the replacement of the sand trap at Water Well No. 13, and authorized the call for bids; and

WHEREAS, the bids received for the replacement of the sand trap at Water Well No. 13 were opened at 11:00 a.m. on April 5, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the one bid received was 43% above the engineer's estimate and staff recommends that the bid be rejected and the project be rebid later in hopes of getting more competitive bids.

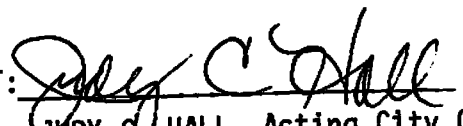
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for the replacement of the sand trap at Water Well No. 13, and opened in the office of the City Clerk on April 5, 1988, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-308

A RESOLUTION ACCEPTING THE BID OF SCHEIDT, HAYDON & HALL, INC. FOR WATER STRENGTHENING ON MCHENRY AVENUE FROM STANDIFORD AVENUE TO M.I.D. LATERAL NO. 6

WHEREAS, Resolution No. 88-237, adopted by the Council of the City of Modesto on April 5, 1988, approved the plans and specifications for the water strengthening project on McHenry Ave. from Standiford Ave. to M.I.D. Lateral 6 and authorized the calling for bids; and

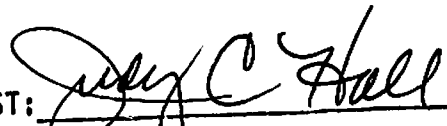
WHEREAS, the bids received for the water strengthening on McHenry Avenue from Standiford Avenue to M.I.D. Lateral No. 6 were opened at 11:15 a.m. on April 19, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Scheidt, Haydon & Hall, Inc. in the amount of \$214,892.80 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Scheidt, Haydon & Hall, Inc. in the amount of \$214,892.80 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 April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-309

A RESOLUTION ACCEPTING THE BID OF JSJ CONSTRUCTION, INC. FOR THE CARPENTER/TORRID WATERLINE EXTENSION

WHEREAS, Resolution No. 88-228, adopted by the Council of the City of Modesto on April 5, 1988, approved the plans and specifications for the Carpenter/Torrid waterline extension

and authorized the calling for bids; and

WHEREAS, the bids received for the Carpenter/Torrid waterline extension were opened at 11:10 a.m. on April 19, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of JSJ Construction, Inc. in the amount of \$49,693.70 be accepted as the lowest responsible bid.

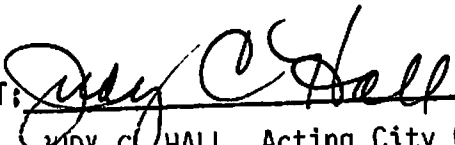
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of JSJ Construction, Inc. in the amount of \$49,693.70 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-310

A RESOLUTION ACCEPTING THE BID OF GRANITE CONSTRUCTION FOR THE COLDWELL AVENUE RE-
CONSTRUCTION FROM COLLEGE AVENUE TO TULLY ROAD

WHEREAS, Resolution No. 88-226 adopted by the Council of the City of
Modesto on April 5, 1988 , approved the plans and specifications for the
Coldwell Avenue reconstruction from College Avenue to Tully Road
and authorized the calling for bids; and

WHEREAS, the bids received for the Coldwell Avenue reconstruction from
College Avenue to Tully Road
were opened at 11:00 a.m. on April 19, 1988 , and later tabulated by the
Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of
Granite Construction in the amount of \$261,789.50
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that
the bid of Granite Construction in the amount of \$261,789.50
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 26th day of April , 19 88, by Council-
member 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-311

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE FLOYD AVENUE OVERLAY AND RECONSTRUCTION

WHEREAS, Resolution No. 88-227, adopted by the Council of the City of Modesto on April 5, 1988, approved the plans and specifications for the Floyd Avenue overlay and reconstruction and authorized the calling for bids; and

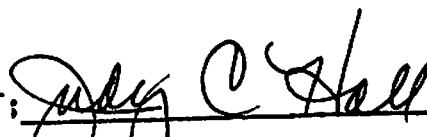
WHEREAS, the bids received for the Floyd Avenue overlay and reconstruction were opened at 11:05 a.m. on April 19, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of George Reed, Inc. in the amount of \$142,758.40 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of \$142,758.40 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 April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-312

A RESOLUTION ACCEPTING THE BID OF WEST COAST SOUND AND LIGHT FOR FURNISHING LIGHTING AND SOUND SERVICES FOR THE MODESTO CENTRE PLAZA

WHEREAS, Resolution No. 88-53, adopted by the Council of the City of Modesto on January 19, 1988, approved the plans and specifications for the lighting and sound services for the Modesto Centre Plaza and authorized the calling for bids; and

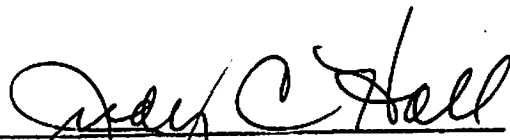
WHEREAS, the bids received for the lighting and sound services for the Modesto Centre Plaza were opened at 3:00 p.m. on March 22, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of West Coast Sound and Light in the amount of \$32,950 be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of West Coast Sound and Light in the amount of \$32,950 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 April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-313

A RESOLUTION ACCEPTING THE RELOCATION OF FUEL VAULTS AT THE WATER QUALITY CONTROL REMOTE POND SITE AS COMPLETE

WHEREAS, a report has been filed by the Director of Utility Services, that the relocation of fuel vaults at the water quality control remote pond site

has been completed by Conco West, Inc.

in accordance with the contract agreement dated September 22, 1987 .

NOW, THEREFORE, BE IT RESOLVED that the relocation of fuel vaults at the water quality control remote pond site

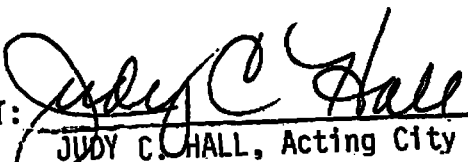
be accepted from said contractor, Conco West, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$11,400 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-314

A RESOLUTION RESCINDING THE REQUIREMENT OF AN ENVIRONMENTAL IMPACT REPORT AND ACCEPTING A TRAFFIC STUDY IN LIEU THEREOF FOR THE APPLICATION OF WARNER M. SOELLING FOR A PLANNED DEVELOPMENT ZONE ON THE SOUTHWEST CORNER OF BRIGGSMORE AVENUE AND OAKDALE ROAD.

WHEREAS, on January 27, 1988, the Environmental Assessment Committee of the City of Modesto reviewed a proposed project relating to an application for a Planned Development Zone with direct access to and from Briggsmore Avenue and with driveways onto Kendall Avenue and Santa Paula Drive in the City of Modesto and required an Environmental Impact Report, and

WHEREAS, by letters dated January 19, 30 and February 1, 1988, Warner M. Soelling, M.D., filed an appeal with the Council of the City of Modesto to the decision of the Environmental Assessment Committee, and

WHEREAS, said appeal to the decision of the Environmental Assessment Committee was considered by the City Council at a public hearing on February 9, 1988, at 7:30 p.m., at which time the Council by Council Resolution No. 88-106 resolved 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 focused on traffic should be required, and

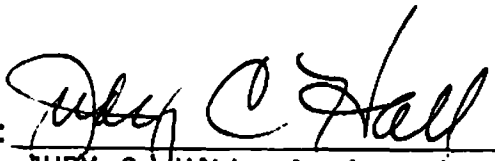
WHEREAS, the applicant has subsequently submitted a traffic study dated March 1988 containing mitigation measures for traffic impacts which was accepted by the Environmental Assessment Committee on April 6, 1988 and referred to the City Council for consideration of accepting said traffic study in lieu of an environmental impact report, and

WHEREAS, on April 26, 1988, a hearing was held in which the City Council reviewed the traffic study and determined to accept the Traffic Study dated March 1988 in lieu of an Environmental Impact Report focused on traffic and to rescind Council Resolution No. 88-106 requiring an Environmental Impact Report focused on traffic,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds Council Resolution No. 88-106 adopted February 9, 1988 requiring an Environmental Impact Report focused on traffic and accepts the applicant's Traffic Study of March 1988 in lieu of said Environmental Impact Report, with the proviso that an Environmental Impact Report may be required during further review of the proposed project.

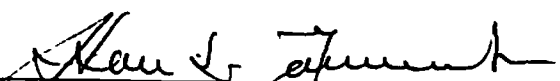
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-315

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
THE COUNTY OF STANISLAUS FOR THE USE OF TWO TRANSPORTATION VANS

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 use of two transportation vans

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
April, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by Council-
member Irizarry, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-316

A RESOLUTION REQUESTING REVISION OF THE MODESTO SPHERE OF INFLUENCE BY THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO INCLUDE ALL AREAS IN THE COLLEGE WEST GENERAL PLAN AMENDMENT.

WHEREAS, in 1984 the Stanislaus County Local Agency Formation Commission (LAFCO) adopted the spheres of influence for all the cities in Stanislaus County and LAFCO has been reviewing spheres of influence of two cities every year since 1984, and

WHEREAS, by Resolution No. 88-145 adopted by the City Council on February 23, 1988, the Council adopted the College West General Plan amendment which included a 20.6 acre expanded project area and the EIR traffic mitigation measure of a Morse extended roadway, said General Plan amendment is as shown on the map attached hereto marked Exhibit A, and

WHEREAS, the areas in the College West General Plan Amendment are outside the current Sphere of Influence designated for the City of Modesto, said current Sphere of Influence is as shown on the map attached hereto marked Exhibit B, 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 the Stanislaus County Local Agency Formation Commission is hereby requested to revise the Modesto Sphere of Influence to include all areas in the College West General Plan Amendment as adopted by the Council by Resolution No. 88-145.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this resolution to the Executive Director of the 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 April, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None





ABSENT: Councilmembers: None

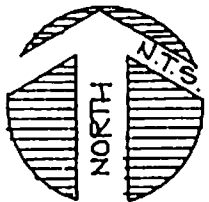
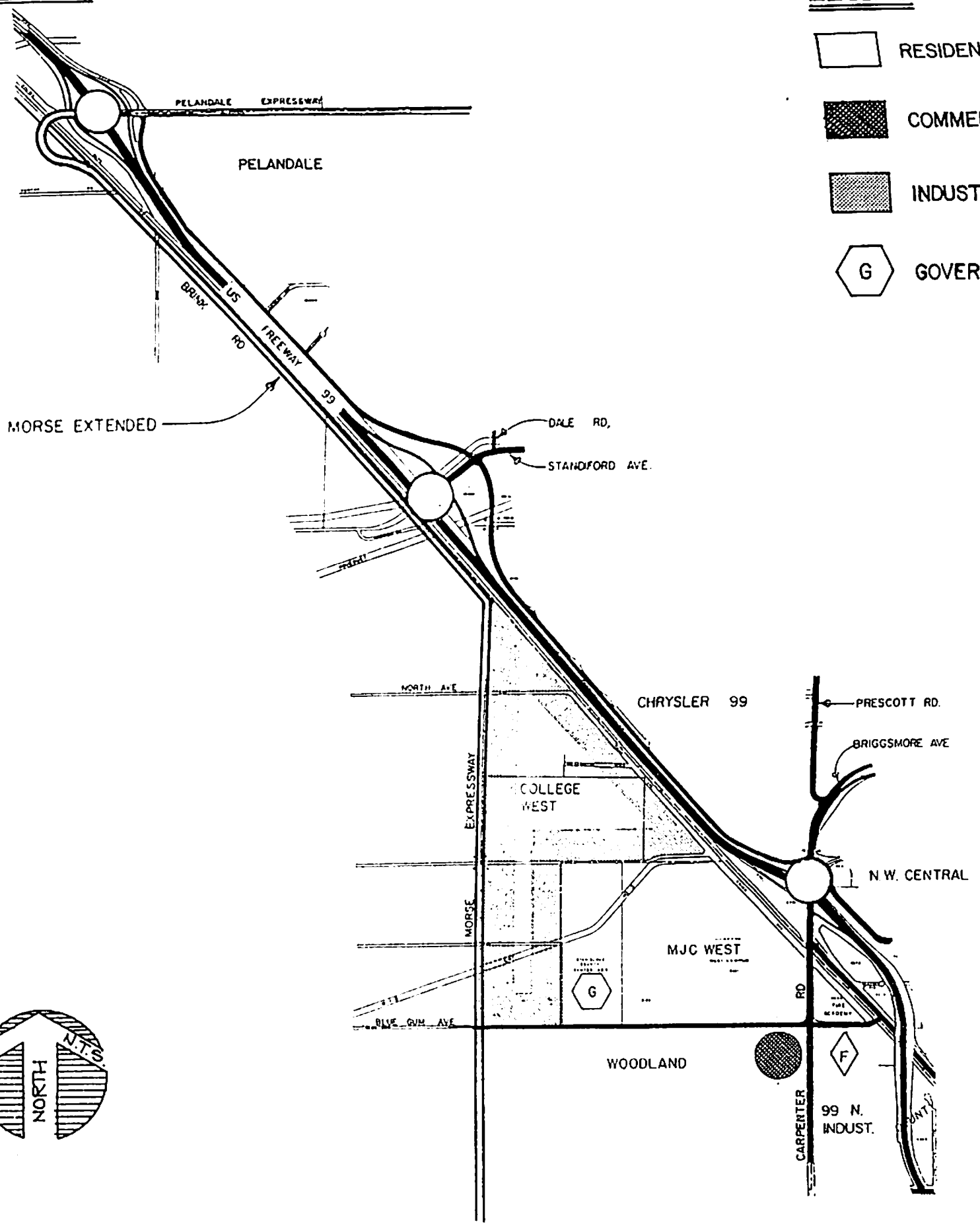
ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

-  RESIDENTIAL
-  COMMERCIAL
-  INDUSTRIAL
-  GOVERNMENT

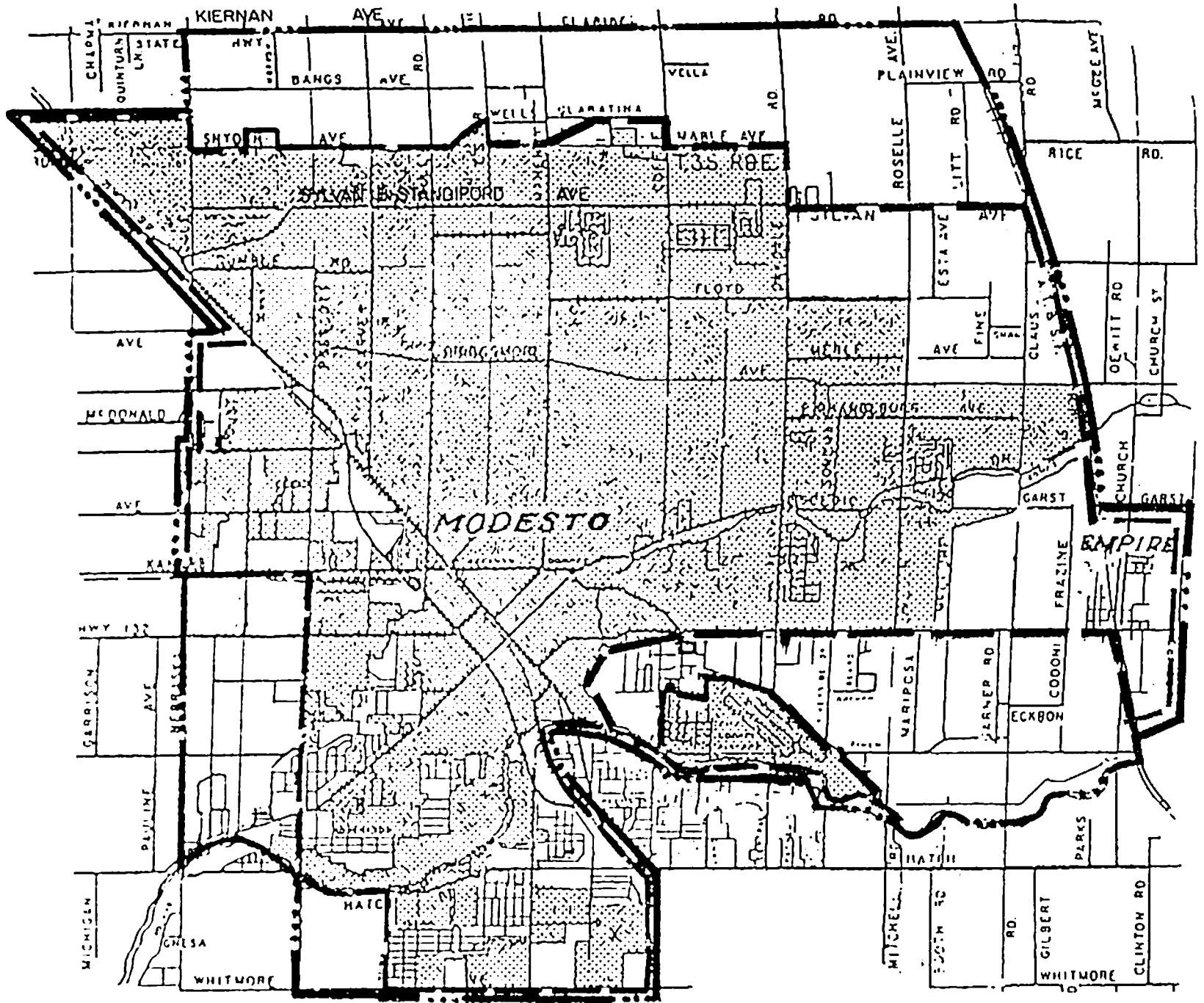


PROPOSED COLLEGE WEST NEIGHBORHOOD
GENERAL PLAN AMENDMENT

MAP III-3

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT DEC 1987

EXHIBIT B

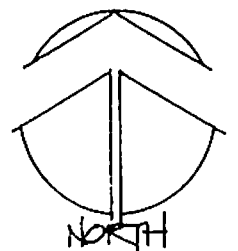


- — — PRIMARY AREA OF INFLUENCE
- - - - SPHERE OF INFLUENCE

CITY OF MODESTO

SPHERE OF INFLUENCE

SOURCE: STANISLAUS LAFCO STUDY, WPM Planning Team, INC. NOVEMBER 1984



MODESTO CITY COUNCIL
RESOLUTION NO. 88-317

A RESOLUTION AMENDING RESOLUTION NO. 87-237, AS AMENDED BY RESOLUTION NO. 87-1183, TO REVISE THE AFFIRMATIVE ACTION PROGRAM WITH RESPECT TO MODIFYING THE COMPOSITION OF THE MEMBERSHIP OF THE AFFIRMATIVE ACTION COMMISSION.

WHEREAS, by Resolution No. 87-237 adopted on April 7, 1987, the City of Modesto adopted a revised Affirmative Action Program dated March 1987 for the City of Modesto, and

WHEREAS, by Resolution No. 87-1183 adopted on November 10, 1987, the City of Modesto amended Resolution No. 87-237 and revised the Affirmative Action Commission membership listed on page 5 of the revised Affirmative Action Program dated March 1987, and

WHEREAS, the Council desires to amend the Affirmative Action Program to retain the membership of the Affirmative Action Commission at ten (10) members appointed by the Council including a member of the Human Relations Commission and nine members selected from the community-at-large until such time as one vacancy occurs by the loss of a member selected from the community-at-large. When such vacancy occurs, the vacant position will not be filled and thereafter the total membership of the Affirmative Action Commission would remain at nine (9).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Affirmative Action Commission membership listed on page 5 of the

revised Affirmative Action Program dated March 1987, is amended to read as follows:

Affirmative Action Commission

The Commission shall consist of ten (10) members appointed by the City Council including a member from the Human Relations Commission. Representation shall include members of protected classes: females, minorities, the disabled and workers over 40 years of age.

Membership on the Commission shall be for a term of two (2) years except that four of the initial appointments made by the City Council shall be for one (1) year and thereafter shall be for two (2) year terms.

At the first meeting of each calendar year, the Commission shall designate a chair and vice-chair from among its members to serve for a one (1) year period.

When an interim vacancy occurs on the Commission, an appointment may be made by the City Council to fill the unexpired term of the membership vacated. All members serve at the discretion of the City Council and serve without compensation.

The Affirmative Action Officer shall serve as staff/secretary for the Commission keeping all minutes of all meetings and providing necessary assistance for the functioning of the Commission.

From time to time, Department Affirmative Action Coordinators may be appointed by department heads, as required, and shall attend Commission meetings as directed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-318

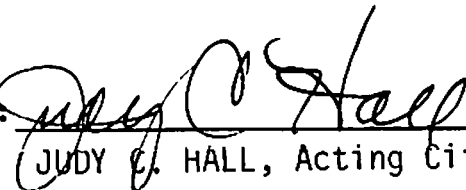
A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION COMMISSION
"CITY ANNEXATION QUESTIONNAIRE" FOR THE CALIFORNIA-MARSHALL GOVERNMENTAL
REORGANIZATION

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

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 26th
day of April, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:



JUDY E. HALL, Acting City Clerk

CITY REORGANIZATION QUESTIONNAIRE

1. Name of City Modesto

2. Name of Proposed Reorganization California-Marshall Governmental Reorganization

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

Yes

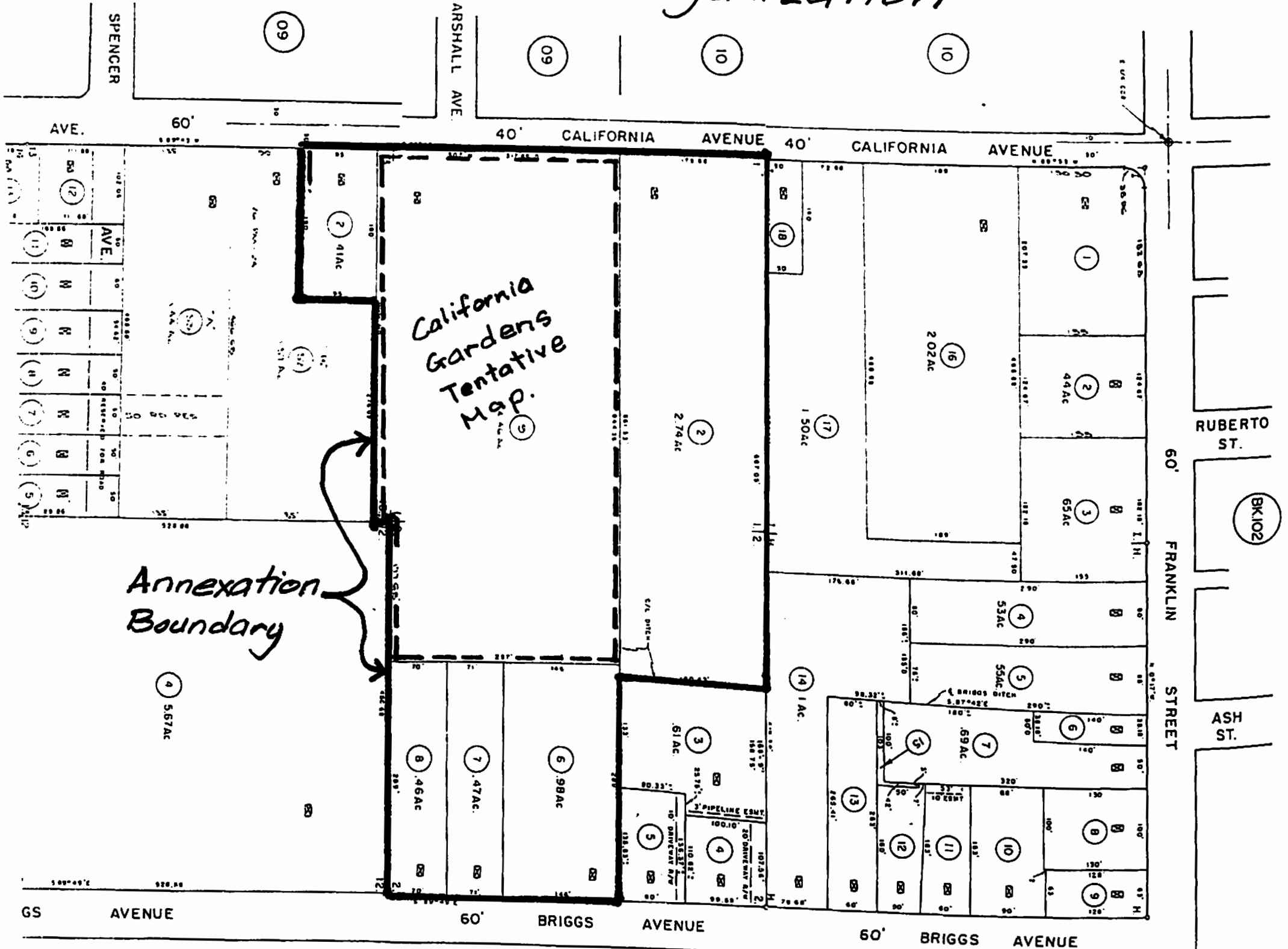
4. If the proposal is approved, are there any conditions the City would like LAFCO to impose?

None

5. Other comments the City would like to make.

None

Proposed California - Marshall Reorganization



Annexation
Boundary

California
Gardens
Tentative
Map.

BK102

RUBERTO
ST.

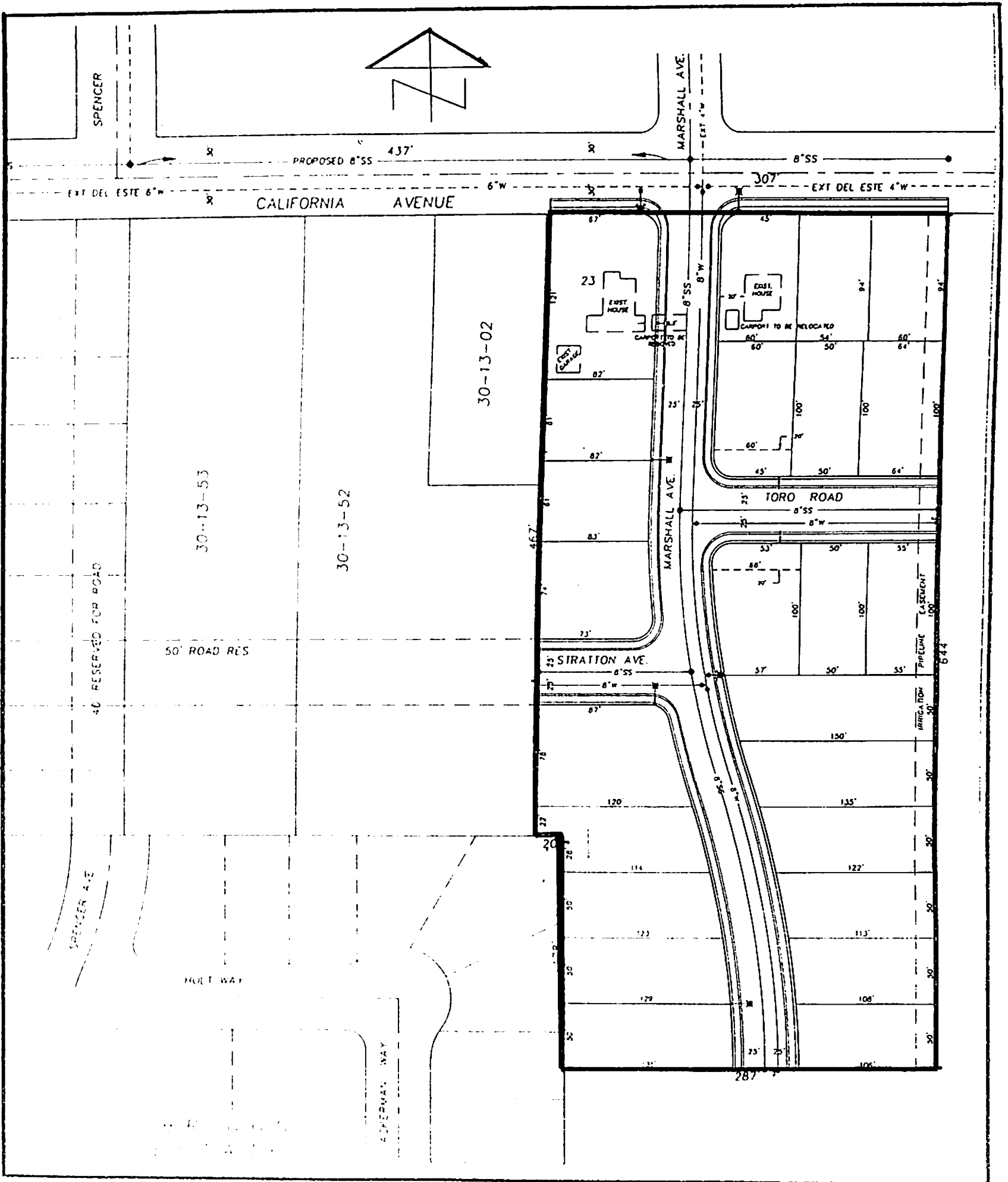
FRANKLIN
STREET

ASH
ST.

BRICHMANS ADDITION

21

Approved Tentative Subdivision Map California Gardens.



MODESTO CITY COUNCIL
RESOLUTION NO. 88-319

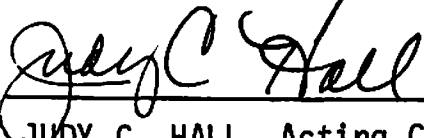
A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION COMMISSION
"CITY ANNEXATION QUESTIONNAIRE" FOR THE KANSAS AVE.NO.7 GOVERNMENTAL
REORGANIZATION

BE IT RESOLVED by the Council of the City of Modesto that
the attached Local Agency Formation Commission "City Annexation
Questionnaire" for the Kansas Avenue No. 7 Governmental Reorganization
Annexation is hereby approved.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 26th
day of April, 19 88, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:



JUDY C. HALL, Acting City Clerk

CITY REORGANIZATION QUESTIONNAIRE

1. Name of City Modesto

2. Name of Proposed Reorganization Kansas Avenue No. 7

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?

None

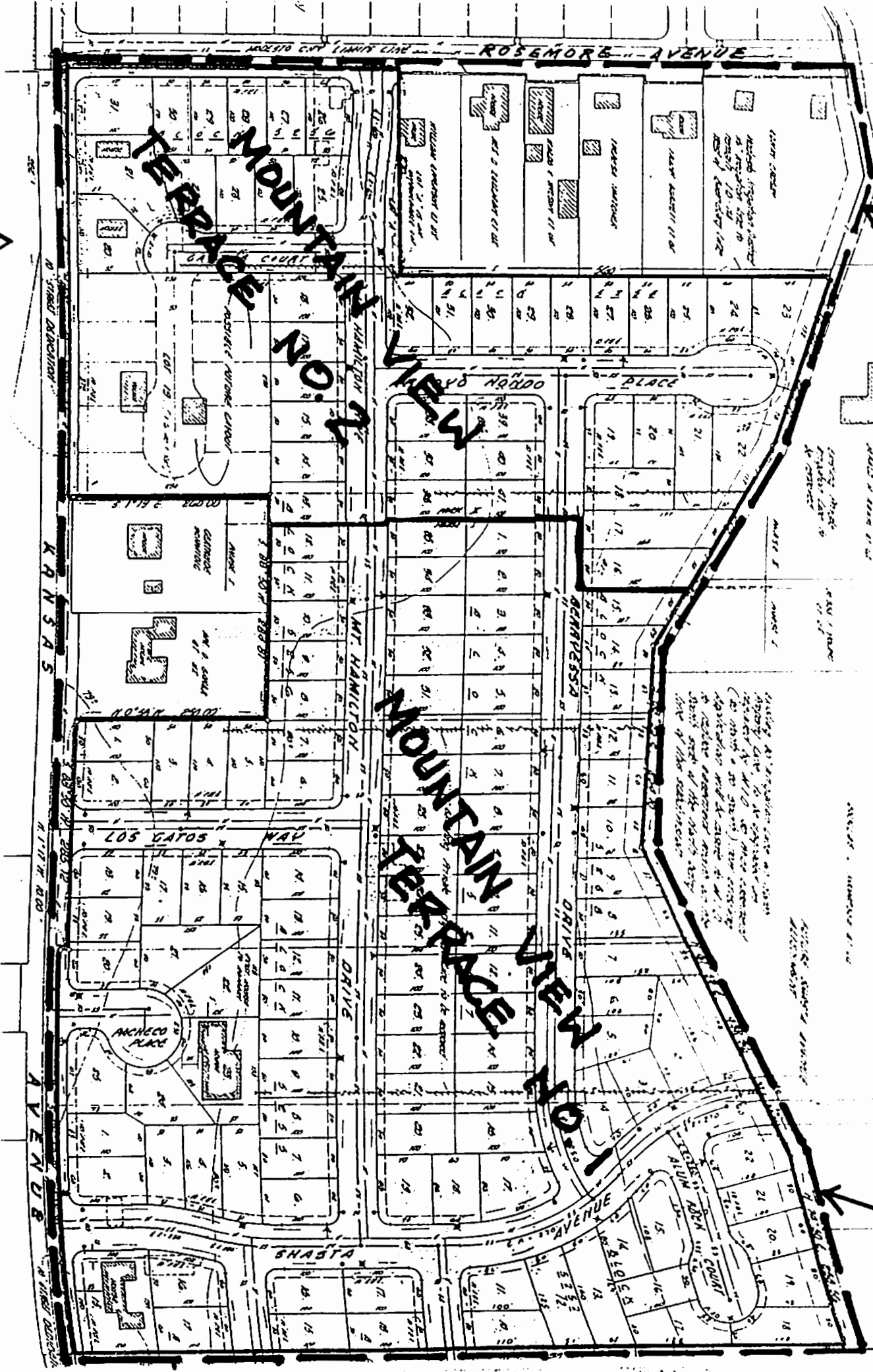
5. Other comments the City would like to make.

None



KANSAS AVENUE NO. 7
REORGANIZATION

34.41 ACRES (APPROXIMATE)



MOUNTAIN VIEW TRACT

MOUNTAIN VIEW TRACT

PROPOSED KANSAS NO. 7 REORGANIZATION
34.41 ACRES (APPROXIMATE)

Having an irregular shape and being...
...to be divided into...
...lots of the following...

MODESTO CITY COUNCIL
RESOLUTION NO. 88-320

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF KATHY MENGHETTI FROM THE FARM-CITY COMMITTEE, EFFECTIVE APRIL 26, 1988

WHEREAS, Kathy Menghetti was appointed a member of the Farm-City Advisory Committee on October 15, 1985; and

WHEREAS, Kathy Menghetti has tendered her resignation from the Farm-City Advisory Committee effective April 26, 1988; and

WHEREAS, Kathy Menghetti 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 Kathy Menghetti from the Farm-City Advisory Committee be, and hereby is accepted with regret.

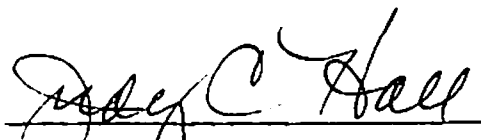
BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Kathy Menghetti for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1986, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-321

A RESOLUTION ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, THIRTEENTH YEAR APPLICATION, JULY 1, 1988 TO JUNE 30, 1989, 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 1988-89.

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 1988-89 will be \$1,056,000, and

WHEREAS, the City has also received Fiscal Year 84, Fiscal Year 85, Fiscal Year 86, and Fiscal Year 87 Rental Rehabilitation funding in the amount of \$305,000 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 1988-89 Community Development Objectives and Budget, and

WHEREAS, a notice of a public meeting to be held on October 28, 1988, 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 1988-89, and

WHEREAS, a public workshop to assist persons interested in applying for funding was held on November 5, 1987, and

WHEREAS, requests for funding were presented by organizations to the Citizen Advisory Committee on March 23, 1988, and

WHEREAS, after citizen input, Citizen Advisory Committee review, and staff analyses, a revised statement was prepared, and

WHEREAS, the Citizens Housing and Community Development Committee reviewed the Final Statement of Objectives and Budget on April 15, 1988 and recommended to the Council their approval, and

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

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

WHEREAS, at its meeting on May 3, 1988, the Council considered the 1988-89 Community Development Block Grant Thirteenth Year Application, the Final Statement of Community Development Objectives and the Budget for the Program Year 1988-89.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Council does hereby approve the 1988-89 Community Development Block Grant Program Application, for the thirteenth fiscal year, from July 1, 1988 to June 30, 1989.

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 1988-89.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3 day of May, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
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. 88-322

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE EAST LEVEE ROAD RECONSTRUCTION AT THE REMOTE
POND SITE

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

SECTION 1. The plans and specifications for the East Levee Road re-
construction at the remote pond site
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 24, 1988 at 11:10 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 3rd day of May, 1988,
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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-323

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE RESURFACING OF THE BASKETBALL COURT IN
WOODROW PARK

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

SECTION 1. The plans and specifications for the resurfacing of the
basketball court in Woodrow 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 May 24, 1988, at 11:05 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 3rd day of May, 1988,
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:	Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-324

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ANNUAL COMPACTION, AGGREGATE, AND
CONCRETE TESTING SERVICES

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

SECTION 1. The plans and specifications for furnishing annual compaction, aggregate, and concrete 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 June 7, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-325

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ANNUAL REQUIREMENTS OF STREET NAME
SIGNS

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

SECTION 1. The plans and specifications for furnishing annual requirements of street name signs 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 31, 1988, at 3:20 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-326

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ANNUAL DRY CELL BATTERY REQUIREMENTS

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

SECTION 1. The plans and specifications for furnishing annual dry cell battery requirements copies of which are on file, are hereby accepted and approved.

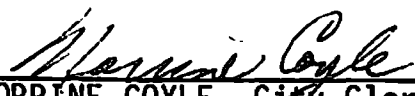
SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 31, 1988, at 3:10 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1988, 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:	Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-327

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ANNUAL REQUIREMENTS OF ROCK, SAND, AND
GRAVEL PRODUCTS

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

SECTION 1. The plans and specifications for furnishing annual requirements
of rock, sand, and gravel products
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on May 24, 1988, at 3:40 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 3rd day of May, 1988,
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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-328

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ANNUAL REQUIREMENTS OF SWIMMING POOL
CHLORINE AND MURIATIC ACID

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

SECTION 1. The plans and specifications for furnishing annual requirements of swimming pool chlorine and muriatic acid 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 24, 1988, at 3:30 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-329

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING IMPRINTED VINYL BINDERS

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

SECTION 1. The plans and specifications for furnishing imprinted vinyl binders 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 31, 1988, at 3:25 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-330

A RESOLUTION ACCEPTING THE BID OF LANG'S ENTERPRISES FOR FURNISHING HEATING, VENTILATION, AND AIR CONDITIONING SERVICES AT THE MODESTO CENTRE PLAZA

WHEREAS, Resolution No.88-185, adopted by the Council of the City of Modesto on March 8, 1988, approved the plans and specifications for the heating, ventilation, and air conditioning services at the Modesto Centre Plaza and authorized the calling for bids; and

WHEREAS, the bids received for the heating, ventilation, and air conditioning services at the Modesto Centre Plaza were opened at 3:10 p.m. on April 5, 1988, 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 Lang's Enterprises in the amount of \$10,323 be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Lang's Enterprises in the amount of \$10,323 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 May, 1988, 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:	Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-331

A RESOLUTION RESCINDING RESOLUTION NO. 88-109 AWARDING THE CONTRACT FOR CARPET INSTALLATION AT THE CROCKER BUILDING TO JOHNSON RUG COMPANY, AND ACCEPTING THE BID OF THE SECOND LOW BIDDER, HOUSE OF CARPETS

WHEREAS, the bids received for the installation of carpet at the Crocker Building were opened on February 2, 1988, and the bid was subsequently awarded to the low bidder, Johnson Rug Company on February 9, 1988 by Resolution No. 88-109; and

WHEREAS, the low bidder for the project has been unsuccessful in fulfilling his contract obligations in providing the City with a signed contract and bonds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 88-109 awarding the bid of carpet installation at the Crocker Building to Johnson Rug Company, is hereby rescinded.

BE IT FURTHER RESOLVED that the contract for carpet installation at the Crocker Building is hereby awarded to the second low bidder, House of Carpets in the amount of \$19,000, and execution of a contract for the completion of the project by the City's designated officials is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-332

A RESOLUTION AUTHORIZING CERTAIN NAMED OFFICERS AND EMPLOYEES OF THE CITY OF MODESTO TO BRING CLAIMS ON BEHALF OF THE CITY AND TO DEFEND AGAINST CLAIMS BROUGHT AGAINST THE CITY IN THE STANISLAUS COUNTY MUNICIPAL COURT, SMALL CLAIMS DIVISION, AND SUPERSEDING RESOLUTION NO. 85-857.

WHEREAS, many of the claims brought on behalf of the City of Modesto are most effectively prosecuted through the Stanislaus County Municipal Court, Small Claims Division, and

WHEREAS, many of the claims brought against the City of Modesto are brought through said Small Claims Court, and

WHEREAS, it appears to the Council of the City of Modesto that it is desirable and necessary to authorize officers and employees of the City to act for and in its behalf in the Stanislaus County Municipal Court, Small Claims Division, and

WHEREAS, it further appears that Ben Bankard, JoAnn Bertolotti, Norrine Coyle, Marie Giddens, Judy Hall, Bill Harper, Barbara Jaroch, Pete Kolf, Barry Newlin, Laura Parker, John Schirra, and Bill Young are suitable individuals for such authorization,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Ben Bankard, JoAnn Bertolotti, Norrine Coyle, Marie Giddens, Judy Hall, Bill Harper, Barbara Jaroch, Pete Kolf, Barry Newlin, Laura Parker, John Schirra, and Bill Young be and are hereby appointed and authorized to appear for and on behalf of the City of Modesto to prosecute and defend all claims on behalf of or against the City which are filed in the Stanislaus County Municipal Court.

BE IT FURTHER RESOLVED that the above-named officers and employees employed in the office of the City Clerk, to wit: Norrine Coyle and Judy Hall, are further authorized and empowered to accept service of process issued by said Court on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that this resolution supersedes Resolution No. 85-857.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3 day of May, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton, 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. 88-333

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON THE 1988-89
PROPOSED BUDGET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 31, 1988, 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 1988-89 proposed budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-334

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 twenty-nine (29) 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 1987 alone, the Police Reserves served a total of Eight Thousand Three Hundred Forty-eight (8,348) hours of time for the Modesto Police Department,

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 those officers who devoted so many of their

personal hours to the Police Reserves during 1987, 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 3 day of May, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Patterson, Sutton, 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. 88-335

A RESOLUTION APPROVING THE FINAL MAP OF THE NORWEGIAN
ESTATES SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Lyon-Horn Associates is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 18.46 acres, known as the Norwegian Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 11th day of May, 1987, 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 Norwegian 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 3 day of May, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton, 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. 88-336

A RESOLUTION APPROVING THE REQUEST OF EMPIRE GAS INC. OF MODESTO FOR REFUND OF \$714.07 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Empire Gas Inc. of Modesto for refund of \$714.07 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 May, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-337

A RESOLUTION APPROVING THE REQUEST OF PETER PIPER INC., #69 FOR REFUND OF \$756.43 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Peter Piper Inc., #69 for refund of \$756.43 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 May, 1988, 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:	Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-338

A RESOLUTION ADOPTING A REVISED POSITION CLASSIFICATION
PLAN FOR THE CITY OF MODESTO.

WHEREAS, Section 2-5.06 of the Modesto Municipal Code provides that

the City Council shall adopt, by resolution, personnel rules governing the preparation, installation, revision, and maintenance of a position classification plan covering all appointive positions in the City service, and

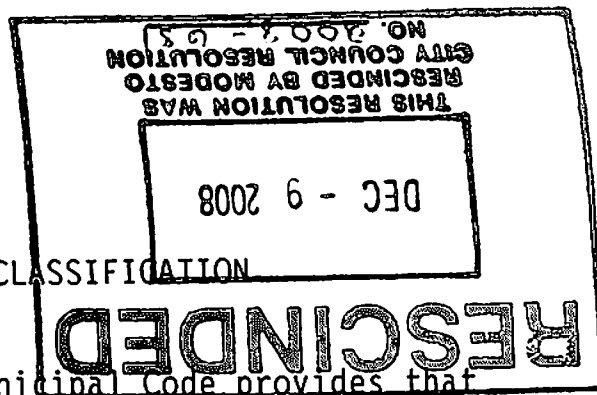
WHEREAS, Rule 2.1 of the City of Modesto Personnel Rules, adopted by the City Council, effective July 1, 1954, provides that the City Manager shall ascertain the duties and responsibilities of all positions in the City service, except positions filled by appointees of the City Council, and prepare a classification plan for such position, and

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 67-66 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, by Resolution No. 87-534 adopted on July 7, 1987, the Council approved an agreement between the City and Ralph Andersen and Associates for the purpose of performing a classification and compensation study for all City employees, and

WHEREAS, a review of the City of Modesto's classification plan has been conducted by Ralph Andersen and Associates and they have made recommendations to the City Manager for revising said plan, and

WHEREAS, said recommendations have been reviewed by the City Manager, and the City Manager has recommend adoption of the revised position classification plan as prepared by Ralph Andersen and Associates, which said



position classification plan is entitled "POSITION CLASSIFICATION PLAN - CITY OF MODESTO - March 7, 1988", and pursuant to Section 2.5 of the City of Modesto Personnel Rules, said position classification plan is on file in the Personnel Office of the City of Modesto, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that the classification plan or revisions thereto shall be effective upon adoption by resolution of the City Council,

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

SECTION 1. ADOPTION OF PLAN. The basic classification plan consisting of the titles and specifications contained in the "POSITION CLASSIFICATION PLAN - CITY OF MODESTO - March 7, 1988", prepared by Ralph Andersen and Associates, a copy of which is on file in the Personnel Office of the City of Modesto, is hereby adopted by reference as The Position Classification Plan of the City of Modesto, effective May 10, 1988. A list consisting of classification titles entitled "Index to Class Specifications" is attached hereto, marked Exhibit A, and incorporated herein by reference.

SECTION 2. THE CLASSIFICATION PLAN. The classification plan shall consist of the titles and specifications contained in the report adopted by the foregoing section, and all subsequent amendments approved in accordance with the Modesto Municipal Code and Personnel Rules. The titles and specifications shall be interpreted and used as follows:

(a) The class title shall be used in all official records of the City and for all classification and payroll purposes.

(b) The definition of a class is a a general description of the work and includes a brief, concise definition of the primary responsibilities assigned to positions in the class.

(c) The typical tasks are illustrations of duties commonly performed in positions allocated to the class. The inclusion of a task does not necessarily require each employee whose position is allocated to the class to perform that duty; nor does the exclusion of any task, related to the duties of any such employee, release him from responsibility for performing that duty when assigned.

(d) Statements of distinguishing characteristics, where used, are merely for further explanation of the differences between classes.

(e) Employment standards and desirable qualifications indicate the training, experience, knowledges, skills, abilities and personal and physical characteristics which may be used as standards in the selection of employees for the class. The statements of training and experience are to be interpreted as general standards, and any reasonably equivalent combination may be accepted by the Director of Personnel for admitting candidates to examinations. Minimum requirements in any examination announcement may vary from these standards when, in the judgment of the Director of Personnel, it is in the City's interest. In addition to standards specifically stated, general requirements of integrity, good judgment, good moral character, as well as requirements generally imposed by law, such as possession of a valid driver's license, where required, are considered to be a part of any or all specifications.

SECTION 3. ALLOCATION OF POSITIONS. Upon the effective date hereof, or as soon thereafter as practicable, the City Manager shall allocate each position for which he is the appointing authority to one of the classes established by this resolution. When such allocations are made, status of persons occupying reallocated positions shall be governed by the following:

Each employee who has acquired permanent status in the Classified Service will continue to have permanent status in the class to which his/her position is reallocated. Pursuant to Personnel Rule 11.1(h), the name of any employee whose current classification is of a higher classification than that to which his/her position is being reallocated shall be placed on a reinstatement list for his/her former classification or a comparable classification for a period not to exceed two (2) years.

SECTION 4. QUALIFICATIONS OF EMPLOYEES. An employee whose position is allocated to a different class in accordance with this revision of the classification plan is deemed to have met minimum requirements for appointment to the class to which his/her position is allocated and shall be granted probationary or regular status in the new class, upon certification by the department head that his/her service is satisfactory.

SECTION 5. TITLES IN RECORDS. The title of existing eligible lists and other appropriate records of the City shall be amended to conform to the new classification plan and allocation of positions.

SECTION 6. AMENDMENT. This classification plan may be amended as provided in the Personnel Rules.

SECTION 7. EFFECTIVE DATE. This resolution shall become effective on and after May 10, 1988.

SECTION 8. REPEALS. Resolution No. 67-66 and all amendments thereto are hereby rescinded, effective May 9, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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

INDEX TO CLASS SPECIFICATIONS

<u>CLASS CODE</u>	<u>TITLE</u>
4154	ACCOUNT CLERK
3536	ACCOUNTANT I
3530	ACCOUNTANT II
4152	ACCOUNTING TECHNICIAN
3712-3710	ADMINISTRATIVE ANALYST I/II
4730	ADMINISTRATIVE CLERK I
4720	ADMINISTRATIVE CLERK II
4395	ADMINISTRATIVE TECHNICIAN
2790	AIRPORT MAINTENANCE SUPERVISOR
2301	AIRPORT MANAGER
7159-7158	ANIMAL CONTROL OFFICER I/II
3161	ARBORIST
3527	ASSISTANT BUDGET ANALYST
2040	ASSISTANT CITY ATTORNEY
2640	ASSISTANT CITY CLERK/AUDITOR
3114-3113	ASSISTANT/ASSOCIATE CIVIL ENGINEER
2757	ASSISTANT EQUIPMENT MAINTENANCE SUPERINTENDENT
3267	ASSISTANT INDUSTRIAL WASTE INSPECTOR
3342	ASSISTANT LABORATORY TECHNICIAN
2009	ASSISTANT PARKS AND RECREATION DIRECTOR - CIVIC CENTER
2010	ASSISTANT PARKS AND RECREATION DIRECTOR - PARKS
2011	ASSISTANT PARKS AND RECREATION DIRECTOR - RECREATION
3134-3133	ASSISTANT/ASSOCIATE PLANNER
2370	ASSISTANT RISK MANAGER
2132	ASSISTANT TO CITY MANAGER
2020	ASSISTANT UTILITY SERVICES DIRECTOR
2381	ASSISTANT WATER QUALITY CONTROL SUPERINTENDENT
3525	BUDGET ANALYST
3236-3235	BUILDING INSPECTOR I/II
2721	BUILDING MAINTENANCE SUPERVISOR
6811	BUILDING MAINTENANCE WORKER
3790	BUYER
2130	CHIEF BUILDING OFFICIAL
2760	CHIEF ELECTRICIAN
2791	CHIEF OF SURVEY PARTY
1341	CITY ATTORNEY
1321	CITY CLERK/AUDITOR
1521	CITY MANAGER
3305	CIVIL ENGINEERING ASSISTANT
3320-3315	CIVIL ENGINEERING TECHNICIAN I/II
6190	COACH MECHANIC
6189	COACH MECHANIC CREWLEADER
3215-3214	CODE ENFORCEMENT OFFICER I/II
7160	COMMUNITY SERVICE OFFICER
4143	COMPUTER OPERATOR
3245	CONSTRUCTION INSPECTOR

CLASS CODETITLE

3720	CRIME ANALYST
6820	CUSTODIAN
6810	CUSTODIAN SUPERVISOR
2331	DATA PROCESSING MANAGER
4147	DATA PROCESSING TECHNICIAN
3111	DEPUTY CHIEF BUILDING OFFICIAL
2313-2312-2311-2310	DEPUTY CITY ATTORNEY I/II/SENIOR DEPUTY CITY ATTORNEY I/II
4660	DEPUTY CITY CLERK
1530	DEPUTY CITY MANAGER
7110	DETECTIVE
3360	DRAFTING AND GRAPHICS TECHNICIAN
1795	ECONOMIC DEVELOPMENT MANAGER
2761	ELECTRICAL SUPERVISOR
6556-6555-6549	ELECTRICAL TECHNICIAN I/II/ASSISTANT ELECTRICIAN
6548	ELECTRICIAN
3755	EMPLOYEE BENEFITS COORDINATOR
1740	ENGINEERING SERVICES DIRECTOR
3704	ENGINEERING SYSTEMS MANAGER
6312	EQUIPMENT CREWLEADER
2756	EQUIPMENT MAINTENANCE SUPERINTENDENT
2758	EQUIPMENT MAINTENANCE SUPERVISOR
6195	EQUIPMENT MECHANIC
6194	EQUIPMENT MECHANIC CREWLEADER
6314	EQUIPMENT OPERATOR
6722-6721	EQUIPMENT SERVICE WORKER I/II
2517	EVENTS COORDINATOR
4333	EVIDENCE AND PROPERTY SPECIALIST
3730	EXECUTIVE ASSISTANT
4650	EXECUTIVE SECRETARY
1730	FINANCE DIRECTOR
2300	FINANCE DIVISION MANAGER
2810	FIRE BATTALION CHIEF
7200	FIRE CAPTAIN
1790	FIRE CHIEF
2805	FIRE DIVISION CHIEF
7205	FIRE ENGINEER
6192	FIRE EQUIPMENT MECHANIC
3352	FIRE PLANS CHECKER
7301-7300	FIRE PREVENTION TECHNICIAN I/II
4334	FIRE SUPPLY SPECIALIST
7210-7215	FIREFIGHTER/FIREFIGHTER TRAINEE
2740	GOLF COURSE SUPERVISOR
3171	HISTORICAL BUILDINGS SUPERVISOR
3560	HOUSING FINANCIAL SPECIALIST
2131	HOUSING PROGRAM OFFICER
3227	HOUSING PROGRAM SPECIALIST
3226-3225	HOUSING REHABILITATION SPECIALIST I/II
3266-3265	INDUSTRIAL WASTE INSPECTOR I/II

CLASS CODETITLE

6540	INSTRUMENT REPAIR TECHNICIAN
3341	LABORATORY TECHNICIAN
3160	LANDSCAPE DESIGNER
4664	LEGAL SECRETARY
2630	LEGAL SERVICES SUPERVISOR
3740	LEGAL SERVICES TECHNICIAN
6167	MAINTENANCE MECHANIC-PARKS
6150	MAINTENANCE MECHANIC-PUMPS
6166	MAINTENANCE MECHANIC CREWLEADER-PARKS
6149	MAINTENANCE MECHANIC CREWLEADER-PUMPS
6707-6705	MAINTENANCE WORKER I/II
3707	MANAGEMENT ANALYST
6701	METER READER/REPAIR WORKER
4210	MICROFILM SERVICES SUPERVISOR
6324	MOTOR SWEEPER OPERATOR
3172	MUSEUM SUPERVISOR
3795	NURSERY PROPAGATOR
4200	OFFICE SERVICES SUPERVISOR
2650	OFFICE SUPERVISOR
2720	OPERATIONS SUPERVISOR
6665	PARKING LOT MAINTENANCE CREWLEADER
6680	PARKING METER WORKER
2345	PARKING AND TRAFFIC SUPERINTENDENT
1750	PARKING, TRAFFIC AND TRANSPORTATION DIRECTOR
1760	PARKS AND RECREATION DIRECTOR
2749	PARKS CONSTRUCTION SUPERVISOR I
2748	PARKS CONSTRUCTION SUPERVISOR II
6630	PARKS CREWLEADER
2751	PARKS MAINTENANCE SUPERVISOR I
2750	PARKS MAINTENANCE SUPERVISOR II
2515	PARKS SUPERINTENDENT
3715	PERSONNEL ANALYST
2304	PERSONNEL MANAGER
3351	PLAN REVIEW ENGINEER
3330	PLANNING ASSISTANT
3332-3331	PLANNING TECHNICIAN I/II
1770	PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR
6180	PLANT MECHANIC
2781	PLANT MECHANIC SUPERVISOR
4394	POLICE ADMINISTRATIVE TECHNICIAN
2921	POLICE CAPTAIN
1720	POLICE CHIEF
4521	POLICE CLERK
2923	POLICE LIEUTENANT
7115-7120	POLICE OFFICER/POLICE OFFICER TRAINEE
2600	POLICE RECORDS SUPERVISOR
2925	POLICE SERGEANT
3515	PRINCIPAL ACCOUNTANT

CLASS CODETITLE

3130	PRINCIPAL PLANNER
4337-4336	PRINTING SERVICES OPERATOR I/II
3703-3702	PROGRAMMER ANALYST I/II
2350	PROPERTY AGENT
3708	PUBLIC INFORMATION OFFICER
3200	PUBLIC SERVICES SUPERVISOR
2723	PUBLIC WORKS SUPERVISOR I
2722	PUBLIC WORKS SUPERVISOR II
2360	PURCHASING OFFICER
2516	RECREATION SUPERINTENDENT
3170	RECREATION SUPERVISOR II
3714	RECYCLING PROGRAM COORDINATOR
2307	RISK MANAGER
2782	SECONDARY TREATMENT SITE SUPERVISOR
4655	SECRETARY
3516	SENIOR ACCOUNTANT
3231	SENIOR BUILDING INSPECTOR
3110	SENIOR CIVIL ENGINEER
3300	SENIOR CIVIL ENGINEERING ASSISTANT
3244	SENIOR CONSTRUCTION INSPECTOR
6313	SENIOR EQUIPMENT OPERATOR
6191	SENIOR FIRE EQUIPMENT MECHANIC
2375	SENIOR PERSONNEL ANALYST
4510	SENIOR PERSONNEL CLERK
3132	SENIOR PLANNER
4520	SENIOR POLICE CLERK
4335	SENIOR PRINTING SERVICES OPERATOR
3700	SENIOR PROGRAMMER ANALYST
4331	SENIOR STORESKEEPER
6440	SENIOR WASTEWATER TREATMENT PLANT OPERATOR
4370	SENIOR WORD PROCESSING TECHNICIAN
3175	SOCIAL SERVICES COORDINATOR
2355	SOLID WASTE PROGRAM MANAGER
4332	STORESKEEPER
6640	STREET TREES CREWLEADER
2500	STREETS MAINTENANCE SUPERINTENDENT
3230	SUPERVISING BUILDING INSPECTOR
3240	SUPERVISING CONSTRUCTION INSPECTOR
3220	SUPERVISING HOUSING REHABILITATION SPECIALIST
2339	TRAFFIC ENGINEER
6662	TRAFFIC PAINTER
6660	TRAFFIC PAINTER CREWLEADER
6770	TRAFFIC SIGN WORKER
3709	TRAINING COORDINATOR
2340	TRANSIT MANAGER
2753	TREES MAINTENANCE SUPERVISOR I
2752	TREES MAINTENANCE SUPERVISOR II
6615	TREE TRIMMER
6610	TREE TRIMMER CREWLEADER
1785	UTILITY SERVICES DIRECTOR

CLASS CODE

TITLE

4330	WAREHOUSE SUPERVISOR
6450-6445	WASTEWATER TREATMENT PLANT ATTENDANT/OPERATOR
6700	WATER LINeworker
2380	WATER QUALITY CONTROL SUPERINTENDENT
6196	WELDER/FABRICATOR
2620	WORD PROCESSING SYSTEM SUPERVISOR
4372-4371	WORD PROCESSING TECHNICIAN I/II
3750	WORKERS' COMPENSATION CLAIMS REPRESENTATIVE
3211	ZONING INSPECTOR

MODESTO CITY COUNCIL
RESOLUTION NO. 88-339

A RESOLUTION AMENDING EXHIBIT "H" OF RESOLUTION NO. 87-566 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE."

WHEREAS, by Resolution No. 87-534 adopted on July 7, 1987, the Council approved an agreement between the City and Ralph Andersen and Associates for the purpose of performing a classification and compensation study for all City employees, and

WHEREAS, a review of the City of Modesto's classification plan has been conducted by Ralph Andersen and Associates and they have made recommendations to the City Manager for revising said plan, and

WHEREAS, said recommendations have been reviewed by the City Manager, and the City Manager has recommend adoption of the revised position classification plan as prepared by Ralph Andersen and Associates, which said position classification plan is entitled "POSITION CLASSIFICATION PLAN - CITY OF MODESTO - March 7, 1988", and pursuant to Section 2.5 of the City of Modesto Personnel Rules, said position classification plan is on file in the Personnel Office of the City of Modesto, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that the classification plan or revisions thereto shall be effective upon adoption by resolution of the City Council, and

WHEREAS, as a result of the classification study, it is necessary to amend Exhibit "H" of Resolution No. 87-566 entitled "A Resolution Establishing Salary Schedules and Fixing Compensation for Positions in the City Service" to amend class titles which shall be used in all official records of the City and for all classification and payroll purposes,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 87-566. Exhibit "H" entitled "City of Modesto Alphabetical Listing of Classifications in City Service 1987-88", attached to Resolution No. 87-566, is hereby amended as shown on the amended Exhibit "H" entitled "City of Modesto Alphabetical Listing of Classifications in City Service 1987-88", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "H" revises the following classifications as indicated:

	<u>From Range</u>		<u>To Range</u>
Accountant I	422.0	Accountant I	122.0
Administrative Clerk	117.5	Administrative Technician	117.5
Administrative Clerk - Police	118.5	Police Administrative Technician	118.5
Assistant City Clerk	422.5	Assistant City Clerk/Auditor	422.5
Assistant Director - Community Center	433.0	Assistant Parks and Recreation Director - Civic Center	433.0
Assistant Director of Utility Services	436.0	Assistant Utility Services Director	436.0
Assistant Parks Construction Supervisor	425.5	Parks Construction Supervisor I	425.5
Assistant Shop Supervisor	426.0	Assistant Equipment Maintenance Superintendent	426.0
Assistant to the City Manager	433.0	Assistant to City Manager	433.0
Benefits Technician	420.5	Employee Benefits Coordinator	420.5
Chief of Police	N/A	Police Chief	N/A
Civil Engineering Technician III	125.5	Civil Engineering Assistant	125.5
Civil Engineering Technician IV	127.5	Senior Civil Engineering Assistant	127.5
Claims Representative	419.5	Workers' Compensation Claims Representative	419.5
Clerk Typist	114.5	Administrative Clerk II	114.5
Code Enforcement Specialist	119.5	Code Enforcement Officer I	119.5
Community Center Events Coordinator	426.5	Events Coordinator	426.5
Community Center Operations Supervisor	426.5	Operations Supervisor	426.5
Computer Operator	118.5	Computer Operator	120.5

	<u>From Range</u>		<u>To Range</u>
Director of Engineering Services	N/A	Engineering Services Director	N/A
Director of Finance	N/A	Finance Director	N/A
Director of Parking and Traffic	N/A	Parking, Traffic and Transportation Director	N/A
Director of Parks and Recreation	N/A	Parks and Recreation Director	N/A
Director of Planning and Community Development	N/A	Planning and Community Development Director	N/A
Director of Utility Services	N/A	Utility Services Director	N/A
Equipment Operator - Backhoe	121.5	Senior Equipment Operator	121.5
Fire Prevention Technician	123.5	Fire Prevention Technician II	123.5
Graphics and Drafting Technician	117.5	Drafting and Graphics Technician	117.5
Housing Conservationist	122.0	Housing Program Specialist	122.0
Janitor	116.5	Custodian	116.5
Janitor Supervisor	422.5	Custodian Supervisor	422.5
Lead Coach Mechanic	126.0	Coach Mechanic Crewleader	126.0
Lead Equipment Mechanic	124.0	Equipment Mechanic Crewleader	124.0
Lead Traffic Painter	122.5	Traffic Painter Crewleader	122.5
Office Clerk	112.5	Administrative Clerk I	112.5
Parks Construction Supervisor	427.5	Parks Construction Supervisor II	427.5
Planning Technician III	123.5	Planning Assistant	123.5
Plant Mechanical Maintenance Supervisor	425.0	Plant Mechanic Supervisor	425.0
Printing Services Operator	115.5	Printing Services Operator II	115.5
Printing Services Trainee	113.5	Printing Services Operator I	113.5
Public Works Line Worker	120.5	Water Lineworker	120.5
Recreation Supervisor	426.0	Recreation Supervisor II	426.0
Senior Buyer	426.0	Buyer	426.0
Shop Supervisor	429.0	Equipment Maintenance Superintendent	429.0
Supervising Accountant	430.0	Principal Accountant	430.0
Supply Specialist	117.5	Fire Supply Specialist	117.5
Treasury Accountant	427.0	Senior Accountant	427.0
Wastewater Treatment Plant Supervisor	429.0	Assistant Water Quality Control Superintendent	429.0

Said amended Exhibit "H" abolishes the following classifications from the Ranges indicated:

	<u>From Range</u>
Accounts Examiner	123.0
Assistant Chief of Police	633.0
Assistant Director of Parks & Recreation	433.0
Cement Mason	120.5

	<u>From Range</u>
Collections Supervisor	424.0
Director of Management Services	N/A
Engineering Contracts Specialist	116.5
Junior Civil Engineer	126.0
Laborer (Hourly rate only)	113.5
Maintenance Mechanic	120.5
Maintenance Worker Trainee	113.5
Office Aide	109.5
Payroll Technician	421.5
Personnel Technician	419.5
Public Services Inspector	124.0
Purchasing Assistant	124.0
Receptionist	112.5
Sanitary Engineer	433.0
Senior Computer Operator	120.5
Senior Microfilm and Graphics Technician	116.5
Stenographer Clerk	115.5
Stenographer Clerk (Confidential)	415.6
Systems & Procedures Accountant	430.0
Traffic Engineering Technician	127.5

Said amended Exhibit "H" adds the following classifications to the

Ranges indicated:

	<u>To Range</u>
Assistant Budget Analyst	426.0
Assistant Parks and Recreation Director - Parks	433.0
Assistant Parks and Recreation Director - Recreation	433.0
Code Enforcement Officer II	121.5
Deputy Chief Building Official	433.0
Equipment Maintenance Supervisor	426.0
Fire Prevention Technician I	121.5
Microfilm Services Supervisor	417.5
Parking Lot Maintenance Crewleader	121.5
Senior Fire Equipment Mechanic	125.0
Senior Personnel Analyst	428.0
Senior Planner	431.0

	<u>To</u> <u>Range</u>
Trees Maintenance Supervisor I	424.5
Trees Maintenance Supervisor II	426.5
Traffic Sign Worker	120.5
Welder/Fabricator	120.5

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after May 10, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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
ALPHABETICAL LISTING OF CLASSIFICATIONS IN CITY SERVICE
1987-88

(Effective 7-7-87, amended 10-13-87; 11-17-87; 12-8-87; 12-22-87; 5-10-88.)

<u>Range No.</u>	<u>Title of Classification</u>	<u>Range No.</u>	<u>Title of Classification</u>
115.5	Account Clerk	433.0	Assistant to City Manager
122.0	Accountant I	436.0	Assistant Utility Services Director
426.0	Accountant II	429.0	Assistant Water Quality Control Superintendent
119.5	Accounting Technician	432.0	Associate Civil Engineer
422.0	Administrative Analyst I	429.0	Associate Planner
426.0	Administrative Analyst II		
112.5	Administrative Clerk I	428.0	Budget Analyst
412.6	Administrative Clerk I (Confidential)	125.5	Building Inspector I
114.5	Administrative Clerk II	122.5	Building Inspector II
414.6	Administrative Clerk II (Confidential)	426.5	Building Maintenance Supervisor
117.5	Administrative Technician	120.5	Building Maintenance Worker
432.0	Airport Manager	426.0	Buyer
424.5	Airport Maintenance Supervisor		
116.5	Animal Control Officer I	434.0	Chief Building Official
118.5	Animal Control Officer II	430.0	Chief Electrician
426.5	Arborist	428.0	Chief of Survey Party
426.0	Assistant Budget Analyst	N/A	City Attorney
437.0	Assistant City Attorney	N/A	City Clerk/Auditor
422.5	Assistant City Clerk/Auditor	N/A	City Manager
429.0	Assistant Civil Engineer	125.5	Civil Engineering Assistant
122.5	Assistant Electrician	119.5	Civil Engineering Technician I
426.0	Assistant Equipment Maintenance Superintendent	122.5	Civil Engineering Technician II
123.0	Assistant Industrial Waste Inspector	124.0	Coach Mechanic
120.5	Assistant Laboratory Technician	126.0	Coach Mechanic Crewleader
433.0	Assistant Parks and Recreation Director- Civic Center	119.5	Code Enforcement Officer I
433.0	Assistant Parks and Recreation Director -Parks	121.5	Code Enforcement Officer II
433.0	Assistant Parks and Recreation Director- Recreation	120.5	Community Service Officer
426.0	Assistant Planner	120.5	Computer Operator
427.0	Assistant Risk Manager	127.5	Construction Inspector
		124.5	Crime Analyst
		116.5	Custodian
		422.5	Custodian Supervisor

EXHIBIT H

<u>Range No.</u>	<u>Title of Classification</u>	<u>Range No.</u>	<u>Title of Classification</u>
430.0	Data Processing Manager	531.0	Fire Battalion Chief
118.5	Data Processing Technician	581.0	Fire Battalion Chief (PERS Option)
433.0	Deputy Chief Building Official	214.0	Fire Captain
427.0	Deputy City Attorney I	264.0	Fire Captain (PERS Option)
429.0	Deputy City Attorney II	N/A	Fire Chief
420.5	Deputy City Clerk	534.0	Fire Division Chief
N/A	Deputy City Manager	584.0	Fire Division Chief (PERS Option)
312.0	Detective	212.0	Fire Engineer
117.5	Drafting and Graphics Technician	262.0	Fire Engineer (PERS Option)
N/A	Economic Development Manager	123.0	Fire Equipment Mechanic
428.5	Electrical Supervisor	210.0	Fire Fighter
118.5	Electrical Technician I	260.0	Fire Fighter (PERS Option)
120.5	Electrical Technician II	208.0	Fire Fighter Trainee
127.0	Electrician	127.5	Fire Plans Checker
420.5	Employee Benefits Coordinator	121.5	Fire Prevention Technician I
N/A	Engineering Services Director	123.5	Fire Prevention Technician II
428.0	Engineering Systems Manager	117.5	Fire Supply Specialist
122.5	Equipment Crewleader	426.5	Golf Course Supervisor
429.0	Equipment Maintenance Superintendent	426.0	Historical Buildings Supervisor
426.0	Equipment Maintenance Supervisor	122.0	Housing Financial Specialist
122.0	Equipment Mechanic	432.0	Housing Program Officer
124.0	Equipment Mechanic Crewleader	122.0	Housing Program Specialist
120.5	Equipment Operator	122.0	Housing Rehabilitation Specialist I
119.0	Equipment Service Worker I	125.0	Housing Rehabilitation Specialist II
120.5	Equipment Service Worker II	123.0	Industrial Waste Inspector I
426.5	Events Coordinator	125.0	Industrial Waste Inspector II
118.5	Evidence and Property Specialist	128.0	Instrument Repair Technician
424.0	Executive Assistant	122.5	Laboratory Technician
420.5	Executive Secretary	426.0	Landscape Designer
N/A	Finance Director	418.6	Legal Secretary
435.0	Finance Division Manager	423.5	Legal Services Supervisor
		420.5	Legal Services Technician

Range No.	Title of Classification	Range No.	Title of Classification
121.0	Maintenance Mechanic - Parks	N/A	Planning and Community Development Director
121.0	Maintenance Mechanic - Pumps		
122.0	Maintenance Mechanic Crewleader - Parks	123.5	Planning Assistant
122.0	Maintenance Mechanic Crewleader - Pumps	117.5	Planning Technician I
116.5	Maintenance Worker I	120.5	Planning Technician II
118.5	Maintenance Worker II	123.0	Plant Mechanic
428.0	Management Analyst	425.0	Plant Mechanic Supervisor
120.5	Meter Reader/Repair Worker	118.5	Police Administrative Technician
417.5	Microfilm Services Supervisor	632.0	Police Captain
120.5	Motor Sweeper Operator	N/A	Police Chief
424.0	Museum Supervisor	114.5	Police Clerk
		630.0	Police Lieutenant
122.5	Nursery Propagator	310.0	Police Officer
		308.0	Police Officer Trainee
422.5	Office Services Supervisor	425.0	Police Records Supervisor
422.0	Office Supervisor	628.0	Police Sergeant
426.5	Operations Supervisor	430.0	Principal Accountant
		432.0	Principal Planner
429.0	Parking and Traffic Superintendent	113.5	Printing Services Operator I
121.5	Parking Lot Maintenance Crewleader	115.5	Printing Services Operator II
120.5	Parking Meter Worker	123.0	Programmer Analyst I
N/A	Parking, Traffic and Transportation Director	126.0	Programmer Analyst II
N/A	Parks and Recreation Director	430.0	Property Agent
425.5	Parks Construction Supervisor I	426.0	Public Information Officer
427.5	Parks Construction Supervisor II	427.0	Public Services Supervisor
120.5	Parks Crewleader	424.5	Public Works Supervisor I
720.5	Parks Crewleader (Y-rate)	426.5	Public Works Supervisor II
424.5	Parks Maintenance Supervisor I	430.0	Purchasing Officer
426.5	Parks Maintenance Supervisor II		
429.0	Parks Superintendent	429.0	Recreation Superintendent
426.0	Personnel Analyst	426.0	Recreation Supervisor II
432.0	Personnel Manager	426.0	Recycling Program Coordinator
127.5	Plan Review Engineer	432.0	Risk Manager

ALPHABETICAL LISTING (Continued)

<u>Range</u> <u>No.</u>	<u>Title of Classification</u>	<u>Range</u> <u>No.</u>	<u>Title of Classification</u>
425.0	Secondary Treatment Site Supervisor	434.0	Traffic Engineer
418.6	Secretary	120.5	Traffic Painter
427.0	Senior Accountant	122.5	Traffic Painter Crewleader
127.5	Senior Building Inspector	120.5	Traffic Sign Worker
434.0	Senior Civil Engineer	426.0	Training Coordinator
127.5	Senior Civil Engineering Assistant	429.0	Transit Manager
128.5	Senior Construction Inspector	120.5	Tree Trimmer
432.0	Senior Deputy City Attorney I	720.5	Tree Trimmer (Y-rate)
435.0	Senior Deputy City Attorney II	122.5	Tree Trimmer Crewleader
121.5	Senior Equipment Operator	424.5	Trees Maintenance Supervisor I
125.0	Senior Fire Equipment Mechanic	426.5	Trees Maintenance Supervisor II
428.0	Senior Personnel Analyst		
417.6	Senior Personnel Clerk	N/A	Utility Services Director
431.0	Senior Planner		
116.5	Senior Police Clerk	424.5	Warehouse Supervisor
118.5	Senior Printing Services Operator	118.5	Wastewater Treatment Plant Attendant
428.0	Senior Programmer Analyst	120.5	Wastewater Treatment Plant Operator
120.5	Senior Storeskeeper	120.5	Water Lineworker
123.0	Senior Wastewater Treatment Plant Operator	432.0	Water Quality Control Superintendent
418.6	Senior Word Processing Technician	120.5	Welder/Fabricator
424.5	Social Services Coordinator	422.0	Word Processing System Supervisor
430.0	Solid Waste Program Manager	415.6	Word Processing Technician I
118.5	Storeskeeper	416.6	Word Processing Technician II
120.5	Street Trees Crewleader	419.5	Workers' Compensation Claims Representative
429.0	Streets Maintenance Superintendent		
430.0	Supervising Building Inspector	425.0	Zoning Inspector
430.0	Supervising Construction Inspector		
428.0	Supervising Housing Rehabilitation Specialist		

Totals: 13 City Mgr, Dep. Cty Mgr,
 Department Heads
212 Other
 225

MODESTO CITY COUNCIL
RESOLUTION NO. 88-340

A RESOLUTION APPROVING THE ZONING STUDY OF THE AREA NORTH OF THE PROPOSED NEW STATE HIGHWAY 132, FROM DRY CREEK TO LAS FLORES AVENUE, AS RECOMMENDED BY THE PLANNING COMMISSION.

WHEREAS, in October, 1985, the City Council directed staff to prepare a zoning study involving the area currently zoned C-2, General Commercial Zone, located north of the proposed new State Highway 132, from Dry Creek to Las Flores Avenue, and

WHEREAS, the purpose of the zoning study was to examine ways to mitigate potential traffic concerns with the future commercial development of the study area as traffic affects existing residential properties to the north, and

WHEREAS, a zoning study was prepared and reviewed by the Planning Commission during an informal public hearing held on April 4, 1988, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission indicated it favored closure of the alley between 128 and 132 Bonita Circle at such time as an application for such closure is received, and

WHEREAS, by Modesto City Council Resolution No. 88-293, adopted on April 19, 1988, said Planning Commission recommendation for a zoning study of the area north of the proposed new State Highway 132, from Dry Creek to Las Flores Avenue, was set for a hearing before the City Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on May 10, 1988, at 7:30 p.m., and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the zoning study of the area north of the proposed new State Highway 132, from Dry Creek to Las Flores Avenue, as recommended by the Planning Commission in its Resolution No. 88-36, adopted on April 4, 1988, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-341

A RESOLUTION APPROVING ALTERNATIVE 4 OF THE ZONING STUDY REDESIGNATING THE AREA FROM C-2, GENERAL COMMERCIAL ZONE, TO P-0, PROFESSIONAL OFFICE ZONE OF THE AREA NORTH OF THE PROPOSED NEW STATE HIGHWAY 132 FROM DRY CREEK TO LAS FLORES AVENUE, AS RECOMMENDED BY THE PLANNING COMMISSION.

WHEREAS, in October, 1985, the City Council directed staff to prepare a zoning study involving the area currently zoned C-2, General Commercial Zone, located north of the proposed new State Highway 132, from Dry Creek to Las Flores Avenue, and

WHEREAS, the Planning Commission, by Resolution No. 88-36, adopted on April 4, 1988, recommended redesignating the study area from C-2, General Commercial Zone, to P-0, Professional Office Zone, as outlined in Option Number 4 in the Zoning Study on file in the office of Planning and Community Development, and

WHEREAS, the Planning Commission further recommended that the City initiate the rezoning of said study area from C-2, General Commercial Zone, to P-0, Professional Office Zone, and

WHEREAS, by Modesto City Council Resolution No. 88-293, adopted on April 19, 1988, said Planning Commission recommendation for a zoning study of the area north of the proposed new State Highway 132, from Dry Creek to Las Flores Avenue, was set for a hearing before the City Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on May 10, 1988, at 7:30 p.m., and

WHEREAS, the City Council, at said hearing, after hearing evidence both oral and documentary, found and determined that the recommendation of the Planning Commission to redesignate the study area from C-2, General Commercial Zone, to P-O, Professional Office Zone, as outlined in Option Number 4 in the Zoning Study on file in the office of Planning and Community Development and stated below, should be adopted:

Rezone the C-2 area to P-O, Professional Office. Office uses generate less traffic than commercial uses. Offices usually close during weekend and evening hours, whereas most commercial uses operate on weekends and in the evening hours. The P-O zone requires plot plan review allowing the City to review access to the site, walls, and screen landscaping requirements.

Access should be limited to one curb cut on new SH 132. Ideally, the Barton and the Division Warehouse parcels should develop as one project with one curb cut on the Division Warehouse parcel to SH 132. This would eliminate office traffic on Cuesta Avenue. However, as mentioned earlier, the development of the study area would still generate traffic on Las Flores Avenue via La Loma Avenue from North Modesto.

Unfortunately, the Barton property may develop separately from the Division Warehouse property. The Barton parcel has only a 15-foot frontage on SH 132 which is not an adequate width. If the Barton parcel is not able to get additional width on SH 132, then it would need a curb cut on Cuesta Avenue. This curb cut may generate more northbound traffic on Las Flores Avenue. A left on Las Flores Avenue off Cuesta Avenue to travel northbound is easier than a left on SH 132 off a curb cut then another left on Las Flores Avenue to travel northbound. However, with one curbcut on Cuesta Avenue and a second driveway on SH 132, the traffic generated on Cuesta Avenue would be comparable to R-2 development with access only on Cuesta Avenue. P-O development would generate an estimated 1,200 trips per weekday. It is anticipated that less than half of the vehicle trips would use the Cuesta Avenue curbcut. This would make it close to the 400 trips per day for R-2 development.

The drawback with this option is the required landfill for the driveway on new SH 132.

Gallo indicated that they are considering building offices for Gallo employees on the Division Warehouse Co. property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the recommendation of the Planning Commission to redesignate the study area from C-2, General Commercial Zone, to P-0, Professional Office Zone, as outlined in Option Number 4 in the Zoning Study on file in the office of Planning and Community Development and stated above, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-342

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE 800 AMP WATER QUALITY CONTROL PLANT TIE-IN

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

SECTION 1. The plans and specifications for the 800 amp Water Quality Control Plant tie-in 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 7, 1988, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-343

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ANNUAL REQUIREMENTS OF LIQUID CHLORINE

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 requirements of liquid chlorine

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 31, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-344

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING EIGHT AUTOMATIC SAMPLERS

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

SECTION 1. The plans and specifications for the purchase of eight automatic samplers to be installed throughout the Treatment 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 June 7, 1988, at 3:10 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-345

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING THE CITY'S ANNUAL REQUIREMENTS OF READY-
MIXED CONCRETE

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

SECTION 1. The plans and specifications for the purchase of the City's
annual requirements of ready-mixed concrete
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 31, 1988, at 3:05 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 10th day of May, 1988,
by Councilmember Patterson, who moved its adoption, which motion
being duly seconded by Councilmember Sutton, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-346

A RESOLUTION ACCEPTING THE BID OF CLYDE WHEELER PIPELINE, INC. FOR THE CLAUS, ARDIA AND PARKWAY WATERLINE EXTENSION

WHEREAS, Resolution No.88-283, adopted by the Council of the City of Modesto on April 19, 1988, approved the plans and specifications for the Claus, Ardia and Parkway waterline extension and authorized the calling for bids; and

WHEREAS, the bids received for the Claus, Ardia and Parkway waterline extension

were opened at 11:10 a.m. on May 3, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Clyde Wheeler Pipeline, Inc. in the amount of \$113,737.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Clyde Wheeler Pipeline, Inc. in the amount of \$113,737.50 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 10th day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-347

A RESOLUTION ACCEPTING THE BID OF NORTHWEST INDUSTRIAL SCRUB FOR FURNISHING
DIGESTER CLEANING SERVICES

WHEREAS, Resolution No.88-243, adopted by the Council of the City of Modesto on April 5, 1988, approved the plans and specifications for the purchase of digester cleaning services and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of digester cleaning services were opened at 3:20 p.m. on April 26, 1988, 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 Northwest Industrial Scrub in the amount of \$21,500 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Northwest Industrial Scrub in the amount of \$21,500 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 10th day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-348

A RESOLUTION ACCEPTING THE BID OF POPE CHEVROLET FOR FURNISHING THREE POLICE MINI VANS

WHEREAS, Resolution No. 88-245, adopted by the Council of the City of Modesto on April 5, 1988, approved the plans and specifications for the purchase of three Police mini vans and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of three Police mini vans were opened at 3:10 p.m. on April 26, 1988, 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 Pope Chevrolet in the amount of \$35,035 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Pope Chevrolet in the amount of \$35,035 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-349

A RESOLUTION ACCEPTING THE BID OF TDW CONSTRUCTION FOR THE HATCH ROAD/PEARSON AVENUE WATERLINE STRENGTHENING PROJECT

WHEREAS, Resolution No.88-282, adopted by the Council of the City of Modesto on April 19, 1988, approved the plans and specifications for the Hatch Road/Pearson Avenue waterline strengthening project and authorized the calling for bids; and

WHEREAS, the bids received for the Hatch Road/Pearson Avenue waterline strengthening project

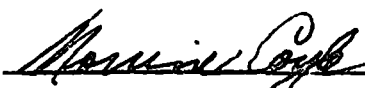
were opened at 11:00 a.m. on May 3, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of TDW Construction in the amount of \$118,261 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of TDW Construction in the amount of \$118,261 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-350

A RESOLUTION ACCEPTING THE BID OF SCHEIDT, HAYDON AND HALL, INC. FOR THE SCENIC DRIVE AND LAKEWOOD AVENUE WATERLINE PROJECT

WHEREAS, Resolution No.88-281, adopted by the Council of the City of Modesto on April 19, 1988, approved the plans and specifications for the Scenic Drive and Lakewood Avenue waterline project and authorized the calling for bids; and

WHEREAS, the bids received for the Scenic Drive and Lakewood Avenue waterline project were opened at 11:05 a.m. on May 3, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Scheidt, Haydon and Hall, Inc. in the amount of \$116,779 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Scheidt, Haydon and Hall, Inc. in the amount of \$116,779 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-351

A RESOLUTION ACCEPTING THE McCLURE ROAD WATER AND SEWER LINE EXTENSIONS
AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the McClure Road water and sewer line extensions

has been completed by Joe Martin Pipeline, Inc.

in accordance with the contract agreement dated November 3, 1987 .

NOW, THEREFORE, BE IT RESOLVED that the McClure Road water and sewer
line extensions

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 \$254,272.50 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 10th day of May ,
1988, by Councilmember Patterson , who moved its adoption, which
motion being duly seconded by Councilmember Sutton , was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-352

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF ONE VAN THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Utility Services Service Division is requesting the purchase of a twelve passenger van, to be placed into the car pool, to be dispatched to various departments on an as needed basis; and

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

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

BE IT FURTHER RESOLVED that purchase of one van through the State of California Cooperative Purchasing Program for the total price of \$14,893, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1988, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-353

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON THE 1988-89 THROUGH
1991-92 CAPITAL IMPROVEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that May 31, 1988, 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 the 1988-89 through
1991-92 Capital Improvement Program.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 10th day of
May, 1988, by Councilmember Patterson, who
moved its adoption, which motion being duly seconded by Councilmember
Sutton, was upon roll call carried and the resolution
adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-354

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BEUZEKOM BEHEER, JOSEPH D. TROMBETTA AND MARVIN G. DOLE TO ALLOW FOR REIMBURSEMENT OF STREET IMPROVEMENT COSTS ON PRESCOTT ROAD IN CONNECTION WITH REGENCY PARK NO. 4 SUBDIVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beuzedom Beheer, Joseph D. Trombetta and Marvin G. Dole for reimbursement of street improvement costs on Prescott Road in connection with Regency Park No. 4 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 10th day of May, 1988, by Councilmember Patterson who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-355

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR DESIGN OF A CURB RAMP PROJECT ALONG ROUTE 108 (MCHENRY AVENUE)(AGREEMENT NO. 10-797)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California for design of a curb ramp project for handicapped access on McHenry Avenue from Needham to Orangeburg 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 10th day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-356

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MIKE AND VICTORIA MASELLIS TO PROVIDE WATER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 4207 MCHENRY AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mike and Victoria Masellis to provide water service to property outside the City limits at 4207 McHenry Avenue, located on the west side of McHenry Avenue between W. Union Avenue and Modesto Irrigation District Lateral No. 6 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-357

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN APPLICATION FOR RENTAL REHABILITATION GRANT FUNDS FOR FISCAL YEAR 1988-89.

BE IT RESOLVED by the Council of the City of Modesto that the submission of an application for \$101,000 of Rental Rehabilitation Grant Funds for fiscal year 1988-89 for the rehabilitation of approximately 20 low-income rental units as recommended by the Citizens Housing and Community Development Committee is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-358

A RESOLUTION APPROVING THE FINAL MAP OF THE SUNDANCE UNIT
NO. 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, James W. Thayer, Inc., a California corporation, dba
Oakwood Builders is possessed of a tract of land situate in the City of
Modesto, County of Stanislaus, consisting of 12.49 acres, known as the
Sundance Unit No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City
Planning Commission on the 2nd day of March, 1987, 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 Sundance Unit No. 3 Subdivision meets all of the
provisions of the California Subdivision Map Act and the provisions of the
Modesto Municipal Code relating to subdivisions, and that the map is
technically correct, and

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

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

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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-359

A RESOLUTION ACCEPTING IMPROVEMENTS IN SUNDANCE NO. 1 SUBDIVISION AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, James Thayer, dba: Oakwood Builders, subdividers of Sundance No. 1 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 157,000.00 and \$ 78,500.00 respectively to guarantee improvements in Sundance No. 1 Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated May 4, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the 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 Sundance No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$157,000.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$78,500.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-360

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

WHEREAS, James Thayer, dba: Oakwood Builders, subdividers of Sundance No. 2 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$166,600.00 and \$ 83,300.00 respectively to guarantee improvements in Sundance No. 2 Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated May 4, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the 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 Sundance 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 \$166,600.00 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 \$83,300.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-361

A RESOLUTION ACCEPTING IMPROVEMENTS IN SUNDANCE NO. 3 SUBDIVISION AS COMPLETE

WHEREAS, the Director of Engineering in a memorandum dated May 4, 1988, indicates that all work required of James W. Thayer, dba: Oakwood Builders, subdivider of Sundance No. 3 Subdivision, has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete.

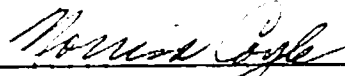
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the improvements in Sundance No. 3 Subdivision are hereby accepted as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1988, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-362

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR THE FISCAL YEAR 1987-88.

WHEREAS, it has been determined that certain adjustments are
required to the Annual Budget of the City of Modesto for the Fiscal Year
1987-88 to transfer funds from Senior Citizens Activity Center and Floyd
Neighborhood Park #2 to continue Phase I development of Alberta Martone
Neighborhood Park.

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 1987-88.

SPECIAL FUND FOR CAPITAL OUTLAYS (130)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
130/380/P275/6000	Sr Citizen Activity Center	(\$10,000)
130/310/P362/6000	Floyd Neighborhood Park #2	(\$10,000)

PARK AND RECREATION FACILITIES FUND (150)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
150/310/P409/6000	Alberta Martone Nbhd. Park	\$20,000

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 10th day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-363

A RESOLUTION APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR THE MELLIS PARK PICNIC 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 subdivision for acquiring lands and developing facilities for public outdoor recreation purposes, and

WHEREAS, the State Department of Parks and Recreation is responsible for the administration of the program within 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 Mellis Park Picnic 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 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, 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 10 day of May, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-364

A RESOLUTION GRANTING APPROVAL TO THE STANISLAUS COUNTY FOURTH OF JULY CELEBRATION COMMITTEE OF THE MODESTO JAYCEES TO HOLD A PARADE, PICNIC IN THE PARK AND FIREWORKS DISPLAY FOR THE 1988 FOURTH OF JULY CELEBRATION IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Stanislaus County 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 1988 Fourth of July, and

WHEREAS, the Committee has requested the use of Graceada Park for the 1988 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 1988 Fourth of July Celebration parade, picnic in the park and fireworks display:

1. The Committee is granted permission to use John Thurman Field for display of fireworks on the evening of Monday, July 4, 1988, 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 John Thurman Field and City's two (2) adjacent golf courses;

(c) That arrangements be cleared by the Director of Parks and Recreation and the Chief of Police;

(d) That the fireworks display be conducted according to the requirements of the Fire Chief of the City of Modesto as set forth in the memorandum from the Fire Chief to the City Manager dated April 1, 1988, a copy of which is attached hereto marked Exhibit "A" and made a part hereof as though set forth in full herein.

2. The City will supply two (2) standby fire trucks for the fireworks display.

3. The City will provide eight (8) chemical toilets for use in the Municipal Golf Course and four (4) chemical toilets for use at John Thurman Field for the fireworks display on Monday, July 4, 1988.

4. "I" Street, between 11th and 12th Streets will be barricaded between 9:30 a.m. and 2:30 p.m. on Monday, July 4, 1988, 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 9:00 a.m. for use for the parade on Monday, July 4, 1988, 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 Monday, July 4, 1988, subject to approval of the Chief of Police and Parking and Traffic 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 dismantle.

8. The City will supply three (3) street sweepers for the parade.

9. The City will pay the Committee a total of Seven Thousand Five Hundred and no/100ths Dollars (\$7,500.00) to help defray some of the Committee's expenses such as insurance, postage, etc. for the 1988 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 1988 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 1988 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, Monday, July 4, 1988.

3. Dial-A-Ride service will operate on its regular schedule for handicapped and senior citizens on Monday, July 4, 1988.

BE IT FURTHER RESOLVED that the following conditions shall apply to the request of the Committee relating to its 1988 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 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 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 at 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, 1988.

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, Chief of Police, the Fire Chief, the Director of Parks and Recreation 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.

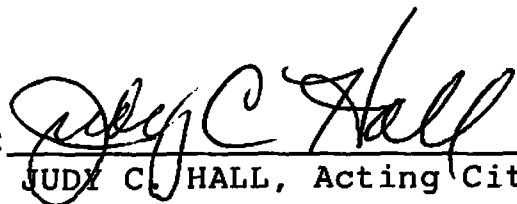
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-365

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(447). (AUTUMN SHELTERS, INC.)

WHEREAS, the City Council, by Ordinance No. 2425-C.S. which was introduced on May 20, 1986, finally adopted on May 27, 1986, and which became effective on June 26, 1986, amended Section 12-3-8 of the Zoning Map to reclassify from a portion of Planned Development Zone P-D(388), to Planned Development Zone, P-D(400), property located on the east side of Dale Road north of Veneman Avenue, to allow a three-story senior citizens housing facility, and

WHEREAS, City Council Resolution No. 86-472 was adopted on May 20, 1986, 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 Section 12-3-8 of the Zoning Map was filed by Autumn Shelters, Inc. on February 29, 1988, to rezone from Professional Office Zone, P-O, and Planned Development Zone, P-D(400) for a 70-unit elderly housing project, to a new Planned Development Zone, to allow a 150-unit elderly housing project, property located on the east side of Dale Road north of Veneman Avenue, described as follows:

P-O to P-D(447)

All that certain real property situate in portions of Parcels "B" and "C" as shown on map filed for record in Book 26 of Parcel Maps at Page 26, Stanislaus County Records, lying in the Northwest Quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING at the Northwest Corner of said Parcel "C", being a point on the east line of Dale Road; thence SOUTH along the west line of

said Parcel "C" and said east line of Dale Road a distance of 290.00 feet to the TRUE POINT OF BEGINNING of this description; thence continuing SOUTH along said east line of Dale Road a distance of 293.00 feet; thence North 89°36'27" East a distance of 200.00 feet; thence NORTH a distance of 125.00 feet; thence North 89°36'27" East 300.00 feet to the east line of said Parcel "B"; thence NORTH along said east line of Parcel "B" and the east line of Parcel "C" a distance of 168.00 feet; thence South 89°36'27" West 500.00 feet to the point of beginning.

Including also all of the East 50.00 feet of Dale Road immediately adjacent to the above described property.

P-D(400) to P-D(447)

All that certain real property situate in a portion of Parcel "B" as shown on map filed for record in Book 26 of Parcel Maps at Page 26, Stanislaus County Records, lying in the Northwest Quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

BEGINNING at the Southwest corner of said Parcel "B", being a point on the East line of Dale Road; thence NORTH along said East line of Dale Road and said West line of Parcel "B" a distance of 75.00 feet; thence North 89°36'27" East a distance of 200.00 feet; thence NORTH a distance of 125.00 feet; thence North 89°36'27" East a distance of 300.00 feet to the East line of said Parcel "B"; thence south along the East line of said Parcel "B" a distance of 200.00 feet to the Southeast corner of said Parcel "B"; thence South 89°36'27" West along the South line of said Parcel "B" a distance of 500.00 feet to the point of beginning.

Including also all of the East 50.00 feet of Dale Road immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on April 18, 1988, 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. 88-40, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. The elderly residential complex, along with the adjoining convalescent hospital and care facilities under construction, despite relatively large-size buildings, are low-intensity land uses in terms of off-site impact and traffic generation.
2. The retirement center possesses positive locational criteria including its location on a major street and its nearness to shopping, transportation, and general urban activity.
3. The elderly facilities are compatible with both low-density residential uses as well as existing and future office development nearby.

and

WHEREAS, after a public hearing held on May 17, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Autumn Shelters, Inc. for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 88-40 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2587-C.S. on the 17 day of May, 1988, reclassifying the above-described property from Professional Office Zone, P-O, and Planned Development Zone, P-D(400), to Planned Development Zone, P-D(447).

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

1. All development shall conform to the plot plan and floor plans titled "Autumn Manor 150-Unit Elderly Housing" as amended in red, stamped approved by the Planning Commission on April 18, 1988.

2. There shall be no second- or third-story windows, balconies, or decks on the east elevations of the buildings.
3. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Director of Parks and Recreation. Screen landscaping including use of some specimen size trees shall be installed along the east property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
4. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Six-foot wood fence with decorative masonry pilasters along the east property line.
5. The applicant shall be responsible for continued maintenance of a six-foot pilaster and board fence along the entire east property line. If maintenance of the existing fence cannot occur, the applicant shall construct a new fence of the same type on his own property along the east property line.
6. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Director of Engineering Services.
7. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Director of Engineering Services. Easements for irrigation lines to remain shall be dedicated.
8. Drainage shall be provided as required by the Director of Engineering Services.
9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Director of Engineering Services.
10. Trash bins shall be kept in enclosures in accordance with the approved plan, and shall be constructed of building materials consistent with those used in the major buildings as approved by the Director of Planning and Community Development.
11. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the north, substantially as shown in red on the plot plan.
12. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire

hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

13. All signs shall comply with the sign requirements of the R-1 Zone.
14. This development shall be designed specifically for occupancy by the elderly, and to the extent permitted by law, occupancy shall be limited to persons 62 years of age and older, their spouses, and persons who are physically handicapped. Any proposed change in occupancy shall be preceded by notice to the respective school district by the applicant.
15. 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 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(447):

The entire construction program be accomplished in one phase, construction to begin on or before April 18, 1990, and completion to be not later than April 18, 1991.

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(447), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of May, 1988, 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: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath, Sutton

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 William Nichols
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-366

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 12-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-0 AND P-D(400) TO P-D(447). (AUTUMN SHELTERS, INC.)

WHEREAS, on May 17, 1988, the City Council introduced Ordinance No. 2587-C.S. giving approval to a project relating to an amendment to Section Map 12-3-8 of the Zoning Map of the City of Modesto to reclassify from Professional Office Zone, P-0, and Planned Development Zone, P-D(400), to Planned Development Zone, P-D(447), property located on the east side of Dale Road north of Veneman 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 Section Map 12-3-8 of the Zoning Map of the City of Modesto to reclassify from Professional Office Zone, P-0, and Planned Development Zone, P-D(400), to Planned Development Zone, P-D(447), property located on the east side of Dale Road north of Veneman Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of May, 1988, 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: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath, Sutton

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. 88-367

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE 1988 STREET OVERLAYS

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

SECTION 1. The plans and specifications for the 1988 street overlays

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 7, 1988, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-368

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE DALLAS AND WHITMORE WATERLINE

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

SECTION 1. The plans and specifications for the Dallas and Whitmore
waterline

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 31, 1988, at 11:00 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

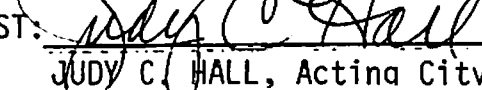
SECTION 3. After the bids are opened, they shall be tabulated and analyzed
and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 17th day of May, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-369

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING BARE ROOT TREES

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

SECTION 1. The plans and specifications for furnishing bare root
trees

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 14, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

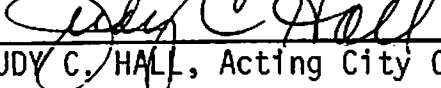
SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-370

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING FERTILIZER

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

SECTION 1. The plans and specifications for furnishing fertilizer

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 7, 1988, at 3:20 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-371

A RESOLUTION ACCEPTING THE BID OF LINGO INDUSTRIAL ELECTRIC FOR FURNISHING SIGNAL LIGHT POLES

WHEREAS, Resolution No. 88-107, adopted by the Council of the City of Modesto on February 9, 1988, approved the plans and specifications for the purchase of signal light poles and authorized the calling for bids; and


WHEREAS, the bids received for the furnishing of signal light poles were opened at 3:00 p.m. on April 26, 1988, 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 Lingo Industrial Electric in the amount of \$15,397 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Lingo Industrial Electric in the amount of \$15,397 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 May, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-372

A RESOLUTION ACCEPTING THE BID OF DOW-HAMMOND COMPANY FOR FURNISHING ONE FOUR-WHEEL DRIVE MAINTENANCE TRUCK

WHEREAS, Resolution No.88-241, adopted by the Council of the City of Modesto on April 5, 1988, approved the plans and specifications for the purchase of one four-wheel drive maintenance truck and authorized the calling for bids; and

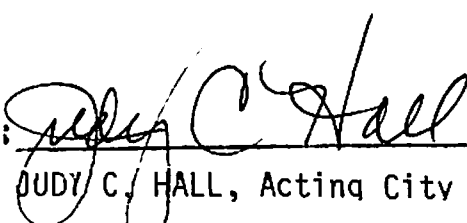
WHEREAS, the bids received for the four-wheel drive maintenance truck were opened at 3:20 p.m. on May 3, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Dow-Hammond Company in the amount of \$26,775 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 Company in the amount of \$26,775 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 May, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-373

A RESOLUTION ACCEPTING THE BID OF TARGET SPECIALTY PRODUCTS FOR FURNISHING TREE INJECTICIDE

WHEREAS, Resolution No. 88-236 adopted by the Council of the City of Modesto on April 5, 1988, approved the plans and specifications for the purchase of mauguet tree injecticide

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of mauguet tree injecticide were opened at 3:30 p.m. on May 3, 1988, 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 Target Specialty Products in the amount of \$13,802 be accepted as the lowest responsible bid.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Target Specialty Products in the amount of \$13,802 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 May, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-374

A RESOLUTION DENYING THE APPEAL FILED BY CAL-WEST POOLS TO A DECISION OF CITY STAFF DENYING CONSTRUCTION OF A SWIMMING POOL IN A PUBLIC UTILITY EASEMENT LOCATED AT 921 DYER LANE IN THE CITY OF MODESTO.

WHEREAS, a permit was issued to Cal-West Pools, hereinafter referred to as "Applicant", to construct a swimming pool in the backyard of the residence located at 921 Dyer Lane, Modesto, which permit contains an entry which states that there is a ten foot (10') public utility easement located at the rear property line, said entry reads as follows: "10' PUE Rear Property Line," and

WHEREAS, the Applicant's representative, Mrs. Barbara Crawford, was advised by City staff that the pool could not be constructed in the public utility easement and the drawings which were submitted by the Applicant did not depict a public utility easement, and

WHEREAS, upon inspection by a City Building Inspector, prior to the pouring of concrete, the Building Inspector discovered that the pool encroached approximately six feet (6') into the public utility easement, therefore, the contractor was not granted approval to pour the concrete, and

WHEREAS, by a Cal-West letter dated May 6, 1988, Mr. Richard A. Crawford appealed the decision of City staff to the City Council, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on May 17, 1988, at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the decision of City staff which denied the encroachment of a swimming pool into a public utility easement located at the residence located at 921 Dyer Lane, Modesto, should be denied and the decision of City staff should be affirmed for the reason that Section 4-4.302(e)(4) of the Modesto Municipal Code provides that "No person other than a public utility shall erect, construct, or place any building or structure except fences or walls on any public utility easement,"

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Cal-West Pools, by Mr. Richard A. Crawford, to the decision of City staff denying encroachment of a swimming pool into a public utility easement located at the residence located at 921 Dyer Lane, Modesto, is hereby denied for the reason set forth above, and the decision of City staff is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

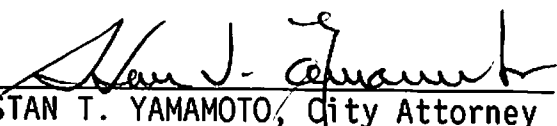
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

051888

MODESTO CITY COUNCIL
RESOLUTION NO. 88-375


A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SANDERS CONSTRUCTION COMPANY TO ACQUIRE THE RIGHT OF WAY NEEDED FOR IMPROVEMENT DISTRICT NO. 26

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sanders Construction Company to acquire thr right of way needed for Improvement District No. 26, in the event the Sisk/Standiford/Dale intersection is to be widened for signal installation be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 May, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY Q. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-376

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SANDERS CONSTRUCTION COMPANY AND SAN BAR, A JOINT VENTURE COMPOSED OF CLYDE L. BARBEAU AND SANDERS CONSTRUCTION COMPANY, TO ACQUIRE THE RIGHT OF WAY NEEDED FOR IMPROVEMENT DISTRICT NO. 26

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sanders Construction Company and San Bar, a joint venture, to acquire the right of way needed for Improvement District No. 26, in the event the Sisk/Standiford/Dale intersection is to be widened for signal installation

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 May, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-377

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT TO ACQUIRE 0.113+ ACRES OF RIGHT OF WAY NEEDED FOR IMPROVEMENT DISTRICT NO. 26

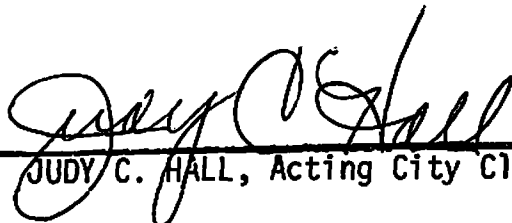
BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District to acquire 0.113+ acres of right of way needed for Improvement District No. 26, in the event the Sisk/Standiford/Dale intersection is to be widened for signal installation
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 May, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-378

A RESOLUTION APPROVING A REQUEST FROM THE SYLVAN UNION SCHOOL DISTRICT FOR AN INCREASE IN THE UTILITY RATE PAID BY CITY FOR CITY'S USE OF THE SOMERSET MULTIPURPOSE FACILITY, AND RESCINDING RESOLUTION NO. 83-205.

WHEREAS, an agreement was entered into on April 10, 1978, between the CITY OF MODESTO (CITY) and the SYLVAN UNION SCHOOL DISTRICT (DISTRICT) for the operation and use of a multipurpose facility at Somerset Junior High School, and

WHEREAS, said agreement required CITY to pay a certain rate for the costs of gas and electricity during the hours it uses the multipurpose facility and provides for periodic adjustments thereto, and

WHEREAS, CITY has received a request from DISTRICT for a rate increase from \$2.10 to \$2.77 per hour, and

WHEREAS, said request accurately reflects the increase in utility costs paid by DISTRICT,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that CITY agrees to pay for all gas and electricity during the hours it uses the multipurpose facility at Somerset Junior High School at the rate of \$2.77 per hour.

BE IT FURTHER RESOLVED that Resolution No. 83-205 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of May, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

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. 88-379

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CLAUDIA HAGEN, DBA BALLOONS OVER THE VALLEY AIR FESTIVAL, TO CONDUCT A HOT AIR BALLOON EVENT AT THE MODESTO AIRPORT ON SEPTEMBER 17 AND 18, 1988

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Claudia Hagen, cba Balloons over the Valley Air Festival, to conduct a hot air balloon event at the Modesto Airport on September 17 and 18, 1988

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 May, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-380

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

WHEREAS, Donald Lawrie, a married man, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 3.469 acres, known as the Songbird Meadows Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 6th day of July, 1987, 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 Songbird Meadows Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State

of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of May, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
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. 88-381

A RESOLUTION ACCEPTING IMPROVEMENTS IN SCOTTSDALE ESTATES SUBDIVISION AND
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, United Homes, Inc. , subdividers of
Scottsdale Estates Subdivision have filed Irrevocable Commitment of Funds
for faithful performance and labor and materials in the amount of \$126,300.00
and \$63,150.00 respectively to guarantee improvements in Scottsdale Estates
and;

WHEREAS, the Director of Engineering in a memorandum dated May 10, 1988,
indicates that all work required by the subdivision agreement has been completed
to the satisfaction of the Engineering Department; and


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

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

1. The improvements in Scottsdale Estates 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 \$126,300.00 upon recordation
of notice of completion.
3. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds
for labor and materials in the amount of \$ 63,150.00 upon expiration of the
statutory period.

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 17th day of May , 19 88 , by Council-
member 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor, Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-382

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD AND MARILYN HUGHES FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 4231 MCHENRY AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Richard and Marilyn Hughes for water service to property outside City limits at 4231 McHenry Avenue, located on the west side of McHenry Avenue, between Coralwood Drive and the Hetch Hetchy Aqueduct be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 May, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-383

A RESOLUTION APPROVING THE FINAL MAP OF THE PINE TREE
VILLAGE UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, James Horn Construction Company is possessed of a tract of
land situate in the City of Modesto, County of Stanislaus, consisting of 8.893
acres, known as the Pine Tree Village Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 15th day of September, 1986, 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 Pine Tree Village Unit No. 2 Subdivision meets all of
the provisions of the California Subdivision Map Act and the provisions of the
Modesto Municipal Code relating to subdivisions, and that the map is
technically correct,

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 17 day of May, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

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. 88-384

A RESOLUTION ACCEPTING THE RESIGNATION OF RICHARD SHAFFER FROM THE PLANNING COMMISSION, EFFECTIVE MAY 17, 1988

WHEREAS, Richard Shaffer was appointed a member of the Planning Commission on March 3, 1981; and

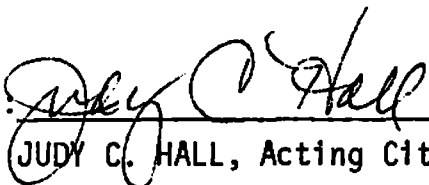
WHEREAS, Richard Shaffer has tendered his resignation from the Planning Commission, effective May 17, 1988.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Richard Shaffer from the Planning Commission 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 appreciation to Richard Shaffer 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 17th day of May, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-385

A RESOLUTION VACATING AND ABANDONING A 30' WIDE STRIP OF EXCESS STREET RIGHT-OF-WAY CONSISTING OF 1.141 ACRES ON BRIGHTON AVENUE IN BLOCK 1099 IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 88-266, declaring its intention to vacate and abandon certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive in the City of Modesto, and

WHEREAS, those certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive to be vacated and abandoned are more particularly shown on those certain maps entitled "Brighton Avenue Excess Right of Way - Coffee Rd to Scenic Dr," Pages 1 through 9, dated March 21, 1988, which are on file in the office of the City Clerk, and

WHEREAS, that portion of a 30' wide strip of excess street right-of-way consisting of 1.141 acres on Brighton Avenue in Block 1099 in the City of Modesto to be vacated and abandoned is more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof as though set forth in full herein, and

WHEREAS, said Resolution No. 88-266 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

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

WHEREAS, by said Resolution No. 88-266 the Council of the City of Modesto set a public hearing to be held on May 10, 1988, at the hour of 7:30 p.m., in the Council Chambers, 801 11th Street, Modesto, California, as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment, at which time said public hearing was then continued to May 24, 1988, at 7:30 p.m., and

WHEREAS, said hearing was held on May 24, 1988, at the hour of 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear and be heard, and

WHEREAS, the Planning Commission has considered the proposed vacation and abandonment and by Planning Commission Resolution No. 88-21 found and determined as follows:

1. The street abandonment would be in conformity with the General Plan as Brighton Avenue has been reclassified from a major street to a collector street. The portion of Brighton Avenue south of Locke Road that was proposed to veer easterly before intersecting with Scenic Drive should be deleted.
2. That the portions of Brighton Avenue proposed to be abandoned should be reduced to a 60-foot wide right-of-way after abandonment of excess street rights-of-way.
3. The excess street rights-of-way proposed to be abandoned will not be necessary to serve present or future traffic needs in the area.

and

WHEREAS, the Planning Commission by Planning Commission Resolution No. 88-21 recommended the proposed vacation and abandonment, subject to certain conditions, and

WHEREAS, the Council has considered the Planning Commission's report and recommendation, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the 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 vacation and abandonment of the excess street right-of-way on Brighton Avenue in Block 1099 between Coffee Road and Scenic Drive in the City of Modesto,

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 1050, Streets and Highways Vacation Procedures, of the Statutes of 1980, of the Streets and Highways Code.

2. The excess street right-of-way located on Brighton Avenue in Block 1099 in the City of Modesto is not required for present or prospective 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 as follows:

That the City shall work with the Modesto School District to get street improvements to collector street standards along Brighton Avenue adjacent to Downey High School, and reconsider abandonment of excess right-of-way adjacent to Downey High School will occur after street improvements are installed.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the 30' wide strip of excess street right-of-way consisting of 1.141 acres on Brighton Avenue in Block 1099 between Coffee Road and Scenic Drive 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.

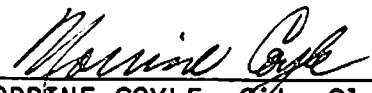
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the vacation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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Sutton, Mayor Whiteside

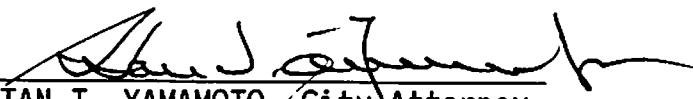
NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Muratore

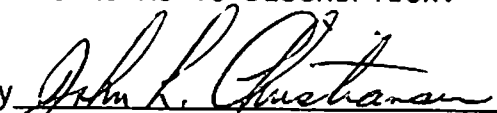
ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Engineering Services Department

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the West half of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Parcel 1 and Parcel B, as per map filed July 26, 1967 in Volume 3 of Parcel Maps, Page 121, Stanislaus County Records, described as follows:

Commencing at the Southeastern corner of said Parcel B; thence along the Southern line of Parcel B, South $89^{\circ}56'41''$ West, 15.00 feet, to the true point of beginning of this description; thence continuing along said Southern line of Parcel B, South $89^{\circ}56'41''$ West, 30.00 feet, to a point on a non-tangent curve from which point a radial line bears South $89^{\circ}12'48''$ West; thence Northwesterly along said tangent curve concave to the Southwest, having a Radius of 557.77 feet, a Central Angle of $70^{\circ}40'25''$ and an Arc Length of 688.00 feet; thence along a tangent line, North $71^{\circ}27'37''$ West, 534.91 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 645.00 feet, a Central Angle of $35^{\circ}51'49''$ and an Arc Length of 403.73 feet, to a point of reverse curve from which point a radial line bears North $54^{\circ}24'12''$ East; thence Southwesterly along said reverse curve concave to the South, having a Radius of 15.00 feet, a Central Angle of $144^{\circ}54'12''$ and an Arc Length of 37.94 feet, to its point of tangency on the Eastern line of 90.00 foot Coffee Road; thence along said Eastern line of Coffee Road, North $00^{\circ}30'$ West, 18.72 feet; thence Northeasterly along a tangent curve concave to the Southeast, having a Radius of 15.00 feet, a Central Angle of $105^{\circ}50'12''$ and an Arc Length of 27.71 feet, to a point of compound curvature from which point a radial line bears South $15^{\circ}20'12''$ West; thence Southeasterly along said compound curve concave to the Southwest, having a Radius of 106.61 feet, a Central Angle of $35^{\circ}41'49''$ and an Arc Length of 66.42 feet, to a point of reverse curvature, from which point a radial line bears North $51^{\circ}02'01''$ East; thence Southeasterly along said reverse curve concave to the Northeast, having a Radius of 615.00 feet, a Central Angle of $32^{\circ}29'38''$ and an Arc Length of 348.78 feet; thence along a tangent line, South $71^{\circ}27'37''$ East, 534.91 feet; thence Southeasterly along a tangent curve concave to the Southwest, having a Radius of 587.77 feet, a Central Angle of $70^{\circ}42'38''$ and an Arc Length of 725.39 feet, to the point of beginning from which point a radial line bears South $89^{\circ}15'01''$ West.

Containing 1.141 Acres, more or less.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-386

A RESOLUTION VACATING AND ABANDONING A VARIABLE WIDTH PARCEL CONSISTING OF 774 SQUARE FEET OF EXCESS STREET RIGHT-OF-WAY ON BRIGHTON AVENUE IN BLOCK 1034 IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 88-266, declaring its intention to vacate and abandon certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive in the City of Modesto, and

WHEREAS, those certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive to be vacated and abandoned are more particularly shown on those certain maps entitled "Brighton Avenue Excess Right of Way - Coffee Rd to Scenic Dr," Pages 1 through 9, dated March 21, 1988, which are on file in the office of the City Clerk, and

WHEREAS, that variable width parcel consisting of 774 square feet of excess street right-of-way on Brighton Avenue in Block 1034 of the City of Modesto to be vacated and abandoned is more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof as though set forth in full herein, and

WHEREAS, said Resolution No. 88-266 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

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

WHEREAS, by said Resolution No. 88-266 the Council of the City of Modesto set a public hearing to be held on May 10, 1988, at the hour of 7:30 p.m., in the Council Chambers, 801 11th Street, Modesto, California, as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment, at which time said public hearing was then continued to May 24, 1988, at 7:30 p.m., and

WHEREAS, said hearing was held on May 24, 1988, at the hour of 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear and be heard, and

WHEREAS, the Planning Commission has considered the proposed vacation and abandonment and by Planning Commission Resolution No. 88-21 found and determined as follows:

1. The street abandonment would be in conformity with the General Plan as Brighton Avenue has been reclassified from a major street to a collector street. The portion of Brighton Avenue south of Locke Road that was proposed to veer easterly before intersecting with Scenic Drive should be deleted.
2. That the portions of Brighton Avenue proposed to be abandoned should be reduced to a 60-foot wide right-of-way after abandonment of excess street rights-of-way.
3. The excess street rights-of-way proposed to be abandoned will not be necessary to serve present or future traffic needs in the area.

and

WHEREAS, the Planning Commission by Planning Commission Resolution No. 88-21 recommended the proposed vacation and abandonment, subject to certain conditions, and

WHEREAS, the Council has considered the Planning Commission's report and recommendation, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the 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 vacation and abandonment of the excess street right-of-way on Brighton Avenue in Block 1034 between Coffee Road and Scenic Drive in the City of Modesto,

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 1050, Streets and Highways Vacation Procedures, of the Statutes of 1980, of the Streets and Highways Code.

2. The excess street right-of-way located on Brighton Avenue in Block 1099 in the City of Modesto is not required for present or prospective 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 as follows:

That the City shall work with the Modesto School District to get street improvements to collector street standards along Brighton Avenue adjacent to Downey High School, and reconsider abandonment of excess right-of-way adjacent to Downey High School will occur after street improvements are installed.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that that variable width parcel consisting of 774 square feet of excess street right-of-way on Brighton Avenue in Block 1034 between Coffee Road and Scenic Drive 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.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *John R. Christian*
Engineering Services Department

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lot 28 of the BROUGHTON COLONY, as per map filed March 17, 1904 in Volume 1 of Maps, Page 78, Stanislaus County Records, described as follows:

Commencing at the Southeastern corner of said Lot 28, said point being on the centerline of former 40.00 foot Brighton Avenue; thence along the Southern line of Lot 28, North 89°58' West, 29.93 feet, to a point on a non-tangent curve from which point a radial line bears North 89°53'39" East, said non-tangent curve being the Western line of 60.00 foot Brighton Avenue; thence Northerly along said non-tangent curve concave to the East, having a Radius of 2030.00 feet, a Central Angle of 1°24'41" and an Arc Length of 50.01 feet, to a point on the Northern line of the property conveyed to the City of Modesto by Deed recorded June 13, 1956, as Instrument 16464, Stanislaus County Records, from which point a radial line bears South 88°41'40" East; thence along said Northern line of said City property, North 89°58' West, 16.10 feet; thence South 00°35' East, 50.00 feet, to said Southern line of Lot 28; thence along said Southern line of Lot 28, South 89°58' East, 15.07 feet, to the point of beginning, containing 774 square feet, more or less.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-387

A RESOLUTION VACATING AND ABANDONING EXCESS STREET RIGHT-OF-WAY, LOT 1 OF BLOCK 1033, ON BRIGHTON AVENUE IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 88-266, declaring its intention to vacate and abandon certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive in the City of Modesto, and

WHEREAS, those certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive to be vacated and abandoned are more particularly shown on those certain maps entitled "Brighton Avenue Excess Right of Way - Coffee Rd to Scenic Dr," Pages 1 through 9, dated March 21, 1988, which are on file in the office of the City Clerk, and

WHEREAS, that portion of excess street right-of-way on Brighton Avenue, Lot 1 of Block 1033 of Downey Manor Subdivision, recorded in Volume 18 of Maps at page 32 of the Stanislaus County Recorder's Office, of the City of Modesto, to be vacated and abandoned is more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof as though set forth in full herein, and

WHEREAS, said Resolution No. 88-266 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

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

WHEREAS, by said Resolution No. 88-266 the Council of the City of Modesto set a public hearing to be held on May 10, 1988, at the hour of 7:30 p.m., in the Council Chambers, 801 11th Street, Modesto, California, as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment, at which time said public hearing was then continued to May 24, 1988, at 7:30 p.m., and

WHEREAS, said hearing was held on May 24, 1988, at the hour of 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear and be heard, and

WHEREAS, the Planning Commission has considered the proposed vacation and abandonment and by Planning Commission Resolution No. 88-21 found and determined as follows:

1. The street abandonment would be in conformity with the General Plan as Brighton Avenue has been reclassified from a major street to a collector street. The portion of Brighton Avenue south of Locke Road that was proposed to veer easterly before intersecting with Scenic Drive should be deleted.
2. That the portions of Brighton Avenue proposed to be abandoned should be reduced to a 60-foot wide right-of-way after abandonment of excess street rights-of-way.

3. The excess street rights-of-way proposed to be abandoned will not be necessary to serve present or future traffic needs in the area.

and

WHEREAS, the Planning Commission by Planning Commission Resolution No. 88-21 recommended the proposed vacation and abandonment, subject to certain conditions, and

WHEREAS, the Planning Commission by Planning Commission Resolution No. 88-21A recommended the disposition and sale of City-owned property located on Brighton Avenue in the City of Modesto consisting of Lot 1 of Block 1033 of Downey Manor Subdivision, recorded in Volume 18 of Maps at page 32 of the Stanislaus County Recorder's Office, and

WHEREAS, the Council has considered the Planning Commission's report and recommendation, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the 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 vacation and abandonment of the excess street right-of-way on Brighton Avenue in Block 1033 between Coffee Road and Scenic Drive in the City of Modesto,

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 1050, Streets and Highways Vacation Procedures, of the Statutes of 1980, of the Streets and Highways Code.

2. The excess street right-of-way located on Brighton Avenue in Block 1099 in the City of Modesto is not required for present or prospective 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.

4. That said property is City-owned and may be sold.

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

That the City shall work with the Modesto School District to get street improvements to collector street standards along Brighton Avenue adjacent to Downey High School, and reconsider abandonment of excess right-of-way adjacent to Downey High School will occur after street improvements are installed.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the excess street right-of-way on Brighton Avenue, Lot 1 of Block 1033 of Downey Manor Subdivision, recorded in Volume 18 of Maps at page 32 of the Stanislaus County Recorder's Office, 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that City staff is hereby directed to proceed with the disposition and sale of said property.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: Irizarry
ABSENT: Councilmembers: Muratore

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 P. Christian*
Engineering Services Department

LD 88-C
Parcel 1033-1A

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Lot 1 in Block 1033 of DOWNEY MANOR, as per map filed August 5, 1955 in Volume 18 of Maps, Page 32, Stanislaus County Records.

Containing 8,000 square feet, more or less.

Exhibit A

MODESTO CITY COUNCIL
RESOLUTION NO. 88-388

A RESOLUTION VACATING AND ABANDONING EXCESS STREET RIGHT-OF-WAY ON BRIGHTON AVENUE, LOT 1 OF BLOCK 1026, IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 88-266, declaring its intention to vacate and abandon certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive in the City of Modesto, and

WHEREAS, those certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive to be vacated and abandoned are more particularly shown on those certain maps entitled "Brighton Avenue Excess Right of Way - Coffee Rd to Scenic Dr," Pages 1 through 9, dated March 21, 1988, which are on file in the office of the City Clerk, and

WHEREAS, that portion of excess street right-of-way on Brighton Avenue in the City of Modesto consisting of a portion of Lot 1 of Block 1026 of the Locke Tract, recorded in Volume 14 of Maps at page 67 at the office of the Stanislaus County Recorder, to be vacated and abandoned is more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof as though set forth in full herein, and

WHEREAS, said Resolution No. 88-266 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

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

WHEREAS, by said Resolution No. 88-266 the Council of the City of Modesto set a public hearing to be held on May 10, 1988, at the hour of 7:30 p.m., in the Council Chambers, 801 11th Street, Modesto, California, as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment, at which time said public hearing was then continued to May 24, 1988, at 7:30 p.m., and

WHEREAS, said hearing was held on May 24, 1988, at the hour of 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear and be heard, and

WHEREAS, the Planning Commission has considered the proposed vacation and abandonment and by Planning Commission Resolution No. 88-21 found and determined as follows:

1. The street abandonment would be in conformity with the General Plan as Brighton Avenue has been reclassified from a major street to a collector street. The portion of Brighton Avenue south of Locke Road that was proposed to veer easterly before intersecting with Scenic Drive should be deleted.
2. That the portions of Brighton Avenue proposed to be abandoned should be reduced to a 60-foot wide right-of-way after abandonment of excess street rights-of-way.
3. The excess street rights-of-way proposed to be abandoned will not be necessary to serve present or future traffic needs in the area.

and

WHEREAS, the Planning Commission by Planning Commission Resolution No. 88-21 recommended the proposed vacation and abandonment, subject to certain conditions, and

WHEREAS, the Planning Commission by Planning Commission Resolution No. 88-21A recommended the disposition and sale of City-owned property located on Brighton Avenue in the City of Modesto consisting of a portion of Lot 1 of Block 1026 of the Locke Tract, recorded in Volume 14 of Maps at page 67 at the office of the Stanislaus County Recorder, and

WHEREAS, the Council has considered the Planning Commission's report and recommendation, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the 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 vacation and abandonment of the excess street right-of-way on Brighton Avenue in Block 1026 between Coffee Road and Scenic Drive in the City of Modesto,

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 1050, Streets and Highways Vacation Procedures, of the Statutes of 1980, of the Streets and Highways Code.

2. The excess street right-of-way located on Brighton Avenue in Block 1026 in the City of Modesto is not required for present or prospective 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.

4. That said property is City-owned and may be sold.

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

That the City shall work with the Modesto School District to get street improvements to collector street standards along Brighton Avenue adjacent to Downey High School, and reconsider abandonment of excess right-of-way adjacent to Downey High School will occur after street improvements are installed.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the excess street right-of-way on Brighton Avenue in the City of Modesto, consisting of a portion of Lot 1 of Block 1026 of the Locke Tract, recorded in Volume 14 of Maps at page 67 in the office of the Stanislaus County Recorder, 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that City staff is hereby directed to proceed with the disposition and sale of said property.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Sutton, Mayor Whiteside,

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Muratore

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 P. Christian*
Engineering Services Department

LD 88-C
Parcel 1026-4A

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lot 1 in Block 1026 of the LOCKE TRACT, as per map filed July 24, 1946 in Volume 14 of Maps, Page 67, Stanislaus County Records, described as follows:

Beginning at the Southeastern corner of said Lot 1; thence along the Southern line of Lot 1 and the Northern line of 60.00 foot Locke Road, North $89^{\circ}56'30''$ West, 60.17 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 15.00 feet, a Central Angle of $89^{\circ}21'30''$ and an Arc Length of 23.39 feet, to its point of tangency on the Western line of said Lot 1; thence along said Western line of Lot 1 and the Eastern line of 60.00 foot Brighton Avenue, North $00^{\circ}35'$ West, 103.92 feet; thence Northerly along a tangent curve concave to the East, having a Radius of 1,970.00 feet, a Central Angle of $00^{\circ}10'54''$ and an Arc Length of 6.25 feet, to a point on the Northern line of Lot 1, from which point a radial line bears North $89^{\circ}35'54''$ East; thence along said Northern line of Lot 1, South $89^{\circ}57'$ East, 75.00 feet, to the Northeastern corner of Lot 1; thence along the Eastern line of Lot 1, South $00^{\circ}35'$ East, 125.01 feet, to the point of beginning, containing 9,329 square feet, more or less.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-389

A RESOLUTION VACATING AND ABANDONING EXCESS STREET
RIGHT-OF-WAY ON BRIGHTON AVENUE, A PORTION OF LOT 1 OF BLOCK
1024, IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA
STREETS AND HIGHWAYS CODE.

WHEREAS, the Council of the City of Modesto adopted Resolution No.
88-266, declaring its intention to vacate and abandon certain excess street
rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive in the
City of Modesto, and

WHEREAS, those certain excess street rights-of-way on Brighton
Avenue between Coffee Road and Scenic Drive to be vacated and abandoned are
more particularly shown on those certain maps entitled "Brighton Avenue Excess
Right of Way - Coffee Rd to Scenic Dr," Pages 1 through 9, dated March 21,
1988, which are on file in the office of the City Clerk, and

WHEREAS, that portion of excess street right-of-way on Brighton
Avenue in the City of Modesto consisting of a a portion of Lot 1 of Block 1024
of the Locke Tract, recorded in Volume 14 of Maps at page 67 of the Stanislaus
County Recorder, to be vacated and abandoned is more particularly described on
Exhibit "A" attached hereto, and by this reference made a part hereof as
though set forth in full herein, and

WHEREAS, said Resolution No. 88-266 was published in The Modesto
Bee, the official newspaper of the City of Modesto, once each week for two (2)
successive weeks prior to the hereinafter referred to hearing, and

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

WHEREAS, by said Resolution No. 88-266 the Council of the City of Modesto set a public hearing to be held on May 10, 1988, at the hour of 7:30 p.m., in the Council Chambers, 801 11th Street, Modesto, California, as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment, at which time said public hearing was then continued to May 24, 1988, at 7:30 p.m., and

WHEREAS, said hearing was held on May 24, 1988, at the hour of 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear and be heard, and

WHEREAS, the Planning Commission has considered the proposed vacation and abandonment and by Planning Commission Resolution No. 88-21 found and determined as follows:

1. The street abandonment would be in conformity with the General Plan as Brighton Avenue has been reclassified from a major street to a collector street. The portion of Brighton Avenue south of Locke Road that was proposed to veer easterly before intersecting with Scenic Drive should be deleted.
2. That the portions of Brighton Avenue proposed to be abandoned should be reduced to a 60-foot wide right-of-way after abandonment of excess street rights-of-way.
3. The excess street rights-of-way proposed to be abandoned will not be necessary to serve present or future traffic needs in the area.

and

WHEREAS, the Planning Commission by Planning Commission Resolution No. 88-21 recommended the proposed vacation and abandonment, subject to certain conditions, and

WHEREAS, the Planning Commission by Planning Commission Resolution No. 88-21A recommended the disposition and sale of City-owned property located on Brighton Avenue in the City of Modesto consisting of a portion of Lot 1 of Block 1024 of the Locke Tract, recorded in Volume 14 of Maps at page 67 at the office of the Stanislaus County Recorder, and

WHEREAS, the Council has considered the Planning Commission's report and recommendation, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the 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 vacation and abandonment of the excess street right-of-way on Brighton Avenue in Block 1024 between Coffee Road and Scenic Drive in the City of Modesto,

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 1050, Streets and Highways Vacation Procedures, of the Statutes of 1980, of the Streets and Highways Code.

2. The excess street right-of-way located on Brighton Avenue in Block 1024 in the City of Modesto is not required for present or prospective 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.

4. That said property is City-owned and may be sold.

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

That the City shall work with the Modesto School District to get street improvements to collector street standards along Brighton Avenue adjacent to Downey High School, and reconsider abandonment of excess right-of-way adjacent to Downey High School will occur after street improvements are installed.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the excess street right-of-way on Brighton Avenue in the City of Modesto, consisting of a portion of Lot 1 of Block 1024 of the Locke Tract, recorded in Volume 14 of Maps at page 67 in the office of the Stanislaus County Recorder, 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that City staff is hereby directed to proceed with the disposition and sale of said property.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Muratore

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. Gustafson*
Engineering Services Department

LD 88-C
Parcel 1024-2A

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Lot 1 in Block 1024 of the LOCKE TRACT, as per map filed July 24, 1946 in Volume 14 of Maps, Page 67, Stanislaus County Records.

Excepting therefrom the following described property:

Beginning at the Northwestern corner of said Lot 1, said point being the intersection of the Eastern line of 60.00 foot Brighton Avenue and the Southern line of 60.00 foot Locke Road; thence along the Western line of Lot 1 and said Eastern line of Brighton Avenue, South 00°35' East, 15.17 feet, to a point of cusp with a tangent curve; thence Northeasterly along said tangent curve concave to the Southeast, having a Radius of 15.00 feet, a Central Angle of 90°38'30" and an Arc Length of 25.73 feet, to its point of tangency on the Northern line of Lot 1; thence along said Northern Line of Lot 1 and said Southern line of Locke Road, North 89°56'30" West, 15.17 feet, to the point of beginning.

Containing 9,325 square feet, more or less.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-390

A RESOLUTION VACATING AND ABANDONING EXCESS STREET RIGHT-OF-WAY ON BRIGHTON AVENUE, A 0.35 ACRE PORTION OF THE SOUTH ONE-HALF OF LOT 32 OF THE BROUGHTON COLONY IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 88-266, declaring its intention to vacate and abandon certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive in the City of Modesto, and

WHEREAS, those certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive to be vacated and abandoned are more particularly shown on those certain maps entitled "Brighton Avenue Excess Right of Way - Coffee Rd to Scenic Dr," Pages 1 through 9, dated March 21, 1988, which are on file in the office of the City Clerk, and

WHEREAS, that portion of excess street right-of-way on Brighton Avenue in the City of Modesto consisting of a 0.35 acre portion of the south one-half of Lot 32 of the Broughton Colony, recorded in Volume 1 of Maps at page 78 at the Office of the Stanislaus County Recorder, to be vacated and abandoned is more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof as though set forth in full herein, and

WHEREAS, said Resolution No. 88-266 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

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

WHEREAS, by said Resolution No. 88-266 the Council of the City of Modesto set a public hearing to be held on May 10, 1988, at the hour of 7:30 p.m., in the Council Chambers, 801 11th Street, Modesto, California, as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment, at which time said public hearing was then continued to May 24, 1988, at 7:30 p.m., and

WHEREAS, said hearing was held on May 24, 1988, at the hour of 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear and be heard, and

WHEREAS, the Planning Commission has considered the proposed vacation and abandonment and by Planning Commission Resolution No. 88-21 found and determined as follows:

1. The street abandonment would be in conformity with the General Plan as Brighton Avenue has been reclassified from a major street to a collector street. The portion of Brighton Avenue south of Locke Road that was proposed to veer easterly before intersecting with Scenic Drive should be deleted.
2. That the portions of Brighton Avenue proposed to be abandoned should be reduced to a 60-foot wide right-of-way after abandonment of excess street rights-of-way.
3. The excess street rights-of-way proposed to be abandoned will not be necessary to serve present or future traffic needs in the area.

and

WHEREAS, the Planning Commission by Planning Commission Resolution No. 88-21 recommended the proposed vacation and abandonment, subject to certain conditions, and

WHEREAS, the Planning Commission by Planning Commission Resolution No. 88-21A recommended the disposition and sale of City-owned property located on Brighton Avenue in the City of Modesto consisting of a portion of Lot 32 of the Broughton Colony, recorded in Volume 1 of Maps at page 78 at the Office of the Stanislaus County Recorder, and

WHEREAS, the Council has considered the Planning Commission's report and recommendation, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the 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 vacation and abandonment of the excess street right-of-way on Brighton Avenue consisting of a portion of Lot 32 of the Broughton Colony located between Coffee Road and Scenic Drive in the City of Modesto, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 1050, Streets and Highways Vacation Procedures, of the Statutes of 1980, of the Streets and Highways Code.

2. The excess street right-of-way located on Brighton Avenue being a portion of Lot 32 of the Broughton Colony in the City of Modesto is not required for present or prospective 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.

4. That said property is City-owned and may be sold.

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

1. That street improvements to collector street standards shall be installed along the Brighton Avenue frontage of this city-owned property before this property is sold.
2. That the City shall work with the Modesto School District to get street improvements to collector street standards along Brighton Avenue adjacent to Downey High School, and reconsider abandonment of excess right-of-way adjacent to Downey High School will occur after street improvements are installed.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the excess street right-of-way on Brighton Avenue in the City of Modesto, consisting of a portion of Lot 32 of the Broughton Colony, recorded in Volume 1 of Maps at page 78 in the Office of the Stanislaus County Recorder, 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that City staff is hereby directed to proceed with the disposition and sale of said property.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *John F. Christman*
Engineering Services Department

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of the South one-half of Lot 32 of the BROUGHTON COLONY, as per map filed March 17, 1904 in Volume 1 of Maps, Page 78, Stanislaus County Records, described as follows:

Commencing at the Northwest corner of said South one-half of Lot 32 of the BROUGHTON COLONY, said point being on the centerline of 60.00 foot Brighton Avenue; thence along the Northern line of said South one-half of Lot 32, North 89°46'03" East, 30.00 feet, to the Eastern line of said Brighton Avenue; thence along said Eastern line of Brighton Avenue, South 00°45'57" East, 10.00 feet, to a point on the Southern line of a 20.00 foot alley in Block 1024 and the true point of beginning of this description; thence continuing along the Eastern line of Brighton Avenue, South 00°45'57" East, 120.01 feet, to a point on the Southern line of the North 130 feet of said South one-half of Lot 32; thence along said Southern line of the North 130 feet of said South one-half of Lot 32, North 89°46'03" East, 163.70 feet; thence North 34°34'11" West, 7.46 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 855.00 feet, a Central Angle of 8°48'41" and an Arc Length of 131.49 feet, to a point on said Southern line of the 20.00 foot alley in Block 1024, from which point a radial line bears North 64°14'30" East; thence along said Southern line of the 20.00 foot alley in Block 1024, said line being parallel with and 10.00 feet, measured at right angles, Southerly from said Northern line of the South one-half of Lot 32, South 89°46'03" West, 95.07 feet, to the point of beginning, containing 0.350 Acres, more or less.

Exhibit A

MODESTO CITY COUNCIL
RESOLUTION NO. 88-391

A RESOLUTION VACATING AND ABANDONING EXCESS STREET RIGHT-OF-WAY ON BRIGHTON AVENUE, A 0.855 ACRE PORTION OF THE SOUTH ONE-HALF OF LOT 32 OF THE BROUGHTON COLONY IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 88-266, declaring its intention to vacate and abandon certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive in the City of Modesto, and

WHEREAS, those certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive to be vacated and abandoned are more particularly shown on those certain maps entitled "Brighton Avenue Excess Right of Way - Coffee Rd to Scenic Dr," Pages 1 through 9, dated March 21, 1988, which are on file in the office of the City Clerk, and

WHEREAS, that portion of excess street right-of-way on Brighton Avenue in the City of Modesto consisting of a 0.855 acre portion of the south one-half of Lot 32 of the Broughton Colony, recorded in Volume 1 of Maps at page 78 at the office of the Stanislaus County Recorder, to be vacated and abandoned is more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof as though set forth in full herein, and

WHEREAS, said Resolution No. 88-266 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

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

WHEREAS, by said Resolution No. 88-266 the Council of the City of Modesto set a public hearing to be held on May 10, 1988, at the hour of 7:30 p.m., in the Council Chambers, 801 11th Street, Modesto, California, as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment, at which time said public hearing was then continued to May 24, 1988, at 7:30 p.m., and

WHEREAS, said hearing was held on May 24, 1988, at the hour of 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear and be heard, and

WHEREAS, the Planning Commission has considered the proposed vacation and abandonment and by Planning Commission Resolution No. 88-21 found and determined as follows:

1. The street abandonment would be in conformity with the General Plan as Brighton Avenue has been reclassified from a major street to a collector street. The portion of Brighton Avenue south of Locke Road that was proposed to veer easterly before intersecting with Scenic Drive should be deleted.
2. That the portions of Brighton Avenue proposed to be abandoned should be reduced to a 60-foot wide right-of-way after abandonment of excess street rights-of-way.
3. The excess street rights-of-way proposed to be abandoned will not be necessary to serve present or future traffic needs in the area.

and

WHEREAS, the Planning Commission by Planning Commission Resolution No. 88-21 recommended the proposed vacation and abandonment, subject to certain conditions, and

WHEREAS, the Planning Commission by Planning Commission Resolution No. 88-21A recommended the disposition and sale of City-owned property located on Brighton Avenue in the City of Modesto consisting of a portion of Lot 32 of the Broughton Colony, recorded in Volume 1 of Maps at page 78 at the office of the Stanislaus County Recorder, and

WHEREAS, a 15-foot wide street easement along Brighton Avenue is to be abandoned to said property and disposed of as part of said property, and

WHEREAS, the Council has considered the Planning Commission's report and recommendation, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the 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 vacation and abandonment of the excess street right-of-way on Brighton Avenue consisting of a portion of Lot 32 of the Broughton Colony between Coffee Road and Scenic Drive in the City of Modesto,

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 1050, Streets and Highways Vacation Procedures, of the Statutes of 1980, of the Streets and Highways Code.

2. The excess street right-of-way located on Brighton Avenue consisting of a portion of Lot 32 of the Broughton Colony in the City of Modesto is not required for present or prospective street or highway purposes. The excess street right-of-way shall include a 15-foot wide street easement that is to be abandoned to said property.

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.

4. That said property is City-owned and may be sold.

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

1. That street improvements to collector street standards shall be installed along the Brighton Avenue frontage of this city-owned property before this property is sold.
2. That the City shall work with the Modesto School District to get street improvements to collector street standards along Brighton Avenue adjacent to Downey High School, and reconsider abandonment of excess right-of-way adjacent to Downey High School will occur after street improvements are installed.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the excess street right-of-way on Brighton Avenue in the City of Modesto, consisting of a portion of Lot 32 of the Broughton Colony, recorded in Volume 1 of Maps at page 78 in the office of the Stanislaus County Recorder, which is more particularly described on 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that City staff is hereby directed to proceed with the disposition and sale of said property.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Lang, McGrath, Patterson, Sutton, Mayor Whiteside
- NOES: Councilmembers: Irizarry
- ABSENT: Councilmembers: Muratore

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 H. Christman*
Engineering Services Department

LD 88-C
Parcel 1024-4A

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of the South one-half of Lot 32 of the BROUGHTON COLONY, as per map filed March 17, 1904 in Volume 1 of Maps, Page 78, Stanislaus County Records, described as follows:

Commencing at the Southwestern corner of said Lot 32, said point being on the centerline of a public street known as Brighton Avenue; thence along the Southern line of said Lot 32, North 89°46'03" East, 165.00 feet, to the true point of beginning of this description; thence continuing along said Southern line of Lot 32, North 89°46'03" East, 163.46 feet; thence North 34°34'11" West, 242.21 feet, to a point on the Southern line of the North 130 feet of said South one-half of Lot 32 of the BROUGHTON COLONY; thence along said Southern line of the North 130 feet of the South one-half of Lot 32, South 89°46'03" West, 163.70 feet, to a point on the Eastern line of 60.00 foot wide Brighton Avenue; thence along said Eastern line of Brighton Avenue, said line being 30.00 feet, measured at right angles, Easterly from the Western line of said Lot 32, South 00°45'57" East, 133.41 feet, to a point on the Northern line of the South 66.6 feet of said South one-half of Lot 32; thence along said Northern line of the South 66.6 feet of the South one-half of Lot 32, North 89°46'03" East, 135.00 feet, to the Eastern line of the West 165 feet of the South 66.6 feet of the South one-half of Lot 32; thence along said Eastern line of the West 165 feet of the South 66.6 feet of the South one-half of Lot 32, South 00°45'57" East, 66.6 feet, to the point of beginning, containing 0.855 Acres, more or less.

Exhibit A

MODESTO CITY COUNCIL
RESOLUTION NO. 88-392

A RESOLUTION VACATING AND ABANDONING EXCESS STREET
RIGHT-OF-WAY ON BRIGHTON AVENUE, A 0.169 ACRE PORTION OF
LOT 40 OF THE BROUGHTON COLONY, IN THE CITY OF MODESTO
PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 88-266, declaring its intention to vacate and abandon certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive in the City of Modesto, and

WHEREAS, those certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive to be vacated and abandoned are more particularly shown on those certain maps entitled "Brighton Avenue Excess Right of Way - Coffee Rd to Scenic Dr," Pages 1 through 9, dated March 21, 1988, which are on file in the office of the City Clerk, and

WHEREAS, that portion of excess street right-of-way on Brighton Avenue in the City of Modesto consisting of a 0.169 acre portion of Lot 40 of the Broughton Colony, as per map recorded in Volume 1 of Maps at page 78 of the Stanislaus County Recorder, to be vacated and abandoned is more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof as though set forth in full herein, and

WHEREAS, said Resolution No. 88-266 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

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

WHEREAS, by said Resolution No. 88-266 the Council of the City of Modesto set a public hearing to be held on May 10, 1988, at the hour of 7:30 p.m., in the Council Chambers, 801 11th Street, Modesto, California, as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment, at which time said public hearing was then continued to May 24, 1988, at 7:30 p.m., and

WHEREAS, said hearing was held on May 24, 1988, at the hour of 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear and be heard, and

WHEREAS, the Planning Commission has considered the proposed vacation and abandonment and by Planning Commission Resolution No. 88-21 found and determined as follows:

1. The street abandonment would be in conformity with the General Plan as Brighton Avenue has been reclassified from a major street to a collector street. The portion of Brighton Avenue south of Locke Road that was proposed to veer easterly before intersecting with Scenic Drive should be deleted.
2. That the portions of Brighton Avenue proposed to be abandoned should be reduced to a 60-foot wide right-of-way after abandonment of excess street rights-of-way.
3. The excess street rights-of-way proposed to be abandoned will not be necessary to serve present or future traffic needs in the area.

and

WHEREAS, the Planning Commission by Planning Commission Resolution No. 88-21 recommended the proposed vacation and abandonment, subject to certain conditions, and

WHEREAS, the Planning Commission by Planning Commission Resolution No. 88-21A recommended the disposition and sale of City-owned property located on Brighton Avenue in the City of Modesto consisting of a 0.169 acre portion of Lot 40 of the Broughton Colony, recorded in Volume 1 of Maps at page 78 at the office of the Stanislaus County Recorder, and

WHEREAS, the Council has considered the Planning Commission's report and recommendation, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the 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 vacation and abandonment of the excess street right-of-way on Brighton Avenue consisting of a 0.169 acre portion of Lot 40 of the Broughton Colony in the City of Modesto, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 1050, Streets and Highways Vacation Procedures, of the Statutes of 1980, of the Streets and Highways Code.

2. The excess street right-of-way located on Brighton Avenue consisting of a 0.169 acre portion of Lot 40 of the Broughton Colony in the City of Modesto is not required for present or prospective 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.

4. That said property is City-owned and may be sold.

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

1. That when this property is sold, the frontage on Brighton Avenue of adjacent parcel shall be improved before said City property is sold.
2. That the City shall work with the Modesto School District to get street improvements to collector street standards along Brighton Avenue adjacent to Downey High School, and reconsider abandonment of excess right-of-way adjacent to Downey High School will occur after street improvements are installed.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the excess street right-of-way on Brighton Avenue in the City of Modesto, consisting of a 0.169 acre portion of Lot 40 of the Broughton Colony, recorded in Volume 1 of Maps at page 78 in the office of the Stanislaus County Recorder, which is more particularly described on 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that City staff is hereby directed to proceed with the disposition and sale of said property.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Muratore

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 K. Chustian*
Engineering Services Department

LD 88-C
Parcel 1022-2A

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lot 40 of the BROUGHTON COLONY, as per map filed March 17, 1904 in Volume 1 of Maps, Page 78, Stanislaus County Records, described as follows:

Beginning at the Northeastern corner of said Lot 40; thence along the Northern line of said Lot 40, South $89^{\circ}46'03''$ West, 163.87 feet; thence South $34^{\circ}34'11''$ East, 60.55 feet, to a point on the Southern line of the Northern 50.00 feet of Lot 40; thence along said Southern line of the Northern 50.00 feet of Lot 40, North $89^{\circ}46'03''$ East, 130.18 feet, to the Eastern line of Lot 40; thence along said Eastern line of Lot 40, North $00^{\circ}45'57''$ West, 50.00 feet, to the point of beginning, containing 0.169 Acres, more or less.

Exhibit A

MODESTO CITY COUNCIL
RESOLUTION NO. 88-393

A RESOLUTION VACATING AND ABANDONING EXCESS STREET RIGHT-OF-WAY ON BRIGHTON AVENUE, A STRIP 90' WIDE CONSISTING OF 1.082 ACRES OF LAND IN A PORTION OF LOT 39 OF THE BROUGHTON COLONY IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 88-266, declaring its intention to vacate and abandon certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive in the City of Modesto, and

WHEREAS, those certain excess street rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive to be vacated and abandoned are more particularly shown on those certain maps entitled "Brighton Avenue Excess Right of Way - Coffee Rd to Scenic Dr," Pages 1 through 9, dated March 21, 1988, which are on file in the office of the City Clerk, and

WHEREAS, that portion of excess street right-of-way on Brighton Avenue in the City of Modesto, a strip 90' wide consisting of 1.082 acres of land in a portion of Lot 39 of the Broughton Colony as per map recorded in Volume 1 of Maps at page 78 in the office of the Stanislaus County Recorder, to be vacated and abandoned is more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof as though set forth in full herein, and

WHEREAS, said Resolution No. 88-266 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

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

WHEREAS, by said Resolution No. 88-266 the Council of the City of Modesto set a public hearing to be held on May 10, 1988, at the hour of 7:30 p.m., in the Council Chambers, 801 11th Street, Modesto, California, as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment, at which time said public hearing was then continued to May 24, 1988, at 7:30 p.m., and

WHEREAS, said hearing was held on May 24, 1988, at the hour of 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear and be heard, and

WHEREAS, the Planning Commission has considered the proposed vacation and abandonment and by Planning Commission Resolution No. 88-21 found and determined as follows:

1. The street abandonment would be in conformity with the General Plan as Brighton Avenue has been reclassified from a major street to a collector street. The portion of Brighton Avenue south of Locke Road that was proposed to veer easterly before intersecting with Scenic Drive should be deleted.
2. That the portions of Brighton Avenue proposed to be abandoned should be reduced to a 60-foot wide right-of-way after abandonment of excess street rights-of-way.
3. The excess street rights-of-way proposed to be abandoned will not be necessary to serve present or future traffic needs in the area.

and

WHEREAS, the Planning Commission by Planning Commission Resolution No. 88-21 recommended the proposed vacation and abandonment, subject to certain conditions, and

WHEREAS, the Council has considered the Planning Commission's report and recommendation, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the 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 vacation and abandonment of the excess street right-of-way on Brighton Avenue consisting of a portion of Lot 39 of the Broughton Colony in the City of Modesto,

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 1050, Streets and Highways Vacation Procedures, of the Statutes of 1980, of the Streets and Highways Code.

2. The excess street right-of-way located on Brighton Avenue consisting of a portion of Lot 39 of the Broughton Colony in the City of Modesto is not required for present or prospective 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 as follows:

1. That a 10-foot public utility easement be retained along Scenic Drive.
2. That the City shall work with the Modesto School District to get street improvements to collector street standards along Brighton Avenue adjacent to Downey High School, and reconsider abandonment of excess right-of-way adjacent to Downey High School will occur after street improvements are installed.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the excess street right-of-way on Brighton Avenue in the City of Modesto, consisting of a strip 90' wide consisting of 1.082 acres of land in Lot 39 of the Broughton Colony, recorded in Volume 1 of Maps at page 78 in the office of the Stanislaus County Recorder, 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.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Muratore

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. Chustanson*
Engineering Services Department

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the intersection of the center lines of a former 50.00 foot public road known as Scenic Drive and a 40.00 foot public road known as Brighton Avenue; thence along the center line of Scenic Drive, North $73^{\circ}47'09''$ East, 684.89 feet; thence Northerly along a curve concave to the Southwest, having a Radial line which is the center line of Scenic Drive, a Central Angle of $2^{\circ}51'58''$, a Radius of 900.00 feet, and an Arc Length of 45.02 feet, to a point which is North $73^{\circ}47'09''$ East, 272.76 feet from the Western line of property conveyed to the Hawaii and San Francisco Investment Company by Deed recorded February 7, 1964 as Instrument 5606, Stanislaus County Records, and the true point of beginning, said point being on the Northern line of a 20 foot width of property conveyed for road widening to the County of Stanislaus by Deed recorded April 3, 1964, as Instrument 13485, Stanislaus County Records, said line being parallel with and 45.00 feet, measured at right angles, Northerly from the center line of Scenic Drive; thence along said Northern line, South $73^{\circ}47'09''$ West, 61.02 feet; thence along a tangent curve concave to the Northwest, having a Central Angle of $94^{\circ}05'46''$, a Radius of 15.00 feet, and an Arc Length of 24.63 feet; thence Northwesterly along a tangent curve concave to the Southwest, having a Central Angle of $14^{\circ}01'33''$, a Radius of 855.00 feet, and an Arc Length of 209.30 feet; thence North $34^{\circ}20'10''$ West, 215.86 feet to a point on the Western line of said Investment Company property; thence along said Western line, North $0^{\circ}34'10''$ West, 161.92 feet; thence South $34^{\circ}20'10''$ East, 350.47 feet; thence Southeasterly along a tangent curve concave to the Southwest, having a Central Angle of $14^{\circ}32'19''$, a Radius of 945.00 feet, and an Arc Length of 239.79 feet; thence along a tangent curve concave to the Northeast, having a Central Angle of $86^{\circ}25'00''$, a Radius of 15.00 feet, and an Arc Length of 22.62 feet, to its point of tangency on the Northern line of property conveyed to the County of Stanislaus for road widening; thence along said Northern line, South $73^{\circ}47'09''$ West, 59.25 feet to the point of beginning, containing 1.082 Acres, more or less.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-394

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE RECONSTRUCTION OF SCENIC DRIVE FROM SUNNY-
SIDE TO ROSE AVENUE

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

SECTION 1. The plans and specifications for the reconstruction of
Scenic Drive from Sunnyside to Rose 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 21, 1988 at 11:00 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 24th day of May, 1988,
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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-395

A RESOLUTION ACCEPTING THE BID OF L.N. CURTIS & SONS FOR FURNISHING FIRE APPARATUS INTERCOM SYSTEMS

WHEREAS, Resolution No.88-270, adopted by the Council of the City of Modesto on April 12, 1988, approved the plans and specifications for the purchase of fire apparatus intercom systems and authorized the calling for bids; and

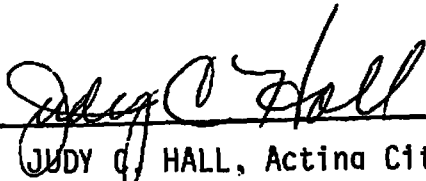
WHEREAS, the bids received for the furnishing of fire apparatus intercom systems were opened at 3:20 p.m. on May 10, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of L.N. Curtis & Sons in the amount of \$22,532 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of L.N. Curtis & Sons in the amount of \$22,532 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 May, 1988, 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:	Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-396

A RESOLUTION ACCEPTING THE BID OF GRANITE CONSTRUCTION FOR THE KEARNEY AVENUE OVERLAY

WHEREAS, Resolution No.88-302, adopted by the Council of the City of Modesto on April 26, 1988, approved the plans and specifications for the Kearney Avenue overlay

and authorized the calling for bids; and

WHEREAS, the bids received for the Kearney Avenue overlay were opened at 11:00 a.m. on May 17, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Granite Construction in the amount of \$89,950 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Granite Construction in the amount of \$89,950 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 May, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-397

A RESOLUTION AUTHORIZING ISSUANCE OF A PURCHASE ORDER TO R & L DIESEL COMPANY IN THE AMOUNT OF \$13,492 FOR ENGINE REPAIR SERVICES

WHEREAS, the Fire Department is requesting the purchase of engine repair services for one Fire Department emergency vehicle; and

WHEREAS, R & L Diesel Company, located in Stockton, California, is the only authorized repair dealer for Detroit Diesel engines in Northern California.

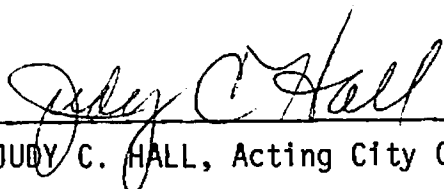
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Director of Finance is hereby authorized to issue a purchase order in the amount of \$13,492 to R & L Diesel Company for engine repair services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-398

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF ONE USED SEDAN FROM MIKE'S AUTO SALES

WHEREAS, the Police Department is requesting the purchase of one used sedan to replace their prisoner transportation car; and

WHEREAS, Mike's Auto Sales has a used vehicle selling for \$600 below 1987 wholesale blue book which is ready for immediate delivery and is ideal for Police use.

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


BE IT FURTHER RESOLVED that purchase of one used sedan from Mike's Auto Sales for the total price of \$9,035 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-399

A RESOLUTION APPROVING THE FINAL MAP OF THE COFFEE ROAD OFFICE COMPLEX CONDOMINIUMS SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Phillip D. Overholtzer is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.014 acres, known as the Coffee Road Office Complex Condominiums Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 15th day of June, 1987, 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 Coffee Road Office Complex Condominiums 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.

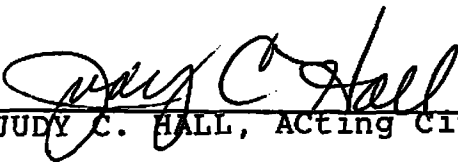
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24 day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

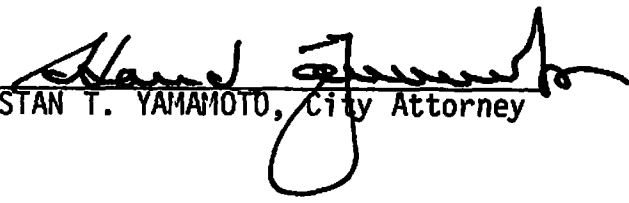
ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By


STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-400

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION FOR THE REIMBURSEMENT OF RELOCATION COSTS FOR LOWERING AND ENCASING THE 10" WATER MAIN IN MORTON BOULEVARD TO ACCOMMODATE THE STATE'S CONSTRUCTION ON ROUTE 132 FROM "D" TO SANTA ROSA STREET

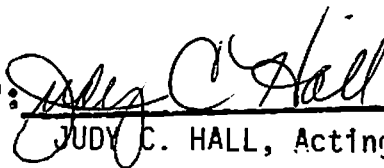
BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California, Department of Transportation for their reimbursement of relocation costs for lowering and encasing the 10" water main in Morton Boulevard to accommodate the State's construction on Route 132 from "D" to Santa Rosa 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 24th day of May, 1988, 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:	Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-401

A RESOLUTION ACCEPTING IMPROVEMENTS IN VINTAGE FAIRE VILLAGE SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Emerald Homes, subdividers of Vintage Faire Village Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 1,097,400 and \$ 548,700 respectively to guarantee improvements in Vintage Faire Village and;

WHEREAS, the Director of Engineering in a memorandum dated May 18, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and


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

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

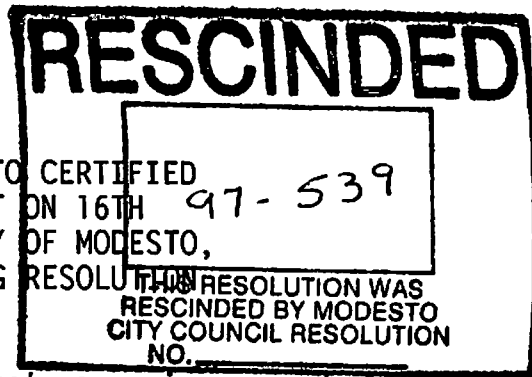
1. The improvements in Vintage Faire Village Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$1,097,400.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$548,700.00 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 May, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-402



A RESOLUTION GRANTING APPROVAL TO THE MODESTO CERTIFIED FARMERS' MARKET TO CONDUCT A FARMERS' MARKET ON 16TH STREET, BETWEEN H AND I STREETS, IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS AND RESCINDING RESOLUTION NO. 82-755.

WHEREAS, the Modesto Certified Farmers' Market, an unincorporated association, (hereinafter referred to as "Market"), requested permission to use the street area known as 16th Street, between H and I Streets, in the City of Modesto to conduct a farmers' market, and

WHEREAS, the City Council has previously granted approval for such a market, and

WHEREAS, the Modesto Certified Farmers' Market has requested revisions to the approval previously given for such a market, and

WHEREAS, the Council deems it appropriate to revise the approval previously given for such a market,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the use by the Modesto Certified Farmers' Market of 16th Street between H and I Streets, in the City of Modesto, for a farmers' market, subject to the following conditions:

1. The Market may use the street area known as 16th Street, between H and I Streets, in the City of Modesto, each Thursday and Saturday until this resolution is rescinded, as hereinafter provided, between the hours of 6:00 o'clock a.m. and 2:00 o'clock p.m., to conduct a farmers' market to sell agricultural and aquacultural products to the general public. The products to be sold at said farmers' market shall be sold only between the hours of 6:00 o'clock a.m. and 1:00 o'clock p.m. each Thursday and Saturday

morning, with the hours between 1:00 o'clock p.m. and 2:00 o'clock p.m. each Thursday and Saturday afternoon to be used for the purpose of dismantling stands, cleaning the area, etc.

2. The street area known as 16th Street, between H and I Streets may be closed to all traffic except emergency vehicles each Thursday and Saturday morning between 6:00 o'clock a.m. and 2:00 o'clock p.m., subject to the approval of the Chief of Police of the City of Modesto. The Market shall furnish its own street barricades for the closing of the area referred to herein.

3. The Market shall obtain a Certified Farmers' Market Certificate in accordance with the provisions of Section 1392.2(a) of the Food and Agriculture Code of the State of California.

4. Only certified producers and others selling agricultural and aquacultural products actually grown, produced, or caught by the seller, as determined by the Agricultural Commissioner and the officers of the Modesto Certified Farmers' Market, may sell products at said farmers' market provided for herein.

5. The Market shall obtain a business license as the sponsor of the market in accordance with the provisions of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code. The Market shall be exempt from the payment of a business license tax as provided for in Section 6-1.106 of said Municipal Code.

6. The Market shall remove all trash and debris, which is generated as a result of the farmers' market, from 16th Street, between H and I Streets, in the City of Modesto, and the areas adjacent thereto. The removal of said trash and debris shall be completed by 2:00 o'clock p.m. each Thursday and Saturday on the days said farmers' market is conducted.

7. The Market shall indemnify, defend and hold the City of Modesto, its officers, agents and employees, free and harmless from any and all liabilities, claims, demands, actions, losses, damages, or costs, including costs of defense thereof, caused by, arising out of or in any way related to the Market's use, for a farmers' market, of the area known as 16th Street, between H and I Streets, in the City of Modesto, and the areas adjacent thereto. Upon demand the Market shall, at its own expense, defend the City of Modesto, its officers, agents, and employees, against all such liabilities, claims, demands, actions, losses, damages or costs.

8. The Market shall furnish to the City Clerk a current and valid certificate of insurance evidencing public liability and property damage insurance as shall protect the Market and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the Market's use for a farmers' market, of the area known as 16th Street between H and I Streets, in the City of Modesto, and the areas adjacent thereto.

The amount of public liability insurance shall be as follows: Public liability insurance with combined single limits of liability, including products liability coverage, in the amount of Three Hundred Thousand and no/100ths (\$300,000.00) Dollars.

The Market's liability policy, and the valid certificate of insurance which is to be furnished to the City Clerk shall contain contractual liability provisions stating that the policy is extended to cover the liability assumed by the Market under the terms of this resolution, and the liability policy, and the certificate of insurance to be furnished to City, shall not permit cancellation of said insurance unless ten (10) days' prior written notice is furnished to the City Clerk.

9. One portable identification sign not to exceed 25 square feet in area nor 6 feet in height may be placed by the Market at each entrance to the farmers' market during actual market operation only, if permitted by the provisions of Article 21 of Chapter 2 of Title X of the Modesto Municipal Code.

10. Markings may be placed by the Market on the pavement and/or curbs of 16th Street, between H and I Streets, for the purpose of identifying selling areas. Such markings shall be located and installed in accordance with a marking plan prepared by the Market and approved by the City's Parking, Traffic and Transportation Director. Such markings shall be unobstructive and shall in no way obscure or interfere with curb and/or pavement markings placed by the City of Modesto.

BE IT FURTHER RESOLVED that this resolution shall remain in full force and effect until such time as it is rescinded by the City Council.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Modesto Certified Farmers' Market with a copy of this resolution. The Market shall file a written acceptance of this resolution and the conditions set forth herein with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

BE IT FURTHER RESOLVED that Resolution No. 82-755 adopted on September 28, 1982, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24 day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside

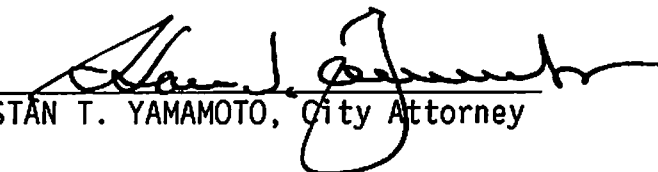
NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 
JUDY Q. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-403

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DOWNEY, BRAND, SEYMOUR, AND ROHWER, ATTORNEYS AT LAW, TO PROVIDE LEGAL SERVICES ON THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Downey, Brand, Seymour, and Rohwer, Attorneys at Law, to provide legal services on the Wastewater Treatment Plant Expansion 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 May, 1988, 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:	Irizarry, Lang, McGrath, Patterson, Sutton , Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Judy C. Hall acting
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-404

A RESOLUTION APPROVING THE REQUEST BY THE KING-KENNEDY MEMORIAL CENTER BOARD OF DIRECTORS TO UTILIZE CITY FINANCIAL ASSISTANCE AUTHORIZED FOR FISCAL YEAR 1987-1988 FOR COSTS ATTRIBUTABLE TO A TEEN DANCE TO BE HELD ON JUNE 17, 1988, IN CONJUNCTION WITH JUNETEENTH DAY TO BE HELD ON JUNE 18, 1988, AT MELLIS PARK.

WHEREAS, the King-Kennedy Memorial Center Board of Directors has requested City financial assistance to purchase liability insurance for the Juneteenth Day to be held on June 18, 1988, at Mellis Park, and

WHEREAS, the City Council by Resolution No. 87-1118 authorized such assistance in a sum not to exceed \$1,200.00, and

WHEREAS, the King-Kennedy Memorial Center Board of Directors now requests authorization to utilize budgeted funds for purposes not previously approved by the City Council, which request includes the following:

1. Provide three recreation leaders to supervise a teen dance on June 17, 1988, from 8:00 p.m. to 12:00 p.m.
2. Provide security officers for the teen dance.
3. Provide \$100.00 to purchase trophies for the talent show that will take place during Juneteenth Day.

and

WHEREAS, the total cost of this request is \$289.00, and

WHEREAS, funds exist in the King-Kennedy Center budget to pay this cost due to the fact that Delta Brands has donated \$500.00 to the King-Kennedy Center Board of Directors for prizes and other expenses for the event which would otherwise be appropriated from the Center's existing budget, and

WHEREAS, said request for utilization of budgeted funds was considered by the City Council at its meeting held on May 24, 1988.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the King-Kennedy Memorial Center Board of Directors to utilize the sum of \$289.00 for the purposes described above in the holding of a teen dance on June 17, 1988, from 8:00 p.m. to 12:00 p.m. in addition to the Juneteenth Day celebration to be held on June 18, 1988, at Mellis Park.


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24 day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-405

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 Director of Engineering Services and recommended by the Planning Commission, and

WHEREAS, the Engineering Services Director has recommended amendments, which include several additions, deletions, or revisions to the Standard Specifications, which are contained in the document titled "Standard Specifications of the City of Modesto," and

WHEREAS, the proposed amendments are to accomplish clarification of existing texts and drawings, updating to include the current editions of standards and tests, adding policies and procedures already used in practice, and adopting changes and/or additions to present policies and procedures, 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 to local developers, engineers, and utility companies, and

WHEREAS, an informal public hearing to consider the proposed amendments was held by the Planning Commission on May 9, 1988, and

WHEREAS, the proposed amendments consist of 56 pages of text and drawings which are on file in the offices of the Engineering Services Director and the Planning Commission Secretary, and

WHEREAS, the proposed specifications for expressways as shown in Drawing Number 3D did not provide adequate pavement width for three travel lanes each direction and that the Planning Commission requested that the necessary revisions be made to provide the three travel lanes to be reviewed by the Planning Commission at a future meeting, and

WHEREAS, the Planning Commission, by Resolution No. 88-48, adopted on May 9, 1988, recommended to the City Council the adoption of amendments to the Standard Specifications of the City of Modesto as incorporated in the document titled "Standard Specifications of the City of Modesto, 1988", copies of which are on file in the offices of the Engineering Services Director and the Secretary of the Planning Commission, subject to the following exceptions:

1. That Drawing Number 3D proposing specifications for expressways be modified and reviewed by the Planning Commission at a future date.
2. That Drawing Number 7B be modified to show the depth of the catch basin to be four feet.
3. That the length of guarantee on improvements in the public right-of-way remain one year as stated in Sections 1.12 and 8.10.

and

WHEREAS, with reference to number 1 above, Drawing Number 3D proposing specifications for expressways will be modified and reviewed by the Planning Commission at a future date, and

WHEREAS, with reference to number 2 above, Drawing Number 7B has been modified to show the depth of the catch basin to be four feet, as recommended by the Planning Commission, and

WHEREAS, with reference to number 3 above, the length of guarantee on improvements in the public right-of-way has been modified to remain one year as stated in Sections 1.12 and 8.10, as recommended by the Planning Commission, and

WHEREAS, said proposed amendments to the Standard Specifications of the City of Modesto, as prepared by the Director of Engineering Services and recommended by the Planning Commission, were considered by the City Council at its regular meeting on May 24, 1988, 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", copies of which amendments are on file in the offices of the Engineering Services 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 24 day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

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. 88-406

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HYE INVESTMENTS FOR LEASE OF THE COMMERCIAL OFFICE BUILDING AT 401 "H" STREET FOR THE HOUSING PROGRAM OFFICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and HYE Investments for lease of the commercial office building at 401 "H" Street for the Housing Program Office


be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1988, 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:	Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-407

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
TOUCHE, ROSS & COMPANY TO PROVIDE AUDITING AND ACCOUNTING SERVICES TO THE CITY
OF MODESTO FOR FIVE FISCAL YEARS**

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Touche, Ross & Company
to provide auditing and accounting services to the City of Modesto for five fiscal
years beginning with the year ending June 30, 1988

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
May, 1988, by Councilmember Lang
who moved its adoption, which motion being duly seconded by Council-
member Irizarry, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: *Judy C. Hall, Acting*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-408

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE SOUTH 117 FOOT PORTION OF SYDNEY STREET BETWEEN JENNIE AND GRAND STREETS IN THE CITY OF MODESTO.

WHEREAS, the City Council has received and referred to the Planning Commission a request by adjacent property owners to vacate and abandon approximately the south 117 foot portion of Sydney Street between Jennie and Grant Streets in the City of Modesto, and

WHEREAS, a title report was submitted with the abandonment request which vest 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, local utility companies, and California Department of Transportation, and some concern was expressed about the creation of a deadend street without adequate room to turn around, and

WHEREAS, the northerly 37.5 feet of the proposed abandonment should not be abandoned at the present time so that a paved area can be provided on this section allowing adequate room for vehicles to turn around, and

WHEREAS, notices of an informal public hearing to consider the requested street abandonment were posted in the area and said hearing was held by the Planning Commission on May 9, 1988, and

WHEREAS, the Planning Commission, by Resolution 88-53, adopted on May 9, 1988, found and determined as follows:

1. That the south portion of Sydney Street is not necessary to serve the present or future traffic needs of the area.

2. That properties abutting the north portion of Sydney Avenue which is not presently proposed for abandonment will have adequate access.
3. That the abandonment is in the public interest to allow the consolidating of the south portion of Blocks 215 and 216 for development proposes.
4. That there are no utility lines in Sydney Street.
5. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated April 20, 1988, be certified.

and

WHEREAS, the Planning Commission, by said Resolution No. 88-53, recommended to the City Council that the south 117 foot portion of Sydney Street between Jennie and Grand Streets be vacated and abandoned, subject to the following conditions:

1. That the abandonment shall be approximately the south 80 feet of Sydney Street.
2. That prior to final abandonment action by the City Council, the applicant shall execute an abandonment agreement in a form to be approved by the City Attorney. Said agreement shall contain substantially the following provisions:
 - a. That within 90 days following final abandonment action by the City Council the property owner shall construct an appropriate barrier across the north side of the abandoned street right-of-way to physically close the street to through traffic. Said barrier shall be subject to approval by the Engineering Services Director. The necessary signs shall also be provided including one stating "Not a Through Street" for traffic entering Sydney from Jennie Street.
 - b. That a paved area with a minimum size of 12 feet by 20 feet shall be provided on the parcel just north of the abandonment on the east side of Sydney Street (APN 106-19-08) to allow adequate space for vehicles to turn around.
3. That the property owners shall work with Caltrans regarding necessary street improvements across Sydney Street that abut State Highway 132. The financial responsibility for the street improvement shall be determined by Caltrans.

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 south 117 foot portion of Sydney Street between Jennie and Grand Streets, as shown on the drawing entitled "Vacate and Abandon a Portion of Sydney Street North of Grand Street LD88-D", dated May 20, 1988, on file in the Office of the City Clerk, subject to the conditions hereinabove set forth. Said proposed vacation and abandonment is 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 Tuesday, June 14, 1988, at the hour of 7:30 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.

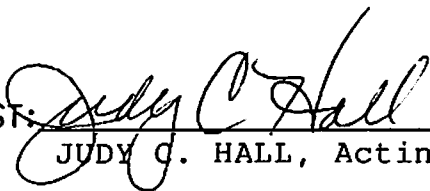
SECTION 5. The Planning and Community Development Director is hereby directed to cause notices of the proposed vacation and abandonment of the south 117 foot portion of Sydney Street between Jennie and Grand Streets to be posted conspicuously along the line of said street proposed to be vacated and abandoned at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the street right-of-way proposed to be abandoned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24 day of May, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside

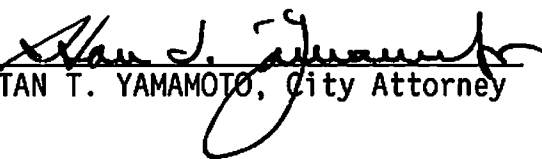
NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

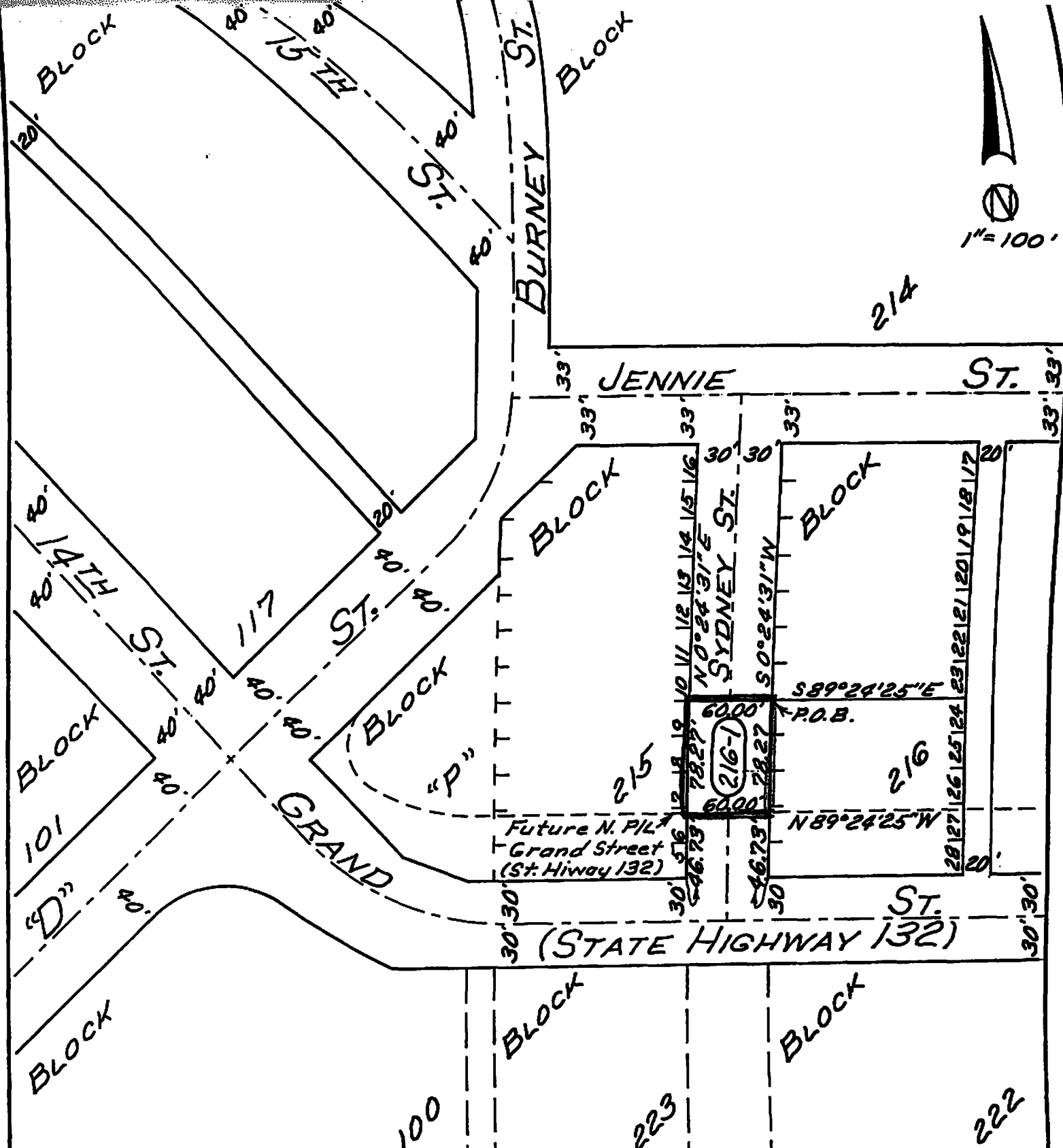
APPROVED AS TO FORM:

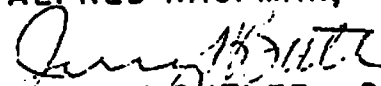
By 
STAN T. YAMAMOTO, City Attorney

VACATE AND ABANDON A PORTION OF SYDNEY STREET NORTH OF GRAND STREET

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Northwestern corner of Lot 24 in Block 216 of the CITY OF MODESTO, as per map filed December 21, 1942 in Book 15 of Maps, Stanislaus County Records, said point being on the Eastern line of 60.00 foot Sydney Street; thence along said Eastern line of Sydney Street and the Western line of Lots 24, 25, 26 and 27 in said Block 216, South $00^{\circ} 24' 31''$ West, 78.27 feet, to a point on the future Northern line of Grand Street (State Highway 132); thence along said future Northern line of Grant Street (State Highway 132), North $89^{\circ} 24' 25''$ West, 60.00 feet, to a point on the Western line of said 60.00 foot Sydney Street; thence along said Western line of Sydney Street and the Eastern line of Lots 6, 7, 8 and 9 in Block 216 of the CITY OF MODESTO, as per map filed December 21, 1942 in Book 15 of Maps, Stanislaus County Records, North $00^{\circ} 24' 31''$ East, 78.27 feet, to the Northeastern corner of said Lot 9 in Block 216; thence South $89^{\circ} 24' 25''$ East, 60.00 feet, to the point of beginning.



RECOMMENDED BY:		DATE	BY
CITY OF MODESTO DEPARTMENT OF ENGINEERING		FLD. BK. & PG.	
ALFRED KAUFMAN, DIRECTOR R.E. 6743		W. O. NO.	
 JERRY H. BUTLER, SENIOR C. E.		FILE NUMBER	
DATE	DRAWN	CHECKED	
May 20, 1988	J. Christiansen		
VACATE AND ABANDON A PORTION OF SYDNEY STREET NORTH OF GRAND STREET LD88D		4-A-717	

MODESTO CITY COUNCIL
RESOLUTION NO. 88-409

A RESOLUTION DENYING THE APPEAL OF JACK M. PHILLIPS TO THE DECISION OF THE POLICE CHIEF REVOKING AN AFTER-HOURS PERMIT AT THE PAVILION, 1745 PRESCOTT ROAD, MODESTO, AND AFFIRMING THE DECISION OF THE POLICE CHIEF.

WHEREAS, Section 4-1.413 of the Modesto Municipal Code requires that any holder of a Public Dance Hall Permit also have a valid permit to operate said dance hall between the hours of two o'clock a.m. and five o'clock a.m., and

WHEREAS, an After-Hours Permit for The Pavilion, located at 1745 Prescott Road, Modesto, California, was issued in June of 1987, and

WHEREAS, certain violations constituting misdemeanors under Section 4-1.410 of the Modesto Municipal Code have occurred at The Pavilion, and

WHEREAS, the Police Chief notified Jack M. Phillips, owner of The Pavilion, of the various violations and of his intention to revoke the After-Hours Permit, and

WHEREAS, after a public hearing on May 11, 1988, to carefully review and consider information and reports concerning said violations, it was determined that Jack M. Phillips had not shown cause why the After-Hours Permit should not be revoked, and

WHEREAS, Jack M. Phillips was notified that The Pavilion's After-Hours Permit was to be revoked under the authority of Modesto Municipal Code Section 4-1.413 effective May 13, 1988, and of his right to appeal said revocation, and

WHEREAS, an appeal to the revocation was filed by Jack M. Phillips with the City Clerk of the City of Modesto on May 18, 1988, and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place located in the Council Chambers in City Hall, 801 - 11th Street, Modesto, California, at 7:30 p.m. on May 24, 1988, and

WHEREAS, at said meeting the Council, after hearing evidence both oral and documentary, found and determined that the appeal of Jack M. Phillips to the revocation of the After-Hours Permit of The Pavilion should be denied based upon the violations hereinafter set forth which constitute a misdemeanor under Section 4-1.410 of the Modesto Municipal Code and that the decision of the Police Chief should be affirmed:

1. Permitting patrons to possess open containers in the parking lot and within 300 feet of the establishment.

2. Permitting unlawful conduct in the parking lot of the establishment -- violations such as fighting, loud noise, property damage and auto theft.

3. Failure to provide adequate security personnel for crowd control in the parking lot after 2 a.m.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Jack M. Phillips to the decision of the Police Chief revoking said After-Hours Permit is hereby denied and the decision of the Police Chief is affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

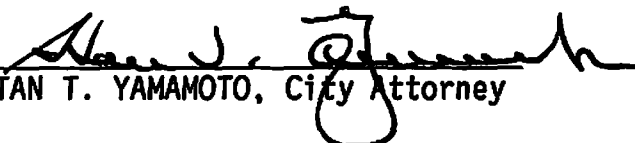
NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-410

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE ENCASEMENT OF WATERLINES ON MCHENRY AVENUE
AND MORTON BOULEVARD

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

SECTION 1. The plans and specifications for the encasement of waterlines
on McHenry Avenue and Morton Boulevard
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on June 21, 1988, at 11:05 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 7th day of June, 1988,
by Councilmember Lang, who moved its adoption, which motion
being duly seconded by Councilmember Sutton, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-411

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE MODIFICATION OF TRAFFIC SIGNALS AT OAKDALE
AND ORANGEBURG

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

SECTION 1. The plans and specifications for the modification of traffic signals at Oakdale and Orangeburg copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 5, 1988, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-412

A RESOLUTION ACCEPTING THE BID OF RAGSDALE & SON, INC. FOR THE RESURFACING OF THE BASKETBALL COURT IN WOODROW PARK

WHEREAS, Resolution No.88-323, adopted by the Council of the City of Modesto on May 3, 1988, approved the plans and specifications for the resurfacing of the basketball court in Woodrow Park and authorized the calling for bids; and

WHEREAS, the bids received for the resurfacing of the basketball court in Woodrow Park were opened at 11:05 a.m. on May 24, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Ragsdale & Son, Inc. in the amount of \$11,965 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ragsdale & Son, Inc. in the amount of \$11,965 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-413

A RESOLUTION ACCEPTING THE BID OF RICHARD A. HEAPS ELECTRICAL CONTRACTOR, INC.
FOR CONSTRUCTION OF TRAFFIC SIGNALS AT PRESCOTT AND RUMBLE ROADS

WHEREAS, Resolution No. 88-301, adopted by the Council of the City of Modesto on April 26, 1988, approved the plans and specifications for the construction of traffic signals at Prescott and Rumble Roads and authorized the calling for bids; and

WHEREAS, the bids received for the construction of traffic signals at Prescott and Rumble Roads were opened at 11:00 a.m. on May 24, 1988, and later tabulated by the Director of Parking and/ Traffic for the consideration of the Council; and

WHEREAS, the Director of Parking and/ Traffic has recommended that the bid of Richard A. Heaps Electrical Contractor, Inc. in the amount of \$81,170 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 Electrical Contractor, Inc. in the amount of \$81,170 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-414

A RESOLUTION ACCEPTING THE BID OF CENTRAL CALIFORNIA MAINTENANCE FOR JANITORIAL SERVICES AT THE MODESTO CENTRE PLAZA

WHEREAS, Resolution No.88-131, adopted by the Council of the City of Modesto on February 16, 1988 , approved the plans and specifications for the janitorial services at the Modesto Centre Plaza and authorized the calling for bids; and

WHEREAS, the bids received for the janitorial services at the Modesto Centre Plaza were opened at 3:20 p.m. on March 22, 1988 , 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 California Maintenance for an estimated cost of \$16,700 be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Central California Maintenance be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June , 19 88, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-415

A RESOLUTION ACCEPTING THE BID OF ALL PURE CHEMICAL COMPANY FOR FURNISHING SWIMMING POOL CHLORINE AND MURIATIC ACID

WHEREAS, Resolution No. 88-328, adopted by the Council of the City of Modesto on May 3, 1988, approved the plans and specifications for the purchase of swimming pool chlorine and muriatic acid and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of swimming pool chlorine and muriatic acid were opened at 3:30 p.m. on May 24, 1988, 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 All Pure Chemical Company in the amount of \$10,500 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of All Pure Chemical Company in the amount of \$10,500 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 7th day of June, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-416

A RESOLUTION ACCEPTING THE BID OF RAGSDALE & SON, INC. FOR THE EAST LEEVE ROAD RECONSTRUCTION AT THE REMOTE PONDS ON JENNINGS ROAD

WHEREAS, Resolution No.88-322, adopted by the Council of the City of Modesto on May 3, 1988, approved the plans and specifications for the East Levee Road reconstruction at the remote ponds on Jennings Road and authorized the calling for bids; and

WHEREAS, the bids received for the East Levee Road reconstruction at the remote ponds on Jennings Road were opened at 11:10 a.m. on May 24, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Ragsdale & Son, Inc. in the amount of \$44,310.50 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 & Son, Inc. in the amount of \$44,310.50 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 7th day of June, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-417

A RESOLUTION ACCEPTING THE BID OF JOE MARTIN PIPELINE, INC. FOR THE DALLAS AND WHITMORE AVENUE WATERLINE

WHEREAS, Resolution No. 88-368, adopted by the Council of the City of Modesto on May 17, 1988, approved the plans and specifications for the Dallas and Whitmore Avenue waterline and authorized the calling for bids; and

WHEREAS, the bids received for the Dallas and Whitmore Avenue waterline were opened at 11:00 a.m. on May 31, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Joe Martin Pipeline, Inc. in the amount of \$47,725 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 \$47,725 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-418

A RESOLUTION ACCEPTING THE BID OF B & J ENTERPRISES FOR FURNISHING HEARING AUGMENTATION DEVICES

WHEREAS, Resolution No. 88-306 adopted by the Council of the City of Modesto on April 26, 1988, approved the plans and specifications for the purchase of hearing augmentation devices and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of hearing augmentation devices were opened at 3:20 p.m. on May 24, 1988, 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 B & J Enterprises in the amount of \$28,944 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of B & J Enterprises in the amount of \$28,944 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-419

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO BEE TO PRINT AND PUBLISH THE OFFICIAL LEGAL ADVERTISING FOR ONE YEAR BEGINNING JULY 1, 1988 AND ENDING JUNE 30, 1989

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and The Modesto Bee to print and publish the official legal advertising for one year beginning July 1, 1988 and ending June 30, 1989

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 June, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-420

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE 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

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of gas and diesel for the 1988-89 fiscal year, is hereby waived.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore. Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-421

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 \$3,149,811 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 \$3,149,811 for the fiscal year 1988-89 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of June, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-422

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES RAY AND JANICE WEDGE dba LUXURY LIMOUSINE SERVICE, FOR CONDUCTING A LIMO SERVICE 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 Ray and Janice Wedge dba Luxury Limousine Service, for conducting a limo service 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 7th day of June, 1988, by Councilmember Lang who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-423

A RESOLUTION CHANGING THE NAME OF ISABEL DRIVE TO
KINGSWOOD DRIVE IN THE CITY OF MODESTO.

WHEREAS, Kingswood Drive exists between Princewood Lane and Sylvan Avenue, and Kingswood Drive is in alignment with Isabel Drive which exists between Sylvan Avenue and Forest Glenn Drive, and

WHEREAS, it is desirable to establish a single street name for the continuous street alignment, and

WHEREAS, changing Isabel Drive to Kingswood Drive would affect the least number of property owners and residents, and

WHEREAS, notices of an informal public hearing by the Planning Commission to consider the proposed street name change were sent to property owners that would be affected by the proposed name change, and said informal hearing was held on March 7, 1988, April 4, 1988, and April 18, 1988, and

WHEREAS, by Resolution No. 88-41 adopted by the Planning Commission on April 18, 1988, the Planning Commission recommended to the City Council that the street name of Isabel Drive should be changed to Kingswood Drive to provide a single street name for the continuous street alignment,
and

WHEREAS, the Stanislaus County Planning and Community Development Department approves the proposed street name change from Isabel Drive to Kingswood Drive, and

WHEREAS, Section 34091.1 of the Government Code of the State of California provides that when the existing name of any street should be changed, the legislative body is authorized to change the name of existing streets, and

WHEREAS, said matter was considered by the City Council on June 7, 1988, 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 name of Isabel Drive to Kingswood Drive in the City of Modesto as recommended by the Planning Commission to provide a single street name for the continuous street alignment,

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

1. That the name of Isabel Drive shall be changed to Kingswood Drive.
2. That the street numbers of Kingswood Drive from Sylvan Avenue to Forest Glenn Drive shall be in the 3500 block range.
3. That the 1421 Isabel Drive street number shall be changed to 3521 Kingswood Drive.
2. That the Director of Parking, Traffic and Transportation is hereby directed to order the street name sign for said street.
3. That the City Clerk is hereby directed to record a certified copy of this resolution with the Recorder of Stanislaus County and transmit a copy of this resolution to the Board of Supervisors, the County Clerk, and the County Surveyor of Stanislaus County.

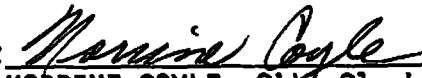
BE IT FURTHER RESOLVED by the Council of the City of Modesto that this resolution shall not become effective until such time as the Kingswood Drive street number is considered and finally determined by the Council at a later, undetermined date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-424

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
COGDILL AND GIOMI FOR THE APPRAISAL OF 17 PROPERTIES IN PUBLIC FACILITIES DISTRICT
NO. 6, WIDENING OF MAJOR STREETS (COFFEE BETWEEN RUMBLE AND SYLVAN, OAKDALE, NORTH
OF M.I.D. LABERAL NO. 3 TO MERLE, AND PRESCOTT NORTH OF RUMBLE)**

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Cogdill and Giomi
for the appraisal of 17 properties in Public Facilities District No. 6, widening
of major 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 7th day of
June, 1988, by Councilmember Lang
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Marrine Coyle
MARRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-425

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO INITIATING PROCEEDINGS ON ITS OWN MOTION FOR THE DESIGNATION OF AN AREA OF BENEFIT FOR THE PURPOSE OF FINANCING FOR ACQUIRING RIGHT OF WAY AND CONSTRUCTING CURB, GUTTER AND SIDEWALK AT 802 BRIGHTON AVENUE IN THE CITY OF MODESTO. (PUBLIC FACILITIES DISTRICT 7)

WHEREAS, Section 7-1.804 of the Modesto Municipal Code provides that the City Council may initiate proceedings on its own motion for the designation of an area of benefit for a proposed public facilities project by adopting a resolution stating its intention to do so, and

WHEREAS, Section 7-1.804 further provides that the City Council shall refer the proposed public facilities project to the City Manager and shall direct said City Manager with the assistance of City departments and, where appropriate, interested landowners, to make and file with the City Clerk a report in writing which shall contain provisions as set forth in said section, and

WHEREAS, the Director of Engineering Services has proposed that the Council initiate proceedings to establish a Public Facilities District for the purpose of financing for acquiring right of way and constructing curb, gutter and sidewalk at 802 Brighton Avenue in 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 states its intention to initiate proceedings to establish a public facilities project to be designated Public Facilities District 7 for the purpose of financing for acquiring right of way and constructing curb, gutter and sidewalk at 802 Brighton Avenue in the City of Modesto.

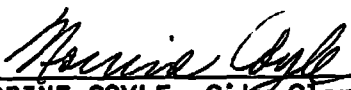
SECTION 2. The proposed public facilities project is hereby referred to the City Manager and the City Manager is directed, with the assistance of city departments to make and file with the City Clerk a report in writing containing all the pertinent information required by Section 7-1.804 of the Modesto Municipal Code for the purpose of establishing Public Facilities District 7.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of June, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

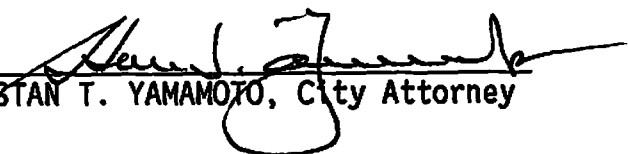
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-426

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO INITIATING PROCEEDINGS ON ITS OWN MOTION FOR THE DESIGNATION OF AN AREA OF BENEFIT FOR THE PURPOSE OF FINANCING FOR ACQUIRING RIGHT OF WAY AND CONSTRUCTING CURB, GUTTER AND SIDEWALK AT 804 BRIGHTON AVENUE IN THE CITY OF MODESTO. (PUBLIC FACILITIES DISTRICT 8)

WHEREAS, Section 7-1.804 of the Modesto Municipal Code provides that the City Council may initiate proceedings on its own motion for the designation of an area of benefit for a proposed public facilities project by adopting a resolution stating its intention to do so, and

WHEREAS, Section 7-1.804 further provides that the City Council shall refer the proposed public facilities project to the City Manager and shall direct said City Manager with the assistance of City departments and, where appropriate, interested landowners, to make and file with the City Clerk a report in writing which shall contain provisions as set forth in said section, and

WHEREAS, the Director of Engineering Services has proposed that the Council initiate proceedings to establish a Public Facilities District for the purpose of financing for acquiring right of way and constructing curb, gutter and sidewalk at 804 Brighton Avenue in 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 states its intention to initiate proceedings to establish a public facilities project to be designated Public Facilities District 8 for the purpose of financing for acquiring right of way and constructing curb, gutter and sidewalk at 804 Brighton Avenue in the City of Modesto.

SECTION 2. The proposed public facilities project is hereby referred to the City Manager and the City Manager is directed, with the assistance of city departments to make and file with the City Clerk a report in writing containing all the pertinent information required by Section 7-1.804 of the Modesto Municipal Code for the purpose of establishing Public Facilities District 8.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of June, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-427

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1987-88 TO ESTIMATE ADDITIONAL REVENUE IN THE SPECIAL FUND FOR CAPITAL OUTLAYS AND FOR THE TRANSFER AND APPROPRIATION OF SAID REVENUE TO THE PARK FUND.

WHEREAS, the City of Modesto entered into an agreement with the Oakridge Townhouse Association, which agreed to pay for one-half of the cost of construction and maintenance of a fence at East LaLoma Park, and

WHEREAS, only the City portion of the anticipated expenditure was budgeted in the fiscal year 1987-88 Annual Budget, and

WHEREAS, the Oakridge Townhouse Association has deposited \$7,395 with the City of Modesto for said fence.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an additional \$7,395 revenue is estimated in the Special Fund for Capital Outlays, account number 130-510-9510-4056 in the fiscal year 1987-88 Annual Budget.

BE IT FURTHER RESOLVED that the said additional revenue is to be transferred to the Park Fund, Fund number 140, and appropriated in the East LaLoma Park project, project number 140-310-P320-6000, in the fiscal year 1987-88 Annual Budget.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton and 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. 88-428

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BRIGHT DEVELOPMENT TO ACCEPT OWNERSHIP MAINTENANCE AND OPERATION OF THE WATER SYSTEM WITHIN COPPER CREEK SUBDIVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bright Development to accept ownership maintenance and operation of the water system within Copper Creek 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 7th day of June, 1988, by Councilmember Lang who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-429

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO INSTALL TRAFFIC SIGNALS AT DALE ROAD AND SNYDER 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 install traffic signals at Dale Road and Snyder 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 June, 19⁸⁸, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-430

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SALIDA SCHOOL DISTRICT RELATING TO THE DEVELOPMENT AND MAINTENANCE OF PELANDALE PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Salida School District relating to the development and maintenance of Pelandale Park site

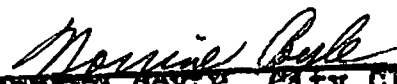
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-431

A RESOLUTION ACCEPTING IMPROVEMENTS IN SHAWNEE MEADOWS SUBDIVISION AND
AUTHORIZING RELEASE OF CERTIFICATE ASSIGNMENT

WHEREAS, Sutco Construction, subdivider of Shawnee Meadows Subdivision has filed a Certificate Assignment for faithful performance and labor and materials in the amount of \$87,000.00 to guarantee improvements in Shawnee Meadows Subdivision; and

WHEREAS, the Director of Engineering in a memorandum dated June 1, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

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

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

1. The improvements in Shawnee Meadows Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Certificate Assignment for faithful performance and labor and materials in the amount of \$87,000.00 upon recordation of notice of completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-432

A RESOLUTION ACCEPTING IMPROVEMENTS IN PIONEER VILLAGE NO. 3 SUBDIVISION AND
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, James Horn Construction Company, subdividers of Pioneer Village No. 3 have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$269,300.00 and \$134,650.00 respectively to guarantee improvements in Pioneer Village No. 3 Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated June 1, 1988. indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

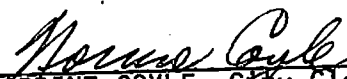
WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the Irrevocable Commitment of Funds upon expiration of the statutory period.

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

1. The improvements in Pioneer Village No. 3 Subd. 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 \$269,300.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for labor and materials in the amount of \$134,650.00 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 June, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-433

A RESOLUTION APPROVING THE FINAL MAP OF THE CAPE COD
ESTATES NO. 5 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Raymond N. Franco and Jeannie E. Franco, husband and wife
are possessed of a tract of land situate in the City of Modesto, County of
Stanislaus, consisting of 5.551 acres, known as the Cape Cod Estates No. 5
Subdivision, and

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

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

WHEREAS, the City Engineer of the City of Modesto has certified that
the final map of said Cape Cod Estates No. 5 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-434

A RESOLUTION VACATING AND ABANDONING THE SOUTH 78.27 FOOT PORTION OF SYDNEY STREET BETWEEN JENNIE AND GRAND STREETS IN THE CITY OF MODESTO.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 88-408 on May 24, 1988, declaring its intention to vacate and abandon the south 78.27 foot portion of Sydney Street between Jennie and Grand Streets in the City of Modesto, and

WHEREAS, said south 78.27 foot portion of Sydney Street between Jennie and Grand Streets in the City of Modesto to be vacated and abandoned is more particularly shown on that certain map entitled, "Vacate and Abandon A Portion of Sydney Street North of Grand Street LD88-D" dated May 20, 1988, which is on file in the office of the City Clerk, and

WHEREAS, said Resolution No. 88-408 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

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

WHEREAS, a public hearing was held by the Council of the City of Modesto on Tuesday, June 14, 1988, at the hour of 7:30 o'clock p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which

time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, the Planning Commission recommended that the abandonment be made subject to the conditions contained in Planning Commission Resolution No. 88-53, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the Council finds and declares that the south 78.27 foot portion of Sydney Street between Jennie and Grand Streets in the City of Modesto is unnecessary for present or prospective street purposes, and that the vacation and abandonment thereof is in the public interest, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby orders and declares the vacation and abandonment of the south 78.27 foot portion of Sydney Street between Jennie and Grand Streets in the City of Modesto, as shown on the map entitled, "Vacate and Abandon A Portion of Sydney Street North of Grand Street LD88-D", on file in the office of the City Clerk, and more particularly described on Exhibit "A" which is attached hereto and made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the 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 the vacation and abandonment of the south 78.27 foot portion of Sydney Street between Jennie and Grand Streets in the City of Modesto, County of Stanislaus, State of California.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton, Acting Mayor McGrath

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

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 K. Rustian
Engineering Services

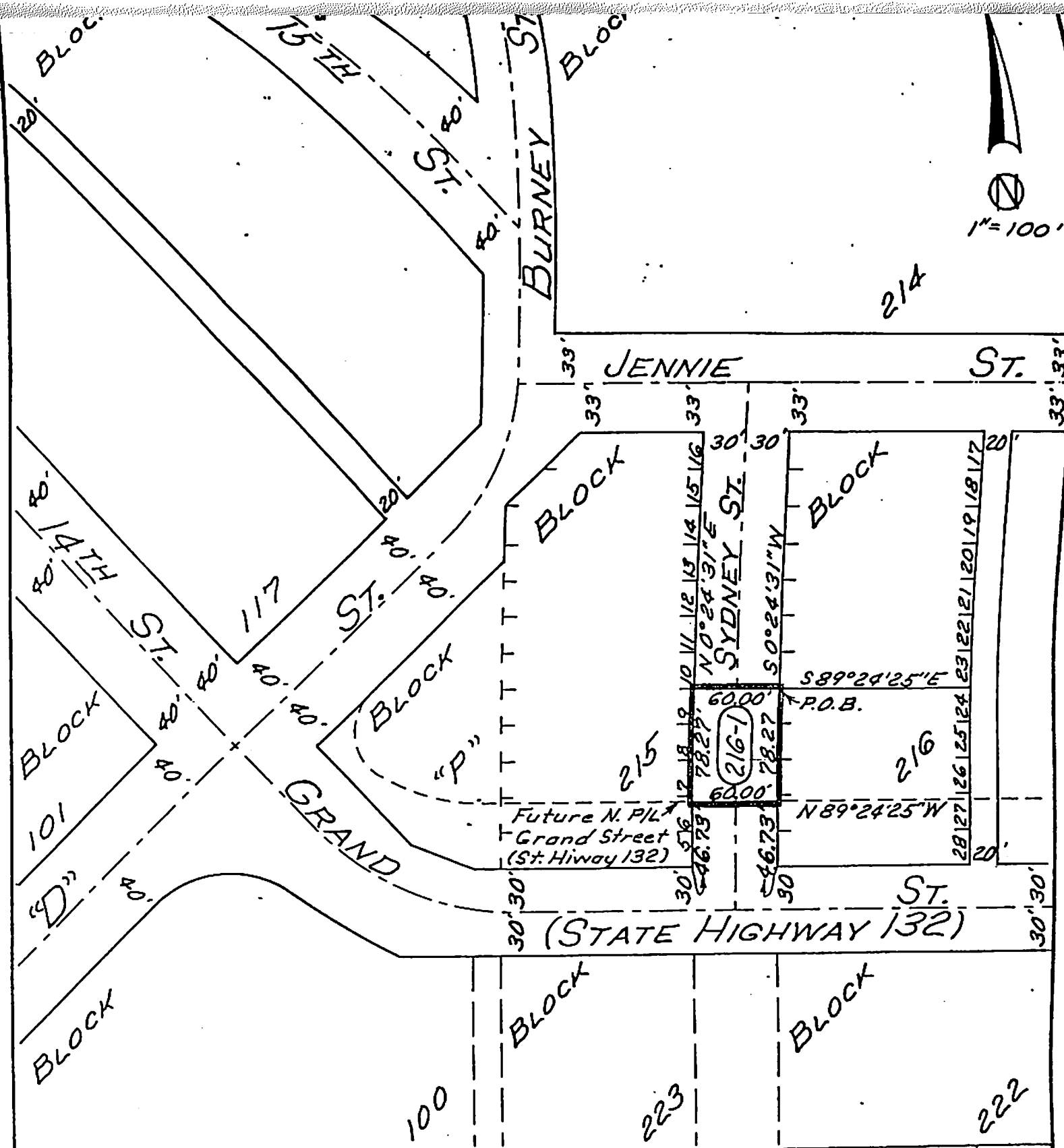
VACATE AND ABANDON A PORTION OF SYDNEY STREET NORTH OF GRAND STREET


All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Northwestern corner of Lot 24 in Block 216 of the CITY OF MODESTO, as per map filed December 21, 1942 in Book 15 of Maps, Stanislaus County Records, said point being on the Eastern line of 60.00 foot Sydney Street; thence along said Eastern line of Sydney Street and the Western line of Lots 24, 25, 26 and 27 in said Block 216, South $00^{\circ} 24' 31''$ West, 78.27 feet, to a point on the future Northern line of Grand Street (State Highway 132); thence along said future Northern line of Grant Street (State Highway 132), North $89^{\circ} 24' 25''$ West, 60.00 feet, to a point on the Western line of said 60.00 foot Sydney Street; thence along said Western line of Sydney Street and the Eastern line of Lots 6, 7, 8 and 9 in Block 216 of the CITY OF MODESTO, as per map filed December 21, 1942 in Book 15 of Maps, Stanislaus County Records, North $00^{\circ} 24' 31''$ East, 78.27 feet, to the Northeastern corner of said Lot 9 in Block 216; thence South $89^{\circ} 24' 25''$ East, 60.00 feet, to the point of beginning.



1" = 100'



RECOMMENDED BY:		DATE	BY
CITY OF MODESTO DEPARTMENT OF ENGINEERING		FLD. BK. & PG.	
ALFRED KAUFMAN, DIRECTOR R.E. 6743	VACATE AND ABANDON A PORTION OF SYDNEY STREET NORTH OF GRAND STREET LD88D 4-A-717		
 JERRY H. BUTLER, SENIOR C. E.		W. O. NO.	
DATE May 20, 1988	DRAWN J. Christiansen	FILE NUMBER	
CHECKED		4-A-717	

MODESTO CITY COUNCIL
RESOLUTION NO. 88-434

A RESOLUTION VACATING AND ABANDONING THE SOUTH 117 FOOT PORTION OF SYDNEY STREET BETWEEN JENNIE AND GRAND STREETS IN THE CITY OF MODESTO.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 88-408 on May 24, 1988, declaring its intention to vacate and abandon the south 117 foot portion of Sydney Street between Jennie and Grand Streets in the City of Modesto, and

WHEREAS, said south 117 foot portion of Sydney Street between Jennie and Grand Streets in the City of Modesto to be vacated and abandoned is more particularly shown on that certain map entitled, "Vacate and Abandon A Portion of Sydney Street North of Grand Street LD88-D" dated May 20, 1988, which is on file in the office of the City Clerk, and

WHEREAS, said Resolution No. 88-408 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

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

WHEREAS, a public hearing was held by the Council of the City of Modesto on Tuesday, June 14, 1988, at the hour of 7:30 o'clock p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which

time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, the Planning Commission recommended that the abandonment be made subject to the conditions contained in Planning Commission Resolution No. 88-53, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the Council finds and declares that the south 117 foot portion of Sydney Street between Jennie and Grand Streets in the City of Modesto is unnecessary for present or prospective street purposes, and that the vacation and abandonment thereof is in the public interest, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby orders and declares the vacation and abandonment of the south 117 foot portion of Sydney Street between Jennie and Grand Streets in the City of Modesto, as shown on the map entitled, "Vacate and Abandon A Portion of Sydney Street North of Grand Street LD88-D", on file in the office of the City Clerk, and more particularly described on Exhibit "A" which is attached hereto and made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the 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 the vacation and abandonment of the south 117 foot portion of Sydney Street between Jennie and Grand Streets in the City of Modesto, County of Stanislaus, State of California.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14 day of June, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton, Acting Mayor McGrath

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

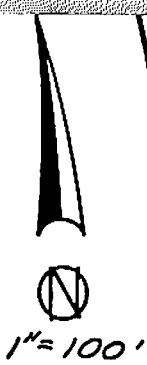
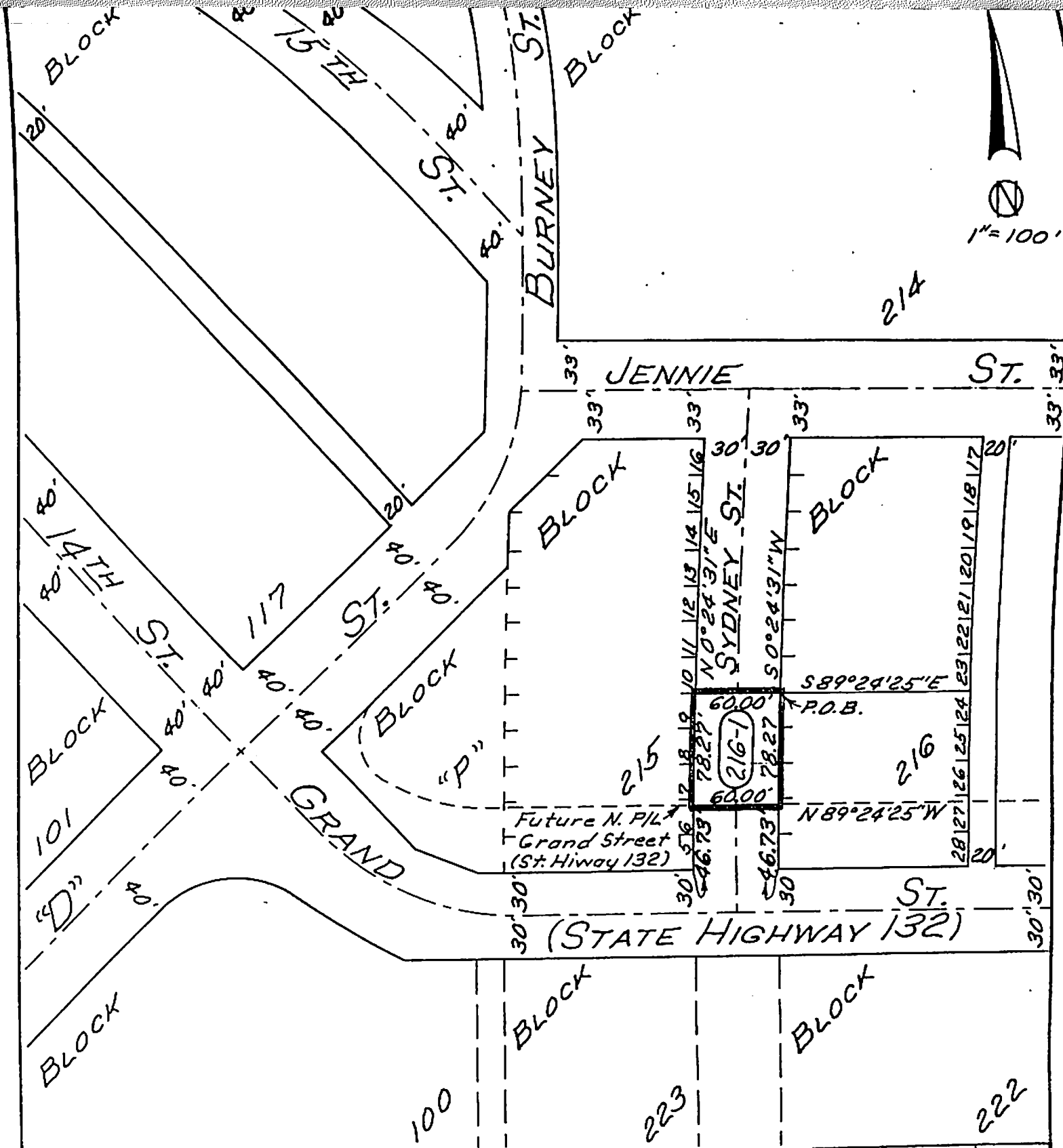
APPROVED AS TO DESCRIPTION:


By John R. Chastain
Engineering Services

VACATE AND ABANDON A PORTION OF SYDNEY STREET NORTH OF GRAND STREET

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Northwestern corner of Lot 24 in Block 216 of the CITY OF MODESTO, as per map filed December 21, 1942 in Book 15 of Maps, Stanislaus County Records, said point being on the Eastern line of 60.00 foot Sydney Street; thence along said Eastern line of Sydney Street and the Western line of Lots 24, 25, 26 and 27 in said Block 216, South $00^{\circ} 24' 31''$ West, 78.27 feet, to a point on the future Northern line of Grand Street (State Highway 132); thence along said future Northern line of Grant Street (State Highway 132), North $89^{\circ} 24' 25''$ West, 60.00 feet, to a point on the Western line of said 60.00 foot Sydney Street; thence along said Western line of Sydney Street and the Eastern line of Lots 6, 7, 8 and 9 in Block 216 of the CITY OF MODESTO, as per map filed December 21, 1942 in Book 15 of Maps, Stanislaus County Records, North $00^{\circ} 24' 31''$ East, 78.27 feet, to the Northeastern corner of said Lot 9 in Block 216; thence South $89^{\circ} 24' 25''$ East, 60.00 feet, to the point of beginning.



RECOMMENDED BY:		DATE	BY
CITY OF MODESTO DEPARTMENT OF ENGINEERING		FLD. BK. & PG.	
ALFRED KAUFMAN, DIRECTOR R.E. 6743		W. O. NO.	
 JERRY H. BUTLER, SENIOR C. E.		FILE NUMBER	
DATE	DRAWN	CHECKED	
May 20, 1988	J. Christiansen		
VACATE AND ABANDON A PORTION OF SYDNEY STREET NORTH OF GRAND STREET LD88D		4-A-717	

MODESTO CITY COUNCIL
RESOLUTION NO. 88-435

A RESOLUTION ESTABLISHING SEWER SERVICE CHARGES AND
SUPERSEDING RESOLUTION NO. 87-587.

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, City staff has recommended adjustment in the various sewer
service charges, and

WHEREAS, 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 September 1, 1988.

- (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	\$6.35
Each dwelling unit in a duplex	4.73
One additional dwelling unit or mobile home on a lot	4.73
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park	3.73

- (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 August 1, 1988:

- (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 65% of the quantity of water used measured in gallons and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Director of Utility Services 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 \$.69

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

Group 2 .80

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

Group 3 .98

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

Group 4 1.17

Combined B.O.D. and S.S. measured
in mg/l is over 1401 mg/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 \$2.00 per month sewer charge for commercial users.
- (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 Director of Utility Services.
- (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 Director of Utility Services, 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 March 1, 1987:

- (a) The monthly sewer service charges for industrial users shall be at the rate of \$449.00 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 Director of Utility Services 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 \$53.11 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 \$39.48 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. EFFECTIVE DATE. The Commercial Service Charges established by this resolution shall become effective and apply on and after August 1, 1988, and the Residential Sewer Service Charges established by this resolution shall become effective and apply on and after September 1, 1988.

SECTION 7. SUPERSEDES PRIOR RESOLUTION. This resolution supersedes Modesto City Council Resolution No. 87-587.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1988, 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: Irizarry, Lang, Muratore, Sutton

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: Patterson, Mayor Whiteside

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. 88-436

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE HOT WATER BOILER

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

SECTION 1. The plans and specifications for furnishing one hot water boiler copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 19, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Acting Mayor McGrath

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-437

A RESOLUTION ACCEPTING THE BID OF TRI-TECHNIC, INC. FOR THE 800 AMP WATER QUALITY CONTROL PLANT TIE-IN

WHEREAS, Resolution No. 88-342, adopted by the Council of the City of Modesto on May 10, 1988, approved the plans and specifications for the 800 amp Water Quality Control Plant tie-in and authorized the calling for bids; and

WHEREAS, the bids received for the the 800 amp Water Quality Control Plant tie-in were opened at 11:00 a.m. on June 7, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Tri-Technic, Inc. in the amount of \$30,170 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Tri-Technic, Inc. in the amount of \$30,170 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 June, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Acting Mayor McGrath

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-438

A RESOLUTION ACCEPTING THE BID OF WYTEC INFORMATION SYSTEMS FOR FURNISHING ONE MICROFILM READER/PRINTER

WHEREAS, Resolution No.88-244, adopted by the Council of the City of Modesto on April 5, 1988, approved the plans and specifications for the purchase of one microfilm reader/printer and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one microfilm reader/printer were opened at 3:00 p.m. on May 10, 1988, 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 Wytec Information Systems in the amount of \$3,683 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Wytec Information Systems in the amount of \$3,683 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 June, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Sutton, Acting Mayor McGrath
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-439

A RESOLUTION ACCEPTING THE BID OF TURLOCK READY MIX FOR FURNISHING READY-MIXED CONCRETE

WHEREAS, Resolution No. 88-345 adopted by the Council of the City of Modesto on May 10, 1988, approved the plans and specifications for the purchase of ready-mixed concrete

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of ready-mixed concrete were opened at 3:05 p.m. on May 31, 1988, 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 Turlock Ready Mix in the amount of \$18,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Turlock Ready Mix in the amount of \$18,000 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 14th day of June, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Sutton, Acting Mayor McGrath
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Whiteside

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-440

A RESOLUTION ACCEPTING THE BID OF ALL PURE CHEMICAL COMPANY FOR FURNISHING LIQUID CHLORINE

WHEREAS, Resolution No. 88-343, adopted by the Council of the City of Modesto on May 10, 1988, approved the plans and specifications for the purchase of liquid chlorine and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of liquid chlorine were opened at 3:00 p.m. on May 31, 1988, 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 All Pure Chemical Company in the amount of \$325 per ton be accepted as the lowest responsible bid.

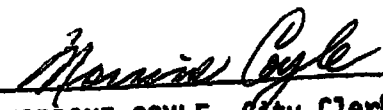
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of All Pure Chemical Company in the amount of \$325 per ton be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Acting Mayor McGrath

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-441

A RESOLUTION ACCEPTING THE BID OF MODESTO BUILDING MAINTENANCE FOR JANITORIAL SERVICES AT AMERICAN LEGION HALL FOR THE 1988-89 FISCAL YEAR

WHEREAS, Resolution No.88-305, adopted by the Council of the City of Modesto on April 26, 1988, approved the plans and specifications for the janitorial services at American Legion Hall for the 1988-89 fiscal year and authorized the calling for bids; and

WHEREAS, the bids received for the janitorial services at American Legion Hall for the 1988-89 fiscal year were opened at 3:15 p.m. on May 31, 1988, 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 Building Maintenance in the amount of \$14,140 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 Building Maintenance in the amount of \$14,140 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 June, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Sutton, Acting Mayor McGrath
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-442

A RESOLUTION ACCEPTING THE BID OF SAFE-T-LITE FOR FURNISHING STREET NAME SIGNS

WHEREAS, Resolution No. 88-325, adopted by the Council of the City of Modesto on May 3, 1988, approved the plans and specifications for the purchase of the City's annual requirements of street name signs and authorized the calling for bids; and

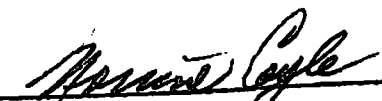
WHEREAS, the bids received for the furnishing of street name signs were opened at 3:20 p.m. on May 31, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Safe-T-Lite in the amount of \$19,267 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Safe-T-Lite in the amount of \$19,267 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 June, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Sutton, Acting Mayor McGrath
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Whiteside

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-443

A RESOLUTION ACCEPTING THE BID OF CONSOLIDATED ELECTRICAL DISTRIBUTORS FOR FURNISHING DRY CELL BATTERIES

WHEREAS, Resolution No. 88-326, adopted by the Council of the City of Modesto on May 3, 1988, approved the plans and specifications for the purchase of dry cell batteries and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of dry cell batteries were opened at 3:10 p.m. on May 31, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

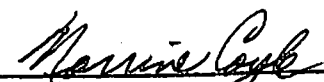
WHEREAS, the Director of Finance has recommended that the bid of Consolidated Electrical Distributors in the amount of \$2,900 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Consolidated Electrical Distributors in the amount of \$2,900 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Sutton, Acting Mayor McGrath
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Whiteside

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-444

A RESOLUTION ACCEPTING THE BIDS OF GLEN WILSON TRUCKING, TURLOCK ROCK COMPANY AND M.J. RUDDY FOR FURNISHING ROCK, SAND AND GRAVEL PRODUCTS

WHEREAS, Resolution No. 88-327, adopted by the Council of the City of Modesto on May 3, 1988, approved the plans and specifications for the purchase of rock, sand and gravel products, and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of rock, sand and gravel products were opened at 3:40 p.m. on May 24, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of Glen Wilson Trucking for plaster sand and fill sand, Turlock Rock Company for furnishing concrete mix aggregate, fine aggregate, aggregate base material, drain rock, crushed rock screenings and concrete sand, and M.J. Ruddy for furnishing hot plant dried sand, be accepted as the lowest responsible bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Glen Wilson Trucking, Turlock Rock Company, and M.J. Ruddy for an estimated cost of \$30,000 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 14th day of June, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Sutton, Acting Mayor McGrath
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Whiteside

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-445

A RESOLUTION ACCEPTING THE BID OF BOISE CASCADE FOR FURNISHING IMPRINTED VINYL BINDERS

WHEREAS, Resolution No.88-329, adopted by the Council of the City of Modesto on May 3, 1988, approved the plans and specifications for the purchase of imprinted vinyl binders and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of imprinted vinyl binders were opened at 3:25 p.m. on May 31, 1988, 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 Boise Cascade in the amount of \$21,200 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Boise Cascade in the amount of \$21,200 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Sutton, Acting Mayor McGrath
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-446

A RESOLUTION ACCEPTING THE BID OF DOW-HAMMOND COMPANY FOR FURNISHING FOUR PICKUP TRUCKS AND ONE VAN

WHEREAS, Resolution No.88-284, adopted by the Council of the City of Modesto on April 19, 1988, approved the plans and specifications for the purchase of four pickup trucks and one van and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of four pickup trucks and one van were opened at 3:00 p.m. on May 17, 1988, 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 Company in the amount of \$67,563 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 Company in the amount of \$67,563 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 June, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Acting Mayor McGrath

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-447

A RESOLUTION ACCEPTING THE DOWNTOWN WATERLINE STRENGTHENING PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the Downtown waterline strengthening project

has been completed by TDW Construction, Inc.

in accordance with the contract agreement dated December 22, 1987 .

NOW, THEREFORE, BE IT RESOLVED that the Downtown waterline strengthening
project

be accepted from said contractor, TDW Construction, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$194,791.90 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 14th day of June,
1988, by Councilmember Muratore, who moved its adoption, which
motion being duly seconded by Councilmember Sutton, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Acting Mayor McGrath

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-448

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF LOBBY MASTER READER BOARDS FROM SILENT SOUND SYSTEMS, INC.

WHEREAS, the Parks and Recreation Department, Centre Plaza Division, is requesting the purchase of two Lobby Master reader boards to be used in the main lobby of the Centre Plaza; and

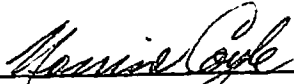
WHEREAS, Silent Sound Systems, Inc. of Grand Rapids, Michigan is the only manufacturer known to manufacture and market the Lobby Master reader boards.

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

BE IT FURTHER RESOLVED that purchase of lobby master reader boards from Silent Sound Systems, Inc., for the total price of \$18,259, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1988, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Sutton, Acting Mayor McGrath
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Whiteside

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-449

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ANTONIO T. AND MARY LOU ANDRADE FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 903 MARTIN LUTHER KING DRIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Antonio T. and Mary Lou Andrade for water service to property outside City limits at 903 Martin Luther King Drive, located on the west side of Martin Luther King Drive between California Avenue and Briggs 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 14th day of June, 1988, by Councilmember Muratore who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Sutton; Acting Mayor McGrath
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-450

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KENNETH H. AND MARGARETA HEADRICK, AND EUGENE A. AND KATHLEEN HEADRICK FOR WATER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 1048 LONE PALM AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kenneth H. and Margareta Headrick, and Eugene A. and Kathleen Headrick for water service to property outside the City limits at 1048 Lone Palm Avenue, located on the east side of Lone Palm between Emerald Avenue and Kansas 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 14th day of June, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Sutton, Acting Mayor McGrath
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-451

A RESOLUTION GRANTING THE APPEAL OF MID-VALLEY ENGINEERING ON BEHALF OF BERBERIAN TRUST PROPERTIES TO THE DECISION OF THE BOARD OF ZONING ADJUSTMENT REQUIRING A RECIPROCAL ACCESSWAY AGREEMENT FOR A PARKING ADDITION TO AN OFFICE BUILDING IN THE P-O ZONE LOCATED AT THE NORTHWEST CORNER OF COFFEE ROAD AND SYLVAN AVENUE.

WHEREAS, Mid-Valley Engineering has applied for approval of additional off-street parking in the Professional Office Zone, P-0, located at the northwest corner of Coffee Road and Sylvan Avenue, and

WHEREAS, Section 10-1.202 of the Modesto Municipal Code authorizes the Board of Zoning Adjustment to grant revised plot plan approval subject to the specifications of Article 27 of the Modesto Municipal Code, and

WHEREAS, the revised plot plan for the project was reviewed by the Board of Zoning Adjustment at its meeting on May 26, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in accordance with Article 27 of the Modesto Municipal Code, and

WHEREAS, at said meeting the Board of Zoning Adjustment, by Resolution No. 1354, approved the revised plot plan for said parking additions in conjunction with an existing office building subject to the following conditions:

1. All development shall be in accordance with the plans titled "Amended Site Plan for a Professional Office Center - Haig Berberian" as amended in red on its face, stamped approved by the Board of Zoning Adjustment and on file in the office of the Planning and Community Development Director.
2. All conditions of Board of Zoning Adjustment Resolution No. 866, adopted on June 28, 1979, not in conflict with the above shall remain in full force and effect.
3. The applicant shall execute, in a form approved by the City

Attorney, a reciprocal accessway agreement, prior to the issuance of a building/paving permit, for the benefit of property adjoining to the north, as shown in red on the approved plan, which accessway agreement shall become effective only in the event that a traffic median is required at the intersection of Coffee Road and Sylvan Avenue.

and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment was filed with the City Council of the City of Modesto by Mid-Valley Engineering on behalf of Berberian Trust Properties, by a letter dated June 1, 1988, to appeal the Board of Zoning Adjustment's requirement of an accessway agreement for the benefit of property adjoining to the north, and

WHEREAS, said appeal was set for hearing before the City Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on June 21, 1988, at 4:00 p.m., and

WHEREAS, the City Council, at said hearing, after hearing evidence both oral and documentary, found and determined that no reciprocal accessway agreement should be required, and the decision of the Board of Zoning Adjustment should be overruled, for the following reason:

1. The accessway at the far corner of the site is not needed due to the adequacy of on-site parking and internal circulation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Mid-Valley Engineering on behalf of Berberian Trust Properties to the decision of the Board of Zoning Adjustment requiring a reciprocal accessway agreement for the benefit of property adjoining to the north, said property located in the Professional Office Zone, P-0, located at

the northwest corner of Coffee Road and Sylvan Avenue, should be granted for the reason set forth above, and that the decision of the Board of Zoning Adjustment should be overruled.

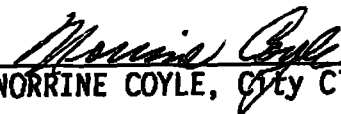
BE IT FURTHER RESOLVED that Condition No. 3 of the Board of Zoning Adjustment Resolution No. 1354 be deleted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1988, 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: Lang, Muratore, Sutton, Mayor Whiteside

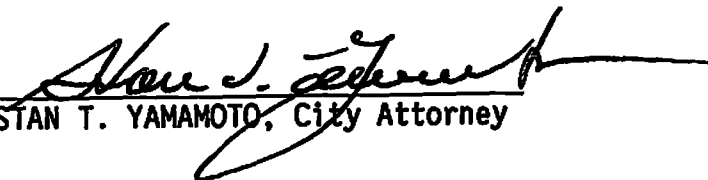
NOES: Councilmembers: Irizarry, McGrath, Patterson

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-452

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR DOCUMENTS
AND TRANSCRIPTS OBTAINED FROM THE CITY OF MODESTO.

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

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

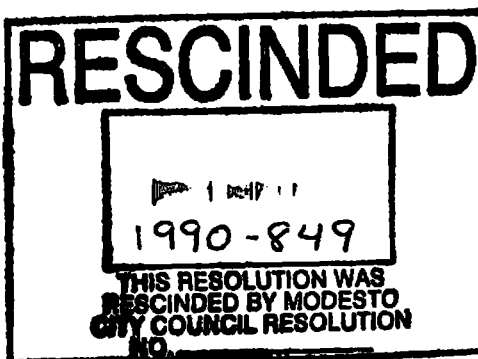
WHEREAS, the Council has determined that some of said fees and
charges need to be restated,

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

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

SECTION 2. No fees or charges shall be charged to governmental
agencies which obtain documents, transcripts, etc.

SECTION 3. Resolution No. 82-192 is hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of June, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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

<u>Title/Description</u>	<u>Fee/Unit</u>
A. City Clerk	
1. Modesto Municipal Code*	
a. Municipal Code (without binder)	\$75.00/ea
b. Municipal Code binder	8.80/ea
c. Continuing Code service, per year	67.80/yr
d. Individual Subjects/Titles/Articles:	
1. Business, Professions & Trades	2.90/ea
2. CATV	2.15/ea
3. Charter	2.90/ea
4. Health	2.40/ea
5. Planning & Zoning	12.80/ea
6. Public Utilities	3.90/ea
7. Public Works	2.90/ea
8. Sales, Use & Admissions Tax	3.70/ea
9. Sign Regulations	2.90/ea
10. Subdivision of Land	3.40/ea
e. Individual Code pages (The City Clerk is authorized to not charge persons requesting a small number of individual Code pages.)	.35
2. City Council Agendas or Minutes	50.00/ea/yr
3. Request to Continue Public Hearings Concerning Rezoning, Prezoning, Conditional Use Permit, Unclassified Use Permit or Variance	15.00
B. General Reproduction	
1. Copies of any Official City Documents (other than maps or prints)	
a. First Copy	.25/page
b. Additional copies (FPPC regulation sets 10¢ each for copies of Economic Interest and campaign statements)	.10/page
C. Transcripts	Actual Cost Plus Indirect Costs

*These fees exclude postage and handling which may be added if mailing is required.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-453

A RESOLUTION ACCEPTING THE BID OF AMERICAN ENGINEERING LABORATORIES, INC. FOR FURNISHING COMPACTION, AGGREGATE, AND CONCRETE TESTING SERVICES

WHEREAS, Resolution No. 88-324, adopted by the Council of the City of Modesto on May 3, 1988, approved the plans and specifications for the purchase of compaction, aggregate, and concrete testing services and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing compaction, aggregate, and concrete testing services were opened at 3:00 p.m. on June 7, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of American Engineering Laboratories, Inc. in the amount of \$5,605 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of American Engineering Laboratories, Inc. in the amount of \$5,605 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 June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-454

A RESOLUTION ACCEPTING THE BID OF SERVICE MANUFACTURING COMPANY FOR FURNISHING ONE TRUCK WITH AERIAL LIFT TOWER

WHEREAS, Resolution No.88-304, adopted by the Council of the City of Modesto on April 26, 1988, approved the plans and specifications for the purchase of one truck with aerial lift tower and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one truck with aerial lift tower were opened at 3:10 p.m. on May 24, 1988, 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 Service Manufacturing Company in the amount of \$65,678 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Service Manufacturing Company in the amount of \$65,678 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 June, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-455

A RESOLUTION ACCEPTING THE BID OF AMERICAN SIGMA FOR FURNISHING EIGHT AUTOMATIC WATER SAMPLERS

WHEREAS, Resolution No.88-344, adopted by the Council of the City of Modesto on May 10, 1988, approved the plans and specifications for the purchase of eight automatic water samplers and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of eight automatic water samplers were opened at 3:10 p.m. on June 7, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of American Sigma in the amount of \$19,782.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of American Sigma in the amount of \$19,782.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-456

A RESOLUTION ACCEPTING THE BID OF EL CAMINO CROP SUPPLY INC. FOR FURNISHING FERTILIZER

WHEREAS, Resolution No.88-370, adopted by the Council of the City of Modesto on May 17, 1988, approved the plans and specifications for the purchase of fertilizer

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of fertilizer were opened at 3:20 p.m. on June 7, 1988, 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 El Camino Crop Supply Inc. in the amount of \$11,103.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of El Camino Crop Supply Inc. in the amount of \$11,103.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING A PURCHASE ORDER TO CONCO WEST, INC. FOR LEVEE REPAIR WORK AT THE SECONDARY TREATMENT AND DISPOSAL FACILITY

WHEREAS, a break in the levee at the remote pond site has resulted in several thousand cubic yards of soil being washed into the drainage ditch which separates the ponds from the adjacent City-owned farmland; and

WHEREAS, it is necessary to repair the levee as soon as possible because the Drainage Pump Station is inoperable due to the material deposited in the drainage ditch, and if not remedied quickly, will impact the Treatment Facilities' ability to handle the higher flows during the canning season; and

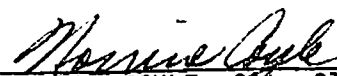
WHEREAS, two bids were received to repair the levee and remove the deposited material from the drain ditch, with Conco-West, Inc. submitting the lower bid.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the levee repair work at the Secondary Treatment and Disposal Facility is hereby waived.

BE IT FURTHER RESOLVED that a purchase order to Conco West, Inc. for levee repair work at the Secondary Treatment and Disposal Facility in the amount of \$37,200, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-458

A RESOLUTION AUTHORIZING ISSUANCE OF A PURCHASE ORDER TO CAPITAL ENGINEERING CONSULTANTS, INC. TO PROVIDE PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF THE REPLACEMENT BOILER FOR DIGESTER NO. 1 AT THE WATER QUALITY CONTROL PLANT

WHEREAS, the current year budget includes the replacement of Digester No. 1 boiler; and

WHEREAS, the next step in replacing the Digester No. 1 boiler is the mechanical engineering construction plans and specifications that will size the piping, pumps and locate the pipe runs; and

WHEREAS, a proposal was solicited from Capital Engineering Consultants, Inc. for this work.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Finance is hereby authorized to issue a purchase order to Capital Engineering Consultants, Inc. in the amount of \$6,000.00, to provide plans and specifications for the installation of the replacement boiler for Digester No. 1 at the Water Quality Control Plant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-459

A RESOLUTION ACCEPTING THE COMMERCIAL ALLEY PAVING PROJECT NO. 5 AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the commercial alley paving Project No. 5

has been completed by Western Stone Products
in accordance with the contract agreement dated September 22, 1987 .

NOW, THEREFORE, BE IT RESOLVED that the commercial alley paving
Project No. 5

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 \$37,171.00 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 21st day of June,
1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-460

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE 1988 STREET OVERLAYS

WHEREAS, Resolution No. 88-367, adopted by the Council of the City of Modesto on May 17, 1988, approved the plans and specifications for the 1988 street overlays

and authorized the calling for bids; and

WHEREAS, the bids received for the 1988 street overlays

were opened at 11:05 a.m. on June 7, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of George Reed, Inc. in the amount of \$251,929.35 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 \$251,929.35 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 June, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-461

A RESOLUTION ACCEPTING THE BOY SCOUT CLUBHOUSE RESTROOM IN ENSLEN PARK AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the Boy Scout Clubhouse restroom in Enslan Park

has been completed by Tamraz Monnachie
in accordance with the contract agreement dated September 8, 1987 .

NOW, THEREFORE, BE IT RESOLVED that the Boy Scout Clubhouse restroom
in Enslan Park

be accepted from said contractor, Tamraz Monnachie ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$26,800 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 21st day of June,
1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-462

A RESOLUTION APPROVING A GRANT OFFER FROM THE FEDERAL AVIATION ADMINISTRATION
FOR THE UPDATE OF THE AIRPORT MASTER PLAN

WHEREAS, the 1987/88 Airport Capital Improvement Program included the update of the Airport Master Plan; and

WHEREAS, the grant offer offer from the Federal Aviation Administration is for \$45,000 to complete the update of the Airport Master Plan, of which the Federal Aviation Administration (FAA) will fund \$45,000 (90%) and the City \$5,000 (10%).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the grant offer from the Federal Aviation Administration for the update of the Airport Master Plan is hereby approved, and the execution and submittal of said grant offer 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 21st day of June, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-463

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FARRELL JENKINS FOR PREPARING, DEVELOPING, AND PRODUCING A COMPLETED FIRE/LIFE SAFETY MASTER PLAN WITH ASSOCIATED ADMINISTRATIVE ANALYTICAL DOCUMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Farrell Jenkins for preparing, developing, and producing a completed fire/life safety master plan with associated administrative analytical documents

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 June, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-464

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF STURGIS, NESS, BRUNSELL AND SPERRY AS BOND COUNSEL FOR PUBLIC FACILITIES DISTRICT NO. 6

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the law firm of Sturgis, Ness, Brunsell and Sperry as Bond Counsel for Public Facilities District No. 6

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-465

A RESOLUTION APPROVING THE FINAL MAP OF THE WESTRIDGE
NO. 6 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Zagaris Management Services, Inc. is possessed of a tract
of land situate in the City of Modesto, County of Stanislaus, consisting of
7.46 acres, known as the Westridge No. 6 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City
Planning Commission on the 5th day of January, 1987, 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 Westridge No. 6 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of June, 1988, by Councilmember Sutton, 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: Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

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. 88-466

A RESOLUTION APPROVING THE FINAL MAP OF THE COBBLESTONE
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Central Bank is possessed of a tract of land situate in the
City of Modesto, County of Stanislaus, consisting of 16.640 acres, known as
the Cobblestone Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City
Council on the 7th day of July, 1987, 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 Cobblestone 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-467

A RESOLUTION APPROVING THE FINAL MAP OF THE PARKER RANCH
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Guarantee Financial Services, a California corporation is
possessed of a tract of land situate in the City of Modesto, County of
Stanislaus, consisting of 5.991 acres, known as the Parker Ranch Subdivision,
and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 1st day of June, 1987, 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 Parker Ranch 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 21 day of June, 1987, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-468

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
GUARANTEE FINANCIAL SERVICES, FOR STREET IMPROVEMENTS ON PARKER ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Guarantee Financial
Services, to reimbursement them for construction costs of street improvements on
Parker Road, adjacent to Parker Ranch 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 21st day of
June, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by Council-
member Irizarry, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-469

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD LAWRIE, FOR REIMBURSEMENT OF STREET IMPROVEMENTS ON PARKER ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Donald Lawrie, to reimbursement him for construction costs of street improvements on Parker Road, adjacent to Songbird Meadows 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 21st day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrire Coyle
NORRIRE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-470

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
GUS J. PAPTONE FOR THE LEASE OF THE ROSELLE NEIGHBORHOOD PARK SITE

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

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 21st day of
June, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by Council-
member Irizarry, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-471

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD H. AND MARGARET D. SCOTT FOR THE LEASE OF TWO PROPERTIES IN DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Donald H. and Margaret D. Scott for the lease of two properties in Dry Creek Park

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-472

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
VIRGINIA TORRES FOR LEASE OF CITY-OWNED PROPERTY AT 117 ELM STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Virginia Torres for
a month-to-month lease of City-owned property at 117 Elm 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 21st day of
June, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by Council-
member Irizarry, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-473

A RESOLUTION AMENDING MODESTO CITY COUNCIL RESOLUTION NO. 88-423, WHICH APPROVED THE STREET NAME CHANGE OF ISABEL DRIVE TO KINGSWOOD DRIVE IN THE CITY OF MODESTO, TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, on June 7, 1988, the City Council adopted Resolution No. 88-423 which approved the street name change of Isabel Drive to Kingswood Drive in the City of Modesto, and

WHEREAS, at that time the City Council did not establish the effective date of the name change in order to respond to concerns expressed by the property owners and residents affected by the name change and the Council directed City staff to work with said property owners and residents to establish an agreeable effective date, and

WHEREAS, a report dated June 15, 1988 was submitted to the City Council from the Planning and Community Development Director wherein the Director indicated that said property owners and residents contacted City staff and requested 90 days or three months before the street name change would become effective, and

WHEREAS, said report further indicated that City staff would need a minimum of 60 days to allow the Parking, Traffic and Transportation Department adequate time to order and install new street name signs, and

WHEREAS, said report further indicated that the three month period from June 21, 1988, the date that this matter was considered by the Council, would make the effective date of said street name change to be September 19, 1988,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 88-423 entitled "A Resolution Changing the Name of Isabel Drive to Kingswood Drive in the City of Modesto" is hereby amended to provide that September 19, 1988 is the effective date of the street name change.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 88-423 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 21st day of June, 1988, by Councilmember Sutton, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-474

A RESOLUTION SUPPORTING LEGISLATION TO CREATE AN AUTHORITY
TO PLACE ON THE BALLOT A ONE-HALF CENT SALES TAX MEASURE
TO FINANCE PUBLIC SAFETY, LIBRARY SERVICES AND OTHER
RELATED NEEDS

WHEREAS, AB999 was signed into law in 1987 allowing counties to levy
a one-half cent sales tax, and

WHEREAS, current law allows for a majority vote on a general purpose
tax but requires a two-thirds vote on a special tax, and

WHEREAS, the County of Stanislaus and the cities within the county
have been working cooperatively towards agreement on a one-half cent sales tax
ballot measure, and

WHEREAS, these public agencies have identified several areas of need
for revenue from this sales tax, and

WHEREAS, these public agencies would benefit by specifying areas of
need within a ballot measure and would also benefit by the need for a majority
only vote, and

WHEREAS, specific state legislation has been passed in similar
situations,

NOW, THEREFORE, BE IT RESOLVED that the Modesto City Council
supports the concept of State legislation to enable Stanislaus County and the
local cities of Stanislaus County to create an authority to place a one-half
cent sales tax measure on the ballot to finance public safety, library
services, traffic improvements and other related needs.

BE IT FURTHER RESOLVED that the Modesto City Council requests our
legislative delegation to introduce such legislation.

BE IT FURTHER RESOLVED that City staff work closely with Stanislaus County and the legislation delegation in shaping the wording of the final bill.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside

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. 88-475

A RESOLUTION ACCEPTING THE BID OF SCHEIDT, HAYDON & HALL, INC. FOR THE ENCASEMENT OF WATERLINES ON MCHENRY AVENUE AND MORTON BOULEVARD

WHEREAS, Resolution No.88-410, adopted by the Council of the City of Modesto on June 7, 1988, approved the plans and specifications for the encasement of waterlines on McHenry Avenue and Morton Boulevard and authorized the calling for bids; and

WHEREAS, the bids received for the encasement of waterlines on McHenry Avenue and Morton Boulevard were opened at 11:05 a.m. on June 21, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Scheidt, Haydon & Hall, Inc. in the amount of \$32,235 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Scheidt, Haydon & Hall, Inc. in the amount of \$32,235 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-476

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE LEASE OF AN AERIAL TOWER TRUCK FROM PAC-POWER, INC.

WHEREAS, the Parks and Recreation Department has requested the lease of an aerial tower truck for a four month period to be used primarily to maintain the pruning cycle of the mature trees throughout the City; and

WHEREAS, Pac-Power, Inc. of Dixon, Ca. is the Northern California dealership for this equipment.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the lease of an aerial tower truck is hereby waived.

BE IT FURTHER RESOLVED that the lease of an aerial tower truck from Pac-Power, Inc. for the total amount of \$11,900, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-477

A RESOLUTION AMENDING THE 1987-88 ANNUAL BUDGET OF THE CITY OF MODESTO TO REVISE THE AIRPORT CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, it has been determined that certain adjustments are required to the 1987-88 Annual Budget of the City of Modesto in order to revise the 1987-88 Airport Capital Improvement Program. Changes in FAA funding, Federal Aviation Regulations, and in engineering conclusions necessitate these adjustments,

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 1987-88:

SPECIAL AVIATION FUND (632)

<u>Fund/Agy/Org/Object Expenditures</u>	<u>Description</u>	<u>Increase (Decrease)</u>
632/480/G025/6000	Fly-in Access to TRRP	\$(173,422)
632/480/G956/6000	Terminal Vehicle Parking Lot Expansion	(35,100)
632/480/G248/6000	Taxiway Holding Signs	32,500
632/480/G249/6000	Taxiway #2 Drainage	86,200
632/800/8000/8003	Contingency Reserve	4,952
 <u>Revenues</u>		
632/510/9510/3613	FAA Capital Grants	84,870

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

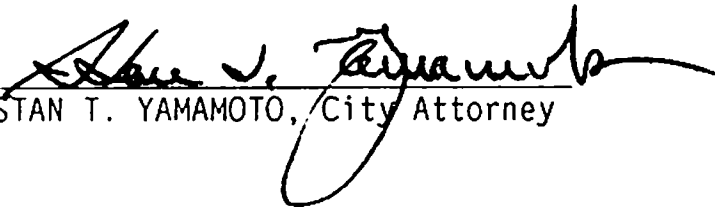
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-478

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A PREAPPLICATION FOR A FEDERAL GRANT FOR MODESTO CITY-COUNTY AIRPORT FOR PROJECTS INVOLVING THE EXPANSION OF AIRLINE PASSENGER TERMINAL, INSTALLATION OF TAXIWAY HOLDING SIGNS, CONSTRUCTION OF TAXIWAY "E", INSTALLATION OF DISTANCE MARKERS ON RUNWAY 28R/10L, AND DRAINAGE FOR TAXIWAY #2

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 for projects at the Modesto City-County Airport involving the expansion of airline passenger terminal, installation of taxiway holding signs, construction of taxiway "E", installation of distance markers on Runway 28R/10L, and drainage for Taxiway #2, and in the amount of \$338,914 be, and hereby is approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1988, by Councilmember McGrath , 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-479

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE NEIGHBORHOOD PARK MASTER PLAN FOR MILDRED PERKINS NEIGHBORHOOD PARK.

WHEREAS, on June 28, 1988 the City Council by motion approved the master plan for Mildred Perkins Neighborhood Park, 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 master plan relating to the Mildred Perkins 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 June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, 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. 88-480

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE NEIGHBORHOOD PARK MASTER PLAN FOR MC KINNEY COLONY NEIGHBORHOOD PARK.

WHEREAS, on June 28, 1988 the City Council by motion approved the master plan for McKinney Colony Neighborhood Park, 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 master plan relating to the McKinney Colony 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 June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-481

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ARAMBEL AND ROSE TO PROVIDE FOR REIMBURSEMENT OF INSTALLATION OF STORM DRAIN TRUNK FACILITIES AT THE CAPE COD ESTATES NO. 7 SUBDIVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Arambel and Rose to provide for reimbursement of installation of storm drain trunk facilities at the Cape Cod Estates No. 7 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 28th day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-482

A RESOLUTION APPROVING THE FINAL MAP OF THE SPENCER
PLAZA
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, JAED ENTERPRISES, INC.

is (are) possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 2.538 acres, known as the SPENCER
PLAZA Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 1st day of June, 1987, 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 SPENCER 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,

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 28 day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-483

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
EDDIE AND MARYANN BOLDEN FOR SEWER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS
AT 712 SPENCER AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Eddie and MaryAnn
Bolden for sewer service to property outside the City limits at 712 Spencer
Avenue, located on the east side of Spencer between California and Truman Avenues
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
June, 1988, by Councilmember Lang
who moved its adoption, which motion being duly seconded by Council-
member Muratore, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-484

A RESOLUTION ACCEPTING A SUPPLEMENTAL FEDERAL GRANT OFFER FOR THE WATER QUALITY CONTROL TREATMENT PLANT IMPROVEMENT PROJECT (UNIT 2 AND UNIT 3)

WHEREAS, on August 21, 1984, City Council accepted a Federal Construction Grant for the Unit 2 and Unit 3 project, covering the federal portion of the cost of construction of the City of Modesto's Water Quality Control Plant Improvement Project; and

WHEREAS, on January 13, 1987, the City Council accepted an amended Federal Grant offer covering the federal portion of the cost of construction of the Unit 2 and 3 projects; and

WHEREAS, the Environmental Protection Agency has offered a Supplemental Federal Grant offer in the amount of \$285,787 covering the 1987-88 fiscal year, which provides additional federal funds for the Wastewater Treatment Plant Improvement Project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Supplemental Federal Grant offer in the amount of \$285,787, for the federal portion of the cost of construction of the Unit 2 and 3 projects of the City of Modesto's Water Quality Control Plant Improvement and Disposal Facilities project, and authorizes the City Manager to execute the Supplemental Grant offer 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 28th day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-485

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE STATE OF CALIFORNIA FOR THE SUPPRESSION OF DRUG ABUSE IN SCHOOLS PROGRAM.

WHEREAS, the City of Modesto, applicant, desires to undertake a certain project designated Suppression of Drug Abuse in Schools Program, to be funded in part from funds made available through the Suppression of Drug Abuse in Schools Program (DSP), 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, City of Modesto, agrees to provide all matching funds required for the project (including any amendments thereof) under the Suppression of Drug Abuse in Schools Program and the funding terms and conditions of OCJP and that the cash match will be appropriated as required thereby.

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 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 28th day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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

OFFICE OF CRIMINAL JUSTICE PLANNING
GRANT PROPOSAL/AWARD FACE SHEET

The Office of Criminal Justice Planning, hereinafter designated "OCJP," hereby makes a grant award of funds to (1) City of Modesto, hereafter designated Grantee, in the amount and for the purpose and duration set forth in this grant award.

3) Project Title
SUPPRESSION OF DRUG ABUSE IN SCHOOLS

(6) Award No.

4) Project Director
Gerald McKinsey, Chief of Police
Modesto Police Department
P.O. Box 3313
Modesto, CA 95353 (209) 572-9503

(7) Grant Period
October 1, 1988 - September 30, 1989

(8) Federal Amount

5) Financial Officer
Pete Kolf, Director of Finance
City of Modesto - City Hall
P.O. Box 642
Modesto, CA 95353 (209) 577-5370

(9) State Amount
\$82,500.00

(10) Cash Match
\$27,500.00

(11) In-Kind Match

(12) Total Project Cost
\$110,000.00

This grant award consists of this title page, the proposal for the grant which is attached and made a part hereof, and the Assurance of Compliance form which is attached. The grant recipient signifies acceptance of this grant award and agrees to administer the grant project in accordance with the statute(s), Program Guidelines, and this Request-for-Proposals (RFP).

FOR OCJP USE ONLY

Item:

Chapter:

CA No:

Program No.:

Project No:

Amount:

Split Fund:

Split Encumber:

Year:

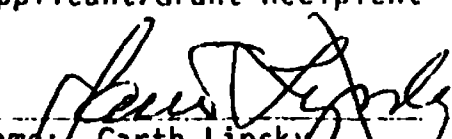
Match Requirement:

Fund:

Program:

Region:

(13) Official Authorized to Sign for Applicant/Grant Recipient


Name: Garth Lipsky
Title: City Manager, City of Modesto
Address: City Hall, 801 11th Street
P. O. Box 642, Modesto, CA 95353
Telephone: (209) 577-5273
Date:

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purposes of this expenditure stated above.

Fiscal Officer, OCJP

Date

Executive Director, OCJP

Date

APPROVED AS TO FORM

CERTIFICATION OF
SUPPRESSION OF DRUG ABUSE IN SCHOOLS
LOCAL ADVISORY COMMITTEE

COMMITTEE AND ORGANIZATION MEMBERSHIP

The Board of Supervisors established Local Suppression of Drug Abuse in Schools Advisory
Committee on _____
(Date)

List the name of representatives of: SEE ATTACHED LIST

- A. Local law enforcement personnel
- B. School district personnel
- C. School site staff
- D. Parents
- E. Students
- F. School Peace Officer*
- G. County Drug Program Administrator
- H. Drug Prevention Program

* Note: Specify if the county has no school peace officers. In such cases, the
appointment of school security personnel to the committee satisfies this
requirement.

I, Sharon L. Rohrke, chair of the Modesto City Schools District/Community
Substance Abuse Prevention Task Force, certify that this application, jointly
submitted by Modesto City school district and Modesto Police Department law
enforcement agency(ies) has been reviewed and approved by this committee on
May 5, 1988
(date)

 June 28, 1988
(Signed) (date)

Assistant Superintendent, Administrative Services
(Title)

Modesto City Schools

426 Locust Street, Modesto, CA 95351
(Address)

MODESTO CITY SCHOOLS

DISTRICT/COMMUNITY SUBSTANCE ABUSE PREVENTION TASK FORCE

MODESTO CITY SCHOOLS 426 Locust Street Modesto, CA 95153	Paul Neumann Donna Thayer Avel Hedberg Erin Highy Sharon Rolrke	Board of Education Board of Education Board of Education Board of Education Student Rep. Assistant Superintendent Administrative Services	STANISLAUS UNION SCHOOL DISTRICT 225 Cornell Avenue Modesto, CA 95150	Judi Luna, Board Member
	Delbert Rydquist	Assistant Superintendent Educational Services	SULLY UNION SCHOOL DISTRICT 3155 Hapler Drive Modesto, CA 95150	Shirley Teale, Board Member
	Jim Nicholas Chuck Vidal Kathryn Weiner Fran Trout Shirley Yager	Director, Educational Services Director, Alternative Programs Supervisor, Special Education Supervisor, Vocational Programs Supervisor, Child Welfare and Attendance	MODESTO POLICE DEPARTMENT 631 - 11th Street Modesto, CA 95154	Sgt. David Young Officer Dan Inderbitzen
	John Bryon	Attendance/Community Resource Assistance, CMA	MODESTO JUNIOR COLLEGE 425 College Avenue Modesto, CA 95150	Juan Alvarez, Dean
	Francisca Sanchez Ann Beckman Judy Spencer Carol Quinlan Tim Iweedle Chris Flores Cameron McClune Bruce Urban Chuck Darr Hayris Baddell Tony Ramos Hendell Chun Tina Bell Amy Gohring James Thrasher	Coord., Bilingual Ed./ESL Prog. Coordinator, GATE Preformal Program Specialist Public Information Specialist Principal, Davis H.S. Principal, Beyer H.S. Principal, Roosevelt Jr. H.S. Principal, La Loua Jr. H.S. Principal, Mark Twain Jr. H.S. Principal, Sonoma Elementary Principal, Shackelford Elem. School Nurse MIA Representative MIS	MODESTO CHAMBER OF COMMERCE 1214 J Street Modesto, CA 95154	John Joplin
STANISLAUS COUNTY DEPARTMENT OF EDUCATION 801 County Center III Ct. Modesto, CA 95355	Diane Kirkpatrick	Coordinator	MODESTO CITY HOSPITAL 200 - 17th Street Modesto, CA 95354	Patrick Stoppel Debbi Halley
STANISLAUS COUNTY CENTER FOR HUMAN SERVICES 1700 McHenry Village Way #11B Modesto, CA 95350	Linda Kovacs	Executive Director	RECOVERY RESOURCES 1245 Memorial Drive Leres, CA 95307	Steven Evert
STANISLAUS COUNTY DEPARTMENT OF MENTAL HEALTH 800 Scenic Drive Modesto, CA 95350	Robert Allaire Larry Meade	Clinical Services Manager Education, Prevention & Community Services Clinical Services Manager Outpatient Services	FAMILY SERVICE AGENCY 122 - 14th Street Modesto, CA 95354	George Hlatt
STANISLAUS COUNTY PROBATION DEPARTMENT 2215 Blue Gum Avenue Modesto, CA 95351	Robert Horem	Chief Probation Officer	MODESTO COUNCIL PTA 1731 Turquoise Drive Modesto, CA 95355	Sue Praytor
STANISLAUS COUNTY DRUG ENFORCEMENT UNIT P.O. Box 3484 Modesto, CA 95350	Lt. Burl Condit Jerry Matt	Field Supervisor	AMERICAN GI FORUM 1205 - 15th St. Modesto, CA 95354	Ernie Garcia
STANISLAUS COUNTY PUBLIC HEALTH, FAMILY PLANNING 1700 McHenry Village Way #1 Modesto, CA 95350	Judy Erickson Cleopatia Moore		MODESTO MINISTERIAL ASSOCIATION First Baptist Church 400 Meedham Modesto, CA 95354	Rev. Bill Stewart
SCENIC FAMILY PRACTICE RESIDENCY PROGRAM 800 Scenic Drive Modesto, CA 95350	Dr. Marlene Cohen		MODESTO AREA YOUTH FOR CHRIST P.O. Box 335 Modesto, CA 95353	Marty Villa
King Kennedy Memorial Center 601 N. Martin Luther King Dr. Modesto, CA 95351	Rev. Monroe Taylor		MODESTO PSYCHIATRIC CENTER 1500 Sycamore Road Modesto, CA 95355	Nick Poulos Kathleen Madigan
			KIDS ON THE BLOCK P.O. Box 6424 Modesto, CA 95355	Mary Ellen Pankratz
			MUJERES LATINAS DE STANISLAUS 1207 Melrose Avenue Modesto, CA 95351	Florence Fernandez
			MINORITY COALITION	Miguel Uonoso
			HISPANIC CHAMBER OF COMMERCE	Mike Garcia
			PARENTS: Charlie Fuentes Sharon Imburg Joyce Rule	

By signing the Grant Proposal/Award Face Sheet and submitting the proposal to the Office of Criminal Justice Planning, the applicant acknowledges awareness of and the responsibility to comply with the following:

Title V, Section 504 of the Rehabilitation Act of 1973 and federal department regulations on its implementation.

As a recipient of federal funds, the state of California is required to comply with Title V, section 504, of the federal Rehabilitation Act of 1973 and those regulations of federal departments on its implementation. Section 504 and federal department regulations mandate that all qualified people with disabilities will not be excluded from, denied benefits of, or discriminated against solely on the basis of their disabilities, under any program or activity that receives federal financial assistance.

California Government Code, Article 9.5, Sections 11135-11139.5

These sections mandate comprehensive state civil rights regulations that prohibit discrimination or denial of benefits to persons in the state of California who are under programs or activities that are funded by or receive financial assistance from the state. Discrimination and denial of benefits are prohibited on the bases of ethnic group identification, religion, age, sex, sexual preference or physical or mental disability.

California Administrative Code, Title 22, Sections 98000-98413.

These sections implement California Government Code sections 11135-11139.5 and establish standards for determining who is protected and guidelines for determining what practices are discriminatory.

Federal and state agencies have the legal right to seek enforcement of the above items of this assurance of compliance.

The assurance is effective as of the date of the proposal and throughout the period during which federal or state funding is extended or during the period of time in which real or personal property, purchased with grant or matching funds, is used after the grant ends.

ENVIRONMENTAL IMPACT STATEMENT (NEGATIVE DECLARATION)

California Administrative Code Sections 15080-15082

In accordance with the procedures for the preparation of environmental impact statements, an environmental assessment must be performed on the proposed project.

Providing the assessment process does not indicate a significant environmental impact from the proposed project, and the project will not involve any of the following, an environmental impact statement is not required:

- a. New construction;
- b. The renovation or modification of a facility leading to an increased occupancy of more than 25 persons;
- c. The implementation of programs involving the use of pesticides and other harmful chemicals;
- d. The implementation of programs involving microwaves or radiation; or
- e. Research and technology, the anticipated or intended future application of which could be expected to have a potential effect on the environment.

An environmental impact appraisal, which summarizes the assessment and the reasons why a statement is not required, must be on file and available for OCJP or public scrutiny upon request.

PROJECT SERVICE AREA INFORMATION

1. U.S. CONGRESSIONAL DISTRICT(S):

15th Congressional District

2. STATE SENATE DISTRICT(S):

12th State Senate District

3. STATE ASSEMBLY DISTRICT(S):

27th State Assembly District

4. COUNTY OF COUNTIES SERVED:

Stanislaus County

5. POPULATION OF SERVICE AREA:

142,742*

*Estimate of City of Modesto Department of Planning and Community Development - January 1, 1988.

PROJECT CONTACT INFORMATION

Applicant: City of Modesto and Modesto City Schools

Implementing Agency: City of Modesto
(if applicable)

Project Title: Suppression of Drug Abuse in Schools

Grant Number: _____
(to be added by OCJP)

Provide the name, title, address and telephone number for the project contact persons named below. If a section does not apply to your project, enter "N/A".

1. The person having day-to-day responsibility for the project:

Name: Lt. Burl Condit, Stanislaus Drug Enforcement Agency
 Title: Lieutenant
 Address: Modesto Police Department
 601 11th Street, Modesto, CA 95353
 Telephone Number: (209) 525-6300

2. The Executive Director of a non profit organization or the Chief Executive Officer (e.g., Chief of Police) of the implementing agency:

Name: Gerald McKinsey
 Title: Chief of Police
 Address: Modesto Police Department
 601 11th Street, Modesto, CA 95353
 Telephone Number: (209) 572-9503

3. The Chair of the Governing Body of the implementing agency:

Name: Garth Lipsky
 Title: City Manager
 Address: Modesto City Hall
 801 11th Street, Modesto, CA 95353
 Telephone Number: (209) 577-5223

4. The person responsible for the project from the applicant agency:

Name: Gerald McKinsey
 Title: Chief of Police
 Address: Modesto Police Department
 601 11th Street, Modesto, CA 95353
 Telephone Number: (209) 572-9503

5. The Chair of the Governing Body of the applicant agency:

Name: N/A - See Above
 Title:
 Address:

Telephone Number: ()

MODESTO CITY COUNCIL
RESOLUTION NO. 88-485

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A
GRANT APPLICATION TO THE STATE OF CALIFORNIA FOR THE
SUPPRESSION OF DRUG ABUSE IN SCHOOLS PROGRAM.

WHEREAS, the City of Modesto, applicant, desires to undertake a certain project designated Suppression of Drug Abuse in Schools Program, to be funded in part from funds made available through the Suppression of Drug Abuse in Schools Program (DSP), 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, City of Modesto, agrees to provide all matching funds required for the project (including any amendments thereof) under the Suppression of Drug Abuse in Schools Program and the funding terms and conditions of OCJP and that the cash match will be appropriated as required thereby.

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 grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

INTERAGENCY AGREEMENT

The Modesto City Schools and the City of Modesto Police Department are jointly submitting the drug suppression project application to the Office of Criminal Justice Planning. This application has been approved by the Modesto City Schools Board of Education and the Modesto City Council. We agree that the administrative agent for the project shall be the City of Modesto Police Department.


James C. Enochs

Superintendent

(Title)

June 27, 1988

(Date)


G. L. McKinsey

Chief of Police

(Title)

June 29, 1988

(Date)

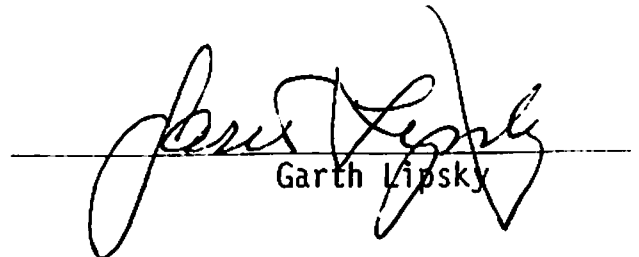

Steven Grenbeaux

President, Board of Education

(Title)

June 27, 1988

(Date)

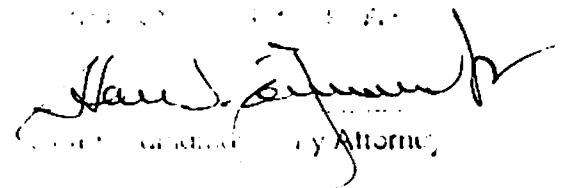

Garth Lipsky

Manager, City of Modesto

(Title)

June 29, 1988

(Date)


City Attorney

OFFICE OF CRIMINAL JUSTICE PLANNING

PROJECT SUMMARY

PROJECT TITLE

PROJECT
NUMBER

Suppression of Drug Abuse in Schools

APPLICANTS - Law Enforcement and School District

Name:
City of Modesto,
Police Department

Address:
601 - 11th Street
Modesto, CA 95353

Name:
Modesto City Schools

Address:
426 Locust Street
Modesto, CA 95351-2699

GRANT PERIOD

From:
10-01-88 to 09-30-89

FUNDS REQUESTED:

\$82,500

PROBLEM

Drug use among students in public schools in Modesto has consistently been higher than both statewide and national averages. A nationwide survey in 1984 included seniors at area high schools. When comparing Stanislaus County with nationwide statistics, marijuana use is 16% higher locally, 44% more students have tried cocaine in this county, and although the percent of students locally having used alcohol is nearly the same as the average, heavy use (5 or more drinks in a row in the prior 2 weeks) here is 7% higher. A 1985 survey of professionals estimated that one-third of their clients abused illegal drugs and alcohol. Over one-half of the respondents listed their top choices for prevention efforts to be school drug programs. A local sampling this past winter of sixth and seventh grade students showed that with the exception of alcohol, the percent of students using drugs doubles from sixth to seventh grade. In addition, local prevalence rates were substantially higher than statewide. Recent undercover operations on local high school campuses resulted in the arrests of 56 student for sale of drugs. Students are, for the most part, buying drugs on campuses from student dealers. Informal surveys as a result of these operations have indicated that students want stricter enforcement, stiffer punishment, and improved treatment for drug users.

OFFICE OF CRIMINAL JUSTICE PLANNING
PROJECT SUMMARY

Form 3

OBJECTIVES

1. The Suppression of Drug Abuse in Schools Local Advisory Committee will meet monthly.
2. Arrests for possession of drugs on/near campuses will increase 100% and arrests for sales of drugs will increase 100%.
3. 2,500 high school students will participate in the course entitled "Here's Looking at You, 2000," 1,000 junior high students will participate in 13 weeks of "Project DARE," and 3,000 elementary students will participate in 5 weeks of Project DARE. Eight hours of inservice will be presented to 400 teachers, school counselors, etc.
4. Weekly parent education programs will be presented at each school, reaching 100 parents at each school (4,100 total) and workshops will be presented to reach at least 5% of the parents/guardians of high-risk students.
5. Project DARE and "Here's Looking at You, 2000" will be used to educate area students in drug abuse awareness and prevention. Eight police officers have received 80 hours of Project DARE training. Ten teachers will receive 8 hours of "Here's Looking at You, 2000" training. Four hours of inservice will be provided to 300 law enforcement officers.
6. One thousand students will be identified as high-risk or having chronic drug abuse problems, with 75% (750) referred through established intervention systems. In addition, 10% of the referred students (100) will make contact with a treatment agency.

ACTIVITIES

1. The Advisory Committee will meet monthly to review programs, pamphlets, and audiovisual aides for use in the schools.
2. The two undercover officers assigned to the program will work with law enforcement and school personnel to identify students and adults involved in use or sales of drugs, resulting in later arrests of these students and adults.
3. School personnel will be trained and will present "Here's Looking at You 2000," the Modesto Police Department's School Resource Officers will continue to present Project DARE, and officers from the Stanislaus Drug Enforcement Agency will develop and present inservices.
4. Stanislaus Drug Enforcement Agency personnel will develop and present parent education programs, and workshops will be coordinated with current counseling and diversion programs.
5. The five School Resource Officers will continue presentation of Project DARE, utilizing three alternative officers also trained to teach Project DARE as needed. Both the School Resource Officers and officers assigned to the Stanislaus Drug Enforcement Agency will coordinate training of local police officers and deputies.
6. School district personnel will identify high-risk students and students having chronic drug abuse problems and will refer these students to the School Attendance Review Board, the Alternative Education Center, and other intervention systems. Each student will be encouraged to make contact with a treatment agency; follow-up will monitor each student's progress. Student study teams will be established.

NAME OF RESPONSIBLE OFFICIAL

Typed Name: G. L. McKinsey, Chief of Police

Signature: *G. L. McKinsey*

Date: 6/29/88

OFFICE OF CRIMINAL JUSTICE PLANNING

PROJECT BUDGET

BUDGET CATEGORY AND LINE ITEM DETAIL	COST
A. Personnel Services - Salaries	
<p>Police Officer. \$3,046/month x 12 months equals \$36,552 each. Two (2) full-time police officers under the supervision of the Department's Lieutenant assigned as the Unit Supervisor of the Stanislaus Drug Enforcement Agency to provide drug traffic intervention. A job description is included as Appendix A.</p>	\$73,104
<p>Overtime (approximately 13.5% of salary or 1+ hours/day worked).</p>	\$10,000
CATEGORY TOTAL	\$83,104

OFFICE OF CRIMINAL JUSTICE PLANNING

PROJECT BUDGET

BUDGET CATEGORY AND LINE ITEM DETAIL			COST
B. Personnel Services - Benefits	%	Cost Each	
Police Officer Salary \$36,552 Annually (Sworn Personnel)			
Public Employees Retirement System	19.8	\$ 7,237	\$14,474
Long-Term Disability	.3	110	220
Workers' Compensation	2.8	1,023	2,046
Health, Life, and Dental Insurance	6.0	2,195	4,390
Unemployment Compensation	.1	37	74
Uniform Allowance*	<u>1.1</u>	<u>400</u>	<u>800</u>
Subtotal	31.0	\$11,002	\$22,004
*Negotiated with the City of Modesto			
CATEGORY TOTAL			\$22,004

OFFICE OF CRIMINAL JUSTICE PLANNING

PROJECT BUDGET

BUDGET CATEGORY AND LINE ITEM DETAIL	
C. Travel	COST
OCJP Training Session, Northern California 200 miles at 23¢* = \$ 46 2 days per diem at \$82 x 2 persons = \$328 Registration at \$100 x 2 persons = \$200	\$ 574
OCJP Training Session, Southern California Airfare #230.00 x 2 persons = \$460 2 days per diem at \$82 x 2 persons = \$328 Registration Fee - \$100 x 2 persons = \$200	\$ 988
*City of Modesto Mileage Allowance	
CATEGORY TOTAL	\$1,562

OFFICE OF CRIMINAL JUSTICE PLANNING

PROJECT BUDGET

BUDGET CATEGORY AND LINE ITEM DETAIL	
D. Consultant Services	COST
None Anticipated.	
CATEGORY TOTAL	-0-

OFFICE OF CRIMINAL JUSTICE PLANNING

PROJECT BUDGET

BUDGET CATEGORY AND LINE ITEM DETAIL			
E. Operating Expenses			COST
Drug Education, etc. material, to include pamphlets and audiovisuals to be reviewed by the Drug Suppression Advisory Committee.			\$ 3,330
CATEGORY TOTAL			\$ 3,330
16. PROJECT TOTAL			\$110,000
17. FUND DISTRIBUTION	FEDERAL	STATE	*LOCAL
a. Amount of Funds	(a)	(b) \$ 82,500	(c) \$ 27,500
b. Percentage of Funds		75%	25%

*City of Modesto \$ 13,750
 Modesto City School District \$ 13,750

SUMMARY OF PRIOR EXPERIENCE

PREVENTION

In September 1986 five Modesto police officers were chosen and assigned as School Resource Officers (SRO's). One SRO was assigned to each local junior high school and their feeder elementary schools. The main function of the School Resource Officers is presentation of Project DARE (Drug Abuse Resistance Education). Descriptions of this program are included as Appendix B. Each officer received 80 hours of training from the Los Angeles Police Department, learning the special techniques and lesson plans that make their Project DARE so successful. All local sixth grade students participated in the five-week elementary curriculum, and all seventh grade students participated in the 13-week junior high curriculum. Lessons cover topics such as self-esteem, refusal skills, peer pressure, and the effects of drugs. The SRO's have also presented workshops for school personnel and spoken at PTA meetings on drugs and their effects and Project DARE.

School year 1987-88 saw the DARE Program expand with specialized, shortened curriculum to include K - 5 elementary students.

The School Resource Officers are also involved in activities indirectly related to drug abuse prevention. By attending school dances, field trips and other functions, by participating in sports and club activities, and by representing the Police Department on school committees, the officers serve as a positive drug-free role model.

In addition, a police officer from the department is assigned full-time as "Officer Friendly." He offers several programs for elementary school-age children that include topics related to drug resistance such as, Stranger Danger, Latchkey Safety, and Substance Abuse Prevention. Most of his presentations are enhanced by his skills as an expert puppeteer and his use of self-made puppets.

SUPPRESSION

The Stanislaus Drug Enforcement Agency (SCDEU), a multijurisdictional drug unit, in cooperation with local police departments, have completed three major undercover operations at city high schools. Due to limited resources and manpower, only persons involved in the sale of drugs were targeted.

In May, 1984, 33 students were arrested at the city's high schools on narcotics charges, and 108 students were cited, expelled, or suspended. In April, 1987, 44 juveniles and 12 adults were arrested for selling drugs at the four high schools in Modesto. On April 13, 1988, 13 people were arrested for drug sales at one of the city's high schools. All these enforcement actions were a result of undercover operations; officers posing as students in the high schools.

The Modesto Police Department and the Modesto City Schools assisted at two high school campuses. After thorough training undercover officers enrolled as students and began to assimilate into high school activities. The information attained by undercover officers was monitored on a daily basis by supervising detectives who coordinated activities so as to positively identify each student involved in drug sales.

Off campus activities included identification of and investigation into adults suspected of selling drugs on or near school campuses. Every attempt was made to follow the network of dealers back to as large a source as possible.

TREATMENT

Currently, the Modesto Police Department has a diversion program utilizing personnel from the Center for Human Services, a local non-profit organization which provides services to both the department and local schools. Each juvenile is referred to a caseworker by the arresting officer. An information lecture is scheduled, requiring attendance by both the student and his/her parent(s)/guardian. The caseworker provides them with information about the Juvenile Justice System, community resources, and the responsibilities of the juvenile and the adult. Family communication is also discussed, and the family is told what can happen at each stage of the process. First-time offenders are enrolled in individual counseling. A needs assessment is performed and evaluated to determine the most effective treatment strategy. Either ongoing counseling is provided by the Center for Human Services or a referral is made. Usual referral sources include: Family Services; Stanislaus County Department of Mental Health Substance Abuse Program; private practitioners; and residential treatment programs such as Crossroads and the New Beginnings. In addition, staff from the Center for Human Services provide information and training to Police Department personnel as requested.

GANGS

The City of Modesto has experienced increasing criminal gang activity during the past five years. The Division of Investigative Services now has a Gang Violence Suppression Unit composed of four sworn officers and a police clerk. (Please see Organizational Chart - Form 14.) The more pressure from law enforcement in Southern California on gangs, the more gang members are moving into our area. Unit personnel reports more than 50% of gang members are actively involved in drug use and/or trafficking.

OFFICE OF CRIMINAL JUSTICE PLANNING

PROBLEM STATEMENT/TARGET AREA DESCRIPTION

PROBLEM STATEMENT

Although nationwide surveys indicate a decline in illegal and illicit drug use among students, the reported use in Stanislaus County remains consistently higher than both state and national averages. Several recent surveys support the need for a comprehensive drug education and suppression program locally. A survey was given county-wide to high school seniors in the spring of 1984 as part of a national survey. In December, 1985, local organizations and institutions were surveyed to determine level of abuse of illegal drugs, alcohol, and prescription drugs among their clients. Sixth and seventh grade students in Modesto responded to a drug use questionnaire in January of 1987; although an informal sampling was taken (no statistical significance was determined), comparisons can be made to a recent statewide survey conducted by the State Attorney General's office. In addition, the recent undercover programs on high school campuses resulted in numerous arrests and proved the ease with which drugs may be purchased.

1984 Survey of High School Seniors

The questions used in the county-wide survey in the spring of 1984 were part of a nationwide study of high school seniors conducted each year by the University of Michigan's Institute for Social Research. The study was completely voluntary. If students found any question to be objectionable, they were instructed to leave it blank. A total of 1,577 high school seniors from Stanislaus County's Class of 1984 completed the survey. The following excerpt from the Stanislaus County Department of Mental Health's report will provide identifying and demographic information about the students surveyed, a comparison to the results of the national survey, an overview of the key findings in Stanislaus County, and a summary of the students' attitudes and beliefs about drugs.

I. Background Information

1,577 high school seniors in Stanislaus County completed the drug abuse survey. Seventy-six percent of these students were at least 18 years of age at the time of the survey (May 1984) and 789, or 50.1% were female. The following schools participated in the Stanislaus County Student Survey:

Argus	Denair	Modesto Christian	Roselawn
Beyer	Downey	Oakdale	Turlock
Central Catholic	East Stanislaus	Patterson	
Ceres	Frontier	Pioneer	
Davis	Modesto	Riverbank	

Six of these schools are within the target area of this program: Beyer, Davis, Downey, Modesto, and Frontier and Pioneer (now combined into the Alternative Education Center).

The ethnic backgrounds of the students were: American Indian - 4.1%; Mexican-American or Chicano - 16.3%; Oriental or Asian American - 4%; Black or Afro-American - 1.7%; Puerto Rican or other Latin American - 8%; and White or Caucasian - 81.6%. This ethnicity is very similar to the general population of Stanislaus County.

II. National Survey and the Stanislaus County Survey

The population of seniors smoking marijuana regularly (20 or more times in the last month) dropped to a 10-year low of 5% nationally. In Stanislaus County, 6% of the seniors surveyed responded using marijuana 20 or more times in the last month. In 1978, 11% of the seniors surveyed nationally responded to using 20 or more times in the last month. Occasional marijuana use is also declining. Nationally, 25% of the seniors report using in the prior month. In Stanislaus County, 29% of the seniors report using in the prior month.

The use of cocaine has remained about the same nationally since 1979. The lifetime, annual, and monthly prevalence rates nationally for cocaine use were 16%, 12%, and 6%, respectively. In Stanislaus County the lifetime, annual, and monthly prevalence rates for cocaine use were 23%, 21%, and 14%, respectively. This is well above the national data.

What follows is a table of the prevalence rates (lifetime, annual, and monthly) by type of drug and comparing Stanislaus County to the national survey.

Type of Drug	Ever Used		Last Year		Last Month	
	County	U.S.A.	County	U.S.A.	County	U.S.A.
Alcohol	92%	(92.6%)	85%	(87.3%)	68%	(67.0%)
Marijuana	60%	(57.0%)	44%	(42.0%)	29%	(25.0%)
PCP	4%	(5.6%)	3%	(2.6%)	2%	(1.3%)
LSD	8%	(8.9%)	5%	(5.4%)	4%	(1.9%)
Amphetamines	26%	(26.9%)	19%	(17.9%)	12%	(8.9%)
Quaaludes	6%	(10.1%)	4%	(5.4%)	2%	(2.1%)
Barbiturates	9%	(9.9%)	5%	(5.2%)	2%	(1.8%)
Cocaine	23%	(16.0%)	21%	(12.0%)	14%	(6.0%)
Heroin	2%	(1.2%)	1%	(.6%)	1%	(.2%)
Cigarettes	62%	(70.6%)	N/A	N/A	21%	(30.3%)

III. Overview of Stanislaus County Key Findings

The following is a synopsis of the most important findings to emerge in the 1984 survey of Stanislaus County high school students:

- * 62% of the students have smoked cigarettes either occasionally or regularly, now or in the past; 31% have smoked cigarettes in the past 30 days; and 13% said they have tried to stop smoking, but found that they could not.

- * Students drink alcohol with just 1 or 2 other people at a party; 85% admit to doing both at least a few times. Thirty percent admit to drinking alcohol at least a few times when they were alone. Sixty-five percent admit to using alcohol with their date. Sixty-one percent admit to drinking alcohol at least a few times at home; 53% in a car, and 20% at school. Five percent stated they have tried to stop using alcoholic beverages and found they couldn't stop.

Forty-two percent of the students had 5 or more drinks in a row over the last 2 weeks; 19% had 5 or more drinks in a row at least 3 times over the last 2 weeks. Eighty-two percent of the students usually get high when they drink, 33% a little high, 40% moderately high, and 9% very high.

- * Of those students who used marijuana in the last year, 60% stated they used marijuana at least a few times at a party and 56% in a car; 25% admit to using marijuana at least a few times when they were alone; 42% with their date, and 46% during the daytime (before 4:00 p.m.). Thirty-five percent of those students who used marijuana in the last year did so at least a few times at home and 27% at school. Of those students who use marijuana, 84% usually get high, 24% a little high, 40% moderately high, and 20% very high. Nine percent of those students who have used marijuana stated they have tried to stop using marijuana and found they couldn't.
- * Of those students who take amphetamines, 56% usually get high, 34% have taken them at least once with alcohol, and 28% have taken them at least once with marijuana. What follows are the ranked order of amphetamines taken without a doctor's orders: Crank/Methamphetamine, Benzedrine, Dexedrine, Methedrine, Preludin, and Ritalin. Nine percent of those students who have used amphetamines state they have tried to stop using amphetamines and found they couldn't.
- * Of those students who used cocaine during the last year, 47% admitted using cocaine at least a few times at a party; 32% in a car, 29% used at home, and 13% at school. Forty-seven percent admitted using cocaine at least a few times with alcohol and 36% with marijuana. Seventy-four percent of these students usually get high--15% a little high, 33% moderately high, and 26% very high. Eight percent of those students who have used cocaine stated that they have tried to stop using cocaine and found they couldn't stop.
- * Less than 2% of the students have ever used heroin.

IV. Attitudes and Beliefs

The following is a sample of some of the questions asked students which compare their attitudes about drugs with their friends and their reasons for using drugs:

- * The students were asked to state how they think their close friends feel about doing each of the following:

- Disapprove of smoking cigarettes occasionally. . . . 63%
- Disapprove of smoking cigarettes regularly 75%
- Disapprove of smoking marijuana occasionally. . . . 58%
- Disapprove of smoking marijuana regularly 77%
- Disapprove of using amphetamines occasionally . . . 76%
- Disapprove of using amphetamines regularly. . . . 87%
- Disapprove of drinking alcohol occasionally 27%
- Disapprove of drinking alcohol regularly. 71%
- Disapprove of using cocaine occasionally. 77%
- Disapprove of using cocaine regularly 88%

* Students were asked to pick their most important reasons for drinking alcoholic beverages from a list of 15. What follows are the top 6 responses in ranked order:

- | | |
|--|---|
| 1. To have a good time with my friends | 4. To relax or relieve tension |
| 2. To feel good or get high | 5. To experiment--to see what it's like |
| 3. Because it tastes good | 6. Because of boredom, nothing else to do |

* Students were asked to pick their most important reasons for using marijuana from a list of 13. What follows are the top 6 responses:

- | | |
|---|---|
| 1. To feel good or get high | 4. To relax or relieve tension |
| 2. To have a good time with my friends | 5. Because of boredom, nothing else to do |
| 3. To experiment--to see what it's like | 6. To get away from my problems or troubles |

* Students were asked to pick their most important reasons for taking amphetamines without a doctor's order from a list of 15. What follows are the top 6 responses in ranked order:

- | | |
|-----------------------------|---|
| 1. To get more energy | 4. To experiment--to see what it's like |
| 2. To stay awake | 5. To have a good time with my friends |
| 3. To feel good or get high | 6. To help me lose weight |

* Students were asked to pick their most important reasons for using cocaine from a list of 15. What follows are the top 6 responses:

- | | |
|---|--------------------------------|
| 1. To experiment--to see what it's like | 4. To get more energy |
| 2. To feel good or get high | 5. To stay awake |
| 3. To have a good time with my friends | 6. To relax or relieve tension |

1985 Survey of Organizations and Institutions

In December 1985 surveys were sent out under the auspices of Stanislaus County's Advisory Board on Drug Programs to a variety of organizations and institutions in Stanislaus County. Eleven different types of persons were

targeted for the survey: physicians, counselors, pharmacists, churches, lawyers, judges, schools, law enforcement, businesses, probation and parole personnel, and clients in drug abuse programs. Ninety-two surveys were returned for a response rate of less than 20%. The top four groups responding were clients (n=22), probation and parole officials (n=14), counselors (n=13), and schools (n=11). The fewest received were from law enforcement, lawyers, churches, pharmacists, judges, and businesses.

Of the 60 persons who were asked to estimate the percent of their clients who abused illegal drugs, one-third (33%) was the typical response. Also, one-third of the clients were estimated to abuse alcohol, on the average. Significantly lower were the number of clients seen to be abusing prescription drugs, with an average of only 13%.

Five groups were asked to rank the most abused illegal drug and the most abused prescription drug separately. These five groups included physicians, pharmacists, lawyers, law enforcement, and probation-parole personnel. Physicians' choices, however, were equally split in voting for cocaine and marijuana as the most abused drug. Probation-parole officers thought both crack and marijuana were the most abused, followed by heroin. Seven groups were asked to rank the most abused of 20 commonly abused substances. Alcohol was ranked as number one.

The final question asked of respondents was their ranking of the most needed prevention efforts in the county. When examining the responses to the top choice for prevention efforts, over half of the responses were for school drug programs on an elementary level. Almost all groups from which a significant number of responses were obtained voted for this as the number one prevention effort needed. When combining votes for the top seven prevention efforts, school drug programs in elementary schools maintained its number one position. Following elementary drug programs were school drug programs in junior high schools, positive alternatives to drug use for junior high school students, school drug education in high schools, and positive alternative to drug use on the elementary level.

1986 Local Sampling

The Modesto Police Department and the three local school districts (Modesto City Schools, Sylvan Union School District, and Stanislaus Union School District) cooperated in a sampling of student drug use and attitudes toward drug use. A two-part questionnaire was administered. The first part covered basic demographic information and attitudes and consisted of nine questions. The second part asked the same nine questions each about six substances (alcohol, marijuana, cocaine, methamphetamines, glue, and aerosols).

I. Background Information

A questionnaire was completed by 1,706 seventh-grade students. Five junior highs participated: LaLoma, Mark Twain, Prescott, Roosevelt, and Somerset. The ethnic backgrounds of the students were: Anglo-American - 58%; Black - 5%; Hispanic - 20%; Asian - 8%; and Other - 9%.

II. Statewide Survey and City Survey

Although the format of the Attorney General's survey differs from the Modesto questionnaire, some comparisons can be made. The following is a table of prevalence rates (lifetime*, weekly, daily) for seventh grade students by type of drug and comparing Modesto to the state survey.

Type of Drug	Ever Used*		Weekly		Daily	
	City	(State)	City	(State)	City	(State)
Alcohol ¹	51.2%	(61.0%)	6.1%	(2.4%)	3.3%	(.7%)
Marijuana	15.8%	(9.7%)	3.9%	(.9%)	2.4%	(.4%)
Cocaine	5.2%	(2.8%)	1.8%	(.4%)	1.6%	(.2%)
Methamphetamines	5.7%	(2.2%)	1.8%	(.2%)	1.2%	(.1%)
Inhalants ²	23.2%	(17.6%)	8.1%	(.8%)	6.2%	(.5%)

¹The statewide survey separated alcohol (beer, wine, and liquor). To avoid duplication, the largest percentage is used.

²The city survey separated inhalants (glue-sniffing, aerosols). The percentages are summed.

*Figures for the state are for use in previous six months.

III. Overview of Findings

With the exception of alcohol, all other reported use by substance approximately doubled from sixth grade to seventh grade. A synopsis of findings follows:

*51.2% of seventh graders have tried alcohol. Of that percent, 15% report having taken their first drink before the age of five. Three percent of the alcohol drinkers said they could not stop.

*Of the 15.8% who have smoked marijuana, 15% report daily use. Almost 9% of users claim addiction.

*Figures for cocaine and methamphetamines are nearly identical. Of the nearly 2% who report trying these drugs, over 25% report use before age five and nearly 25% report daily use.

*Glue-sniffing was the third most common type of substance abuse reported, behind alcohol and marijuana. Twenty-eight percent of the students reporting use claim to sniff glue daily. Aerosol use was reported by 8.5% of the students, with 8.3% saying they are unable to stop.

IV. Attitudes and Beliefs

The following is a summary of reported attitudes about the use of drugs:

*Students were asked how they thought their peers were introduced to drugs; over 76% said by other students.

*Forty-three percent of the students said drug users at their school continue on drugs due to addiction.

*The most common reason students thought others began to use drugs was to impress someone (39%). Having friends/family who use drugs ranked second (24%).

Undercover Operation

Results of the completed undercover operations and subsequent arrests further point out the need for continued surveillance on high school campuses. Students are primarily buying drugs on campus from student dealers. The relative ease with which relatively unknown "students" could purchase drugs was alarming. An informal survey of 146 freshmen and sophomores at Beyer High School indicated student support for suppression activities. Seventy-two percent said, "the drug busts were a good thing"; 51% said, "drugs are a major problem at Beyer"; and 68% said school personnel are "too easy on students who are involved with drugs." When asked to list ways to deal with the situation, many said more undercover people should be on campus.

In conclusion, the overwhelming concern locally for the problem of illegal and illicit drugs on high school campuses indicates the need and community support for a comprehensive drug awareness curriculum and an expansion of present suppression activities.

OFFICE OF CRIMINAL JUSTICE PLANNING
 PROBLEM STATEMENT/TARGET AREA DESCRIPTION

PROBLEM STATEMENT DESCRIPTION				
DRUG-RELATED OFFENSES REPORTED FROM JANUARY 1, 1987 TO DECEMBER 31, 1987 RESULTING FROM DSP ACTIVITIES				
Number Reported to Law Enforcement Agencies				
Offense	<u>JUVENILES</u>		<u>ADULTS</u>	
	Arrests	Informal Handling	Arrests	Informal Handling
Use or Possession of Alcohol	189	18	2,413	3
Use or Possession of Marijuana	92	3	294	-0-
Use or Possession of Other Drugs	31	3	1,207	5
Drug Sales	8	-0-	50	2
Driving under the influence	16	-0-	1,014	1
Number Reported to School By School Staff/Law Enforcement				
Offense	<u>JUVENILES</u>		<u>ADULTS</u>	
	Arrests	Informal Handling	Arrests	Informal Handling
Use or Possession of Alcohol	Substance/chemical/alcohol abuse (possession, use, or sale) K-8 - 19 9-12 - 155 (55 sales from undercover program during 1987)			
Use or Possession of Marijuana				
Use or Possession of Other Drugs				
Drug Sales	Statistics are kept by incident of "substance abuse" as reported on the Standard School Crime Report.			
Driving under the influence				

OFFICE OF CRIMINAL JUSTICE PLANNING
 PROBLEM STATEMENT/TARGET AREA DESCRIPTION

TARGET AREA DESCRIPTION

The target area for this program is the area served by the Modesto City Schools and the Sylvan and Stanislaus Union School Districts. Actual suppression activities will be concentrated on the high school campuses, with drug education presented at all public schools.

The City of Modesto is located in Stanislaus County in the Central Valley region of California. The City covers 30.2 miles, and the economy is based on medium-sized industry and the growing and processing of agricultural products. The population of Modesto as of January 1, 1988, was estimated to be 142,742. Approximately 43% of the County's residents live in Modesto. Unemployment averaged 11% in 1980; annual median family income was \$20,429.

The ethnic breakdown of Modesto (as of 1980 census) was predominately white (83.1%), with 10.5% of the population Hispanic, 3.1% Asian, 2.0% Black, and 1.3% other. Median age was 29 years with 29.5% of the residents under the age of 18. 71.7% of the residents age 25 and over had completed 4 years of high school.

Twenty-one thousand nine hundred students currently attend public elementary and junior high schools in Modesto. Three school districts are located within Modesto's city limits. Stanislaus Union, located on the north side of the City, has one junior high school (Prescott) and four elementary schools, with a student population in 1986-87 of 2,886. Sylvan Union in the northeast area of Modesto has one junior high school (Somerset) and six elementary schools with 5,279 students in 1986-87. The remaining 13,820 students attend Modesto City Schools, a District comprised of three junior high schools and twenty-three elementary schools.

Four senior high schools (9th through 12th grade) and an Alternative Education Center are located in Modesto. They are also administered by Modesto City Schools. As with all schools in Modesto, they each draw from a broad socioeconomic base. High school attendance for 1987-88 was:

Beyer High School	2,296 students
Davis High School	2,260 students
Downey High School	2,050 students
Modesto High School	2,116 students
Alternative Education Center	562 students

The Alternative Education Center is available to students who are unable to attend regular high school due to truancy, drug problems, family problems, or other delinquent or deviant behaviors.

Recent problems at local high schools have included drugs and alcohol, weapons on campuses, several bomb threats, and vandalism and fighting, which is usually instigated by racial problems.

TARGET AREA DESCRIPTION (Continued)

Officers assigned to the Gang Detail have identified twenty-eight local gangs and close to 250 gang members. Nearly all are involved in illegal drug activity and over one-half are known to sell and/or manufacture drugs. Few of these gangs can be positively linked to high school campuses; however, three (of fourteen) known members of the Jarman gang were arrested for drug sales in the 1987 undercover operation at the high school they attended.

Because of numerous cooperative efforts, this program will be able to reach all of the schools in Modesto. Through an informal agreement, the three school districts currently provide financial support to the DARE Program presented by the Modesto Police Department to students from Kinder- garten through eighth grade. The curriculum for high schools is "Here's Looking at Year 2000". This program will concentrate efforts on drug suppression, parental education, and law enforcement education.

	ALL SCHOOLS IN JOINT JURISDICTION OF CO-APPLICANTS		TARGETED SCHOOLS	
	Number of Schools	Students Enrolled*	Number of Schools	Students Enrolled
Elementary Schools	<u>32</u>	<u>17,815</u>	<u>32</u>	<u>17,815</u>
Middle Schools	<u>5</u>	<u>4,170</u>	<u>5</u>	<u>4,170</u>
High Schools*	<u>4 + 1</u>	<u>9,284</u>	<u>4 + 1</u>	<u>9,284</u>
TOTAL	<u>42</u>	<u>31,269</u>	<u>42</u>	<u>31,269</u>

*As submitted to the California Department of Education Basic Education Data System in October 1986.

*4 High Schools and 1 Alternative Education Center.

OFFICE OF CRIMINAL JUSTICE PLANNING
PROGRAM OBJECTIVES AND ACTIVITIES

PROGRAM COMPONENT #1 - Establishment of a Suppression of Drug Abuse in Schools Local Advisory Committee.

A. Mandatory Objective and Activities

- 1) The Suppression of Drug Abuse in Schools Local Advisory Committee will meet monthly during the grant year.

Activities

- a) The Advisory Committee will review all school curriculum related to drug education and make recommendations to Modesto City Schools and Modesto Police Department personnel.
- b) The Advisory Committee will monitor and evaluate all drug education programs in local public schools.
- c) The Advisory Committee will review all proposed pamphlets, brochures, and audiovisuals related to drug education and make recommendations to Modesto City Schools and Modesto Police Department personnel.

OFFICE OF CRIMINAL JUSTICE PLANNING
PROGRAM OBJECTIVES AND ACTIVITIES

PROGRAM COMPONENT #2 - Drug Traffic Intervention Programs.

A. Mandatory Objective and Activities:

- 1) Arrests for the possession of drugs on or near all target area schools will increase 100 percent (from 0 to 50) by the end of the grant year.
- 2) Arrests for the sales of drugs on or near all target area schools will increase 100 percent (from 56 to 110) by the end of the grant year.

Activities:

- a) The Modesto Police Department will assign two experienced Modesto police officers to full-time duty to the Stanislaus Drug Enforcement Agency under the Unit Supervisor. A supervising detective from SDEA will also be assigned to this program.
- b) Each officer will receive four weeks of training (discussed on Form 16). In addition, each will be given thorough indoctrination into all aspects of the program.
- c) School district officials will prepare all necessary records and enrollment forms, and each officer will enroll in one of the high schools and participate in student activities.
- d) The officers will monitor drug activity in an undercover capacity, reporting daily to school officials and the supervising detective. Students involved in drug sales will be identified.
- e) The officers will "transfer" during the year so that all target sites are included.
- f) At the completion of the operation, school personnel, Stanislaus Drug Enforcement Agency, and Modesto Police Department officers will arrest the persons identified during the operation. Standard police protocol will be adhered to with respect to booking procedure, special regulations for minors, notification of responsible adults, etc.
- g) After conclusion of the undercover operation, the officers will participate in both school related and court hearings, as well as all other court proceedings.

FORM 10

OFFICE OF CRIMINAL JUSTICE PLANNING
PROGRAM OBJECTIVES AND ACTIVITIES

PROGRAM COMPONENT #3 - School and classroom oriented programs

A. Mandatory Objective and Activities

- 1) Provide a substance abuse education program to a total of 1,000 junior high school students, consisting of a 13-week core curriculum, one hour per week.

Activities

- (a) Five Modesto police officers, assigned full-time as School Resource Officers, will continue to present "Project DARE" to students in local public schools. The City of Modesto, and the Sylvan Union, Stanislaus Union, and Modesto City School Districts and private donations finance this program. Funds requested in this application will not be used for this objective; however, activities will be included in progress reports to show success toward completion of the objective.
- 2) Provide a substance abuse education program to a total of 3,000 elementary school students, consisting of a 5-week core curriculum, one hour per week.

Activities

See description of activities under (a) above.

- 3) Develop and provide 8 hours of inservice training designed to increase the understanding of drugs and their effects to 400 teachers, school counselors, etc.

Activities

- (a) Two officers assigned to the Stanislaus Drug Enforcement Agency will rely on their experience and training and on the latest information from recognized experts to prepare inservice training programs for school personnel.
- (b) Topics will include relevant criminal statutes, education codes, the safe schools act, and liability, as well as discussions of the various drugs of choice among local juveniles, including descriptions, effects and side effects (immediate and long-range), availability, cost, and other information which might assist school personnel to more effectively recognize student abuse and thereby initiate intervention.
- (c) These workshops will be presented at times and places to effectively reach as many teachers and counselors as possible.

(d) Evaluation and modification will be ongoing.

B. Supplemental Objective and Activities

- 4) Provide a substance abuse education program to a total of 3,000 high school students, consisting of a 15-week core curriculum, 1 hour per week.

Activities

- (a) The curriculum, "Here's Looking at You, 2000," will be presented to high school students by school district personnel as part of their substance abuse prevention program. Funds requested in this application will not be used for this objective; however, activities will be included on progress reports to show success toward completion of the objective.

OFFICE OF CRIMINAL JUSTICE PLANNING
PROGRAM OBJECTIVES AND ACTIVITIES

PROGRAM COMPONENT #4 - Family oriented programs

A. Mandatory Objective and Activities

- 1) To conduct weekly parent education programs to increase an understanding of drugs and their effects to at least 100 participants at each school (4,100 total).

Activities

- (a) Using the format for activities described in Component #3, Objective 3, officers will present parent education programs at each of the target area schools. By holding one meeting per week, all schools will be reached.
 - (b) Parents will be given a list of resources for additional information.
- 2) At least 5 percent of the parents/guardians of the students identified as high-risk will participate in the workshop.

Activities

- (a) When a student is identified as high-risk, his/her parents will be notified by personnel from the school district, the police department, or the Center for Human Services of an upcoming program in their area and will be encouraged to attend.
- (b) Follow up will verify attendance.

OFFICE OF CRIMINAL JUSTICE PLANNING

PROJECT OBJECTIVES AND ACTIVITIES

PROGRAM COMPONENT #5 - Use of appropriate written and audiovisual aids for training of school and law enforcement staff for handling drug related problems and offenses.

A. Mandatory Objective and Activities:

- 1) In order to educate target area elementary and junior high school students in drug abuse awareness and prevention, the curriculum "Project DARE" (Drug Abuse Resistance Education) will be used.

Activities

- (a) See Component #3 and Appendix B.

- 2) All Project DARE instructors will receive 80 hours of training in the Project DARE curriculum. At least eight officers will be trained at all times.

Activities

- (a) Ten Modesto police officers have had 80 hours of Project DARE training. Officers spent two weeks in Los Angeles undergoing standardized training from Los Angeles police officers. Practical in-class experience is combined with curriculum education.

- 3) Develop and provide four hours of inservice training designed to increase the understanding of drugs and their effects to 300 law enforcement officers.

Activities

- (a) In conjunction with regularly scheduled, required training days, personnel from the Stanislaus Drug Enforcement Agency will provide inservice workshops and updates on drugs and their effects. Topics will include legislation, clandestine labs, drugs of choice, recognizing persons under the influence, and other information relevant to successful arrest and conviction of drug law violators.
- (b) It is anticipated that all sworn personnel from the Modesto Police Department and the Stanislaus County Sheriff's office will receive this training. Presentation will be made to other law enforcement agencies as requested.

PROGRAM COMPONENT #5 (Continued)B. Supplemental Objective and Activities:

- 4) In order to educate target area high school students in drug abuse awareness and prevention, the curriculum "Here's Looking at You, 2000" will be used.

Activities

- (a) The high school curriculum for "Here's Looking at You, 2000" includes a wide range of activities and lessons. Drinking and driving, fetal alcohol syndrome, and cocaine will be discussed in depth. The messages are supplemented by books, audiocassettes, computer software, pamphlets, and videocassettes. Social skills training will focus on how to help a friend with a drug-related problem. Activities will include exercises to build self-esteem and students teaching refusal skills to younger students.
- 5) All instructors will receive eight hours of training in the "Here's Looking at You, 2000" curriculum. At least ten people will receive training.

Activities:

- a) Two teachers from each of the regular high schools (Beyer, Davis, Downey, and Modesto) and two teachers from the Alternative Education Center will be trained by professional educators to present this curriculum.

OFFICE OF CRIMINAL JUSTICE PLANNING
PROJECT OBJECTIVES AND ACTIVITIES

PROGRAM COMPONENT #6 - Development of a coordinated intervention system for identifying high risk juveniles or students with chronic drug abuse problems and facilitate their recommended treatment or referral.

A. Mandatory Objectives and Activities

- 1) A minimum of 1,000 students will be identified as high risk or having chronic drug abuse problems; 75% (750) will be referred through the established intervention system.

Activities

- (a) An accurate system for tracking high-risk students is currently in place. Data will be kept on students involved in drug-related incidents and will include nature of offense, number of previous offenses, source(s) of referral, legal action taken, disposition, and final outcome.
- (b) Currently, a student is considered high risk if he/she has been counseled, suspended, expelled, or referred to Alternative Education for drug-related offenses. A formal definition/guideline is on file.
- (c) Each school site will develop a Student Study Team (SST).
 - (1) Mental Health staff will train the teams and will meet with district staff and the principals to identify team members, discuss the mechanics of the program, develop a schedule of on-site training/meetings, develop referral processes, and schedule staff development activities.
 - (2) The Student Study Team will develop a philosophy statement and procedural guidelines for their operations during the school year.
 - (3) The principal and SST members will develop referral procedures for identifying "at risk" students. Uniform referral forms will be designed and utilized.
 - (4) The SST members will review student referrals and recommend corrective strategies. The Team will develop procedures for recommending students to programs, both within and outside the District. The Team will also develop procedures for alternatives to be used "on site." The teams will work closely with community agencies. The SST will provide assistance to parents of students who are identified as "at risk" for the purpose of assisting them to deal effectively with school related problems.

PROGRAM COMPONENT #6 (Continued)

- 2) Ten percent of the referred students will make contact with a treatment agency.

Activities

- (a) Through the Student Study Teams, students with chronic drug problems will be referred for treatment, either as an outpatient or to a residential setting. Personnel from the Center for Human Services will also effect treatment referrals.

OFFICE OF CRIMINAL JUSTICE PLANNING

ORGANIZATION CHART

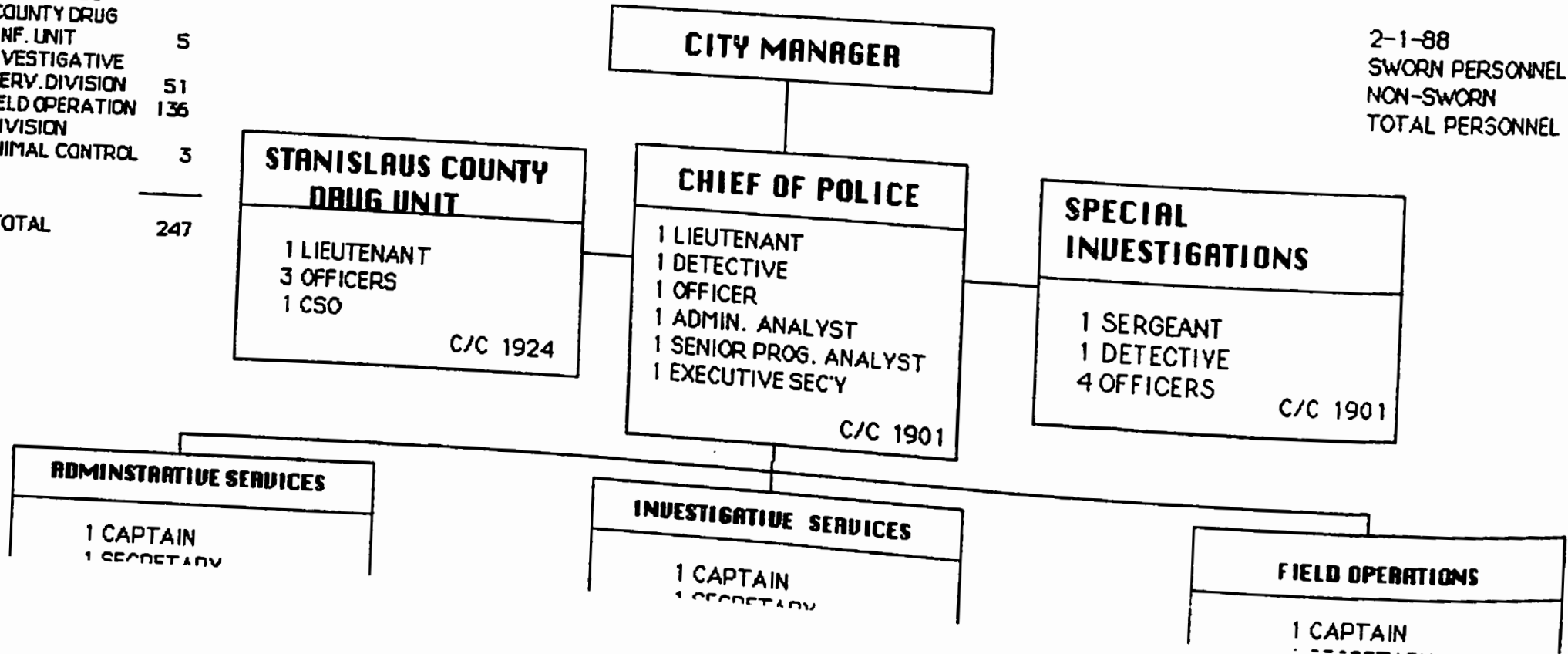
Grant funded personnel will be Modesto police officers assigned to the Stanislaus Drug Enforcement Agency. Other police department personnel involved include: five police officers and one community service officer from the Crime Resistance Unit, and support staff from the Office of the Chief of Police. Coordination of activities for Modesto City Schools will be through the Assistant Superintendent for Educational Services.

MODESTO POLICE DEPARTMENT

COST CENTERS:

1901 ADMINISTRATION	13
1921 ADM. SERVICES DIVISION	39
1970 STANISLAUS COUNTY DRUG ENF. UNIT	5
1941 INVESTIGATIVE SERV. DIVISION	51
1961 FIELD OPERATION DIVISION	136
1964 ANIMAL CONTROL	3
TOTAL	247

2-1-88
 SWORN PERSONNEL 177
 NON-SWORN 70
 TOTAL PERSONNEL 247



MODESTO CITY SCHOOLS ORGANIZATION AND RESPONSIBILITIES

GOVERNING BOARD
 Members: Paul Neumann, President
 Steven Grenbeaux, Vice President
 Axel Hedberg
 John Hollis
 Frank Jeans
 Margaret Snyder
 Donna Thayer

SECRETARY TO SUPERINTENDENT
 Patricia Non
 576-4115

SUPERINTENDENT
 James C. Enochs
 576-4115 or 576-4141

SECRETARY TO SUPERINTENDENT
 Sue Heffey
 576-4141

- K-12 Principals
- All Site Matters
- Superintendent's Cabinet
- Management Team
- WTA Council
- Superintendent's Correspondence
- Superintendent's Calendar

- Board Agenda/Minutes Preparation
- Board/Community Relations
- Board/Superintendent Relations
- Board Correspondence

ASSISTANT SUPERINTENDENT ADMINISTRATIVE SERVICES
 Sharon L. Rohrke
 576-4041

ASSISTANT SUPERINTENDENT BUSINESS SERVICES
 James E. Bumis
 576-4179

ASSISTANT SUPERINTENDENT EDUCATIONAL SERVICES
 Delbert R. Rydquist
 576-4119

ASSISTANT SUPERINTENDENT INSTRUCTION
 James E. Enochs
 576-4115

ASSISTANT SUPERINTENDENT PERSONNEL
 David C. Mello
 576-4147

- Major Administrative Assistance to the Superintendent (Research, Special Projects)
- Planning and Direction of Alternative Education Programs
- Director, Alternative Education
- Planning and Direction of Child Welfare and Attendance Programs
- Supervisor, Child Welfare and Attendance
- School Climate - Safe Schools
- Public Information Office
- Facilities Use
- Legal Matters (other than Personnel)
- Development & Revision of Policy, Administrative Regulations
- Interpretation to Management Staff (Ed Code, Policy, AR)
- District's Legislative Liaison
- CBEDS Data Collection
- Appeals to the Board of Education
- District Representative to Community Agencies
- Administrative Support for Negotiations

- Budget Development/Control
- Payroll/Employee Benefits
- Attendance Accounting
- Maintenance and Operations
- General Accounting
- Facilities Planning
- Student Transportation
- Food Service
- Purchasing
- Warehousing/Delivery
- Duplicating
- Data Processing
- Fiscal Compliance & Reporting
- Energy Management
- Equipment Inventory

- Curriculum
- Assistant Principals Curriculum, Guidance
- Special Education
- Compensatory Education
- Vocational Education
- Bilingual Education
- Gifted & Talented
- Professional Programs
- Staff Development
- Testing & Research
- Media Center
- Resource Teacher
- Mentors
- Charpersons
- Libraries
- Textbooks

- Planning and Direction of Educational Programs
- K-6 Principals (23)
- 7-8 Principals (3)
- 9-12 Principals (4)

- Personnel Planning
- Work Analysis
- Recruitment/Selection
- Employee Orientation/Assistance
- Salaries & Benefits
- Performance Appraisals
- Contract Management
- Records
- Personnel Administration
- District Representative for Negotiations

OFFICE OF CRIMINAL JUSTICE PLANNING
WORKING RELATIONSHIPS

1. Roles of Co-applicant Agencies (A Memorandum of Understanding is attached).

a. Law Enforcement:

The Modesto Police Department will provide two undercover officers: five School Resource Officers for Project DARE instruction and related materials; training programs for school staff, parents and law enforcement personnel; and all resources related to arrests of students involved in drug use or sales.

b. School District

The Modesto City Schools will provide: assistance with suppression activities; instruction in "Here's Looking at You, 2000"; class time for Project DARE instruction; and implementation of Student Study Teams to identify high-risk youth.

2. Roles of County Drug Program Administrator

The County Drug Program Administrator will serve on the Suppression of Drug Abuse in Schools Local Advisory Committee and shall assist in timely review and comment by the committee on proposed programs, publications, and audiovisual aids.

3. Roles of Community Based Organizations

The Center for Human Services will continue to provide counseling to all juveniles involved in drug offenses and ongoing diversion treatment to first-time offenders. The Center also serves as a source of referral and information on community resources.

OFFICE OF CRIMINAL JUSTICE PLANNING

STAFF TRAINING

The police officers assigned to the Drug Suppression in Schools Program will be experienced Modesto police officers. In addition to prior Basic POST training, the officers will complete a two-week course on Undercover Operations in high schools, taught by Los Angeles Police Department and a two-week course on Narcotics Investigator's training presented in Sacramento by the Department of Justice's Bureau of Narcotics Enforcement.

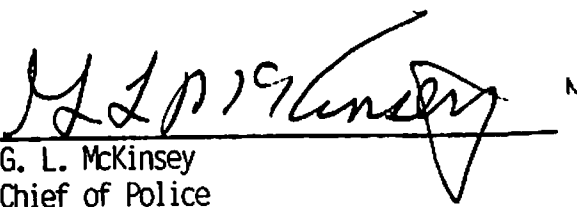
OFFICE OF CRIMINAL JUSTICE PLANNING

EVALUATION/PROJECT ASSESSMENT

INSTRUCTIONS: The Project Director must sign below, indicating that the project will participate in the OCJP/DSP evaluation by complying with the requirements listed below:

1. Submit DSP quarterly progress reports.
2. Provide other data as required to meet OCJP requirements for legislative reporting.

Project Director



G. L. McKinsey
Chief of Police
City of Modesto

OFFICE OF CRIMINAL JUSTICE PLANNING

PLAN FOR ASSUMPTION OF COSTS

If the Drug Suppression in Schools Program is successful, it is anticipated the City of Modesto will continue to finance the program when state funds cease. The funding source will be the General Fund of the City of Modesto.

CERTIFICATION FOR TWO-MONTH ADVANCE
OF GRANT FUNDS

(NOT APPLICABLE - DO NOT REQUIRE ADVANCE)

Grantee: _____ Grant Number: _____

Grant Title: _____

Implementing Agency (if applicable): _____

In signing below, the Chief Executive of the implementing agency and the Financial Officer certify that the project requesting a two-month advance of grant funds:

1. Does not have a reserve or contingency account equal to two months of grant funds; and
2. Is currently unable to pay its outstanding debts and obligations.

The Project is:

a county government agency

a private nonprofit agency

SIGNATURES:

Chief Executive

Date

Financial Officer

Date

PROPOSED AUDIT PLAN

Applicant: City of Modesto

A. The attached Audit Information has been reviewed and the project will have the required financial and compliance audit completed: (check appropriate box)

[] On a grant-by-grant basis.

[x] As part of the agency-wide audit with OCJP grants detailed separately by supplemental information.

B. It is anticipated that the services will be obtained from:

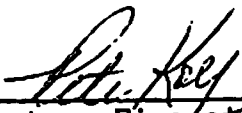
Touche Ross
(Name of Firm or Government Audit Organization)

2335 American River Drive, Suite 200
(Address)
Sacramento, CA 95825-7065

789 00273
(License Number)
Terry Krugar (916) 971-3032
(Partner-in-Charge) (Telephone Number)

C. It is estimated that the required audit report will be submitted to the OCJP Audit Division on:

January 1990
Month Year


Signature - Financial Officer
Pete Kolt, Finance Director - City of Modesto

OCJP USE ONLY:

Grant Award No. _____

Input Date _____

AS _____

RC _____

GS _____

AUDIT INFORMATION

- 1) Grant recipients will arrange for a financial and compliance audit in accordance with OCJP policy, and if applicable, with the Single Audit Act of 1984 (OMB Circular A-128). Failure to comply with this requirement may result in the withholding of grant funds or termination of the grant award agreement.
- 2) Audits must be conducted at the conclusion of the project year. However, the OCJP audit may be included in the grantee agency-wide audit if the details of the specific OCJP grant(s) are shown separately by supplemental information.
- 3) Audits will be conducted by qualified state or local government auditors or independent public accountants licensed by the State of California in accordance with the financial and compliance audit requirements of the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions published by the United States General Accounting Office (revised 1981).
- 4) Audits will be completed no later than six months after the close of the grant period unless a time extension is preapproved by OCJP. All grant recipients will submit the completed audit report to the OCJP Audits Division for review.
- 5) OCJP or its representatives will have access to all audit reports, audit working papers, correspondence or other documents related to the audit reports. OCJP performs quality control reviews of working papers of randomly selected grant recipients.
- 6) Payment by the grant recipient for audits may be made upon receipt of audit reports and invoices from the auditors conducting the audit.
- 7) Audit programs will be provided by the OCJP Audits Division upon request of the project auditor.
- 8) OCJP reserves the right to perform audit examinations of any OCJP grant award.

APPENDIX A
JOB DESCRIPTION

POLICE OFFICER/POLICE OFFICER TRAINEE

DEFINITION

To perform law enforcement and crime prevention work; to control traffic flow and enforce State and local municipal codes, violations and traffic regulations; to perform investigative work; to participate in and provide support and assistance to special crime prevention and enforcement programs; and to perform a variety of technical and administrative tasks in support of the department.

DISTINGUISHING CHARACTERISTICS

Police Officer Trainee - This is the entry level class in the Police Officer series. This class is distinguished from the Police Officer 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.

Police Officer - This is the full journey level class within the Police Officer series. Employees within this class are distinguished from the Police Officer Trainee by the performance of the full range of duties as assigned including the full range of law enforcement work. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises technical supervision over nonsworn personnel.

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

Patrol a designated area of the City to preserve law and order, discover and prevent the commission of crimes, and enforce traffic and other laws and ordinances; assist stranded motorists.

Answer calls and complaints involving automobile accidents, robberies, and related misdemeanors and felonies; render first aid as required.

Respond to general public service calls including animal complaints, domestic disturbances, civil complaints, property control, and related incidents.

Collect, process, photograph and present evidence using scientific techniques including fingerprints, fibers, blood, and related physical evidence.

Check buildings for physical security.

EXAMPLES OF DUTIES

Serve as Field Training Officer as assigned; train new officers on departmental policies, procedures and activities.

Enforce traffic laws and ordinances; check speed with radar; issue warnings and citations.

Direct traffic at fire, special events, and other emergency or congested situations.

Conduct investigations of serious injury and fatality traffic accidents.

Conduct traffic accident analyses and general traffic surveys.

Conduct a variety of criminal investigations involving crimes against persons and property, auto theft, white collar crime, and narcotics; gather evidence and prepare cases for prosecution.

Identify suspects; conduct interviews and interrogations; apprehend and arrest offenders.

Teach bicycle safety in accordance with State agencies.

Contact and interview victims and witnesses; preserve and investigate crime scenes.

Conduct covert, undercover investigations as assigned.

Contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses.

Maintain contact with citizens regarding potential law enforcement problems and preserve good relationships with the general public; take an active role in areas of public education relative to crime and crime prevention.

Assist in the performance of special investigative and crime prevention duties as required.

Prepare reports on arrests made, activities performed and unusual incidents observed.

Make arrests as necessary; interview victims, complainants and witnesses; interrogate suspects; administer polygraph tests; gather and preserve evidence; testify and present evidence in court.

Serve warrants within the department and with outside agencies; remain current on laws and procedures required for processing warrants.

Serve as Assistant Squad Leader performing the duties of a Police Sergeant as assigned; act as Watch Commander; review and approve the reports of other Police Officers.

EXAMPLES OF DUTIES

Perform a wide variety of laboratory tests and procedures including those related to narcotics testing; act as Department photographer; testify in court as an expert witness.

Serve as Department Training Manager; review and assess training needs and available programs; oversee and coordinate the attendance of Departmental staff at training programs and seminars; research policies and procedures related to training activities.

Serve as Crime Prevention Officer; oversee and coordinate crime prevention activities; make presentations to local citizens and community groups.

Serve as Intelligence Officer or Gang Officer; gather crime related intelligence information and conduct background investigations; coordinate information and activities with outside agencies and jurisdictions.

Investigate juvenile related crimes including child abuse and juvenile narcotics; coordinate youth services with outside agencies and organizations including local school districts; conduct community presentations and instruct assigned classes.

Participate in recruiting sworn staff; conduct background investigations; interview potential job candidates and references; administer voice stress analysis tests.

Give oral presentations at schools, clubs and other community organizations.

Act as Department court liaison.

Perform related duties as assigned.

QUALIFICATIONS

Police Officer Trainee

Ability to:

Learn proper Police procedures and methods.

Analyze situations quickly and objectively, and determine and take emergency and/or appropriate action.

Understand and carry out oral and written instructions.

Communicate effectively, both orally and in writing.

Learn the operation of standard equipment and facilities required in the performance of assigned tasks including a computer.

CITY OF MODESTO
Police Officer/Police Officer Trainee (Continued)

Ability to:

Learn standard broadcasting procedures of a police radio system including mobile dispatch terminals.

Meet the physical requirements established by the Department.

Prepare accurate and grammatically correct written reports.

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:

None required.

Training:

Equivalent to the completion of the twelfth grade. An Associate of Arts degree is desirable.

License or Certificate

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

Police Officer

In addition to the qualifications for Police Officer Trainee

Knowledge of:

Police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques.

Criminal law and criminal procedure with particular reference to the apprehension, arrest and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the seizure and preservation of evidence.

Offensive and defensive weapons nomenclature and theory.

Self defense tactics.

First aid and CPR procedures and practices.

Interviewing and interrogation techniques.

Ability to:

Use and care for firearms.

Use maps and learn City geography.

Handle multiple assignments.

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 experience as a Police Officer Trainee in the City of Modesto.

Training:

Equivalent to the completion of the twelfth grade. An Associate of Arts degree is desirable.

License or Certificate

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

Possession of a P.O.S.T. Basic Certificate.

APPENDIX B
PROJECT DARE DESCRIPTION

DRUG ABUSE RESISTANCE EDUCATION
(DARE)

In January 1983, Chief of Police Daryl F. Gates of the Los Angeles Police Department (LAPD) approached Dr. Harry Handler, Superintendent of the Los Angeles Unified School District (LAUSD), and expressed his concern regarding the current drug problems facing society. As a result of this meeting, a task force comprised of LAPD and LAUSD personnel was appointed to develop a drug abuse prevention program to be presented to elementary school children.

During the development of the curriculum, numerous drug abuse education programs were examined. It was agreed that a prevention program was best suited for the targeted age group. Existing prevention models which dealt with peer pressure techniques, self-management skills (decision making, values clarification, and problem solving), positive lifestyles, and alternatives to drug use, appeared to be experiencing the highest degree of success. As a result of this study, a cooperative LAPD/LAUSD drug abuse prevention program entitled Drug Abuse Resistance Education (DARE) was developed for presentation to 5th and 6th grade students. The curriculum of this program focuses on peer resistance training, self-concept improvement, and value decisions concerning respect for the law and personal safety.

Commencing in September, 1983, a pilot program began with ten Los Angeles Police Officers assigned as substance abuse instructors in Los Angeles City Schools. Prior to entering the classroom, each of the officers participated in an eighty-hour training course which included curriculum on teaching techniques as well as elementary school operations, preparation of visual aids, officer-school relationships, development of self-esteem, peer pressure resistance techniques, narcotic recognition, communication skills, child development, and classroom evaluations.

Each officer was assigned to five elementary schools and reported to a separate campus each day of the school week. By maintaining a 5:1 ratio of schools per instructor, it was possible for the ten officers to present weekly programs at fifty schools during the 1983-84 school year.

When presenting the curriculum to the 5th and 6th grades, the officers taught from specific lesson plans prepared by LAUSD curriculum specialists. In addition to these presentations, the officers were also responsible for coordinating an abbreviated program to students in grades K-4 and for working in concert with the school principals to provide drug abuse training to the respective parent groups.

Based on the first year's experience and the suggestions of an independent evaluator from the Evaluation and Training Institute, modifications were made in DARE prior to the start of the 1984/85 school year. These modifications did not change the content or the focus of the program, but were instituted to make DARE more workable and effective. A pilot program at the junior high level was initiated in the 1984/85 school year, and a condensed One-Day DARE Program was made available to private and public elementary schools not participating in the full program.

The success and future of this program will depend not only on the curriculum presentation, but also on the ability of the concerned citizens and businesses of Los Angeles to financially support drug prevention education. In a time of fiscal austerity for municipal governments, it becomes necessary for the Police Department and the School District to look to the community and private sector for this type of support.

DARE was selected as the recipient of a State Grant for the suppression of drug use in schools. These funds were used to add four additional officers to the program in 1984/85. If continual funding can be obtained, the DARE Program will continue to expand until it is part of the regular curriculum for every elementary school child within the City of Los Angeles. This planned expansion calls for an increase from the ten officers originally assigned to the pilot program to approximately fifty-three instructors needed for full implementation in all elementary and junior high schools. By June 1986, DARE will have impacted 276 of the 360 elementary schools and 16 of the 65 junior high schools in the City.

The costs of combating adolescent drug abuse are high, but the benefit to society is a sound investment. We must acknowledge that the welfare of our society rests upon the ability of our children to cope with the responsibilities and stresses which they will inherit as our future leaders and workers.

Since its inception, DARE has served as a model program for agencies throughout the country. In order to assist other communities in developing programs to meet their needs, DARE has developed a biannual training class for other agencies. Interest in this training has been widespread. Additional information is available through the DARE Program office.

The Los Angeles Police Department and the Los Angeles Unified School District have undertaken an innovative and bold step in society's battle to deal with drug abuse. With the continued expansion and success of the DARE Program, this generation and future generations should see a healthier society grow and flourish.

DARE LESSONS

1. **PRACTICES FOR PERSONAL SAFETY** -- Used to acquaint students with role of police and review practices for safety of students.
2. **DRUG USE AND MISUSE** -- Helps students understand harmful effects of drugs if they are misused.
3. **CONSEQUENCES** -- Helps students understand that there are many consequences, both positive and negative, that result from using and choosing not to use drugs.
4. **RESISTING PRESSURES TO USE DRUGS** -- To make students aware of kinds of peer pressure they may face and to help them learn to say no to offers to use drugs.
5. **RESISTANCE TECHNIQUES -- WAYS TO SAY NO** -- Teaches students ways to say no in resisting various types of pressure.
6. **BUILDING SELF-ESTEEM** -- Helps students understand that self-image results from positive and negative feelings and experiences.
7. **ASSERTIVENESS: A RESPONSE STYLE** -- Teaches that assertiveness is a response style that enables a person to state his or her own rights without loss of self-esteem.
8. **MANAGING STRESS WITHOUT TAKING DRUGS** -- Helps students recognize stress and suggests ways to deal with it other than by taking drugs.
9. **MEDIA INFLUENCES ON DRUG USE** -- Helps students develop the understanding and skills needed to analyze and resist media presentations about alcohol and drugs.
10. **DECISION MAKING AND RISK TAKING** -- Helps students apply the decision making process in evaluating the results of various kinds of risk-taking behavior, including that of drug use.
11. **ALTERNATIVES TO DRUG USE** -- Helps students find out about activities that are interesting and rewarding and that are better than taking drugs.
12. **ROLE MODELING** -- Older student leaders and other positive role models that do not use drugs talk to younger students to clarify the misconception that drug users are in the majority.
13. **FORMING A SUPPORT SYSTEM** -- Students will be able to develop positive relationships with many different people in order to form a support system.
14. **RESISTING GANG PRESSURES** -- Students will be able to identify situations in which they may be pressured by gangs and to evaluate the consequences of the choices available to them.
15. **DARE SUMMARY** -- Helps students summarize and assess what they learned from the program.
16. **TAKING A STAND** -- Students complete own commitment and present to class. Helps them respond effectively when pressured to use drugs.
17. **CULMINATION** -- Special exercise for all students.

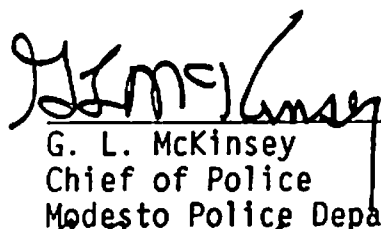
APPENDIX C
MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING

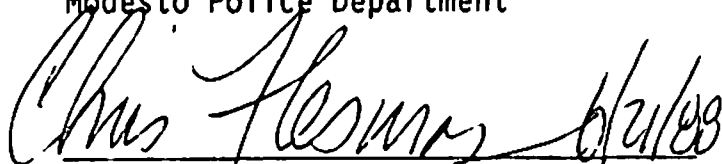
This Memorandum of Understanding is entered into by and between the Modesto Police Department and the Modesto City Schools. The following is the understanding which has been reached:

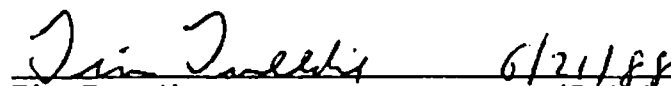
1. Gerald L. McKinsey, Chief of Police, shall act as representative of the Modesto Police Department and James C. Enochs, Superintendent, shall act as representative of the Modesto City Schools. In addition, the principals at the five target high schools shall act as representatives of their respective high schools as directed by the Superintendent of Schools. Specifically, Chris Flesuras shall represent Beyer High School, Tim Tweedie shall represent Davis High School, Joe Gregori shall represent Downey High School, Richard Lang shall represent Modesto High School, and Chuck Vidal shall represent the Alternative Education Center. No other agency or person shall be a part of this agreement.
2. This Memorandum of Understanding shall cover activities related to a grant administered by the State Office of Criminal Justice Planning entitled, "Drug Suppression in Schools Program" for which the Modesto Police Department and the Modesto City Schools have jointly applied.
3. The duties of the Modesto Police Department with respect to the Drug Suppression in Schools Program shall be: to conduct enforcement activities on the campuses of Beyer, Davis, Downey, and Modesto High Schools, and the Alternative Education Center, as described in Section 5 below; to increase the number of arrests on local high school campuses for sales of drugs; to cooperate in the arrests on campuses for possession of alcohol, drugs, and marijuana; to present drug prevention programs to local students; to prepare and submit any and all required reports related to grant activities; to maintain fiscal records for grant activities; and all other administrative responsibilities related to grant activities.
4. The duties of the Modesto City Schools with respect to the Drug Suppression in Schools Program shall be: to cooperate with enforcement activities and in arrests for sale of drugs on local high school campuses; to inform the Police Department of students known to be in possession of alcohol, drugs, and marijuana; to provide appropriate time and place for drug prevention programs and activities; and to provide data and information required for the maintenance of records and preparation of reports.
5. All enforcement activities on local school campuses shall be conducted in accordance with federal and state law and with city ordinances, including, but not limited to those relating to obtaining search warrants prior to Police Department access to records, lockers, and other personal belongings. Activities shall include undercover operations, as well as uniformed assistance when requested.
6. The Modesto Police Department shall provide to the Modesto City Schools: two full-time officers; training on understanding drugs and their effects; other programs on drug abuse prevention as agreed upon; and other services and activities appropriate to the successful completion of grant activities.


- 7. The Modesto City Schools shall provide to the Modesto Police Department: ongoing information on drug-related activities on local school campuses; assistance with identification of persons suspected of involvement in drug activities; and other services and activities appropriate to the successful completion of grant activities.
- 8. Both the Modesto Police Department and the Modesto City Schools agree to participate fully in this agreement within thirty days after notification by the Office of Criminal Justice Planning of award of requested grant funding to the Modesto Police Department. The above-mentioned duties and activities shall continue until such time as written approval is requested to and granted by the Office of Criminal Justice Planning to modify, amend, or dissovle this agreement; or until such time as federal or state funds are no longer provided specifically for the purpose of drug suppression in the schools.
- 9. All activities of this agreement shall take place within Stanislaus County.
- 10. This Memorandum of Understanding shall become valid only upon receipt by both parties of written notification of intent by the State Office of Criminal Justice Planning to provide funding for the "Drug Suppression in Schools Program." The signatures of the representatives of the agencies shall show intent to enter into this agreement only and shall not be binding until aforementioned notification of award of funding.

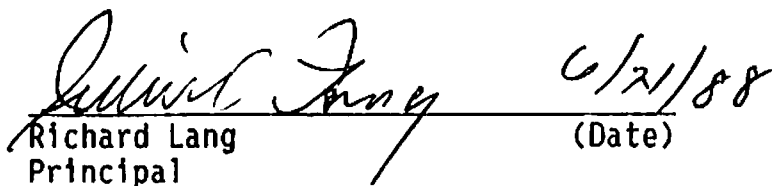
 6-21-88
 G. L. McKinsey (Date)
 Chief of Police
 Modesto Police Department

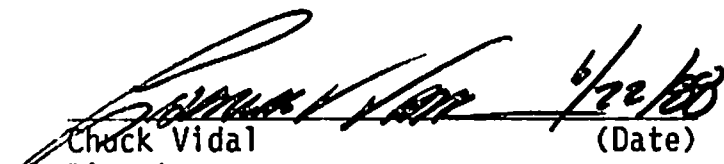
 (Date)
 James C. Enochs (Date)
 Superintendent
 Modesto City Schools

 6/21/88
 Chris Flesuras (Date)
 Principal
 Beyer High School

 6/21/88
 Tim Tweedie (Date)
 Principal
 Davis High School

 6/21/88
 Joe Gregori (Date)
 Principal
 Downey High School

 6/21/88
 Richard Lang (Date)
 Principal
 Modesto High School

 6/22/88
 Chuck Vidal (Date)
 Director
 Alternative Programs

24

APPENDIX D
LETTERS OF SUPPORT



CITY of MODESTO

Carol G. Whiteside, Mayor:
(209) 577-5230

801 11th Street, P. O. Box 642, Modesto, CA 95353
[TDD (209) 526-9211 Hearing and Speech Impaired only]
June 29, 1988

Office of Criminal Justice Planning
1130 K Street Suite 300
Sacramento, CA 95814

To Whom It May Concern:

As Mayor of the City of Modesto I was most pleased to cast my "aye" vote in approving the Modesto City Council Resolution authorizing the City Manager to submit a grant application to the State for the Suppression of Drug Abuse in Schools Program.

I am keenly aware of the destructive effects of illegal drugs here in Modesto, both to the users and to the victims of the users. Because it seems most logical and most effective to me to concentrate our drug control and eradication efforts first on the young, I have consistently supported the Drug Abuse Resistance Education (D.A.R.E.) Program which is jointly sponsored by the City and the three school districts included within the City limits. I am now pleased to support this program which will add the dimensions of direct law enforcement intervention on local high school campuses, increased school and classroom oriented programs aimed at reduction of drug use, improved written and audio-visual aids for school and law enforcement staff for handling drug related problems and offenses, and a coordinated intervention system for identifying high-risk juveniles or students with chronic drug abuse problems.

It also pleases me that this grant program will again be a joint effort, with the State, the City of Modesto, and the Modesto City School District which administers all the City's high schools. The two officers hired under the terms of this grant will be very valuable in accomplishing the objectives of the program. They will also be of great benefit to the general crime situation in the City with regard to property crimes and their perpetration by drug users. As icing on the cake, I know they will be instrumental in turning young lives onto more useful courses.

Please give this most important grant proposal all due consideration for funding.


CAROL WHITESIDE
Mayor

CW:JT:smm



James C. Enochs
Superintendent
James E. Burnis
Assistant Superintendent
Business Services
David C. Mello
Assistant Superintendent
Personnel
Sharon L. Rohrke
Assistant Superintendent
Administrative Services
Delbert R. Rydquist
Assistant Superintendent
Educational Services

BOARD OF EDUCATION

Steven Grenbeaux
President
Frank Jeans
Vice President
Axel Hedberg
John Hollis
Paul Neumann
Margaret Snyder
Donna Thayer

MODESTO CITY SCHOOLS

426 Locust Street, Modesto, California 95351-2699
Administrative Offices (209) 576 4011

June 27, 1988

RE: DISTRICT SUPPORT OF APPLICATION FOR SUPPRESSION
OF DRUG ABUSE IN SCHOOLS PROGRAM

I believe there is a commitment in this District to an effective substance abuse program.

After receiving input from a 60-member District/Community Substance Abuse Prevention Task Force, the Board of Education approved a \$345,950 program in August, 1987. The program components include prevention, intervention, support, and enforcement as well as partnerships with private and public agencies including Mental Health, the Modesto Police Department, and the Stanislaus County Drug Enforcement Agency.

An evaluation of the prevention, intervention, and support components is extremely positive. However, the District needs support of the Office of Criminal Justice Planning to fund two undercover officers for 1988-89 if we are to maximize our enforcement efforts.

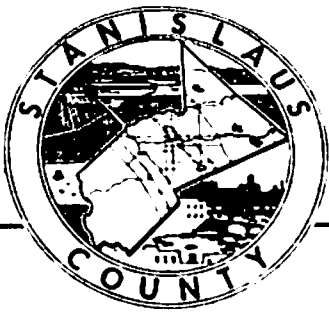
It is critical that we maximize efforts to prevent substance abuse among youth; it is just as critical to eliminate the sales of controlled substance from our high school campuses. Undercover operations in the past have had overwhelming support from the Board of Education, staff, students and the community.

Frankly, we lack the resources and expertise to be as effective as we need to be in the District enforcement component. The grant proposal would give us invaluable assistance.

Sincerely,

James C. Enochs
Superintendent

JCE:db



OFFICE OF
DISTRICT ATTORNEY

DONALD N. STAHL
District Attorney

Court House
P. O. Box 442 Modesto, California 95353 Tel. (209) 525-5550

Reply to:



June 24, 1988

Chief Gerald McKinsey
Modesto Police Department
P.O. Box 3315
Modesto, CA 95354

Re: Drug Suppression Grant

Dear Chief McKinsey:

We understand that the Office of Criminal Justice Planning of the State of California is making grant funds available for a Drug Suppression Program for which the Modesto Police Department and Modesto City Schools are jointly applying.

It has been the observation of the District Attorney's Office that drug and narcotic abuse is at the root of an alarming increase in the number of property crimes and crimes against persons. Efforts on the part of our government to reduce criminality resulting from drug and narcotic abuse requires multi-agency resources to combat both the supply and demand of this problem.

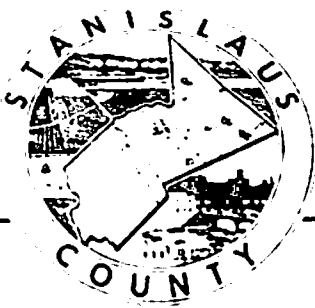
This office supports the Modesto Police Department and Modesto City Schools for their positive effort to confront this problem through the acquisition of a grant and allocation of proprietary budgetary resources for drug abuse intervention, education, referral and prevention in our local schools.

I am certain that programs such as this which are aimed at our youth will greatly assist in breaking the drug and narcotic abuse cycle.

Very truly yours,

DONALD N. STAHL
District Attorney

DNS:dmm



STANISLAUS COUNTY

Department of Mental Health

800 Scenic Drive
Modesto, California 95350
(209) 571-6543
ATSS 482-6543

June 27, 1988

Office of Criminal Justice Planning
1130 K Street, Suite 300
Sacramento, CA 95814

Gentlemen:

This letter is to indicate the support of the Department of Mental Health for the application being submitted by the City of Modesto and Modesto City Schools. This application is to request State funds for a Drug Suppression in Schools Program

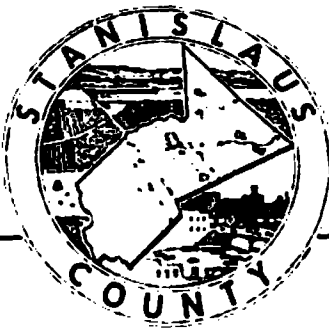
We feel the program and its objectives are extremely important to the community and to public agencies involved in the prevention of drug abuse. The presentation of such a program in the schools will increase the awareness of high school students and their families to the seriousness of drug abuse, and enhance their understanding of all prevention and intervention efforts.

The Department of Mental Health believes this joint venture is a positive step toward reducing the use and abuse of drugs on high school campuses. We wholeheartedly support and endorse the application of the City of Modesto and Modesto City Schools.

Sincerely,

Larry B. Poaster, Ph.D.
Mental Health Director
Drug Program Administrator

LBP/pe



Stanislaus County

Probation Department

2215 Blue Gum, Modesto, CA 95351
Administration: (209) 525-5400
Juv. Int./Inv.: (209) 525-5400
Supervision: (209) 525-5400
Adult Investigation: (209) 525-6539

June 29, 1988

TO WHOM IT MAY CONCERN:

Re: Grant Application - Modesto Police
Department & Modesto City Schools

The Modesto Police Department, in conjunction with Modesto City Schools, is requesting a grant for the suppression of drug abuse in local schools. Drugs on school campuses is one of the major problems faced by school officials and law enforcement today. Programs geared toward the suppression of this problem are vital to the welfare of our youth. The Stanislaus County Probation Department supports this program and urges your favorable consideration of the grant application.

Very truly yours,

ROBERT L. NOREM
CHIEF PROBATION OFFICER

RLN:zo

MODESTO CITY COUNCIL
RESOLUTION NO. 88-486

A RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITY SERVICES TO ENTER INTO NEGOTIATIONS WITH JOHN CAROLLO ENGINEERS FOR THE PHASE III IRRIGATION STUDY AT THE SECONDARY TREATMENT PLANT

WHEREAS, Requests for Qualifications were sent to consulting engineers for Phase III Irrigation Studay at the Secondary Treatment Facility as authorized by City Council Res. 88-295 which was adopted on April 19, 1988, and

WHEREAS, after extensive review of proposals and qualifications received, staff recommends the selection of John Carollo Engineers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Utility Services is hereby authorized to negotiate a contract with John Carollo Engineers for the Phase III Irrigation Study at the Secondary Treatment Facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-486

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN CAROLLO ENGINEERS FOR THE PHASE III IRRIGATION STUDY AT THE SECONDARY TREATMENT FACILITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and John Carollo Engineers for the Phase III Irrigation Study at the Secondary Treatment Facility

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 June, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-487

A RESOLUTION VACATING AND ABANDONING THE SOUTHERLY 3 FOOT PORTION OF THE 10-FOOT PUBLIC UTILITY EASEMENT IN LOT 6 OF BLOCK 12426 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 12426 in the City of Modesto, described in Exhibit "A" attached hereto, which is the southerly 3 foot portion of the 10-foot public utility easement in Lot 6 of Block 12426 along the north property line of 921 Dyer Lane, 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 the southerly 3 foot portion of the 10-foot public utility easement in Lot 6 of Block 12426 in the City of Modesto, is no longer necessary for public utility easement purposes. 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 southerly 3 foot 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 southerly 3 foot portion of the 10-foot public utility easement located in Block 12426 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 June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

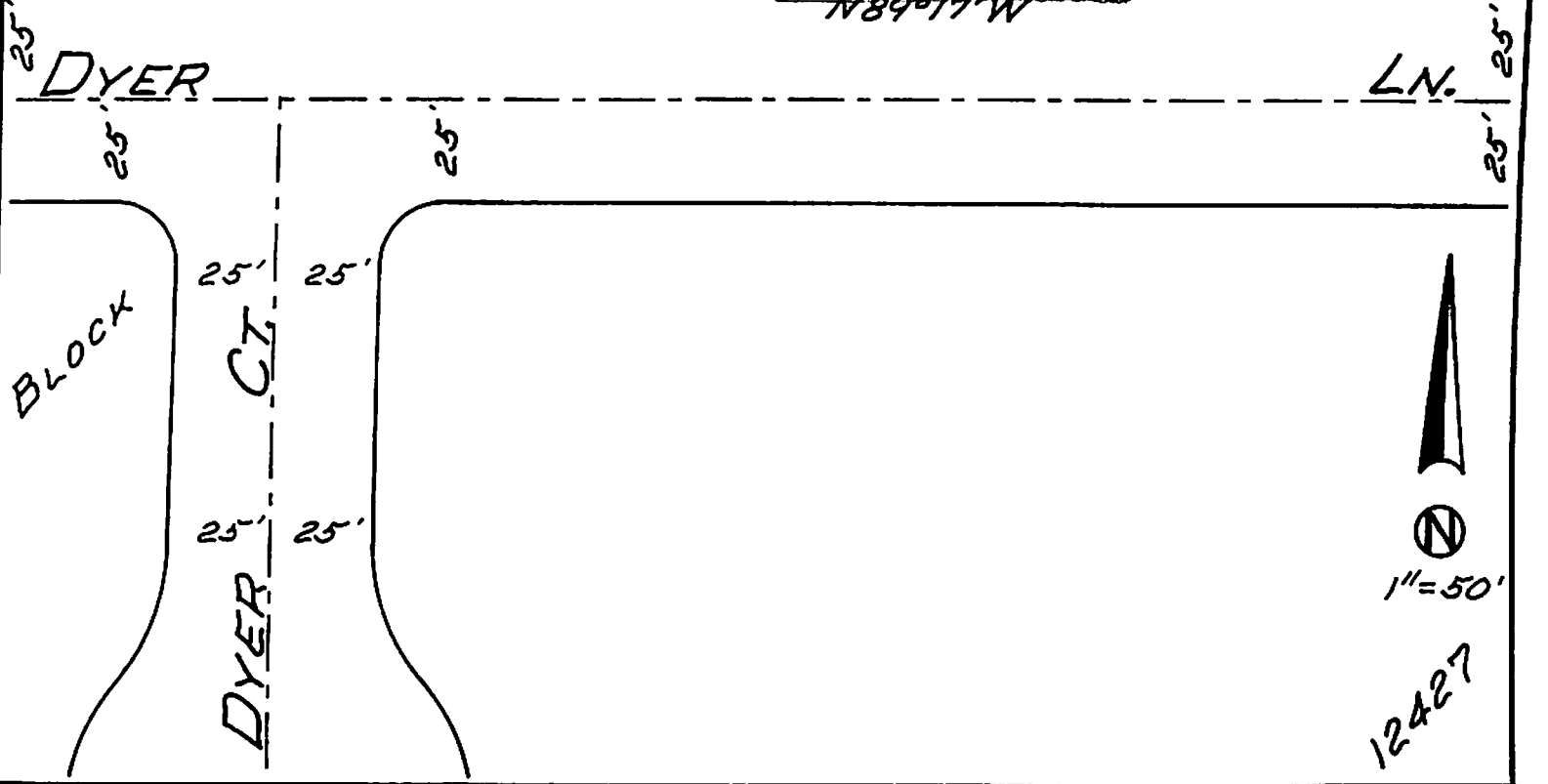
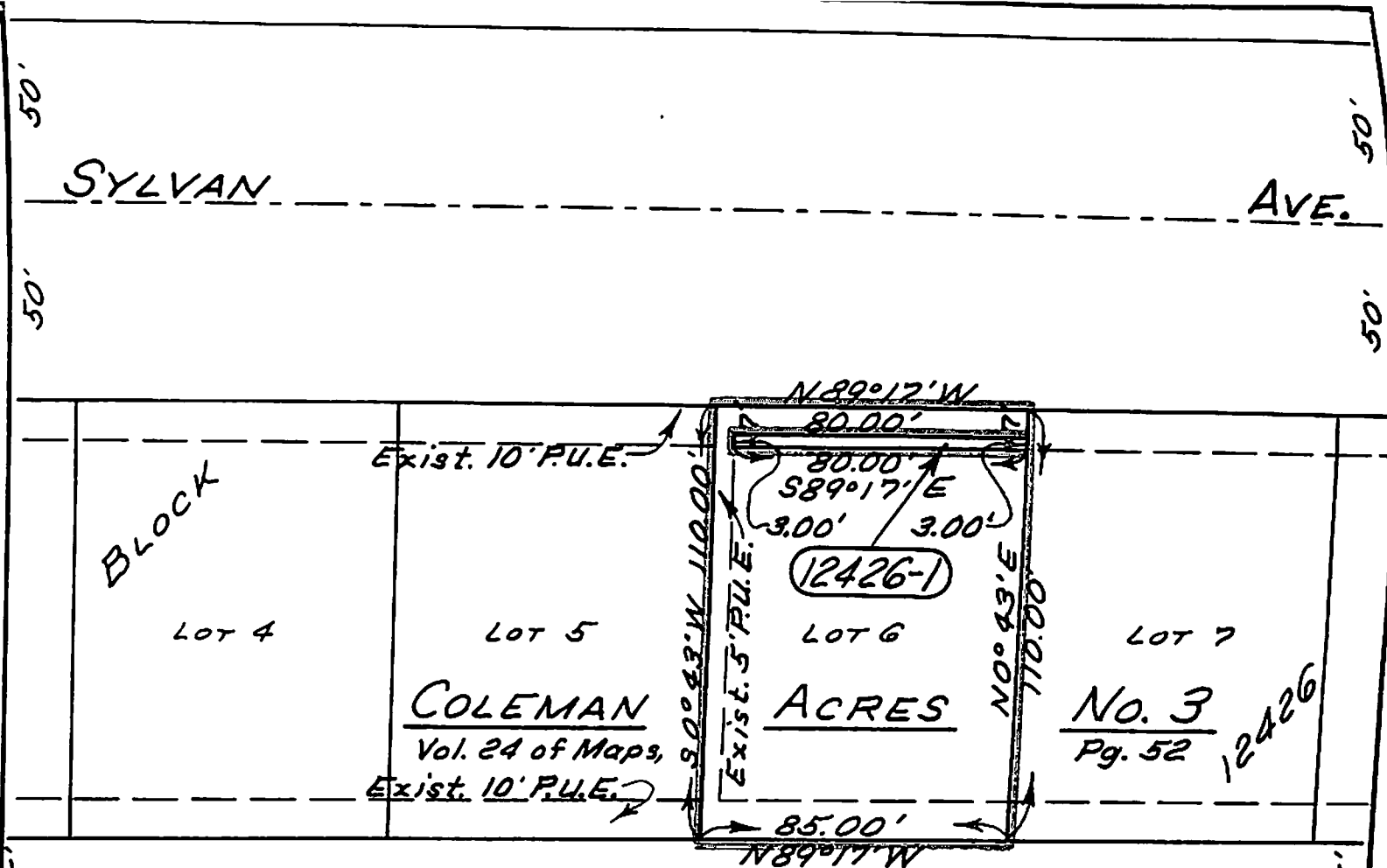
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By John R. Christian
Engineering Services Department



RECOMMENDED BY:		DATE	BY
CITY OF MODESTO DEPARTMENT OF ENGINEERING			
ALFRED KAUFMAN, DIRECTOR R.E. 6743	VACATE AND ABANDON A PORTION OF A 10' P.U.E. IN LOT 6 OF BLOCK 12426 ~ L.D. 88-E		FLD. BK. & PG.
JERRY H. BUTLER, SENIOR C.E.			W. O. NO.
DATE June 15, '88	DRAWN J. Christiansen	CHECKED	FILE NUMBER 4 ~ A ~ 719

Exhibit "A"

June 17, 1988

LD 88-E
Parcel 12426-1

VACATE AND ABANDON A PORTION OF A 10' P.U.E. IN LOT 6 OF BLOCK 12426

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

Commencing at the Northwestern corner of Lot 6 in Block 12426 of the COLEMAN ACRES NO. 3 Subdivision, as per map filed July 3, 1973 in Volume 24 of Maps, Page 52, Stanislaus County Records; thence along the Western line of said Lot 6, South $00^{\circ}43'$ West, 10.00 feet; thence South $89^{\circ}17'$ East, 5.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Southerly from the Northern line of Lot 6 and the true point of beginning of this description; thence along said parallel line, said line being the Southern line of an existing 10-foot wide Public Utility Easement, South $89^{\circ}17'$ East, 80.00 feet, to a point on the Eastern line of Lot 6; thence along said Eastern line of Lot 6, North $00^{\circ}43'$ East, 3.00 feet, to a point on a line which is parallel with and 7.00 feet, measured at right angles, Southerly from the Northern line of Lot 6; thence along said last mentioned parallel line, North $89^{\circ}17'$ West, 80.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Easterly from said Western line of Lot 6; thence along said last mentioned parallel line, said line being the Eastern line of an existing 5-foot wide Public Utility Easement in Lot 6, South $00^{\circ}43'$ West, 3.00 feet, to the point of beginning.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-488

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND R.J. HILL COMPANY FOR REIMBURSEMENT OF INSTALLATION OF STORM DRAIN TRUNK FACILITIES AT THE PARK VALLEY HOMES SUBDIVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and R.J. Hill Company for reimbursement of installation of storm drain trunk facilities at the Park Valley Homes Subdivision located on Whitmore Avenue at Dallas 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 28th day of June, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-489

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NATIONAL UNION INSURANCE COMPANY FOR EXCESS WORKERS COMPENSATION POLICY THROUGH ACCEL, JOINT RISK INSURANCE POOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and National Union Insurance Company for Excess Workers Compensation Policy through ACCEL, our joint risk insurance pool

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

AMENDED

on _____
By Resolution 90-163

AMENDED

on _____
By Resolution 90-425

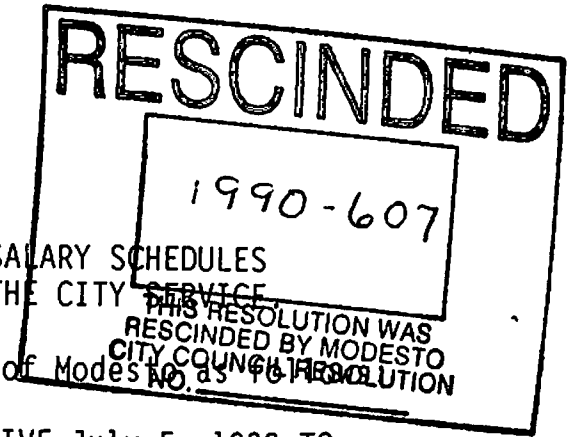
MODESTO CITY COUNCIL
RESOLUTION NO. 88-490

A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES
AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE.

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

SECTION 1. SALARY RANGES AND RATES EFFECTIVE July 5, 1988 TO

JULY 4, 1989. The salary rates, salary ranges and salary steps as set forth in Exhibit "A" entitled "Class Range Table, General Non-Sworn Classes Effective July 5, 1988", Exhibit "B" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule A General Non-Sworn Classes", Exhibit "C" entitled "Class Range Table, General Fire Classes, Effective July 5, 1988", Exhibit "D" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedules B and W General Fire Classes, and Schedule X Special Assignment, and Schedule Z Fire Prevention Bureau and Fire Fighter Trainees", Exhibit "E" entitled "Class Range Table, General Police Classes", Effective July 5, 1988, Exhibit "F" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule C General Police Classes", Exhibit "G" entitled "Class Range Table, Management and Confidential Non-Sworn Classes, Effective July 5, 1988", Exhibit "H" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule D Management/ Confidential - General", Exhibit "I" entitled "Class Range Table, Fire Management Classes Effective July 5, 1988", Exhibit "J" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule E Management/Confidential - Fire, and Schedule Y Fire Management", Exhibit "K" entitled "Class Range Table, Police Management Classes Effective July 5,



1988", Exhibit "L" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule F Management/ Confidential - Police", Exhibit "M" entitled "Class Range Table, Executive Management Effective July 5, 1988, which are attached hereto and hereby made a part hereof, are established effective July 5, 1988 to and including July 3, 1989.

SECTION 2. SALARIES FOR CLASSES OF POSITIONS. The salary ranges and rates for the classes of positions established by the Position Classification Plan, as set forth in Exhibit "H" entitled "City of Modesto Alphabetical Listing of Classifications in City Service 1987-88" which is attached hereto and hereby made a part hereof, are hereby rescinded.

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 properly to operate the department under the Charter, ordinances and resolutions adopted by the City Council; including creating additional positions to replace employees who are on disability leave or other leaves of absence.

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

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

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

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

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

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

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

SECTION 8. DIFFERENTIAL PAY - FIRE PREVENTION BUREAU. A sworn safety member of the Fire Department assigned to the Fire Department's Fire Prevention Bureau shall be paid, in addition to the salary fixed and established for the class title and pay range to which the employee's position has been allocated, the following additional compensation based on time spent in the Fire Prevention Bureau and determined as a percent of the compensation which the employee would otherwise be entitled to receive:

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

SECTION 9. ACTING PAY - POLICE DEPARTMENT. A Detective who is temporarily assigned to act as a Sergeant for five (5) or more regularly scheduled, consecutive workdays will be paid five percent (5%) acting pay above the Detective's normal base pay retroactive to the first day. Holidays

and regularly scheduled days off will not interrupt the calculation of consecutive workdays.

SECTION 10. DIFFERENTIAL PAY – ASSISTANT SQUAD LEADERS. A Police Officer who is assigned by the Chief of Police as an Assistant Squad Leader shall be paid, in addition to the salary fixed and established for the classification of Police Officer, additional compensation of five percent (5%) of the compensation which the officer would otherwise be entitled to receive.

SECTION 11. ACTING PAY – MISCELLANEOUS EMPLOYEES. An employee represented by the Modesto City Employees' Association who is temporarily assigned by a Personnel Action form to fill another position for more than one hundred and twenty (120) consecutive regularly scheduled work hours will be paid five percent (5%) additional compensation above the employee's normal base pay retroactive to the first hour of such assignment. Holidays and regularly scheduled hours and days off will not interrupt the calculation of consecutive work hours.

SECTION 12. ACTING PAY – FIRE DEPARTMENT. A fire suppression employee in the Fire Department represented by the Modesto City Firefighters Association who is assigned to work temporarily in a position in a salary range above that to which the employee is regularly assigned and who is entitled to acting pay in accordance with the Personnel Administrative Orders of the City of Modesto, will be paid five percent (5%) additional compensation above the employee's normal base pay commencing with the beginning of the first (1st) hour of the overgrade assignment on an hour for hour basis.

SECTION 13. 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 14. EFFECTIVE DATE. This resolution shall be effective on and after July 5, 1988.

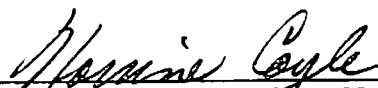
SECTION 15. REPEALS. Resolution No. 87-566 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, 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 July 5, 1988

RANGE	TITLE
103	Administrative Clerk I Printing Services Op 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 July 5, 1988

RANGE	TITLE
115	Accounting Technician Planning Technician I Police Administrative Technician Wastewater Treatment Plant Att. Community Service Officer
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 Opr. Civil Engineering Technician I Building Maintenance Mechanic
120	Welder/Fabricator Senior Equipment Operator Fire Prevention Technician II Equipment Mechanic Assistant Electrician Traffic Painter Crewleader Accountant I Assistant Lab Technician

EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective July 5, 1988

RANGE	TITLE
121	
122	Coach Mechanic Fire Equipment Mechanic Nursery Propagator Tree Trimmer Crewleader Housing Program Specialist Programmer Analyst I
123	Sr. Wastewtr Trtmnt Plt Opr Maint. Mech. Crewleader-Pumps Civil Engineering Technician II Maint. Mech. Crewleader-Parks
124	Plant Mechanic Laboratory Technician Equipment Mechanic Crewleader Planning Assistant Equipment Crewleader
125	Crime Analyst
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector Senior Fire Equipment Mechanic
127	Civil Engineering Assistant
128	Instrument Repair Technician Programmer Analyst II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II

EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective July 5, 1988

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

SCHEDULE A
GENERAL NON-SWORN CLASSES

EXHIBIT B

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
075.0	4.0572	4.2601	4.4731	4.6968	4.9316	324.58	340.81	357.85	375.74	394.53	705.67	740.96	778.00	816.90	857.7
076.0	4.1586	4.3665	4.5848	4.8140	5.0547	332.69	349.32	366.78	385.12	404.38	723.30	759.46	797.42	837.29	879.1
077.0	4.2626	4.4757	4.6995	4.9345	5.1812	341.01	358.06	375.96	394.76	414.50	741.39	778.46	817.37	858.25	901.1
078.0	4.3692	4.5877	4.8171	5.0580	5.3109	349.54	367.02	385.37	404.64	424.87	759.93	797.94	837.83	879.73	923.7
079.0	4.4784	4.7023	4.9374	5.1843	5.4435	358.27	376.18	394.99	414.74	435.48	778.91	817.85	858.75	901.69	946.7
080.0	4.5904	4.8199	5.0609	5.3139	5.5796	367.23	385.59	404.87	425.11	446.37	798.39	838.31	880.23	924.23	970.4
081.0	4.7052	4.9405	5.1875	5.4469	5.7192	376.42	395.24	415.00	435.75	457.54	818.37	859.29	902.25	947.36	994.7
082.0	4.8228	5.0639	5.3171	5.5830	5.8622	385.82	405.11	425.37	446.64	468.98	838.81	880.75	924.80	971.04	1019.6
083.0	4.9434	5.1906	5.4501	5.7226	6.0087	395.47	415.25	436.01	457.81	480.70	859.79	902.80	947.93	995.32	1045.6
084.0	5.0670	5.3204	5.5864	5.8657	6.1590	405.36	425.63	446.91	469.26	492.72	881.29	925.36	971.63	1020.22	1071.8
085.0	5.1937	5.4534	5.7261	6.0124	6.3130	415.50	436.27	458.09	480.99	505.04	903.34	948.49	995.93	1045.72	1098.0
086.0	5.3235	5.5897	5.8692	6.1627	6.4708	425.88	447.18	469.54	493.02	517.66	925.91	972.21	1020.83	1071.87	1125.4
087.0	5.4566	5.7294	6.0159	6.3167	6.6325	436.53	458.35	481.27	505.34	530.60	949.06	996.50	1046.33	1098.66	1153.3
088.0	5.5930	5.8727	6.1663	6.4746	6.7983	447.44	469.82	493.30	517.97	543.86	972.78	1021.44	1072.48	1126.12	1182.4
089.0	5.7328	6.0194	6.3204	6.6364	6.9682	458.62	481.55	505.63	530.91	557.46	997.09	1046.94	1099.29	1154.25	1211.5
090.0	5.8761	6.1699	6.4784	6.8023	7.1424	470.09	493.59	518.27	544.18	571.39	1022.02	1073.11	1126.77	1183.10	1242.2
091.0	6.0230	6.3242	6.6404	6.9724	7.3210	481.84	505.94	531.23	557.79	585.68	1047.57	1099.96	1154.95	1212.69	1273.3
092.0	6.1736	6.4823	6.8064	7.1467	7.5040	493.89	518.58	544.51	571.74	600.32	1073.77	1127.44	1183.82	1243.02	1305.1
093.0	6.3279	6.6443	6.9765	7.3253	7.6916	506.23	531.54	558.12	586.02	615.33	1100.59	1155.62	1213.41	1274.07	1337.7
094.0	6.4861	6.8104	7.1509	7.5084	7.8838	518.89	544.83	572.07	600.67	630.70	1128.12	1184.51	1243.74	1305.92	1371.1
095.0	6.6483	6.9807	7.3297	7.6962	8.0810	531.86	558.46	586.38	615.70	646.48	1156.32	1214.15	1274.85	1338.59	1405.5
096.0	6.8145	7.1552	7.5130	7.8887	8.2831	545.16	572.42	601.04	631.10	662.65	1185.23	1244.50	1306.72	1372.07	1446.1
097.0	6.9849	7.3341	7.7008	8.0858	8.4901	558.79	586.73	616.06	646.86	679.21	1214.87	1275.61	1339.38	1406.34	1476.1
098.0	7.1595	7.5175	7.8934	8.2881	8.7025	572.76	601.40	631.47	663.05	696.20	1245.24	1307.50	1372.88	1441.54	1513.1
099.0	7.3385	7.7054	8.0907	8.4952	8.9200	587.08	616.43	647.26	679.62	713.60	1276.37	1340.18	1407.21	1477.56	1551.7
100.0	7.5220	7.8981	8.2930	8.7077	9.1431	601.76	631.85	663.44	696.62	731.45	1308.29	1373.71	1442.38	1514.52	1590.1
101.0	7.7099	8.0954	8.5002	8.9252	9.3715	616.79	647.63	680.02	714.02	749.72	1340.96	1408.01	1478.43	1552.35	1629.1
102.0	7.9026	8.2977	8.7126	9.1482	9.6056	632.21	663.82	697.01	731.86	768.45	1374.49	1443.21	1515.37	1591.14	1670.1
103.0	8.1002	8.5052	8.9305	9.3770	9.8459	648.02	680.42	714.44	750.16	787.67	1408.86	1479.30	1553.26	1630.92	1712.1
104.0	8.3027	8.7178	9.1537	9.6114	10.0920	664.22	697.42	732.30	768.91	807.36	1444.08	1516.26	1592.09	1671.69	1755.1
105.0	8.5103	8.9358	9.3826	9.8517	10.3443	680.82	714.86	750.61	788.14	827.54	1480.17	1554.18	1631.90	1713.50	1799.1
106.0	8.7231	9.1593	9.6173	10.0982	10.6031	697.85	732.74	769.38	807.86	848.25	1517.20	1593.05	1672.71	1756.37	1844.1
107.0	8.9412	9.3883	9.8577	10.3506	10.8681	715.30	751.06	788.62	828.05	869.45	1555.13	1632.88	1714.54	1800.26	1890.1
108.0	9.1647	9.6229	10.1040	10.6092	11.1397	733.18	769.83	808.32	848.74	891.18	1594.01	1673.69	1757.37	1845.25	1937.1
109.0	9.3938	9.8635	10.3567	10.8745	11.4182	751.50	789.08	828.54	869.96	913.46	1633.84	1715.54	1801.33	1891.38	1985.1
110.0	9.6286	10.1100	10.6155	11.1463	11.7036	770.29	808.80	849.24	891.70	936.29	1674.69	1758.41	1846.33	1938.64	2035.1
111.0	9.8693	10.3628	10.8809	11.4249	11.9961	789.54	829.02	870.47	913.99	959.69	1716.54	1802.37	1892.49	1987.11	2086.1
112.0	10.1160	10.6218	11.1529	11.7105	12.2960	809.28	849.74	892.23	936.84	983.68	1759.46	1847.42	1939.80	2036.78	2138.1
113.0	10.3689	10.8873	11.4317	12.0033	12.6035	829.51	870.98	914.54	960.26	1008.28	1803.44	1893.60	1988.30	2087.70	2192.1
114.0	10.6281	11.1595	11.7175	12.3034	12.9186	850.25	892.76	937.40	984.27	1033.49	1848.53	1940.95	2038.00	2139.90	2246.1
115.0	10.8938	11.4385	12.0104	12.6109	13.2414	871.50	915.08	960.83	1008.87	1059.31	1894.73	1989.48	2088.94	2193.38	2303.1

SCHEDULE A
GENERAL NON-SWORN CLASSES

EXHIBIT B
CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
116.0	11.1661	11.7244	12.3106	12.9261	13.5724	893.29	937.95	984.85	1034.09	1085.79	1942.10	2039.20	2141.16	2248.22	2360.62
117.0	11.4453	12.0176	12.6185	13.2494	13.9119	915.62	961.41	1009.48	1059.95	1112.95	1990.65	2090.20	2194.71	2304.44	2419.66
118.0	11.7314	12.3180	12.9339	13.5806	14.2596	938.51	985.44	1034.71	1086.45	1140.77	2040.41	2142.45	2249.56	2362.05	2480.15
119.0	12.0247	12.6259	13.2572	13.9201	14.6161	961.98	1010.07	1060.58	1113.61	1169.29	2091.44	2195.99	2305.81	2421.10	2542.15
120.0	12.3253	12.9416	13.5887	14.2681	14.9815	986.02	1035.33	1087.10	1141.45	1198.52	2143.71	2250.91	2363.46	2481.63	2605.70
121.0	12.6334	13.2651	13.9284	14.6248	15.3560	1010.67	1061.21	1114.27	1169.98	1228.48	2197.30	2307.18	2422.53	2543.65	2670.84
122.0	12.9492	13.5967	14.2765	14.9903	15.7398	1035.94	1087.74	1142.12	1199.22	1259.18	2252.24	2364.86	2483.08	2607.22	2737.58
123.0	13.2729	13.9365	14.6333	15.3650	16.1333	1061.83	1114.92	1170.66	1229.20	1290.66	2308.52	2423.95	2545.13	2672.40	2806.02
124.0	13.6047	14.2849	14.9991	15.7491	16.5366	1088.38	1142.79	1199.93	1259.93	1322.93	2366.25	2484.54	2608.77	2739.21	2876.18
125.0	13.9448	14.6420	15.3741	16.1428	16.9499	1115.58	1171.36	1229.93	1291.42	1355.99	2425.38	2546.65	2673.99	2807.68	2948.06
126.0	14.2934	15.0081	15.7585	16.5464	17.3737	1143.47	1200.65	1260.68	1323.71	1389.90	2486.02	2610.33	2740.84	2877.88	3021.78
127.0	14.6507	15.3832	16.1524	16.9600	17.8030	1172.06	1230.66	1292.19	1356.80	1424.64	2548.18	2675.58	2809.35	2949.82	3097.31
128.0	15.0170	15.7679	16.5563	17.3841	18.2533	1201.36	1261.43	1324.50	1390.73	1460.26	2611.88	2742.47	2879.60	3023.59	3174.75
129.0	15.3924	16.1620	16.9701	17.8186	18.7095	1231.39	1292.96	1357.61	1425.49	1496.76	2677.16	2811.02	2951.58	3099.16	3254.11
130.0	15.7772	16.5661	17.3944	18.2641	19.1773	1262.18	1325.29	1391.55	1461.13	1534.18	2744.11	2881.31	3025.37	3176.64	3335.46
131.0	16.1716	16.9802	17.8292	18.7207	19.6567	1293.73	1358.42	1426.34	1497.66	1572.54	2812.70	2953.34	3101.01	3256.06	3418.86
132.0	16.5759	17.4047	18.2749	19.1886	20.1480	1326.07	1392.38	1461.99	1535.09	1611.84	2883.01	3027.17	3178.51	3337.44	3504.30
133.0	16.9903	17.8398	18.7318	19.6684	20.6518	1359.22	1427.18	1498.54	1573.47	1652.14	2955.08	3102.83	3257.98	3420.88	3591.92
134.0	17.4151	18.2859	19.2002	20.1602	21.1682	1393.21	1462.87	1536.02	1612.82	1693.46	3028.98	3180.43	3339.46	3506.43	3681.75
135.0	17.8505	18.7430	19.6802	20.6642	21.6974	1428.04	1499.44	1574.42	1653.14	1735.79	3104.70	3259.93	3422.95	3594.09	3773.78
136.0	18.2968	19.2116	20.1722	21.1808	22.2398	1463.74	1536.93	1613.78	1694.46	1779.18	3182.32	3341.44	3508.52	3683.93	3868.12
137.0	18.7542	19.6919	20.6765	21.7103	22.7958	1500.34	1575.35	1654.12	1736.82	1823.66	3261.89	3424.97	3596.22	3776.02	3964.82
138.0	19.2231	20.1843	21.1935	22.2532	23.3659	1537.85	1614.74	1695.48	1780.26	1869.27	3343.44	3510.61	3686.14	3870.46	4063.98
139.0	19.7037	20.6889	21.7233	22.8095	23.9500	1576.30	1655.11	1737.86	1824.76	1916.00	3427.03	3598.37	3778.28	3967.21	4165.58
140.0	20.1963	21.2061	22.2664	23.3797	24.5487	1615.70	1696.49	1781.31	1870.38	1963.90	3512.69	3688.34	3872.75	4066.39	4269.71
141.0	20.7012	21.7363	22.8231	23.9643	25.1625	1656.10	1738.90	1825.65	1917.14	2013.00	3600.53	3780.54	3969.58	4168.05	4376.46
142.0	21.2187	22.2796	23.3936	24.5633	25.7915	1697.50	1782.37	1871.49	1965.06	2063.32	3690.53	3875.05	4068.81	4272.24	4485.86
143.0	21.7492	22.8367	23.9785	25.1774	26.4363	1739.94	1826.94	1918.28	2014.19	2114.90	3782.80	3971.95	4170.53	4379.05	4598.00
144.0	22.2929	23.4075	24.5779	25.8068	27.0971	1783.43	1872.60	1966.23	2064.54	2167.77	3877.36	4071.22	4274.78	4488.52	4712.95
145.0	22.8502	23.9927	25.1923	26.4519	27.7745	1828.02	1919.42	2015.38	2116.15	2221.96	3974.30	4173.01	4381.64	4600.72	4830.76
146.0	23.4215	24.5926	25.8222	27.1133	28.4690	1873.72	1967.41	2065.78	2169.06	2277.52	4073.65	4277.35	4491.21	4715.75	4951.56
147.0	24.0070	25.2074	26.4678	27.7912	29.1808	1920.56	2016.59	2117.42	2223.30	2334.46	4175.49	4384.27	4603.48	4833.68	5075.35
148.0	24.6072	25.8376	27.1295	28.4860	29.9103	1968.58	2067.01	2170.36	2278.88	2392.82	4279.89	4493.89	4718.58	4954.51	5202.23
149.0	25.2224	26.4835	27.8077	29.1981	30.6580	2017.79	2118.68	2224.62	2335.85	2452.64	4386.88	4606.22	4836.55	5078.37	5332.28
150.0	25.8530	27.1457	28.5030	29.9282	31.4246	2068.24	2171.66	2280.24	2394.26	2513.97	4496.56	4721.41	4957.47	5205.36	5465.62
151.0	26.4993	27.8243	29.2155	30.6763	32.2101	2119.94	2225.94	2337.24	2454.10	2576.81	4608.96	4839.42	5081.39	5335.46	5602.24
152.0	27.1618	28.5199	29.9459	31.4432	33.0154	2172.94	2281.59	2395.67	2515.46	2641.23	4724.19	4960.40	5208.43	5468.86	5742.30
153.0	27.8408	29.2328	30.6944	32.2291	33.8406	2227.26	2338.62	2455.55	2578.33	2707.25	4842.29	5084.39	5338.61	5605.55	5885.83
154.0	28.5368	29.9636	31.4618	33.0349	34.6866	2282.94	2397.09	2516.94	2642.79	2774.93	4963.34	5211.51	5472.08	5745.69	6032.98
155.0	29.2502	30.7127	32.2483	33.8607	35.5537	2340.02	2457.02	2579.86	2708.86	2844.30	5087.44	5341.81	5608.87	5889.33	6183.79
156.0	29.9815	31.4806	33.0546	34.7073	36.4427	2398.52	2518.45	2644.37	2776.58	2915.42	5214.62	5475.36	5749.12	6036.56	6338.41

SCHEDULE A
GENERAL NON-SWORN CLASSES

EXHIBIT B

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
157.0	30.7310	32.2676	33.8810	35.5751	37.3539	2458.48	2581.41	2710.48	2846.01	2988.31	5344.98	5612.24	5892.85	6187.51	6496.88
158.0	31.4993	33.0743	34.7280	36.4644	38.2876	2519.94	2645.94	2778.24	2917.15	3063.01	5478.60	5752.54	6040.17	6342.18	6659.29
159.0	32.2868	33.9011	35.5962	37.3760	39.2448	2582.94	2712.09	2847.70	2990.08	3139.58	5615.57	5896.35	6191.18	6500.73	6825.76
160.0	33.0940	34.7487	36.4861	38.3104	40.2259	2647.52	2779.90	2918.89	3064.83	3218.07	5755.97	6043.78	6345.96	6663.25	6996.41
161.0	33.9214	35.6175	37.3984	39.2683	41.2317	2713.71	2849.40	2991.87	3141.46	3298.54	5899.88	6194.88	6504.62	6829.85	7171.36
162.0	34.7694	36.5079	38.3333	40.2500	42.2625	2781.55	2920.63	3066.66	3220.00	3381.00	6047.37	6349.74	6667.23	7000.60	7350.63
163.0	35.6386	37.4205	39.2915	41.2561	43.3189	2851.09	2993.64	3143.32	3300.49	3465.51	6198.55	6508.47	6833.89	7175.60	7534.37
164.0	36.5296	38.3561	40.2739	42.2876	44.4020	2922.37	3068.49	3221.91	3383.01	3552.16	6353.52	6671.20	7004.75	7355.00	7722.75
165.0	37.4428	39.3149	41.2806	43.3446	45.5118	2995.42	3145.19	3302.45	3467.57	3640.94	6512.34	6837.96	7179.86	7538.84	7915.77
166.0	38.3789	40.2978	42.3127	44.4283	46.6497	3070.31	3223.82	3385.02	3554.26	3731.98	6675.16	7008.91	7359.37	7727.32	8113.70
167.0	39.3384	41.3053	43.3706	45.5391	47.8161	3147.07	3304.42	3469.65	3643.13	3825.29	6842.04	7184.14	7543.37	7920.53	8316.56
168.0	40.3219	42.3380	44.4549	46.6776	49.0115	3225.75	3387.04	3556.39	3734.21	3920.92	7013.10	7363.76	7731.95	8118.55	8524.47
169.0	41.3299	43.3964	45.5662	47.8445	50.2367	3306.39	3471.71	3645.30	3827.56	4018.94	7188.42	7547.84	7925.25	8321.50	8737.58
170.0	42.3631	44.4813	46.7054	49.0407	51.4927	3389.05	3558.50	3736.43	3923.26	4119.42	7368.13	7736.53	8123.37	8529.56	8956.03
171.0	43.4222	45.5933	47.8730	50.2667	52.7800	3473.78	3647.46	3829.84	4021.34	4222.40	7552.35	7929.94	8326.46	8742.80	9179.92
172.0	44.5078	46.7332	49.0699	51.5234	54.0996	3560.62	3738.66	3925.59	4121.87	4327.97	7741.14	8128.22	8534.63	8961.36	9409.44
173.0	45.6205	47.9015	50.2966	52.8114	55.4520	3649.64	3832.12	4023.73	4224.91	4436.16	7934.68	8331.41	8747.99	9185.38	9644.66
174.0	46.7610	49.0991	51.5541	54.1318	56.8384	3740.88	3927.93	4124.33	4330.54	4547.07	8133.05	8539.71	8966.71	9415.03	9885.78
175.0	47.9300	50.3265	52.8428	55.4849	58.2591	3834.40	4026.12	4227.42	4438.79	4660.73	8336.37	8753.19	9190.83	9650.37	10132.89
176.0	49.1283	51.5847	54.1639	56.8721	59.7157	3930.26	4126.78	4333.11	4549.77	4777.26	8544.78	8972.03	9420.61	9891.65	10386.24
177.0	50.3565	52.8743	55.5180	58.2939	61.2086	4028.52	4229.94	4441.44	4663.51	4896.69	8758.41	9196.31	9656.13	10138.94	10645.89
178.0	51.6154	54.1962	56.9060	59.7513	62.7389	4129.23	4335.70	4552.48	4780.10	5019.11	8977.36	9426.25	9897.55	10392.42	10912.05
179.0	52.9058	55.5511	58.3287	61.2451	64.3074	4232.46	4444.09	4666.30	4899.61	5144.59	9201.79	9661.90	10145.00	10652.24	11184.85
180.0	54.2284	56.9398	59.7868	62.7761	65.9149	4338.27	4555.18	4782.94	5022.09	5273.19	9431.83	9903.42	10398.59	10918.53	11464.44

EXHIBIT C
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL FIRE CLASSES

Effective July 5, 1988

RANGE	TITLE
203	Firefighter Trainee
204	
205	
206	
207	Firefighter
208	
209	
210	
211	Fire Engineer
212	
213	
214	
215	
216	
217	Fire Captain

SCHEDULE B
GENERAL FIRE CLASSES
115.0 HR BI-WEEKLY

EXHIBIT D
CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY (SEE NOTE BELOW)					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
201.0	9.1221	9.5782	10.0571	10.5600	11.0880										
	STRAIGHT TIME:					966.94	1015.29	1066.05	1119.36	1175.33					
	FLSA OVERTIME:					82.10	86.20	90.51	95.04	99.79					
	TOTALS:					1049.04	1101.49	1156.56	1214.40	1275.12	2280.72	2394.75	2514.48	2640.23	2772.00
202.0	9.3502	9.8177	10.3086	10.8240	11.3652										
	STRAIGHT TIME:					991.12	1040.68	1092.71	1147.34	1204.71					
	FLSA OVERTIME:					84.15	88.36	92.78	97.42	102.29					
	TOTALS:					1075.27	1129.04	1185.49	1244.76	1307.00	2337.74	2454.65	2577.37	2706.23	2841.00
203.0	9.5840	10.0632	10.5664	11.0947	11.6494										
	STRAIGHT TIME:					1015.90	1066.70	1120.04	1176.04	1234.84					
	FLSA OVERTIME:					86.26	90.57	95.10	99.85	104.84					
	TOTALS:					1102.16	1157.27	1215.14	1275.89	1339.68	2396.21	2516.02	2641.84	2773.91	2912.00
204.0	9.8236	10.3148	10.8305	11.3720	11.9406										
	STRAIGHT TIME:					1041.30	1093.37	1148.03	1205.43	1265.70					
	FLSA OVERTIME:					88.41	92.83	97.47	102.35	107.47					
	TOTALS:					1129.71	1186.20	1245.50	1307.78	1373.17	2456.10	2578.92	2707.84	2843.24	2985.00
205.0	10.0692	10.5727	11.1013	11.6564	12.2392										
	STRAIGHT TIME:					1067.34	1120.71	1176.74	1235.58	1297.36					
	FLSA OVERTIME:					90.62	95.15	99.91	104.91	110.15					
	TOTALS:					1157.96	1215.86	1276.65	1340.49	1407.51	2517.52	2643.40	2775.56	2914.36	3060.00
206.0	10.3209	10.8369	11.3787	11.9476	12.5450										
	STRAIGHT TIME:					1094.02	1148.71	1206.14	1266.45	1329.77					
	FLSA OVERTIME:					92.89	97.53	102.41	107.53	112.91					
	TOTALS:					1186.91	1246.24	1308.55	1373.98	1442.68	2580.46	2709.45	2844.92	2987.17	3136.00
207.0	10.5789	11.1078	11.6632	12.2464	12.8587										
	STRAIGHT TIME:					1121.36	1177.43	1236.30	1298.12	1363.02					
	FLSA OVERTIME:					95.21	99.97	104.97	110.22	115.73					
	TOTALS:					1216.57	1277.40	1341.27	1408.34	1478.75	2644.94	2777.20	2916.06	3061.87	3216.00
208.0	10.8434	11.3856	11.9549	12.5526	13.1802										
	STRAIGHT TIME:					1149.40	1206.87	1267.22	1330.58	1397.10					
	FLSA OVERTIME:					97.59	102.47	107.59	112.97	118.62					
	TOTALS:					1246.99	1309.34	1374.81	1443.55	1515.72	2711.08	2846.64	2988.97	3138.42	3295.00
209.0	11.1145	11.6702	12.2537	12.8664	13.5097										
	STRAIGHT TIME:					1178.14	1237.04	1298.89	1363.84	1432.03					
	FLSA OVERTIME:					100.03	105.03	110.28	115.80	121.59					
	TOTALS:					1278.17	1342.07	1409.17	1479.64	1553.62	2778.87	2917.79	3063.68	3216.89	3377.00

NOTE: STRAIGHT TIME = HOURLY RATE X 106.0 HOURS
FLSA OVERTIME = HOURLY RATE X 9.0 HOURS (6.0 HOURS X 1.5)

SCHEDULE D
GENERAL FIRE CLASSES
115.0 HR BI-WEEKLY

EXHIBIT D
CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY (SEE NOTE BELOW)					MONTHLY				
	A	D	C	D	E	A	B	C	D	E	A	B	C	D	E
210.0	11.3924	11.9620	12.5601	13.1881	13.8475	1207.59	1267.97	1331.37	1397.94	1467.84	2848.33	2990.76	3140.29	3297.31	3462.19
	STRAIGHT TIME:					102.53	107.66	113.04	118.69	124.63					
	FLSA OVERTIME:					1310.12	1375.63	1444.41	1516.63	1592.47					
	TOTALS:														
211.0	11.6772	12.2611	12.8742	13.5179	14.1938	1237.78	1299.68	1364.67	1432.90	1504.54	2919.53	3065.55	3218.84	3379.77	3548.74
	STRAIGHT TIME:					105.09	110.35	115.87	121.66	127.74					
	FLSA OVERTIME:					1342.87	1410.03	1480.54	1554.56	1632.28					
	TOTALS:														
212.0	11.9691	12.5676	13.1960	13.8558	14.5486	1268.72	1332.17	1398.78	1468.71	1542.15	2992.52	3142.18	3299.28	3464.23	3637.46
	STRAIGHT TIME:					107.72	113.71	118.76	124.70	130.94					
	FLSA OVERTIME:					1376.44	1445.28	1517.54	1593.41	1673.09					
	TOTALS:														
213.0	12.2683	12.8817	13.5258	14.2021	14.9122	1300.44	1365.46	1433.73	1505.42	1580.69	3067.33	3220.71	3381.73	3550.83	3728.36
	STRAIGHT TIME:					110.41	115.94	121.73	127.82	134.21					
	FLSA OVERTIME:					1410.85	1481.40	1555.46	1633.24	1714.90					
	TOTALS:														
214.0	12.5750	13.2038	13.8640	14.5572	15.2851	1332.95	1399.60	1469.58	1543.06	1620.22	3144.03	3301.22	3466.30	3639.60	3821.61
	STRAIGHT TIME:					113.18	118.83	124.78	131.01	137.57					
	FLSA OVERTIME:					1446.13	1518.43	1594.36	1674.07	1757.79					
	TOTALS:														
215.0	12.8894	13.5339	14.2106	14.9211	15.6672	1366.28	1434.59	1506.32	1581.64	1660.72	3222.62	3383.77	3552.96	3730.60	3917.12
	STRAIGHT TIME:					116.00	121.81	127.90	134.29	141.00					
	FLSA OVERTIME:					1482.28	1556.40	1634.22	1715.93	1801.72					
	TOTALS:														
216.0	13.2116	13.8722	14.5658	15.2941	16.0588	1400.43	1470.45	1543.97	1621.17	1702.23	3303.18	3468.34	3641.75	3823.85	4015.04
	STRAIGHT TIME:					118.90	124.85	131.09	137.65	144.53					
	FLSA OVERTIME:					1519.33	1595.30	1675.06	1758.82	1846.76					
	TOTALS:														
217.0	13.5419	14.2190	14.9300	15.6765	16.4603	1435.44	1507.21	1582.58	1661.71	1744.79	3385.77	3555.04	3732.82	3919.47	4115.42
	STRAIGHT TIME:					121.88	127.97	134.37	141.09	148.14					
	FLSA OVERTIME:					1557.32	1635.18	1716.95	1802.80	1892.93					
	TOTALS:														
218.0	13.8804	14.5744	15.3031	16.0683	16.8717	1471.32	1544.89	1622.13	1703.24	1788.40	3470.39	3643.92	3826.11	4017.41	4218.30
	STRAIGHT TIME:					124.92	131.17	137.73	144.61	151.85					
	FLSA OVERTIME:					1596.24	1676.06	1759.86	1847.85	1940.25					
	TOTALS:														

NOTE: STRAIGHT TIME = HOURLY RATE X 106.0 HOURS
FLSA OVERTIME = HOURLY RATE X 9.0 HOURS (6.0 HOURS X 1.5)

SCHEDULE B
GENERAL FIRE CLASSES
115.0 HR BI-WEEKLY

EXHIBIT-D
CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY (SEE NOTE BELOW)					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
219.0	14.2274	14.9388	15.6857	16.4700	17.2935										
	STRAIGHT TIME:					1508.10	1583.51	1662.68	1745.82	1833.11					
	FLSA OVERTIME:					128.05	134.45	141.17	148.23	155.64					
	TOTALS:					1636.15	1717.96	1803.85	1894.05	1988.75	3557.15	3735.02	3921.75	4117.85	4323.71
220.0	14.5831	15.3123	16.0779	16.8818	17.7259										
	STRAIGHT TIME:					1545.81	1623.10	1704.26	1789.47	1878.95					
	FLSA OVERTIME:					131.25	137.81	144.70	151.94	159.53					
	TOTALS:					1677.06	1760.91	1848.96	1941.41	2038.48	3646.10	3828.39	4019.82	4220.82	4431.14
221.0	14.9477	15.6951	16.4799	17.3039	18.1691										
	STRAIGHT TIME:					1584.46	1663.68	1746.87	1834.21	1925.92					
	FLSA OVERTIME:					134.53	141.26	148.32	155.74	163.52					
	TOTALS:					1718.99	1804.94	1895.19	1989.95	2089.44	3737.26	3924.12	4120.33	4326.35	4542.01
222.0	15.3214	16.0875	16.8919	17.7365	18.6233										
	STRAIGHT TIME:					1624.07	1705.28	1790.54	1880.07	1974.07					
	FLSA OVERTIME:					137.89	144.79	152.03	159.63	167.61					
	TOTALS:					1761.96	1850.07	1942.57	2039.70	2141.68	3830.68	4022.24	4223.34	4434.51	4656.02
223.0	15.7044	16.4896	17.3141	18.1798	19.0888										
	STRAIGHT TIME:					1664.67	1747.90	1835.29	1927.06	2023.41					
	FLSA OVERTIME:					141.34	148.41	155.83	163.62	171.80					
	TOTALS:					1806.01	1896.31	1991.12	2090.68	2195.21	3926.45	4122.77	4328.89	4545.35	4772.02
224.0	16.0970	16.9019	17.7470	18.6344	19.5661										
	STRAIGHT TIME:					1706.28	1791.60	1881.18	1975.25	2074.01					
	FLSA OVERTIME:					144.87	152.12	159.72	167.71	176.09					
	TOTALS:					1851.15	1943.72	2040.90	2142.96	2250.10	4024.59	4225.84	4437.12	4659.01	4891.02
225.0	16.4994	17.3244	18.1906	19.1001	20.0551										
	STRAIGHT TIME:					1748.94	1836.39	1928.20	2024.61	2125.84					
	FLSA OVERTIME:					148.49	155.92	163.72	171.90	180.50					
	TOTALS:					1897.43	1992.31	2091.92	2196.51	2306.34	4125.20	4331.48	4548.04	4775.43	5016.02

NOTE: STRAIGHT TIME = HOURLY RATE X 106.0 HOURS
FLSA OVERTIME = HOURLY RATE X 9.0 HOURS (6.0 HOURS X 1.5)

SCHEDULE W
GENERAL FIRE CLASSES
80 HR (INCLUDES FLSA O/T)

EXHIBIT D

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
701.0	13.1130	13.7687	14.4571	15.1800	15.9390	1049.04	1101.50	1156.57	1214.40	1275.12	2280.72	2394.77	2514.50	2640.23	2772.21
702.0	13.4408	14.1128	14.8184	15.5593	16.3373	1075.26	1129.02	1185.47	1244.74	1306.98	2337.72	2454.60	2577.33	2706.19	2841.51
703.0	13.7768	14.4656	15.1889	15.9483	16.7457	1102.14	1157.25	1215.11	1275.86	1339.66	2396.16	2515.98	2641.77	2773.85	2912.53
704.0	14.1212	14.8273	15.5687	16.3471	17.1645	1129.70	1186.18	1245.50	1307.77	1373.16	2456.08	2578.87	2707.84	2843.22	2985.31
705.0	14.4742	15.1979	15.9578	16.7557	17.5935	1157.94	1215.33	1276.62	1340.46	1407.48	2517.48	2643.34	2775.50	2914.29	3060.00
706.0	14.8361	15.5779	16.3568	17.1746	18.0333	1186.89	1246.23	1308.54	1373.97	1442.66	2580.42	2709.43	2844.90	2987.15	3136.41
707.0	15.2070	15.9674	16.7658	17.6041	18.4843	1216.56	1277.39	1341.26	1408.33	1478.74	2644.92	2777.17	2916.03	3061.85	3214.91
708.0	15.5872	16.3666	17.1849	18.0441	18.9463	1246.98	1309.33	1374.79	1443.53	1515.70	2711.06	2846.61	2988.93	3138.38	3295.2
709.0	15.9769	16.7757	17.6145	18.4952	19.4200	1278.15	1342.06	1409.16	1479.62	1553.60	2778.83	2917.77	3063.65	3216.84	3377.6
710.0	16.3763	17.1951	18.0549	18.9576	19.9055	1310.10	1375.61	1444.39	1516.61	1592.44	2848.29	2990.71	3140.25	3297.26	3462.1
711.0	16.7857	17.6250	18.5063	19.4316	20.4032	1342.86	1410.00	1480.50	1554.53	1632.26	2919.51	3065.48	3218.76	3379.70	3548.71
712.0	17.2053	18.0656	18.9689	19.9173	20.9132	1376.42	1445.25	1517.51	1593.38	1673.06	2992.47	3142.12	3299.22	3464.17	3637.41
713.0	17.6354	18.5172	19.4431	20.4153	21.4361	1410.83	1481.38	1555.45	1633.22	1714.89	3067.29	3220.67	3381.70	3550.78	3728.3
714.0	18.0763	18.9801	19.9291	20.9256	21.9719	1446.10	1518.41	1594.33	1674.05	1757.75	3143.97	3301.18	3466.23	3639.55	3821.5
715.0	18.5282	19.4546	20.4273	21.4487	22.5211	1482.26	1556.37	1634.18	1715.90	1801.69	3222.58	3383.70	3552.87	3730.54	3917.0
716.0	18.9914	19.9410	20.9381	21.9850	23.0843	1519.31	1595.28	1675.05	1758.80	1846.74	3303.13	3468.30	3641.73	3823.81	4015.0
717.0	19.4662	20.4395	21.4615	22.5346	23.6613	1557.30	1635.16	1716.92	1802.77	1892.90	3385.73	3555.00	3732.76	3919.40	4115.3
718.0	19.9529	20.9505	21.9980	23.0979	24.2528	1596.23	1676.04	1759.84	1847.83	1940.22	3470.36	3643.88	3826.07	4017.37	4218.2
719.0	20.4517	21.4743	22.5480	23.6754	24.8592	1636.14	1717.94	1803.84	1894.03	1988.74	3557.13	3734.97	3921.73	4117.81	4323.7
720.0	20.9630	22.0112	23.1118	24.2674	25.4808	1677.04	1760.90	1848.94	1941.39	2038.46	3646.05	3828.37	4019.78	4220.78	4431.8
721.0	21.4871	22.5615	23.6896	24.8741	26.1178	1718.97	1804.92	1895.17	1989.93	2089.42	3737.21	3924.08	4120.29	4326.31	4542.6
722.0	22.0243	23.1255	24.2818	25.4959	26.7707	1761.94	1850.04	1942.54	2039.67	2141.66	3830.63	4022.17	4223.28	4434.45	4656.1
723.0	22.5749	23.7036	24.8888	26.1332	27.4399	1805.99	1896.29	1991.10	2090.66	2195.19	3926.40	4122.72	4328.85	4545.30	4772.5
724.0	23.1393	24.2963	25.5111	26.7867	28.1260	1851.14	1943.70	2040.89	2142.94	2250.08	4024.56	4225.80	4437.10	4658.97	4891.9
725.0	23.7178	24.9037	26.1489	27.4563	28.8291	1897.42	1992.30	2091.91	2196.50	2306.33	4125.18	4331.46	4548.02	4775.41	5014.1

SCHEDULE X
SPECIAL ASSIGNMENT

EXHIBIT D

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
299.1	18.4503	19.3728	20.3414	21.3585	22.4264	1476.02	1549.82	1627.31	1703.68	1794.11	3198.54	3358.47	3526.39	3702.72	3887.87
299.2	20.8316	21.8732	22.9669	24.1152	25.3210	1666.53	1749.86	1837.35	1929.22	2025.68	3610.36	3790.88	3980.42	4179.45	4388.42

SCHEDULE Z
 FIRE PREVENTION BUREAU & FIRE
 FIGHTER TRAINEES - 80 HR BIWKLY

EXHIBIT D
 CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 85/89
 EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
901.0	12.0870	12.6914	13.3260	13.9923	14.6919	966.96	1015.31	1066.08	1119.38	1175.35	2102.27	2207.39	2317.76	2433.64	2555.31
902.0	12.3892	13.0087	13.6591	14.3421	15.0592	991.14	1040.70	1092.73	1147.37	1204.74	2154.84	2262.59	2375.70	2494.50	2619.21
903.0	12.6989	13.3338	14.0005	14.7005	15.4355	1015.91	1066.70	1120.04	1176.04	1234.84	2208.69	2319.11	2435.08	2556.83	2684.61
904.0	13.0164	13.6672	14.3506	15.0681	15.8215	1041.31	1093.38	1148.05	1205.45	1265.72	2263.91	2377.12	2495.98	2620.77	2751.81
905.0	13.3418	14.0089	14.7093	15.4448	16.2170	1067.34	1120.71	1176.74	1235.58	1297.36	2320.50	2436.54	2558.35	2686.27	2820.51
906.0	13.6753	14.3591	15.0771	15.8310	16.6226	1094.02	1148.73	1206.17	1266.48	1329.81	2378.51	2497.45	2622.33	2753.45	2891.11
907.0	14.0172	14.7181	15.4540	16.2267	17.0380	1121.38	1177.45	1236.32	1298.14	1363.04	2437.99	2559.89	2687.88	2822.29	2963.53
908.0	14.3676	15.0860	15.8403	16.6323	17.4639	1149.41	1206.88	1267.22	1330.58	1397.11	2498.93	2623.88	2755.06	2892.81	3037.44
909.0	14.7268	15.4631	16.2363	17.0481	17.9005	1178.14	1237.05	1298.90	1363.85	1432.04	2561.39	2689.47	2823.94	2965.15	3113.44
910.0	15.0950	15.8498	16.6423	17.4744	18.3481	1207.60	1267.98	1331.38	1397.95	1467.85	2625.44	2756.72	2894.55	3039.28	3191.22
911.0	15.4724	16.2460	17.0583	17.9112	18.8068	1237.79	1299.68	1364.66	1432.90	1504.54	2691.08	2825.63	2966.91	3115.27	3271.00
912.0	15.8592	16.6522	17.4848	18.3590	19.2770	1268.74	1332.18	1398.78	1468.72	1542.16	2758.37	2896.29	3041.09	3193.14	3352.88
913.0	16.2557	17.0685	17.9219	18.8180	19.7589	1300.46	1365.48	1433.75	1505.24	1580.71	2827.33	2968.69	3117.12	3272.98	3436.25
914.0	16.6621	17.4952	18.3700	19.2885	20.2529	1332.97	1399.62	1469.60	1543.08	1620.23	2898.01	3042.91	3195.06	3354.81	3522.55
915.0	17.0787	17.9326	18.8292	19.7707	20.7592	1366.30	1434.61	1506.34	1581.66	1660.74	2970.47	3118.99	3274.93	3438.69	3610.11
916.0	17.5057	18.3810	19.3001	20.2651	21.2784	1400.48	1470.48	1544.01	1621.21	1702.27	3044.74	3196.97	3356.83	3524.67	3700.21
917.0	17.9433	18.8405	19.7825	20.7716	21.8102	1435.46	1507.24	1582.60	1661.73	1744.82	3120.83	3276.89	3440.73	3612.77	3793.11
918.0	18.3919	19.3115	20.2771	21.2910	22.3556	1471.35	1544.92	1622.17	1703.28	1788.45	3198.86	3358.81	3526.76	3703.10	3888.11
919.0	18.8517	19.7943	20.7840	21.8232	22.9144	1508.14	1583.54	1662.72	1745.86	1833.15	3278.85	3442.77	3614.92	3795.67	3985.11
920.0	19.3230	20.2892	21.3037	22.3689	23.4873	1545.84	1623.14	1704.30	1789.51	1878.98	3360.81	3528.87	3705.32	3890.57	4085.11
921.0	19.8061	20.7964	21.8362	22.9280	24.0744	1584.49	1663.71	1746.90	1834.24	1925.95	3444.84	3617.07	3797.94	3987.82	4187.11
922.0	20.3013	21.3164	22.3822	23.5013	24.6764	1624.10	1705.31	1790.58	1880.10	1974.11	3530.96	3707.51	3892.90	4087.53	4291.11
923.0	20.8088	21.8492	22.9417	24.0888	25.2932	1664.70	1747.94	1835.34	1927.10	2023.46	3619.22	3800.20	3990.21	4189.71	4399.11
924.0	21.3290	22.3955	23.5153	24.6911	25.9257	1706.32	1791.64	1881.22	1975.29	2074.06	3709.71	3895.20	4089.96	4294.48	4509.11
925.0	21.8622	22.9553	24.1031	25.3083	26.5737	1748.98	1836.42	1928.25	2024.66	2125.90	3802.46	3992.56	4192.21	4401.81	4621.11

EXHIBIT E.
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL POLICE CLASSES

Effective July 5, 1988

RANGE	TITLE
304	Police Officer Trainee
305	
306	
307	
308	Police Officer
309	
310	
311	
312	Detective

SCHEDULE C
GENERAL POLICE CLASSES

EXHIBIT F

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
301.0	12.7219	12.7280	13.3644	14.0326	14.7342	989.75	1018.24	1069.15	1122.61	1178.74	2108.33	2213.76	2324.44	2440.67	2562.71
302.0	12.4249	13.0461	13.6984	14.3833	15.1025	993.99	1043.69	1095.87	1150.66	1208.20	2161.03	2269.09	2382.53	2501.65	2626.71
303.0	12.7355	13.3723	14.0409	14.7429	15.4800	1018.84	1069.78	1123.27	1179.43	1238.40	2215.06	2325.81	2442.10	2564.20	2692.41
304.0	13.0539	13.7066	14.3919	15.1115	15.8671	1044.31	1096.53	1151.35	1208.92	1269.37	2270.43	2383.97	2503.15	2628.31	2759.77
305.0	13.3802	14.0492	14.7517	15.4893	16.2638	1070.42	1123.94	1180.14	1239.14	1301.10	2327.20	2443.56	2565.74	2694.01	2828.77
306.0	13.7147	14.4004	15.1204	15.8764	16.6702	1097.18	1152.03	1209.63	1270.11	1333.62	2385.38	2504.63	2629.86	2761.35	2899.41
307.0	14.0576	14.7605	15.4985	16.2734	17.0871	1124.61	1180.84	1239.88	1301.87	1366.97	2445.01	2567.26	2695.62	2830.40	2971.97
308.0	14.4090	15.1295	15.8860	16.6803	17.5143	1152.72	1210.36	1270.88	1334.42	1401.14	2506.13	2631.44	2763.02	2901.16	3046.2
309.0	14.7692	15.5077	16.2831	17.0973	17.9522	1181.54	1240.62	1302.65	1367.78	1436.18	2568.79	2697.23	2832.09	2973.69	3122.6
310.0	15.1384	15.8953	16.6901	17.5248	18.4008	1211.07	1271.62	1335.21	1401.97	1472.06	2632.99	2764.63	2902.88	3048.02	3200.6
311.0	15.5169	16.2927	17.1073	17.9627	18.8608	1241.35	1303.42	1368.58	1437.02	1508.86	2698.82	2833.77	2975.43	3124.23	3280.6
312.0	15.9048	16.7000	17.5350	18.4118	19.3324	1272.38	1336.00	1402.80	1472.94	1546.59	2766.28	2904.60	3049.83	3202.32	3362.6
313.0	16.3024	17.1175	17.9734	18.8721	19.8157	1304.19	1369.40	1437.87	1509.77	1585.26	2835.44	2977.21	3126.07	3282.39	3446.5
314.0	16.7100	17.5455	18.4228	19.3439	20.3111	1336.80	1403.64	1473.82	1547.51	1624.89	2906.34	3051.65	3204.23	3364.44	3532.6
315.0	17.1278	17.9842	18.8834	19.8276	20.8190	1370.22	1438.74	1510.67	1586.21	1665.52	2979.00	3127.96	3284.35	3448.58	3621.0
316.0	17.5560	18.4338	19.3555	20.3233	21.3395	1404.48	1474.70	1548.44	1625.86	1707.16	3053.48	3206.15	3366.46	3534.78	3711.5
317.0	17.9949	18.8946	19.8393	20.8313	21.8729	1439.59	1511.57	1587.14	1666.50	1749.83	3129.81	3286.30	3450.60	3623.14	3804.5
318.0	18.4448	19.3670	20.3354	21.3522	22.4198	1475.58	1549.36	1626.83	1708.18	1793.58	3208.06	3368.46	3536.89	3713.75	3899.1
319.0	18.9059	19.8512	20.8438	21.8860	22.9803	1512.47	1588.10	1667.50	1750.88	1838.42	3288.26	3452.69	3625.31	3806.59	3996.7
320.0	19.3785	20.3474	21.3648	22.4330	23.5547	1550.28	1627.79	1709.18	1794.64	1884.38	3370.46	3538.98	3715.93	3901.73	4096.1
321.0	19.8630	20.8562	21.8990	22.9940	24.1437	1589.04	1668.50	1751.92	1839.52	1931.50	3454.73	3627.49	3808.85	3999.30	4199.5
322.0	20.3596	21.3776	22.4465	23.5688	24.7472	1628.77	1710.21	1795.72	1885.50	1979.78	3541.11	3718.17	3904.07	4099.27	4304.5
323.0	20.8686	21.9120	23.0076	24.1580	25.3659	1669.49	1752.96	1840.61	1932.64	2029.27	3629.64	3811.11	4001.67	4201.75	4411.5
324.0	21.3903	22.4598	23.5828	24.7619	26.0000	1711.22	1796.78	1886.62	1980.95	2080.00	3720.36	3906.38	4101.70	4306.78	4522.5
325.0	21.9251	23.0214	24.1725	25.3811	26.6502	1754.01	1841.71	1933.80	2030.49	2132.02	3813.39	4004.06	4204.27	4412.49	4635.5

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

Effective July 5, 1988

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

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

Effective July 5, 1988

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	
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

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

Effective July 5, 1988

RANGE	TITLE
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Assistant Civil Engineer Senior Accountant Budget Analyst
433	
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supv. Engineering Systems Manager Supv. Housing Rehab. Specialist Public Works Supervisor II Building Maintenance Supervisor Secondary Treatment Site Supv. Parks Maintenance Supervisor II Events Coordinator Golf Course Supervisor 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
436	Senior Planner Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt Chief Electrician Associate Civil Engineer
439	Deputy City Attorney II

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

Effective July 5, 1988

RANGE	TITLE
440	Housing Program Officer Principal Accountant Purchasing Officer
441	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
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 Sr. Deputy City Attorney II
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir.
448	
449	
450	Asst. Utility Services Director
451	Assistant City Attorney

SCHEDULE D
MANAGEMENT/CONFIDENTIAL-GENERAL

EXHIBIT H
CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
401.0	7.7099	8.0954	8.5002	8.9252	9.3715	616.79	647.63	680.02	714.02	749.72	1340.96	1408.01	1478.43	1552.35	1629.97
402.0	7.9026	8.2977	8.7126	9.1482	9.6056	632.21	663.82	697.01	731.86	768.45	1374.49	1443.21	1515.37	1591.14	1670.69
403.0	8.1002	8.5052	8.9305	9.3770	9.8459	648.02	680.42	714.44	750.16	787.67	1408.86	1479.30	1553.26	1630.92	1712.47
404.0	8.3027	8.7178	9.1537	9.6114	10.0920	664.22	697.42	732.30	768.91	807.36	1444.08	1516.26	1592.09	1671.69	1755.28
405.0	8.5103	8.9358	9.3826	9.8517	10.3443	680.82	714.86	750.61	788.14	827.54	1480.17	1554.18	1631.90	1713.50	1799.15
406.0	8.7231	9.1593	9.6173	10.0982	10.6031	697.85	732.74	769.38	807.86	848.25	1517.20	1593.05	1672.71	1756.37	1844.18
407.0	8.9412	9.3883	9.8577	10.3506	10.8681	715.30	751.06	788.62	828.05	869.45	1555.13	1632.88	1714.54	1800.26	1890.27
408.C	9.1647	9.6229	10.1040	10.6092	11.1397	733.18	769.83	808.32	848.74	891.18	1594.01	1673.69	1757.37	1845.25	1937.51
409.0	9.3938	9.8635	10.3567	10.8745	11.4182	751.50	789.08	828.54	869.96	913.46	1633.84	1715.54	1801.33	1891.38	1985.95
410.0	9.6286	10.1100	10.6155	11.1463	11.7036	770.29	808.80	849.24	891.70	936.29	1674.69	1758.41	1846.33	1938.64	2035.59
411.0	9.8693	10.3628	10.8809	11.4249	11.9961	789.54	829.02	870.47	913.99	959.69	1716.54	1802.37	1892.49	1987.11	2086.46
412.0	10.1160	10.6218	11.1529	11.7105	12.2960	809.28	849.74	892.23	936.84	983.68	1759.46	1847.42	1939.80	2036.78	2138.62
413.0	10.3689	10.8873	11.4317	12.0033	12.6035	829.51	870.98	914.54	960.26	1008.28	1803.44	1893.60	1988.30	2087.70	2192.10
414.0	10.6281	11.1595	11.7175	12.3034	12.9186	850.25	892.76	937.40	984.27	1033.49	1848.53	1940.95	2038.00	2139.90	2246.51
415.0	10.8938	11.4385	12.0104	12.6109	13.2414	871.50	915.08	960.83	1008.87	1059.31	1894.73	1989.48	2088.94	2193.38	2303.05
416.0	11.1661	11.7244	12.3106	12.9261	13.5724	893.29	937.95	984.85	1034.09	1085.79	1942.10	2039.20	2141.16	2248.22	2360.62
417.0	11.4453	12.0176	12.6185	13.2494	13.9119	915.62	961.41	1009.48	1059.95	1112.95	1990.65	2090.20	2194.71	2304.44	2419.66
418.0	11.7314	12.3180	12.9339	13.5806	14.2596	938.51	985.44	1034.71	1086.45	1140.77	2040.41	2142.45	2249.56	2362.05	2480.15
419.0	12.0247	12.6259	13.2572	13.9201	14.6161	961.98	1010.07	1060.58	1113.61	1169.29	2091.44	2195.99	2305.81	2421.10	2542.15
420.0	12.3253	12.9416	13.5887	14.2681	14.9815	986.02	1035.33	1087.10	1141.45	1198.52	2143.71	2250.91	2363.46	2481.63	2605.70
421.0	12.6334	13.2651	13.9284	14.6248	15.3560	1010.67	1061.21	1114.27	1169.98	1228.48	2197.30	2307.18	2422.53	2543.65	2670.84
422.0	12.9492	13.5967	14.2765	14.9903	15.7398	1035.94	1087.74	1142.12	1199.22	1259.18	2252.24	2364.86	2483.08	2607.22	2737.58
423.0	13.2729	13.9365	14.6333	15.3650	16.1333	1061.83	1114.92	1170.66	1229.20	1290.66	2308.52	2423.95	2545.13	2672.40	2806.02
424.0	13.6047	14.2849	14.9991	15.7491	16.5366	1088.38	1142.79	1199.93	1259.93	1322.93	2366.25	2484.54	2608.77	2739.21	2876.18
425.0	13.9448	14.6420	15.3741	16.1428	16.9499	1115.58	1171.36	1229.93	1291.42	1355.99	2425.38	2546.65	2673.99	2807.68	2948.06
426.0	14.2934	15.0081	15.7585	16.5464	17.3737	1143.47	1200.65	1260.68	1323.71	1389.90	2486.02	2610.33	2740.84	2877.88	3021.78
427.0	14.6507	15.3832	16.1524	16.9600	17.8080	1172.06	1230.66	1292.19	1356.80	1424.64	2548.18	2675.58	2809.35	2949.82	3097.31
428.0	15.0170	15.7679	16.5563	17.3841	18.2533	1201.36	1261.73	1324.50	1390.73	1460.26	2611.88	2742.47	2879.60	3023.59	3174.75
429.0	15.3924	16.1620	16.9701	17.8186	18.7095	1231.39	1292.96	1357.61	1425.49	1496.76	2677.16	2811.02	2951.58	3099.16	3254.11
430.0	15.7772	16.5661	17.3944	18.2641	19.1773	1262.18	1325.29	1391.55	1461.13	1534.18	2744.11	2881.31	3025.37	3176.64	3335.46
431.0	16.1716	16.9802	17.8292	18.7207	19.6567	1293.73	1358.42	1426.34	1497.66	1572.54	2812.70	2953.34	3101.01	3256.06	3418.86
432.0	16.5759	17.4047	18.2749	19.1886	20.1480	1326.07	1392.38	1461.99	1535.09	1611.84	2883.01	3027.17	3178.51	3337.44	3504.30
433.C	16.9903	17.8398	18.7318	19.6684	20.6518	1359.22	1427.18	1498.54	1573.47	1652.14	2955.08	3102.83	3257.98	3420.88	3591.92
434.0	17.4151	18.2859	19.2002	20.1602	21.1682	1393.21	1462.87	1536.02	1612.82	1693.46	3028.98	3180.43	3339.46	3506.43	3681.75
435.0	17.8505	18.7430	19.6802	20.6642	21.6974	1428.04	1499.44	1574.42	1653.14	1735.79	3104.70	3259.93	3422.95	3594.09	3773.78
436.0	18.2968	19.2116	20.1722	21.1808	22.2398	1463.74	1536.93	1613.78	1694.46	1779.18	3182.32	3341.44	3508.52	3683.93	3868.12
437.0	18.7542	19.6919	20.6765	21.7103	22.7958	1500.34	1575.35	1654.12	1738.82	1823.66	3261.89	3424.97	3596.22	3776.02	3964.82
438.0	19.2231	20.1843	21.1935	22.2532	23.3659	1537.85	1614.74	1695.48	1780.26	1869.27	3343.44	3510.61	3686.14	3870.46	4063.98
439.0	19.7037	20.6889	21.7233	22.8095	23.9500	1576.30	1655.11	1737.86	1824.76	1916.00	3427.03	3598.37	3778.28	3967.21	4165.58
440.0	20.1963	21.2061	22.2664	23.3797	24.5487	1615.70	1696.49	1781.31	1870.38	1963.90	3512.69	3688.34	3872.75	4066.39	4269.71
441.0	20.7012	21.7363	22.8231	23.9643	25.1625	1656.10	1738.90	1825.85	1917.14	2013.00	3600.53	3780.54	3969.58	4168.05	4376.46

SCHEDULE D
MANAGEMENT/CONFIDENTIAL-GENERAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
442.0	21.2187	22.2796	23.3936	24.5633	25.7915	1697.50	1782.37	1871.49	1965.06	2063.32	3690.53	3875.05	4068.81	4272.24	4485.86
443.0	21.7492	22.8367	23.9785	25.1774	26.4363	1739.94	1826.94	1918.28	2014.19	2114.90	3782.80	3971.95	4170.53	4379.05	4598.00
444.0	22.2929	23.4075	24.5779	25.8068	27.0971	1783.43	1872.60	1966.23	2064.54	2167.77	3877.36	4071.22	4274.78	4488.52	4712.95
445.0	22.8502	23.9927	25.1923	26.4519	27.7745	1828.02	1919.42	2015.38	2116.15	2221.96	3974.30	4173.01	4381.64	4600.72	4830.76
446.0	23.4215	24.5926	25.8222	27.1133	28.4690	1873.72	1967.41	2065.78	2169.06	2277.52	4073.65	4277.35	4491.21	4715.75	4951.56
447.0	24.0070	25.2074	26.4678	27.7912	29.1808	1920.56	2016.59	2117.42	2223.30	2334.46	4175.49	4384.27	4603.48	4833.68	5075.35
448.0	24.6072	25.8376	27.1295	28.4860	29.9103	1968.58	2067.01	2170.36	2278.88	2392.82	4279.89	4493.89	4718.58	4954.51	5202.23
449.0	25.2224	26.4835	27.8077	29.1981	30.6580	2017.79	2118.68	2224.62	2335.85	2452.64	4386.88	4606.22	4836.55	5078.37	5332.28
450.0	25.8530	27.1457	28.5030	29.9282	31.4246	2068.24	2171.66	2280.24	2394.26	2513.97	4496.56	4721.41	4957.47	5205.36	5465.62
451.0	26.4993	27.8243	29.2155	30.6763	32.2101	2119.94	2225.94	2337.24	2454.10	2576.81	4608.96	4839.42	5081.39	5335.46	5602.24
452.0	27.1618	28.5199	29.9459	31.4432	33.0154	2172.94	2281.59	2395.67	2515.46	2641.23	4724.19	4960.40	5208.43	5468.86	5742.30
453.0	27.8408	29.2328	30.6944	32.2291	33.8406	2227.26	2338.62	2455.55	2578.33	2707.25	4842.29	5084.39	5338.61	5605.55	5885.83
454.0	28.5368	29.9636	31.4618	33.0349	34.6866	2282.94	2397.09	2516.94	2642.79	2774.93	4963.34	5211.51	5472.08	5745.69	6032.98
455.0	29.2502	30.7127	32.2483	33.8607	35.5537	2340.02	2457.02	2579.86	2708.86	2844.30	5087.44	5341.81	5608.87	5889.33	6183.79
456.0	29.9815	31.4806	33.0546	34.7073	36.4427	2398.52	2518.45	2644.37	2776.58	2915.42	5214.62	5475.36	5749.12	6036.56	6338.41
457.0	30.7310	32.2676	33.8810	35.5751	37.3539	2458.48	2581.41	2710.48	2846.01	2988.31	5344.98	5612.24	5892.85	6187.51	6496.88
458.0	31.4993	33.0743	34.7280	36.4644	38.2876	2519.94	2645.94	2778.24	2917.15	3063.01	5478.60	5752.54	6040.17	6342.18	6659.29
459.0	32.2868	33.9011	35.5962	37.3760	39.2448	2582.94	2712.09	2847.70	2990.08	3139.58	5615.57	5896.35	6191.18	6500.73	6825.76
460.0	33.0940	34.7487	36.4861	38.3104	40.2259	2647.52	2779.90	2918.89	3064.83	3218.07	5755.97	6043.78	6345.96	6663.25	6996.41
461.0	33.9214	35.6175	37.3984	39.2683	41.2317	2713.71	2849.40	2991.87	3141.46	3298.54	5899.88	6194.88	6504.62	6829.85	7171.36
462.0	34.7694	36.5079	38.3333	40.2500	42.2625	2781.55	2920.63	3066.66	3220.00	3381.00	6047.37	6349.74	6667.23	7000.60	7350.63
463.0	35.6386	37.4205	39.2915	41.2561	43.3189	2851.09	2993.64	3143.32	3300.49	3465.51	6198.55	6508.47	6833.89	7175.60	7534.37
464.0	36.5296	38.3561	40.2739	42.2876	44.4020	2922.37	3068.49	3221.91	3383.01	3552.16	6353.52	6671.20	7004.75	7355.00	7722.75
465.0	37.4428	39.3149	41.2806	43.3446	45.5118	2995.42	3145.19	3302.45	3467.57	3640.94	6512.34	6837.96	7179.86	7538.84	7915.77
466.0	38.3789	40.2978	42.3127	44.4283	46.6497	3070.31	3223.82	3385.02	3554.26	3731.98	6675.16	7008.91	7359.37	7727.32	8113.70
467.0	39.3384	41.3053	43.3706	45.5391	47.8161	3147.07	3304.42	3469.65	3643.13	3825.29	6842.04	7184.14	7543.37	7920.53	8316.56
468.0	40.3219	42.3380	44.4549	46.6776	49.0115	3225.75	3387.04	3556.39	3734.21	3920.92	7013.10	7363.76	7731.95	8118.55	8524.47
469.0	41.3299	43.3964	45.5662	47.8445	50.2367	3306.39	3477.71	3645.30	3827.56	4018.94	7188.42	7547.84	7925.25	8321.50	8737.58
470.0	42.3631	44.4813	46.7054	49.0407	51.4927	3389.05	3558.50	3736.43	3923.26	4119.42	7368.13	7736.53	8123.37	8529.56	8956.03
471.0	43.4222	45.5933	47.8730	50.2667	52.7800	3473.78	3647.46	3829.84	4021.34	4222.40	7552.35	7929.94	8326.46	8742.80	9179.92
472.0	44.5078	46.7332	49.0699	51.5234	54.0998	3560.62	3738.66	3925.59	4121.87	4327.97	7741.14	8128.22	8534.63	8961.36	9409.44
473.0	45.6205	47.9015	50.2966	52.8114	55.4520	3649.64	3832.12	4023.73	4224.91	4436.16	7934.68	8331.41	8747.99	9185.38	9644.66
474.0	46.7610	49.0991	51.5541	54.1318	56.8384	3740.88	3927.93	4124.33	4330.54	4547.07	8133.05	8539.71	8966.71	9415.03	9885.78
475.0	47.9300	50.3265	52.8428	55.4849	58.2591	3834.40	4026.12	4227.42	4438.79	4660.73	8336.37	8753.19	9190.83	9650.37	10132.89
476.0	49.1283	51.5847	54.1639	56.8721	59.7157	3930.26	4126.78	4333.11	4549.77	4777.26	8544.78	8972.03	9420.61	9891.65	10386.24
477.0	50.3565	52.8743	55.5180	58.2939	61.2086	4028.52	4229.94	4441.44	4663.51	4896.69	8758.41	9196.31	9656.13	10138.94	10645.89
478.0	51.6154	54.1962	56.9060	59.7513	62.7389	4129.23	4335.70	4552.48	4780.10	5019.17	8977.36	9426.25	9897.55	10392.42	10912.05
479.0	52.9058	55.5511	58.3287	61.2451	64.3074	4232.46	4444.09	4666.30	4899.61	5144.59	9201.79	9661.90	10145.00	10652.24	11184.85
480.0	54.2284	56.9398	59.7868	62.7761	65.9149	4338.27	4555.18	4782.94	5022.09	5273.19	9431.83	9903.42	10398.59	10918.53	11464.44

EXHIBIT I
CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES

Effective July 5, 1988

Range	Title
512	Fire Battalion Chief
513	
514	
515	
516	
517	Fire Division Chief

SCHEDULE E
MANAGEMENT/CONFIDENTIAL-FIRE

EXHIBIT J
CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 86/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
501.0	17.4120	18.2826	19.1967	20.1565	21.1643	1392.96	1462.61	1535.74	1612.52	1693.14	3028.43	3179.86	3338.85	3505.78	3681.06
502.0	17.8473	18.7397	19.6767	20.6605	21.6935	1427.78	1499.18	1574.14	1652.84	1735.48	3104.14	3259.37	3422.34	3593.44	3773.11
503.0	18.2935	19.2082	20.1686	21.1770	22.2359	1463.48	1536.66	1613.49	1694.16	1778.87	3181.75	3340.85	3507.89	3683.27	3867.44
504.0	18.7508	19.6883	20.6727	21.7063	22.7916	1500.06	1575.06	1653.82	1736.50	1823.33	3261.28	3424.34	3595.57	3775.32	3964.10
505.0	19.2196	20.1806	21.1896	22.2491	23.3616	1537.57	1614.45	1695.17	1779.93	1868.93	3342.83	3509.98	3685.47	3869.75	4063.24
506.0	19.7001	20.6851	21.7194	22.8054	23.9457	1576.01	1654.81	1737.55	1824.43	1915.66	3426.40	3597.72	3777.61	3966.49	4164.84
507.0	20.1926	21.2022	22.2623	23.3754	24.5442	1615.41	1696.18	1780.98	1870.03	1963.54	3512.06	3687.66	3872.03	4065.63	4268.93
508.0	20.6974	21.7323	22.8189	23.9598	25.1578	1655.79	1738.58	1825.51	1916.78	2012.62	3599.85	3779.85	3968.84	4167.27	4375.64
509.0	21.2148	22.2755	23.3893	24.5588	25.7867	1697.18	1782.04	1871.14	1964.70	2062.94	3689.84	3874.33	4068.05	4271.45	4485.04
510.0	21.7452	22.8325	23.9741	25.1728	26.4314	1739.62	1826.60	1917.93	2013.82	2114.51	3782.11	3971.21	4169.77	4378.25	4597.16
511.0	22.2888	23.4032	24.5734	25.8021	27.0922	1783.10	1872.26	1965.87	2064.17	2167.38	3876.64	4070.48	4274.00	4487.71	4712.10
512.0	22.8460	23.9883	25.1877	26.4471	27.7695	1827.68	1919.06	2015.02	2115.77	2221.56	3973.56	4172.23	4380.85	4599.90	4829.89
513.0	23.4172	24.5881	25.8175	27.1084	28.4638	1873.38	1967.05	2065.40	2168.67	2277.10	4072.92	4276.56	4490.39	4714.91	4950.64
514.0	24.0026	25.2027	26.4628	27.7859	29.1752	1920.21	2016.22	2117.02	2222.87	2334.02	4174.73	4383.46	4602.61	4832.74	5074.39
515.0	24.6027	25.8328	27.1244	28.4806	29.9046	1968.22	2066.62	2169.95	2278.45	2392.37	4279.11	4493.04	4717.69	4953.58	5201.25
516.0	25.2178	26.4787	27.8026	29.1927	30.6523	2017.42	2118.30	2224.21	2335.42	2452.18	4386.07	4605.40	4835.65	5077.44	5331.28
517.0	25.8482	27.1406	28.4976	29.9225	31.4186	2067.86	2171.25	2279.81	2393.80	2513.49	4495.73	4720.51	4956.53	5204.36	5464.58
518.0	26.4944	27.8191	29.2101	30.6706	32.2041	2119.55	2225.53	2336.81	2453.65	2576.33	4608.11	4838.52	5080.46	5334.48	5601.20
519.0	27.1568	28.5146	29.9403	31.4373	33.0092	2172.54	2281.17	2395.22	2514.98	2640.74	4723.32	4959.49	5207.45	5467.82	5741.23
520.0	27.8357	29.2275	30.6889	32.2233	33.8345	2226.86	2338.20	2455.11	2577.86	2706.76	4841.42	5083.48	5337.65	5604.53	5884.77
521.0	28.5316	29.9582	31.4561	33.0289	34.6803	2282.53	2396.66	2516.49	2642.31	2774.42	4962.45	5210.58	5471.10	5744.65	6031.87
522.0	29.2449	30.7071	32.2425	33.8546	35.5473	2339.59	2456.57	2579.40	2708.37	2843.78	5086.50	5340.83	5607.87	5888.27	6182.66
523.0	29.9760	31.4748	33.0485	34.7009	36.4359	2398.08	2517.98	2643.88	2776.07	2914.87	5213.67	5474.34	5748.06	6035.45	6337.22
524.0	30.7254	32.2617	33.8748	35.5685	37.3469	2458.03	2580.94	2709.98	2845.48	2987.75	5344.00	5611.22	5891.77	6186.36	6495.67
525.0	31.4935	33.0682	34.7216	36.4577	38.2806	2519.48	2645.46	2777.73	2916.62	3062.45	5477.60	5751.49	6039.06	6347.02	6658.07
526.0	32.2808	33.8948	35.5895	37.3690	39.2375	2582.46	2711.58	2847.16	2989.52	3139.00	5614.53	5895.25	6190.01	6499.52	6824.50
527.0	33.0878	34.7422	36.4793	38.3033	40.2185	2647.02	2779.38	2918.34	3064.26	3217.48	5754.89	6042.65	6344.76	6662.01	6995.12
528.0	33.9150	35.6108	37.3913	39.2609	41.2239	2713.20	2848.86	2991.30	3140.87	3297.91	5898.77	6193.71	6503.39	6828.57	7169.99
529.0	34.7629	36.5010	38.3261	40.2424	42.2545	2781.03	2920.08	3066.09	3219.39	3380.36	6046.24	6348.55	6665.99	6999.28	7349.24
530.0	35.6320	37.4136	39.2843	41.2485	43.3109	2850.56	2993.09	3142.74	3299.88	3464.87	6197.40	6507.28	6832.63	7174.27	7532.97
531.0	36.5228	38.3489	40.2663	42.2795	44.3936	2921.82	3067.91	3221.30	3382.37	3551.49	6352.33	6669.94	7003.43	7353.61	7721.29
532.0	37.4359	39.3077	41.2731	43.3368	45.5036	2994.87	3144.62	3301.85	3466.94	3640.29	6511.15	6836.72	7178.55	7537.47	7914.35
533.0	38.3718	40.2904	42.3049	44.4201	46.6411	3069.74	3223.23	3384.39	3553.61	3731.29	6673.92	7007.62	7358.00	7725.90	8112.20
534.0	39.3311	41.2977	43.3626	45.5307	47.8072	3146.49	3303.82	3469.01	3642.46	3824.58	6840.78	7182.84	7541.97	7919.07	8315.02
535.0	40.3144	42.3301	44.4466	46.6689	49.0023	3225.15	3386.41	3555.73	3733.51	3920.18	7011.80	7362.39	7730.51	8117.02	8522.86
536.0	41.3223	43.3884	45.5578	47.8357	50.2275	3305.78	3471.07	3644.62	3826.86	4018.20	7187.10	7546.45	7923.77	8319.98	8735.97
537.0	42.3554	44.4732	46.6969	49.0317	51.4833	3386.43	3557.86	3735.75	3922.54	4118.66	7366.79	7735.14	8121.89	8527.99	8954.38
538.0	43.4143	45.5850	47.8643	50.2575	52.7704	3473.14	3646.80	3829.14	4020.60	4221.63	7550.95	7928.51	8324.93	8741.19	9178.25
539.0	44.4997	46.7247	49.0609	51.5139	54.0896	3559.98	3737.98	3924.87	4121.11	4327.17	7739.75	8126.74	8533.06	8959.71	9407.70
540.0	45.6122	47.8928	50.2874	52.8018	55.4419	3648.98	3831.42	4022.99	4224.14	4435.35	7933.25	8329.89	8746.38	9183.70	9642.89

EXHIBIT K
CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES

Effective July 5, 1988

Range	Title
606	Police Sergeant
607	
608	
609	
610	
611	
612	Police Lieutenant
613	
614	
615	
616	
617	Police Captain

EXHIBIT M
 CITY OF MODESTO
 CLASS RANGE TABLE
 EXECUTIVE MANAGEMENT

Effective July 5, 1988

RANGE	TITLE	MINIMUM	MAXIMUM
703	City Clerk/Auditor	3500	4374
704			
705			
706			
707			
708			
709			
710			
711			
712			
713	Economic Development Manager	4479	5599
714			
715	Planning & Comm. Dev. Director Finance Director Parking, Traffic & Trans. Director Engineering Services Director	4706	5883
716			
717			
718			
719			
720	Parks & Recreation Director Utility Services Director City Attorney Fire Chief	5325	6656

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective July 5, 1988

RANGE	TITLE	MINIMUM	MAXIMUM
721			
722	Police Chief	5594	6993
723			
724	Deputy City Manager	5877	7347
725			
726			
727			
728	City Manager	6488	8110

Corrected 12/14/88

MODESTO CITY COUNCIL
RESOLUTION NO. 88-490A

A RESOLUTION ESTABLISHING PROCEDURE FOR PAYMENT OF UNIFORM ALLOWANCE FOR POLICE DEPARTMENT PERSONNEL.

WHEREAS, it is in the City's interest to provide separately from regular salary a reasonable reimbursement for the maintenance of uniforms required in the Police Department,

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

SECTION 1. UNIFORM ALLOWANCE FOR SWORN POLICE PERSONNEL, ANIMAL CONTROL OFFICERS AND COMMUNITY SERVICE OFFICERS.

(a) Sworn police personnel shall be paid Forty-seven and 50/100ths Dollars (\$47.50) per calendar month of service, as a uniform allowance, said sum to be paid as stated in subparagraph (d) of this section, effective July 1, 1988.

(b) Animal Control Officers shall be paid Twelve and no/100ths Dollars (\$12.00) per calendar month of service, as a uniform allowance, said sum to be paid as stated in subparagraph (d) of this section.

(c) Community Service Officers shall be paid Forty-seven and 50/100ths Dollars (\$47.50) per calendar month of service, as a uniform allowance, said sum to be paid as stated in subparagraph (d) of this section, effective July 1, 1989.

(d) The uniform allowances authorized by this section shall be paid quarterly at the end of March, June, September and December of each year. No uniform allowance shall be paid to personnel during the first six

(6) months of city service, but said allowance shall be withheld and shall accrue to the benefit of said employee to be paid at the end of the second regular full quarter, provided, however, that no payment shall be made to personnel who terminate employment prior to or at the end of the first six (6) months of service. For the purpose of computing the above allowances, one-half (1/2) or less of a month shall not be counted.

SECTION 2. UNIFORM ALLOWANCES FOR NONSWORN OFFICE PERSONNEL.

(a) Nonsworn office personnel in the Police Department who are authorized by the Chief of Police to wear a uniform and who wear an approved uniform shall be paid Fifteen and no/100ths Dollars (\$15.00) per calendar month of service, as a uniform allowance, said sum to be paid as stated in subparagraph (b) of this section.

(b) The uniform allowances authorized by this section shall be paid quarterly at the end of March, June, September and December of each year.

(c) Employees hired on or after July 1, 1987, shall be paid Ninety and no/100ths Dollars (\$90.00) on or about the thirtieth day after they are hired and shall be paid Fifteen and no/100ths Dollars (\$15.00) per month, commencing with their eighth month of employment, payable quarterly at the end of March, June, September and December of each year.

SECTION 3. The Chief of Police shall submit signed reports to the Director of Finance showing the names of department personnel eligible to receive the uniform allowances authorized by this resolution.

SECTION 4. The uniform allowances authorized by this resolution shall not accrue to persons not specifically included in this resolution.

SECTION 5. The City Manager is authorized to establish rules for the equitable administration of the uniform allowances authorized by this resolution.

SECTION 6. This resolution shall be effective July 5, 1988.

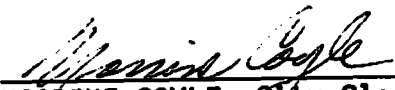
SECTION 7. Resolution No. 87-568 adopted on July 7, 1987, is hereby rescinded effective July 4, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

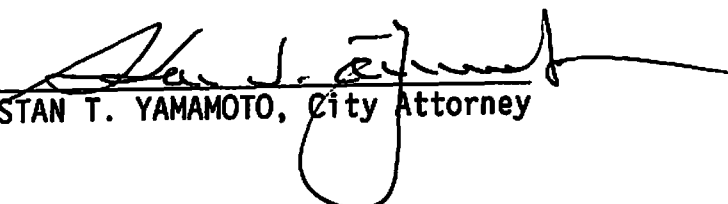
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-490B

A RESOLUTION AMENDING AND RESTATING THE MANDATORY DEFERRED COMPENSATION PLAN FOR CERTAIN EMPLOYEES OF THE CITY OF MODESTO, AND SUPERSEDING RESOLUTION NO. 86-628.

WHEREAS, this Council by Resolution No. 86-628, 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 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 shall be operative effective July 4, 1978.

SECTION 2. Effective July 4, 1978, all employees of the City of Modesto who hold salaried positions of employment, except sworn fire and police officers, shall have 2% 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 1% of each such employee's gross regular salary. Provided, however, that no such employee shall be eligible to receive said

AMENDED

on _____
By Resolution 1990-670

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 year.

SECTION 3. Effective June 30, 1981, the City of Modesto shall also pay into said Mandatory Deferred Compensation Plan each pay period:

A. For each employee of the City of Modesto who holds a salaried position of employment in the classifications of Police Officer and Detective and who does not subscribe for health insurance coverage for said employee's dependents, an amount equal to the difference between \$12.35 and the amount paid by the City of Modesto toward the cost of health insurance coverage for dependents for the employees in said classifications of Police Officer and Detective who subscribe for health insurance coverage for dependents for which the City pays the premiums. 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 year.

B. For each employee of the City of Modesto who holds a salaried position of employment, except employees in the classifications of Fire Fighter, Fire Engineer, Fire Lieutenant, Police Officer, Detective, and those employees in classifications and positions designated as Management and Confidential, and who subscribes for employee health and dental insurance coverage under the City's group health and dental insurance plans, and who does not subscribe under said plans for health and dental insurance coverage for said employee's dependents, an amount equal to the difference between \$12.35 and the amount paid by the City of Modesto for health and dental insurance coverage for dependents for the employees in the classifications

covered by this Paragraph B who subscribe for health and dental insurance coverage for dependents under the City's group health and dental insurance plans. 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 year.

C. For each employee of the City of Modesto who holds a salaried position of employment, except employees in the classifications of Fire Fighter, Fire Engineer, Fire Lieutenant, Police Officer, Detective, and those employees in classifications and positions designated as Management and Confidential, and who subscribes for employees health and dental insurance coverage under the Operating Engineers Union Local No. 3 group health and dental insurance coverage for said employee's dependents, an amount equal to the difference between \$12.35 and the total amount the City pays for health and dental insurance for an employee and the employee's dependents under the City's group health and dental insurance plans less the cost of health and dental insurance for an employee only under the Operating Engineers Union Local No. 3 group health and dental insurance plan for which the City pays the premium. 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 year.

D. For each employee of the City of Modesto who holds a salaried position of employment in a classification or position designated as Management or Confidential, except Fire Battalion Chief, and who does not subscribe for health and dental insurance coverage for said employee's dependents under the City's group health and dental insurance plans, an amount

equal to the amount paid by the City of Modesto for health and dental insurance coverage for dependents for the employees in said classifications and positions who subscribe for health and dental insurance coverage for dependents under the City's group health and dental insurance plans. 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 year.

E. For each employee of the City of Modesto who holds a salaried position of employment in the classification of Fire Battalion Chief, and who does not subscribe for health and dental insurance coverage for said employee's dependents under the City's group health and dental insurance plans, an amount equal to the amount paid by the City of Modesto for dental insurance coverage for dependents for the employees in said classification of Fire Battalion Chief who subscribe for dental insurance coverage for dependents under the City's group dental insurance plan. 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 year.

SECTION 4. Effective on June 28, 1983, or the effective date of the City of Modesto's vision care insurance plan, whichever is the later date, 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 in a classification or position designated as Management or Confidential and who does not subscribe for vision care

insurance coverage for said employee's dependents under the City's group vision care insurance plan, an amount equal to the amount paid by the City of Modesto for vision care coverage for dependents for the employees in said classifications and positions who subscribe for vision care coverage for dependents under the City's group vision care insurance plan. 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 year.

SECTION 5. 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 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 percent (1%) 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 6. Except as provided in Section 8 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 8. 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 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 employees hired subsequent to the adoption of this Plan shall begin immediately upon hire of said employees.

SECTION 9. There is hereby established a Mandatory 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 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 10. 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 11. 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 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 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 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 12. 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 13. 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.

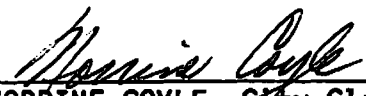
BE IT FURTHER RESOLVED that Resolution No. 86-628 adopted July 1, 1986, is superseded by this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

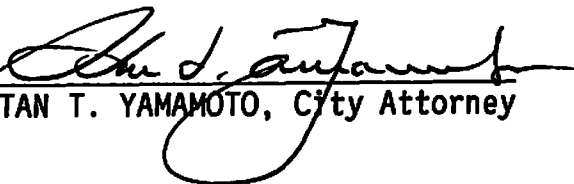
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-491

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEES ASSOCIATION OF THE CITY OF MODESTO FOR THE FISCAL YEARS 1988-89, 1989-90, AND 1990-91, COMMENCING ON JULY 1, 1988, AND ENDING ON JUNE 30, 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 City Employees Association of the City of Modesto covering the fiscal years 1988-89, 1989-90, and 1990-91, commencing on July 1, 1988, and ending on June 30, 1991, including the attached salary ranges and schedules, shown as Exhibits "A" and "B", for employees represented by the Modesto City Employees Association, 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.

exhibit A
AMENDED
on _____
By Resolution 1990-163
1990-425

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into this 1st day of July, 1988, by and between the management representatives of the City of Modesto (CITY), and the representatives of the Modesto City Employees Association (MCEA) after meeting and conferring in good faith.

1. This Memorandum covers the fiscal years 1988-89, 1989-90 and 1990-91, commencing on July 1, 1988 and ending on June 30, 1991, and covers all matters which MCEA has the right to meet and confer with CITY during said fiscal years.
2. This Memorandum covers the employees in the position classifications of CITY which MCEA is certified as representing, and MCEA is the formally recognized employee organization which has the exclusive right to represent said employees during the term of this Memorandum.
3. SALARY ADJUSTMENT. Effective July 5, 1988, the Class Range Table and Schedule of Salary Ranges, which are a part of this Memorandum and are attached as Exhibits A and B, shall be implemented. These range placements and salaries are the combined result of a comparable city salary survey and a 4.0% cost-of-living increase. The step at which MCEA's members are placed in the new salary range will be that which gives the first increase over current salary after implementation of the salary survey but prior to the cost-of-living increase. The step changes incurred as a result of this procedure shall not effect the status of employees who require a "standard" rating under the performance evaluation system to maintain a step or receive a step increase.

Effective July 1, 1989, or the beginning of the pay period closest thereto, the salaries shown on Exhibit B shall be adjusted based upon the U. S. Department of Labor Consumer Price Index, Urban Wage Earners and Clerical Workers, computed to the nearest tenth of one percent, for the twelve months beginning April 1, 1988 and ending March 31, 1989, provided said adjustment shall be no greater than five and one-half percent (5.5%).

Effective July 1, 1990, or the beginning of the pay period closest thereto, the salaries shown on Exhibit B, as previously adjusted in 1989, shall be adjusted based upon the U. S. Department of Labor Consumer Price Index, Urban Wage Earners and Clerical Workers, rounded to the nearest tenth of one percent, for the twelve months beginning April 1, 1989 and ending March 31, 1990, provided said adjustment shall be no greater than five and one-half percent (5.5%).

4. HEALTH/DENTAL/VISION INSURANCE. For fiscal year 1988-89, CITY shall contribute for health, dental and vision insurance the following bi-weekly amounts:
 - (a) \$103.14 bi-weekly for employees with dependent coverage.
 - (b) \$38.38 bi-weekly for employees without dependent coverage.

For employees without dependent coverage, \$52.41 bi-weekly shall be contributed to the employee's deferred compensation account.

5. MEDICAL LEAVE WITHOUT PAY. Effective July 1, 1988, employees who are on medical leave without pay and return to work will have their health and life insurance benefits reinstated on the first day of the pay period following the employee's return to work.
6. HEALTH CARE AND INSURANCE STUDY. As soon as possible after July 1, 1988, CITY shall commission an independent study of its health care program and insurances. Said study shall at a minimum include analysis of retiree benefits, employee assistance programs, medical leaves of absence without pay, PERS insurance, program administration and program cost and cost-effectiveness.

A committee, which shall include representatives of CITY and MCEA, shall be formed to advise City in selection of the consultant and review the study as it progresses.

Prior to the beginning of fiscal year 1989-90, CITY and MCEA will meet and confer on what changes, if any, shall be made in the health care program and related insurances, including but not limited to those items listed above, applicable to employees covered by this Memorandum during fiscal years 1989-90 and 1990-91.

7. DEFERRED COMPENSATION. Effective July 1, 1989, or the beginning of the pay period closest thereto, and each year thereafter at the start of the first full payroll period closest to July 1st, employees covered by this Memorandum who have been continuously employed with the City of Modesto or before June 30th of that year for fifteen (15) or more years, shall receive a total of two percent (2.0%) deferred compensation contributed by the City. Employees who have been employed by the City for less than fifteen (15) years shall continue to receive a total of one percent (1.0%) deferred compensation contributed by the City.
8. P.E.R.S. CONTRIBUTION. Effective July 1, 1989, or the beginning of the pay period closest thereto, employees covered by this Memorandum shall have a one-time choice of contributing the seven percent (7%) employee contribution for up to three years to P.E.R.S. The intent of this option is to allow the employee to have the higher salary credits in the three years immediately preceding the anticipated date of retirement.
9. UNIFORM ALLOWANCE. Effective July 1, 1989, or the beginning of the pay period closest thereto and continuing through June 30, 1991, the monthly uniform allowance currently paid Community Service Officers shall be forty-seven dollars and fifty cents (\$47.50).
10. CALL BACK PAY. Effective July 1, 1990, or the beginning of the pay period closest thereto, and continuing through June 30, 1991, Community Service Officers shall receive a minimum of three (3) hours compensation at time and one-half for call back to appear in court. The City will amend its Personnel Administrative Order 13.2-87-30, Section IV, B, to reflect this change.
11. MECHANIC HAND TOOLS. CITY shall allow those employees in the position of Coach Mechanic, Coach Mechanic Crewleader, Equipment Mechanic, Equipment Mechanic Crewleader, Equipment Service Worker, or any other mechanic positions whose job requirements include possession of a complete set of

mechanic hand tools, to order tools required to perform their duties once a year through a CITY purchase order. CITY shall determine the process and time for such purchases and the employee shall pay the cost of the purchase at the time of placing their order with a cashier's check or a money order.

12. COMPREHENSIVE MEMORANDUM OF UNDERSTANDING. Beginning as soon as possible after July 1, 1988, a committee of CITY and MCEA representatives shall be formed to study and recommend wording for a comprehensive Memorandum of Understanding with a completion target date of July 1, 1989.
13. SICK LEAVE. As soon as possible after July 1, 1988, CITY will amend Personnel Administrative Order 13.5-87-13, III-C, to remove the sunset date of June 30, 1988. This will allow employees to continue to use up to three (3) days of sick leave in a calendar year to care for members of the family who are ill.
14. DISCIPLINARY ACTION. As soon as possible after July 1, 1988, CITY will amend Personnel Rule 1 and Personnel Rule 12 as shown in Exhibit C.

CITY agrees that conviction of a felony or conviction of a misdemeanor involving moral turpitude as contained in Personnel Rule 12.2(i) prior to July 1, 1988 by an individual working for CITY on July 1, 1988, shall not be the sole grounds for disciplinary action. Such conviction, however, may be considered along with other evidence by CITY in current or future disciplinary actions.

15. BENEFITS REOPENER. CITY may exercise its right to reopen negotiations to revise CITY'S sick leave plan if the Internal Revenue Service determines that employee sick leave is non-elective deferred compensation under IRS Section 457 and thereby taxable in the year it is earned, not the year it is taken.

CITY may exercise its right to reopen negotiations to revise CITY'S fringe benefit contributions if the Federal government mandates Medicare coverage or Social Security benefits for all local government employees.

16. SENIOR POLICE CLERK. Senior Police Clerk shall be changed from a classification to an assignment. The assignment shall receive a differential of ten percent (10%).
17. The parties agree that the provisions of this Memorandum shall be applied without favor or discrimination based upon race, religion, color, creed, age, national origin, political affiliation or beliefs, sex or handicap. The parties agree to recognize, respect and support the City's commitment to nondiscrimination in employment as set forth in the City's affirmative action program. The Modesto City Employees Association agrees to encourage its members to assist in the implementation of that program.
18. The Modesto City Employees Association agrees to and acknowledges its responsibility to fairly represent all employees in the bargaining unit without regard to race, religion, color, creed, age, national original, political affiliation or beliefs, sex, handicap, job classification or employment status.

19. The Modesto City Employees Association agrees and acknowledges that strikes, sick-ins, slow-downs or other forms of work stoppage or disturbances are detrimental to the responsibility of the Modesto City Employees Association and its members to insure that high quality service is provided to the people of the City of Modesto. Any such actions are also a violation of this Memorandum. The Modesto City Employees Association and its members agree not to sanction, support, condone, or engage in any such actions directly or indirectly during the term of this memorandum.
20. The City of Modesto retains the exclusive right, except as expressly stated herein, to operate and direct the affairs of the City of Modesto in all of its various aspects, including, but not limited to, the right to direct the working forces; to plan, direct and control all of the operations and services of the City of Modesto; to determine the methods, means, and organizations by which such operations and services are to be conducted; to assign and transfer employees; to hire, promote, demote, suspend, discipline, discharge or relieve employees due to lack of work or other legitimate reasons; and to change or eliminate existing methods, equipment or facilities.
21. Nothing in this Memorandum of Understanding shall be construed as abrogating any rights that either party hereto has under the Meet and Confer provisions of the Government Code of the State of California.
22. This Memorandum of Understanding shall be presented to the Modesto City Council for approval and shall not be binding until so approved.

CITY OF MODESTO:

Bonnie Long 7/5/88
 BONNIE LONG, Assistant to City Manager (Date)

Dale Davis 7/6/88
 DALE DAVIS, Solid Waste Program Manager (Date)

Janice Stewart 7/5/88
 JANICE STEWART, Management Analyst (Date)

MODESTO CITY EMPLOYEES ASSOCIATION:

Bill Reeves 7-15-88
 BILL REEVES, Business Representative (Date)

Carl Richter 7-15-88
 CARL RICHTER, President (Date)

DuWayne S. Miller 7-27-88
 DUWAYNE MILLER, Vice President (Date)

Donna Briggs 7-22-88
 DONNA BRIGGS, Treasurer (Date)

Ray Hawes 7/21/88
 RAY HAWES, Negotiator (Date)

EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective July 5, 1988

RANGE	TITLE
103	Administrative Clerk I Printing Services Op 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 July 5, 1988

RANGE	TITLE
115	Accounting Technician Planning Technician I Police Administrative Technician Wastewater Treatment Plant Att. Community Service Officer
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 Opr. Civil Engineering Technician I Building Maintenance Mechanic
120	Welder/Fabricator Senior Equipment Operator Fire Prevention Technician II Equipment Mechanic Assistant Electrician Traffic Painter Crewleader Accountant I Assistant Lab Technician

EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective July 5, 1988

RANGE	TITLE
121	
122	Coach Mechanic Fire Equipment Mechanic Nursery Propagator Tree Trimmer Crewleader Housing Program Specialist Programmer Analyst I
123	Sr. Wastewtr Trtmnt Plt Opr Maint. Mech. Crewleader-Pumps Civil Engineering Technician II Maint. Mech. Crewleader-Parks
124	Plant Mechanic Laboratory Technician Equipment Mechanic Crewleader Planning Assistant Equipment Crewleader
125	Crime Analyst
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector Senior Fire Equipment Mechanic
127	Civil Engineering Assistant
128	Instrument Repair Technician Programmer Analyst II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II

EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective July 5, 1988

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

SCHEDULE A
GENERAL NON-SWORN CLASSES

EXHIBIT B
CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY			
	A	D	C	D	E	A	B	C	D	E	A	B	C	D
075.0	4.0572	4.2801	4.4731	4.6988	4.9316	324.58	340.81	357.85	375.74	394.53	705.67	740.96	778.00	816.90
076.0	4.1586	4.3665	4.5848	4.8140	5.0547	332.69	349.32	366.78	385.12	404.38	723.30	759.46	797.42	837.29
077.0	4.2626	4.4757	4.6995	4.9345	5.1812	341.01	358.06	375.96	394.76	414.50	741.39	778.46	817.37	858.25
078.0	4.3692	4.5877	4.8171	5.0580	5.3109	349.57	367.02	385.37	404.64	424.87	759.93	797.94	837.83	879.73
079.0	4.4784	4.7023	4.9374	5.1843	5.4435	358.27	376.18	394.99	414.74	435.48	778.91	817.85	858.75	901.69
080.0	4.5904	4.8199	5.0609	5.3139	5.5796	367.23	385.59	404.87	425.11	446.37	798.39	838.31	880.23	924.23
081.0	4.7052	4.9405	5.1875	5.4469	5.7192	376.42	395.24	415.00	435.75	457.54	818.37	859.29	902.25	947.36
082.0	4.8228	5.0639	5.3171	5.5830	5.8622	385.82	405.11	425.37	446.64	468.98	838.81	880.75	924.80	971.04
083.0	4.9434	5.1906	5.4501	5.7226	6.0087	395.47	415.25	436.01	457.81	480.70	859.79	902.80	947.93	995.32
084.0	5.0670	5.3204	5.5864	5.8657	6.1590	405.36	425.63	446.91	469.26	492.72	881.29	925.36	971.63	1020.22
085.0	5.1937	5.4534	5.7261	6.0124	6.3130	415.50	436.27	458.09	480.99	505.04	903.34	948.49	995.93	1045.72
086.0	5.3235	5.5897	5.8692	6.1627	6.4708	425.88	447.18	469.54	493.02	517.66	925.91	972.21	1020.83	1071.87
087.0	5.4566	5.7294	6.0159	6.3167	6.6325	436.53	458.35	481.27	505.34	530.60	949.06	998.50	1046.33	1098.66
088.0	5.5930	5.8727	6.1663	6.4746	6.7983	447.44	469.82	493.30	517.97	543.86	972.78	1021.44	1072.48	1126.12
089.0	5.7328	6.0194	6.3204	6.6364	6.9682	458.62	481.55	505.63	530.91	557.46	997.09	1046.94	1099.29	1154.25
090.0	5.8761	6.1699	6.4784	6.8023	7.1424	470.09	493.59	518.27	544.18	571.39	1022.02	1073.11	1126.77	1183.10
091.0	6.0230	6.3242	6.6404	6.9724	7.3210	481.84	505.94	531.23	557.79	585.68	1047.57	1099.96	1154.95	1212.69
092.0	6.1736	6.4823	6.8064	7.1467	7.5040	493.89	518.58	544.51	571.74	600.32	1073.77	1127.44	1183.82	1243.02
093.0	6.3279	6.6443	6.9765	7.3253	7.6916	506.23	531.54	558.12	586.02	615.33	1100.59	1155.62	1213.41	1274.07
094.0	6.4861	6.8104	7.1509	7.5084	7.8638	518.89	544.83	572.07	600.67	630.70	1128.12	1184.51	1243.74	1305.92
095.0	6.6483	6.9807	7.3297	7.6962	8.0810	531.86	558.46	586.38	615.70	646.48	1156.32	1214.15	1274.85	1338.59
096.0	6.8145	7.1552	7.5130	7.8887	8.2831	545.16	572.42	601.04	631.10	662.65	1185.23	1244.50	1306.72	1372.07
097.0	6.9849	7.3341	7.7008	8.0858	8.4901	558.79	586.73	616.06	646.86	679.21	1214.87	1275.61	1339.38	1406.34
098.0	7.1595	7.5175	7.8934	8.2881	8.7025	572.76	601.40	631.47	663.05	696.20	1245.24	1307.50	1372.88	1441.54
099.0	7.3385	7.7054	8.0907	8.4952	8.9200	587.08	616.43	647.26	679.62	713.60	1276.37	1340.18	1407.21	1477.58
100.0	7.5220	7.8981	8.2930	8.7077	9.1431	601.76	631.85	663.44	696.62	731.45	1308.29	1373.71	1442.38	1514.52
101.0	7.7099	8.0954	8.5002	8.9252	9.3715	616.79	647.63	680.02	714.02	749.72	1340.96	1408.01	1478.43	1552.35
102.0	7.9026	8.2977	8.7126	9.1482	9.6056	632.21	663.82	697.01	731.86	768.45	1374.49	1443.21	1515.37	1591.14
103.0	8.1002	8.5052	8.9305	9.3770	9.8459	648.02	680.42	714.44	750.16	787.67	1408.86	1479.30	1553.26	1630.92
104.0	8.3027	8.7178	9.1537	9.6114	10.0920	664.22	697.42	732.30	768.91	807.36	1444.08	1516.26	1592.09	1671.69
105.0	8.5103	8.9358	9.3826	9.8517	10.3443	680.82	714.86	750.61	788.14	827.54	1480.17	1554.18	1631.90	1713.50
106.0	8.7231	9.1593	9.6173	10.0982	10.6031	697.85	732.74	769.38	807.86	848.25	1517.20	1593.05	1672.71	1756.37
107.0	8.9412	9.3883	9.8577	10.3506	10.8681	715.30	751.06	788.62	828.05	869.45	1555.13	1632.88	1714.54	1800.26
108.0	9.1647	9.6229	10.1040	10.6092	11.1397	733.18	769.83	808.32	848.74	891.18	1594.01	1673.69	1757.37	1845.25
109.0	9.3938	9.8635	10.3567	10.8745	11.4182	751.50	789.08	828.54	869.96	913.46	1633.84	1715.54	1801.33	1891.38
110.0	9.6286	10.1100	10.6155	11.1463	11.7036	770.29	808.80	849.24	891.70	936.29	1674.69	1758.41	1846.33	1938.64
111.0	9.8693	10.3628	10.8809	11.4249	11.9961	789.54	829.02	870.47	913.99	959.69	1716.54	1802.37	1892.49	1987.11
112.0	10.1160	10.6218	11.1529	11.7105	12.2960	809.28	849.74	892.23	936.84	983.68	1759.46	1847.42	1939.80	2036.78
113.0	10.3689	10.8873	11.4317	12.0033	12.6035	829.51	870.98	914.54	960.26	1008.28	1803.44	1893.60	1988.30	2087.70
114.0	10.6281	11.1595	11.7175	12.3034	12.9186	850.25	892.76	937.40	984.27	1033.49	1848.53	1940.95	2038.00	2139.90
115.0	10.8938	11.4385	12.0104	12.6109	13.2414	871.50	915.08	960.83	1008.87	1059.31	1894.73	1989.48	2088.94	2193.38

SCHEDULE A
GENERAL NON-SWORN CLASSES

EXHIBIT B
CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY			
	A	B	C	D	E	A	B	C	D	E	A	B	C	D
157.0	30.7310	32.2676	33.8810	35.5751	37.3539	2458.48	2581.41	2710.48	2846.01	2988.31	5344.98	5612.24	5892.85	6187.51
158.0	31.4993	33.0743	34.7280	36.4644	38.2876	2519.94	2645.94	2778.24	2917.15	3063.01	5478.60	5752.54	6040.17	6342.18
159.0	32.2868	33.9011	35.5962	37.3760	39.2448	2582.94	2712.09	2847.70	2990.08	3139.58	5615.57	5896.35	6191.18	6500.73
160.0	33.0940	34.7487	36.4861	38.3104	40.2259	2647.52	2779.90	2918.89	3064.83	3218.07	5755.97	6043.78	6345.96	6663.25
161.0	33.9214	35.6175	37.3984	39.2683	41.2317	2713.71	2849.40	2991.87	3141.46	3298.54	5899.88	6194.88	6504.62	6829.85
162.0	34.7694	36.5079	38.3333	40.2500	42.2625	2761.55	2920.63	3066.66	3220.00	3381.00	6047.37	6349.74	6667.23	7000.60
163.0	35.6386	37.4205	39.2915	41.2561	43.3189	2851.09	2993.64	3143.32	3300.49	3465.51	6198.55	6508.47	6833.89	7175.60
164.0	36.5296	38.3561	40.2739	42.2876	44.4020	2922.37	3068.49	3221.91	3383.01	3552.16	6353.52	6671.20	7004.75	7355.00
165.0	37.4428	39.3149	41.2806	43.3446	45.5118	2995.42	3145.19	3302.45	3467.57	3640.94	6512.34	6837.96	7179.86	7538.84
166.0	38.3789	40.2978	42.3127	44.4283	46.6497	3070.31	3223.82	3385.02	3554.26	3731.98	6675.16	7008.91	7359.37	7727.32
167.0	39.3384	41.3053	43.3706	45.5391	47.8161	3147.07	3304.42	3469.65	3643.13	3825.29	6842.04	7184.14	7543.37	7920.53
168.0	40.3219	42.3380	44.4549	46.6776	49.0115	3225.75	3387.04	3556.39	3734.21	3920.92	7013.10	7363.76	7731.95	8118.55
169.0	41.3299	43.3964	45.5662	47.8445	50.2367	3308.39	3471.71	3645.30	3827.56	4018.94	7188.42	7547.84	7925.25	8321.50
170.0	42.3631	44.4813	46.7054	49.0407	51.4927	3389.05	3558.50	3736.43	3923.26	4119.42	7368.13	7736.53	8123.37	8529.56
171.0	43.4222	45.5933	47.8730	50.2667	52.7800	3473.78	3647.46	3829.84	4021.34	4222.40	7552.35	7929.94	8326.46	8742.80
172.0	44.5078	46.7332	49.0699	51.5234	54.0996	3560.62	3738.66	3925.59	4121.87	4327.97	7741.14	8128.22	8534.63	8961.36
173.0	45.6205	47.9015	50.2966	52.8114	55.4520	3649.64	3832.12	4023.73	4224.91	4436.16	7934.68	8331.41	8747.99	9185.38
174.0	46.7610	49.0991	51.5541	54.1318	56.8384	3740.88	3927.93	4124.33	4330.54	4547.07	8133.05	8539.71	8966.71	9415.03
175.0	47.9300	50.3265	52.8428	55.4849	58.2591	3834.40	4026.12	4227.42	4438.79	4660.73	8336.37	8753.19	9190.83	9650.37
176.0	49.1283	51.5847	54.1639	56.8721	59.7157	3930.26	4126.78	4333.11	4549.77	4777.26	8544.78	8972.03	9420.61	9891.65
177.0	50.3565	52.8743	55.5180	58.2939	61.2086	4028.52	4229.94	4441.44	4663.51	4896.69	8758.41	9196.31	9656.13	10138.94
178.0	51.6154	54.1962	56.9060	59.7513	62.7389	4129.23	4335.70	4552.48	4780.10	5019.11	8977.36	9426.25	9897.55	10392.42
179.0	52.9058	55.5511	58.3287	61.2451	64.3074	4232.46	4444.09	4666.30	4899.61	5144.59	9201.79	9661.90	10145.00	10652.24
180.0	54.2284	56.9398	59.7868	62.7761	65.9149	4338.27	4555.18	4782.94	5022.09	5273.19	9431.83	9903.42	10398.59	10918.53

PROPOSED PERSONNEL RULE CHANGES

1.6 Violation

Violation of the provisions of the City Charter, Modesto Municipal Code, these Personnel Rules, or related Personnel Administrative Orders shall be grounds for rejection and disciplinary action as that term is defined in Personnel Rule 12.1.

1.7 Definitions

The words and terms used in these rules shall have the meaning indicated as follows, unless the context clearly indicates otherwise:

. . . (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.

Rule 12 - DISCIPLINARY ACTIONS, APPEALS AND HEARINGS

12.1 Disciplinary Action (New)

As used in this rule, the term "disciplinary action" shall mean dismissal, demotion, suspension, and disciplinary probation.

12.2 Causes for Disciplinary Action (New)

In addition to the causes set forth in Personnel Rule 1.6, each of the following shall constitute cause for disciplinary action against an employee:

- (a) Fraud in securing appointment.
- (b) Incompetency.
- (c) Inefficiency.
- (d) Inexcusable neglect of duty.
- (e) Insubordination.
- (f) Dishonesty.
- (g) Being under the influence of alcohol or controlled substance while on duty.
- (h) Inexcusable absence without leave.

11.2 Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section.

(j) Discourteous treatment of the public or other employees.

(k) Misuse of City property.

(l) Violation of any established departmental rule, regulation, policy and/or manual.

(m) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the City.

(n) Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age, against the public or other employees while acting in the capacity of a City employee.

12.3 Requests for Hearing on Disciplinary Action

Any regular employee holding a position in the classified service shall have the right of appeal relative to any suspension, demotion, disciplinary probation, or dismissal in accordance with the applicable provisions of the Modesto Municipal Code. Hearing on such an appeal shall be before a hearing officer selected by the Board of Personnel Appeals.

12.4 Selection of Hearing Officer by Board of Personnel Appeals

(Other than renumbering, no change.)

12.5 Hearing Officer Responsibility

Subject to the provisions contained in Rule 12.6, the Hearing Officer shall proceed in any manner which will, in the Hearing Officer's judgment, develop all the facts bearing upon the matter before him/her, and no informality in his/her action shall constitute just cause for criticism of his/her findings and recommendations. Within 30 calendar days after the matter is submitted, the Hearing Officer shall furnish certified copies of his/her findings and recommendations to the persons concerned. The original copy of the findings and recommendations shall be submitted to the City Manager for final determination. The decision of the City Manager shall be final.

12.6 Regulations Governing the Conduct of Hearings by Hearing Officers

(a) A Hearing Date To Be Fixed (no change).

(b) Oath or Affirmation - Oral evidence shall be taken only on oath or affirmation.

(c) Rights of Each Party - 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.

(d) Evidentiary Rules - 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 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 absence 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 subparagraph, "complainant" means any person claiming to have been subjected to conduct which constitutes sexual harassment, sexual assault, or sexual battery.

(e) Transcript. (No change - formally designated as Rule 12.4(f))

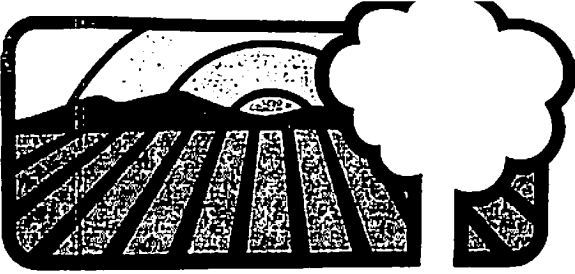
(f) Exclusion of Witnesses. (No change - formerly designated as Rule 12.4(g))

(g) Findings and Recommendations of Hearing Officer. (No change - formerly designated as Rule 12.4(h))

(h) Consideration of Proposed Findings and Recommendations. (No change - formerly designated as Rule 12.4(i))

(i) Determination by City Manager. (No change - formerly designated as Rule 12.4(j))

(j) Failure of Employee to Appear. Failure of the employee to appear at the hearing shall be deemed a withdrawal of his appeal and the action of the authority imposing the discipline shall be deemed final.



CITY of MODESTO

Office of City Manager:
(209) 577-5463

801 11th Street, P. O. Box 642, Modesto, CA 95353
[TDD (209) 526-9211 Hearing and Speech Impaired only]

July 28, 1988

Bill Reeves
Operating Engineers Local Union No. 3
2702 Mitchell Road
Ceres, CA 95307

Dear Mr. Reeves:

Re: Citywide Policy on Substance Abuse

The purpose of this letter is to set forth our understanding reached during the Meet and Confer session for fiscal years 1988-89, 1989-90, and 1990-91 with respect to a policy on substance abuse. As soon as possible after July 1, 1988, a committee which shall include representatives of CITY and MCEA shall be formed to discuss and propose a policy on substance abuse.

If your understanding is as set forth above, please indicate by signature below.

Sincerely,

Bonnie Long

Bonnie Long
Assistant to City Manager

Bill Reeves

Bill Reeves, Business Representative

7-15-88

Date

Carl Richter

Carl Richter, President

7-15-88

Date

DuWayne Miller

DuWayne Miller, Vice President

7-27-88

Date

Donna R. Briggs

Donna Briggs, Treasurer

7-22-88

Date

MODESTO CITY COUNCIL
RESOLUTION NO. 88-492

A RESOLUTION APPROVING AN ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING ENTERED INTO ON JULY 1, 1986, BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE OFFICERS ASSOCIATION OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1988-89, COMMENCING ON JULY 1, 1988, AND ENDING ON JUNE 30, 1989.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Addendum to the Memorandum of Understanding entered into on July 1, 1986, between the City of Modesto and the Modesto Police Officers Association of the City of Modesto covering the fiscal year 1988-89, commencing on July 1, 1988, and ending on June 30, 1989, including the attached salary ranges and schedules, shown as Exhibits "A" and "B", for employees represented by the Modesto Police Officers Association, 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 28th day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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

ADDENDUM TO MEMORANDUM OF UNDERSTANDING

This addendum to the July 15, 1986 Memorandum of Understanding, is entered into on the 1st day of July, 1988, by and between the management representatives of the City of Modesto (CITY) and the representatives of the Modesto Police Officers Association (MPOA) after meeting and conferring in good faith.

1. This Addendum covers the fiscal year 1988-89, commencing on July 1, 1988 and ending on June 30, 1989, and covers all matters which MPOA has the right to meet and confer with CITY during said fiscal year.
2. This Addendum covers the employees in the position classifications of Police Officer and Detective which MPOA is certified as representing, and MPOA is the Formally Recognized Employee Organization which has the exclusive right to represent said employees during the term of this Addendum.
3. SALARY ADJUSTMENT. Effective July 5, 1988, the Class Range Table and Schedule of Salary Ranges, which are a part of this Addendum and are attached as Exhibits A and B, shall be implemented. These range placements and salaries are the combined result of a comparable city salary survey and a 4.0% cost of living increase. The step at which MPOA's employees are placed in the new salary range will be that which gives the first increase over current salary after implementation of the salary survey, but prior to the cost-of-living increase. In some cases, an employee may be placed at a step lower than that held prior to the salary adjustment. A lower step as a result of the salary adjustment is not related to any evaluation of performance and is not a demotion.

Effective January 3, 1989, all employees covered by the Addendum shall receive a one step salary increase. This increase is in-lieu of any other step increases an employee may be eligible for during fiscal year 1988-89. Starting with fiscal year 1989-90, all step increases shall be based on existing Personnel Rules and Personnel Administrative Orders.

4. PSYCHOLOGICAL COUNSELING SERVICES. As soon as possible after July 1, 1988, as may be reasonably implemented, CITY shall provide psychological counseling services for MPOA members and member's dependents comparable to those currently provided through the County Mental Health Department.

5. All other provisions of the Addendum to Memorandum of Understanding signed on July 15, 1986, by representatives of CITY and MPOA, covering fiscal years 1986-87 through 1988-89, shall remain in full force and effect.

CITY OF MODESTO MANAGEMENT REPRESENTATIVES:

MODESTO POLICE OFFICERS ASSOCIATION:

Michael C. Herrero
MICHAEL C. HERRERO
Assistant to City Manager

7-11-88
Dated

Steve Conway
STEVE CONWAY
Business Representative

7/1/88
Dated

David Leonardo
DAVID LEONARDO
Police Captain

6-30-88
Dated

Paul Konsdorf
PAUL KONSDORF
President

7/6/88
Dated

Denis Holmes
DENIS HOLMES
Vice President

6-30-88
Dated

Vince Sabean
VINCE SABEAN
Member

6-30-88
Dated

EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL POLICE CLASSES

Effective July 5, 1988

RANGE	TITLE
304	Police Officer Trainee
305	
306	
307	
308	Police Officer
309	
310	
311	
312	Detective

SCHEDULE C
GENERAL POLICE CLASSES

EXHIBIT B
CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	D	C	D	E	A	D	C	D	E	A	B	C	D	E
301.0	12.7219	12.7280	13.3844	14.0326	14.7342	969.75	1018.24	1069.15	1122.61	1178.74	2108.33	2213.76	2324.44	2440.67	2562.71
302.0	12.4249	13.0461	13.6984	14.3833	15.1025	993.99	1043.69	1095.87	1150.66	1208.20	2161.03	2269.09	2382.53	2501.65	2626.11
303.0	12.7355	13.3723	14.0409	14.7429	15.4800	1018.84	1069.78	1123.27	1179.43	1238.40	2215.06	2325.81	2442.10	2564.20	2692.11
304.0	13.0539	13.7066	14.3919	15.1115	15.8671	1044.31	1096.53	1151.35	1208.92	1269.37	2270.43	2383.97	2503.15	2628.31	2759.11
305.0	13.3802	14.0492	14.7517	15.4893	16.2638	1070.42	1123.94	1180.14	1239.14	1301.10	2327.20	2443.56	2565.74	2694.01	2828.11
306.0	13.7147	14.4004	15.1204	15.8764	16.6702	1097.18	1152.03	1209.63	1270.11	1333.62	2385.38	2504.63	2629.86	2761.35	2899.11
307.0	14.0576	14.7605	15.4985	16.2734	17.0871	1124.61	1180.84	1239.88	1301.87	1366.97	2445.01	2567.26	2695.62	2830.40	2971.11
308.0	14.4090	15.1295	15.8860	16.6803	17.5143	1152.72	1210.36	1270.88	1334.42	1401.14	2506.13	2631.44	2763.02	2901.16	3046.11
309.0	14.7692	15.5077	16.2831	17.0973	17.9522	1181.54	1240.62	1302.65	1367.78	1436.18	2568.79	2697.23	2832.09	2973.69	3122.11
310.0	15.1384	15.8953	16.6901	17.5246	18.4008	1211.07	1271.62	1335.21	1401.97	1472.06	2632.99	2764.63	2902.88	3048.02	3200.11
311.0	15.5169	16.2927	17.1073	17.9627	18.8608	1241.35	1303.42	1368.58	1437.02	1508.86	2698.82	2833.77	2975.43	3124.23	3280.11
312.0	15.9048	16.7000	17.5350	18.4118	19.3324	1272.38	1336.00	1402.80	1472.94	1546.59	2766.28	2904.60	3049.83	3202.32	3362.11
313.0	16.3024	17.1175	17.9734	18.8721	19.8157	1304.19	1369.40	1437.87	1509.77	1585.26	2835.44	2977.21	3126.07	3282.39	3446.11
314.0	16.7100	17.5455	18.4228	19.3439	20.3111	1336.80	1403.64	1473.82	1547.51	1624.89	2906.34	3051.65	3204.23	3364.44	3532.11
315.0	17.1278	17.9842	18.8834	19.8276	20.8190	1370.22	1438.74	1510.67	1586.21	1665.52	2979.00	3127.96	3284.35	3448.58	3621.11
316.0	17.5560	18.4338	19.3555	20.3233	21.3395	1404.48	1474.70	1548.44	1625.86	1707.16	3053.48	3206.15	3366.46	3534.78	3711.11
317.0	17.9949	18.8946	19.8393	20.8313	21.8729	1439.59	1511.57	1587.14	1666.50	1749.83	3129.81	3286.30	3450.60	3623.14	3804.11
318.0	18.4448	19.3670	20.3354	21.3522	22.4198	1475.58	1549.36	1626.83	1708.18	1793.58	3208.06	3368.46	3536.89	3713.75	3899.11
319.0	18.9059	19.8512	20.8438	21.8860	22.9803	1512.47	1588.10	1667.50	1750.88	1838.42	3288.26	3452.69	3625.31	3806.59	3996.11
320.0	19.3785	20.3474	21.3648	22.4330	23.5547	1550.28	1627.79	1709.18	1794.64	1884.38	3370.46	3538.98	3715.93	3901.73	4096.11
321.0	19.8630	20.8562	21.8990	22.9940	24.1437	1589.04	1668.50	1751.92	1839.52	1931.50	3454.73	3627.49	3808.85	3999.30	4199.11
322.0	20.3596	21.3776	22.4465	23.5688	24.7472	1628.77	1710.21	1795.72	1885.50	1979.78	3541.11	3718.17	3904.07	4099.27	4304.11
323.0	20.8686	21.9120	23.0076	24.1580	25.3659	1669.49	1752.96	1840.61	1932.64	2029.27	3629.64	3811.11	4001.67	4201.75	4411.11
324.0	21.3903	22.4598	23.5828	24.7619	26.0000	1711.22	1796.78	1886.62	1980.95	2080.00	3720.36	3906.38	4101.70	4306.78	4522.11
325.0	21.9251	23.0214	24.1725	25.3811	26.6502	1754.01	1841.71	1933.80	2030.49	2132.02	3813.39	4004.06	4204.27	4414.49	4635.11

MODESTO CITY COUNCIL
RESOLUTION NO. 88-493

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY FIRE FIGHTERS ASSOCIATION OF THE CITY OF MODESTO FOR THE FISCAL YEARS 1988-89, 1989-90, AND 1990-91, COMMENCING ON JULY 1, 1988, AND ENDING ON JUNE 30, 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 City Fire Fighters Association of the City of Modesto covering the fiscal years 1988-89, 1989-90, and 1990-91, commencing on July 1, 1988, and ending on June 30, 1991, including the attached salary ranges and schedules, shown as Exhibits "A" and "B", for employees represented by the Modesto City Fire Fighters Association, 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 28th day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into this 1st day of July, 1988, by and between the management representatives of the City of Modesto (CITY), and the representatives of the Modesto City Fire Fighters Association (MCFFA) after meeting and conferring in good faith.

1. This Memorandum covers the fiscal years 1988-89, 1989-90 and 1990-91, commencing on July 1, 1988, and ending on June 30, 1991, and covers all matters which MCFFA has the right to meet and confer with CITY during said fiscal years.
2. This Memorandum covers the employees in the position classifications of Fire Fighter Trainee, Fire Fighter, Fire Engineer and Fire Captain which MCFFA is certified as representing and MCFFA is the formally recognized Employee Organization which has the exclusive right to represent said employees during the term of this Memorandum.
3. SALARY ADJUSTMENT. Effective July 5, 1988, the Class Range Table and Schedule of Salary Ranges, which are a part of this Memorandum and are attached as Exhibits A and B, shall be implemented. These range placements and salaries are the combined result of a comparable city salary survey and a 3.7% cost-of-living increase. The step at which MCFFA's members are placed in the new salary range will be that which gives the first increase over current salary after implementation of the salary survey, but prior to the cost-of-living increase. In some cases, an employee may be placed at a step lower than that held prior to the salary adjustment. A lower step as a result of the salary adjustment is not related to any evaluation of performance and is not a demotion. For those employees formerly at E Step who are placed in a lower step, annual step increases shall be granted until step E is again achieved, subject to the provisions of Personnel Rule 9.

Effective July 1, 1989, or the beginning of the pay period closest thereto, the salaries shown on Exhibit B shall be increased based upon the U.S. Department of Labor Consumer Price Index, Urban Wage Earners and Clerical Workers, rounded to the nearest tenth of one percent, for the twelve months beginning April 1, 1988 and ending March 31, 1989, provided that the minimum increase shall be no less than three and one-half percent (3.5%) and no greater than five and one-half percent (5.5%).

Effective July 1, 1990, or the beginning of the pay period closest thereto, the salaries shown on Exhibit B, as previously adjusted in 1989, shall be increased based upon the U.S. Department of Labor Consumer Price Index, Urban Wage Earners and Clerical Workers, rounded to the nearest tenth of one percent, for the twelve months beginning April 1, 1989 and ending March 31, 1990, provided that the minimum increase shall be no less than three and one-half percent (3.5%) and no greater than six percent (6.0%).

It is acknowledged by MCFFA that in fiscal year 1991-92, the comparable city salary survey will result in step increases approximating 1.4% of total bargaining unit salary. This increase shall be acknowledged in negotiating a Memorandum of Understanding beginning with said fiscal year.

4. UNIFORM ALLOWANCE. Effective July 1 of each of the following years, the monthly uniform allowance paid to employees covered by this Memorandum shall be as follows:

1988 - \$36.00 per month
1989 - \$41.00 per month
1990 - \$46.00 per month

5. SAFETY BOOTS. As soon as possible after July 1, 1988, CITY shall purchase one pair of Cal OSHA approved safety boots for each employee covered by this Memorandum. The actual boot purchased shall be as agreed to by CITY and MCFFA. Any replacement of the safety boots initially purchased by CITY shall be at the sole expense of each employee.

In the event that the State of California requires that employees covered by this Memorandum shall wear such safety boots, the cost of replacing said boots shall be borne by CITY.

6. HEALTH/DENTAL INSURANCE. For fiscal year 1988-89, CITY shall contribute for health and dental insurance, the following bi-weekly amounts:
- a. \$89.79 bi-weekly for employees with dependent coverage.
 - b. \$37.47 bi-weekly for employees without dependent coverage.

7. HEALTH CARE AND INSURANCE STUDY. As soon as possible after July 1, 1988, CITY shall commission an independent study of its health care program and insurances. Said study shall at a minimum include analysis of retiree benefits, employee assistance programs, medical leaves of absence without pay, PERS insurance, program administration, and program cost and cost-effectiveness.

A committee which shall include representatives of CITY and MCFFA, shall be formed to advise CITY in selection of the consultant, and review the study as it progresses.

Prior to the beginning of fiscal year 1989-90, CITY and MCFFA will meet and confer on what changes, if any, shall be made in the health care program and related insurances, including but not limited to those items listed above, applicable to employees covered by this Memorandum during fiscal years 1989-90 and 1990-91.

8. EMERGENCY MEDICAL ALLOWANCE. Effective July 1, 1989, employees covered by this Memorandum who are certified as First Responders, shall receive a monthly allowance equivalent to two and one-half percent (2.5%) of the base salary for their classification.

In lieu of the First Responder allowance above, effective July 1, 1990, employees covered by this Memorandum who are certified as EMT I, shall receive a monthly allowance equivalent to four percent (4.0%) of the base salary for their classification.

Recertification for both the First Responder and EMT I programs shall be the sole responsibility of and at the sole cost of the employee.

Both the First Responder and EMT I allowances shall be paid only as long as the employee retains certification.

Effective July 1, 1988, all new Fire Fighter Trainees hired by CITY shall be required to obtain EMT I certification prior to the end of Fire Fighter probation. This requirement shall be added to the Fire Fighter classification as soon as possible after July 1, 1988. Failure to obtain such certification shall be grounds for dismissal. Once EMT I certification is obtained and probation is passed, recertification shall not be required.

9. TRAINING PROGRAM. Effective July 1, 1988, the Fire Department Training Program for new hires shall be ten (10) weeks in duration. The Sub-JAC committee established pursuant to the agreement between CITY and the California Fire Fighter Joint Apprenticeship Committee shall annually review the content of the Training Program.
10. RESIDENCY REQUIREMENT. Effective July 1, 1988, the residency requirements contained in Personnel Rule 7.8(b) and (c) shall be eliminated.
11. CONSTANT MANNING POLICY. The Constant Manning Policy shall be amended to provide flexibility of equipment and manpower between existing Stations 1-8, flexibility to use existing manpower to cover annexations involving developed or inhabited property for up to one hundred (100) days, and the commitment to increase personnel for a new fire station. These changes are not intended to change the total minimum staffing and equipment levels. CITY and MCFFA shall jointly agree on the revised wording no later than August 1, 1988.
12. HOLIDAY CASH-OUT. For fiscal years 1988-1989 and 1989-90, employees covered by this Memorandum shall have the option to cash-out holidays at straight time. For fiscal year 1990-91, said optional cash-out shall be at time and one-half. The process and timing of holiday cash-out shall be as mutually agreed to by CITY and MCFFA by September 1, 1988.
13. BENEFITS REOPENER. CITY may exercise its right to reopen negotiations to revise CITY'S sick leave plan if the Internal Revenue Service determines that employee sick leave is non-elective deferred compensation under IRS Section 457 and thereby taxable in the year it is earned, not the year it is taken.
14. MCFFA TIME BANK. Effective July 1, 1988 each employee covered under this Memorandum shall contribute one-half (0.5) of a holiday shift (twelve hours) to a pool of hours to be used for MCFFA business on an hour for hour basis. (other than meet and confer and meet and consult items, and routine administrative functions dealing with CITY). The specific procedures to be used to administer this time bank shall be as mutually agreed by CITY and MCFFA by August 1, 1988.

15. DISCIPLINARY APPEALS PROCESS. CITY and MCFFA shall form a committee by no later than July 30, 1988 to consider modifications to the disciplinary appeal hearing process with the intent of reducing the time required and cost of the hearing process. Prior to the beginning of fiscal year 1989-90, CITY and MCFFA will meet and confer on what changes, if any, shall be made in the appeal process.
16. HOLIDAYS. Effective July 1, 1988, P.A.O. 13.3-86-32(B) shall be amended allowing the Fire Chief discretion under special or unique circumstances to permit carryover of holiday time from one calendar year to another.
17. COMPENSATORY TIME OFF. As soon as possible after July 1, 1988, P.A.O. 13.2-86-30 shall be amended to allow employees covered by this Memorandum who work 40 hour work weeks to bank and use compensatory time off. No employee may maintain more than one hundred forty-four (144) hours of compensatory time off and the procedures for cashing-out said time shall be as provided in Section 3 of P.A.O. 13.2-88-1 for police employees.
18. Except as otherwise provided for in this Memorandum, the fifty-three hour work week and the fifty-six hour work schedule, in effect, in the City of Modesto Fire Department on the date of this memorandum, shall remain in full force, unchanged and unaffected in any manner, during the term covered by this Memorandum, unless changed by mutual consent.
19. All rights, privileges, and working conditions enjoyed by employees covered by this Memorandum on the date hereof, which are not otherwise covered hereby, shall remain in full force, unchanged and unaffected in any manner, during the term covered by this Memorandum, unless changed by mutual consent.
20. If any provision of this Memorandum, or the application of such provision, should be rendered or declared invalid by any court of law or by reason of any existing and subsequently-enacted legislation, the remaining parts or portions of this Memorandum shall remain in full force and effect during the term of this Memorandum.
21. CITY and MCFFA agree that the provisions of this Memorandum shall be applied without favor or discrimination based upon race, religion, color creed, age, national origin, political affiliation or beliefs, sex or handicap. The parties agree to recognize, respect and support CITY'S commitment to nondiscrimination in employment as set forth in CITY'S affirmative action program. MCFFA agrees to encourage its members to assist in the implementation of the program.
22. MCFFA agrees and acknowledges that strikes, sick-ins, slow-downs or other forms of work stoppage or disturbances are detrimental to the responsibility of MCFFA and its members to insure that high quality service is provided to the people of the City of Modesto. Any such actions are a violation of this Memorandum. MCFFA and its members agree not to sanction, condone, support or engage in any such actions directly or indirectly against CITY during the term of this memorandum.

23. MCFFA agrees to and acknowledges its responsibility to fairly represent all employees in the bargaining unit without regard to race, religion, color, creed, age, national origin, political affiliation or beliefs, sex, handicap, job classification or employment status.
24. CITY retains the exclusive right, except as expressly stated herein, to operate and direct the affairs of the City of Modesto Fire Department in all of its various aspects, including, but not limited to, the right to direct the working forces: to plan, direct and control all the operations and services of the City of Modesto Fire Department' to determine the methods, means and organization by which such operations and services are to be conducted; to assign and transfer employees within the City of Modesto Fire Department; to hire, promote, demote, suspend, discipline or relieve employees due to lack of work or other legitimate reasons; and to change or eliminate the existing methods, equipment or facilities.
25. Nothing in this Memorandum of Understanding shall be construed as abrogating any rights that either party has under the Meet and Confer provisions of the Government Code of the State of California.
26. This Memorandum of Understanding shall be presented to the Modesto City Council for approval and shall not be binding until so approved.

CITY OF MODESTO MANAGEMENT REPRESENTATIVES

MODESTO CITY FIRE FIGHTERS ASSOCIATION REPRESENTATIVES

Michael C. Herrera
Michael C. Herrera
Assistant to City Manager

8-12-88
Dated

Ken Bryant
Ken Bryant
Chief Negotiator

8-8-88
Dated

Robin Renwick
Robin Renwick
Senior Personnel Analyst

8-12-88
Dated

Gary Hinshaw
Gary Hinshaw
Fire Captain

8-8-88
Dated

Ronald E. Smith
Ronald E. Smith
Fire Division Chief

8-12-88
Dated

Chuck Giles
Chuck Giles
Fire Engineer

7-29-88
Dated

Ron Holmes
Ron Holmes
Fire Battalion Chief

8-12-88
Dated

Bob Watt
Bob Watt
Fire Fighter

8-7-88
Dated

EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL FIRE CLASSES

Effective July 5, 1988

RANGE	TITLE
203	Firefighter Trainee
204	
205	
206	
207	Firefighter
208	
209	
210	
211	Fire Engineer
212	
213	
214	
215	
216	
217	Fire Captain

SCHEDULE D
GENERAL FIRE CLASSES
115.0 HR BI-WEEKLY

EXHIBIT B
CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY (SEE NOTE BELOW)					MONTHLY				
	A	D	C	D	E	A	B	C	D	E	A	B	C	D	E
201.0	9.1221	9.5782	10.0571	10.5600	11.0880										
	STRAIGHT TIME:					966.94	1015.29	1066.05	1119.36	1175.33					
	FLSA OVERTIME:					82.10	86.20	90.51	95.04	99.79					
	TOTALS:					1049.04	1101.49	1156.56	1214.40	1275.12	2280.72	2394.75	2514.48	2640.23	2772.2
202.0	9.3502	9.8177	10.3086	10.8240	11.3652										
	STRAIGHT TIME:					991.12	1040.68	1092.71	1147.34	1204.71					
	FLSA OVERTIME:					84.15	88.36	92.78	97.42	102.29					
	TOTALS:					1075.27	1129.04	1185.49	1244.76	1307.00	2337.74	2454.65	2577.37	2706.23	2841.5
203.0	9.5840	10.0632	10.5664	11.0947	11.6494										
	STRAIGHT TIME:					1015.90	1066.70	1120.04	1176.04	1234.84					
	FLSA OVERTIME:					86.26	90.57	95.10	99.85	104.84					
	TOTALS:					1102.16	1157.27	1215.14	1275.89	1339.68	2396.21	2516.02	2641.84	2773.91	2912.6
204.0	9.8236	10.3148	10.8305	11.3720	11.9406										
	STRAIGHT TIME:					1041.30	1093.37	1148.03	1205.43	1265.70					
	FLSA OVERTIME:					88.41	92.83	97.47	102.35	107.47					
	TOTALS:					1129.71	1186.20	1245.50	1307.78	1373.17	2456.10	2578.92	2707.84	2843.24	2985.2
205.0	10.0692	10.5727	11.1013	11.6564	12.2392										
	STRAIGHT TIME:					1067.34	1120.71	1176.74	1235.58	1297.36					
	FLSA OVERTIME:					90.62	95.15	99.91	104.91	110.15					
	TOTALS:					1157.96	1215.86	1276.65	1340.49	1407.51	2517.52	2643.40	2775.56	2914.36	3060.0
206.0	10.3209	10.8369	11.3787	11.9476	12.5450										
	STRAIGHT TIME:					1094.02	1148.71	1206.14	1266.45	1329.77					
	FLSA OVERTIME:					92.89	97.53	102.41	107.53	112.97					
	TOTALS:					1186.91	1246.24	1308.55	1373.98	1442.68	2580.46	2709.45	2844.92	2987.17	3136.5
207.0	10.5789	11.1078	11.6632	12.2464	12.8587										
	STRAIGHT TIME:					1121.36	1177.43	1236.30	1298.12	1363.02					
	FLSA OVERTIME:					95.21	99.97	104.97	110.22	115.73					
	TOTALS:					1216.57	1277.40	1341.27	1408.34	1478.75	2644.94	2777.20	2916.06	3061.87	3214.9
208.0	10.8434	11.3856	11.9549	12.5526	13.1802										
	STRAIGHT TIME:					1149.40	1206.87	1267.22	1330.58	1397.10					
	FLSA OVERTIME:					97.59	102.47	107.59	112.97	118.62					
	TOTALS:					1246.99	1309.34	1374.81	1443.55	1515.72	2711.08	2846.64	2988.97	3138.42	3295.3
209.0	11.1145	11.6702	12.2537	12.8664	13.5097										
	STRAIGHT TIME:					1178.14	1237.04	1298.89	1363.84	1432.03					
	FLSA OVERTIME:					100.03	105.03	110.28	115.80	121.59					
	TOTALS:					1278.17	1342.07	1409.17	1479.64	1553.62	2778.87	2917.79	3063.68	3216.89	3377.7

SCHEDULE D
GENERAL FIRE CLASSES
115.0 HR BI-WEEKLY

EXHIBIT B
CITY OF MODesto
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY (SEE NOTE BELOW)					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
210.0	11.3924	11.9620	12.5601	13.1881	13.8475										
	STRAIGHT TIME: 1207.59 1267.97 1331.37 1397.94 1467.84					FLSA OVERTIME: 102.53 107.66 113.04 118.69 124.63					TOTALS: 1310.12 1375.63 1444.41 1516.63 1592.47				
211.0	11.6772	12.2611	12.8742	13.5179	14.1938						2848.33	2990.76	3140.29	3297.31	3462.7
	STRAIGHT TIME: 1237.78 1299.68 1364.67 1432.90 1504.54					FLSA OVERTIME: 105.09 110.35 115.87 121.66 127.74					TOTALS: 1342.87 1410.03 1480.54 1554.56 1632.28				
212.0	11.9691	12.5676	13.1960	13.8558	14.5486						2919.53	3065.55	3218.84	3379.77	3548.7
	STRAIGHT TIME: 1268.72 1332.17 1398.78 1468.71 1542.15					FLSA OVERTIME: 107.72 113.11 118.76 124.70 130.94					TOTALS: 1376.44 1445.28 1517.54 1593.41 1673.09				
213.0	12.2683	12.8817	13.5258	14.2021	14.9122						2992.52	3142.18	3299.28	3464.23	3637.4
	STRAIGHT TIME: 1300.44 1365.46 1433.73 1505.42 1580.69					FLSA OVERTIME: 110.41 115.94 121.73 127.82 134.21					TOTALS: 1410.85 1481.40 1555.46 1633.24 1714.90				
214.0	12.5750	13.2038	13.8640	14.5572	15.2851						3067.33	3220.71	3381.73	3550.83	3728.7
	STRAIGHT TIME: 1332.95 1399.60 1469.58 1543.06 1620.22					FLSA OVERTIME: 113.18 118.83 124.78 131.01 137.57					TOTALS: 1446.13 1518.43 1594.36 1674.07 1757.79				
215.0	12.8894	13.5339	14.2106	14.9211	15.6672						3144.03	3301.22	3466.30	3639.60	3821.7
	STRAIGHT TIME: 1366.28 1434.59 1506.32 1581.64 1660.72					FLSA OVERTIME: 116.00 121.81 127.90 134.29 141.00					TOTALS: 1482.28 1556.40 1634.22 1715.93 1801.72				
216.0	13.2116	13.8722	14.5658	15.2941	16.0588						3222.62	3383.77	3552.96	3730.60	3917.7
	STRAIGHT TIME: 1400.43 1470.45 1543.97 1621.17 1702.23					FLSA OVERTIME: 118.90 124.85 131.09 137.65 144.53					TOTALS: 1519.33 1595.30 1675.06 1758.82 1846.76				
217.0	13.5419	14.2190	14.9300	15.6765	16.4603						3303.18	3468.34	3641.75	3823.85	4015.7
	STRAIGHT TIME: 1435.44 1507.21 1582.58 1661.71 1744.79					FLSA OVERTIME: 121.88 127.97 134.37 141.09 148.14					TOTALS: 1557.32 1635.18 1716.95 1802.80 1892.93				
218.0	13.8804	14.5744	15.3031	16.0683	16.8717						3385.77	3555.04	3732.82	3919.47	4115.7
	STRAIGHT TIME: 1471.32 1544.89 1622.13 1703.24 1788.40					FLSA OVERTIME: 124.92 131.17 137.73 144.61 151.85					TOTALS: 1596.24 1676.06 1759.86 1847.85 1940.25				
											3470.39	3643.92	3826.11	4017.41	4218.7

SCHEDULE D
GENERAL FIRE CLASSES
115.0 HR BI-WEEKLY

EXHIBIT-B
CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY (SEE NOTE BELOW)					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
219.0	14.2274	14.9388	15.6857	16.4700	17.2935										
	STRAIGHT TIME:					1508.10	1583.51	1662.68	1745.82	1833.11					
	FLSA OVERTIME:					128.05	134.45	141.17	148.23	155.64					
	TOTALS:					1636.15	1717.96	1803.85	1894.05	1988.75	3557.15	3735.02	3921.75	4117.85	4323.00
220.0	14.5831	15.3123	16.0779	16.8818	17.7259										
	STRAIGHT TIME:					1545.81	1623.10	1704.26	1789.47	1878.95					
	FLSA OVERTIME:					131.25	137.81	144.70	151.94	159.53					
	TOTALS:					1677.06	1760.91	1848.96	1941.41	2038.48	3646.10	3828.39	4019.82	4220.82	4431.00
221.0	14.9477	15.6951	16.4799	17.3039	18.1691										
	STRAIGHT TIME:					1584.46	1663.68	1746.87	1834.21	1925.92					
	FLSA OVERTIME:					134.53	141.26	148.32	155.74	163.52					
	TOTALS:					1718.99	1804.94	1895.19	1989.95	2089.44	3737.26	3924.12	4120.33	4326.35	4542.00
222.0	15.3214	16.0875	16.8919	17.7365	18.6233										
	STRAIGHT TIME:					1624.07	1705.28	1790.54	1880.07	1974.07					
	FLSA OVERTIME:					137.89	144.79	152.03	159.63	167.61					
	TOTALS:					1761.96	1850.07	1942.57	2039.70	2141.68	3830.68	4022.24	4223.34	4434.51	4656.00
223.0	15.7044	16.4896	17.3141	18.1798	19.0888										
	STRAIGHT TIME:					1664.67	1747.90	1835.29	1927.06	2023.41					
	FLSA OVERTIME:					141.34	148.41	155.83	163.62	171.80					
	TOTALS:					1806.01	1896.31	1991.12	2090.68	2195.21	3926.45	4122.77	4328.89	4545.35	4772.00
224.0	16.0970	16.9019	17.7470	18.6344	19.5661										
	STRAIGHT TIME:					1706.28	1791.60	1881.18	1975.25	2074.01					
	FLSA OVERTIME:					144.87	152.12	159.72	167.71	176.09					
	TOTALS:					1851.15	1943.72	2040.90	2142.96	2250.10	4024.59	4225.84	4437.12	4659.01	4891.00
225.0	16.4994	17.3244	18.1906	19.1007	20.0551										
	STRAIGHT TIME:					1748.94	1836.39	1928.20	2024.61	2125.84					
	FLSA OVERTIME:					148.49	155.92	163.72	171.90	180.50					
	TOTALS:					1897.43	1992.31	2091.92	2196.51	2306.34	4125.20	4331.48	4546.04	4775.43	5014.00

NOTE: STRAIGHT TIME = HOURLY RATE X 106.0 HOURS
FLSA OVERTIME = HOURLY RATE X 9.0 HOURS (6.0 HOURS X 1.5)

SCHEDULE W
 GENERAL FIRE CLASSES
 80 HR (INCLUDES FLSA O/T)

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
 EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
701-0	13.1130	13.7687	14.4571	15.1800	15.9390	1049.04	1101.50	1156.57	1214.40	1275.12	2280.72	2394.77	2514.50	2640.23	2772.2
702-0	13.4408	14.1128	14.8184	15.5593	16.3373	1075.26	1129.02	1185.47	1244.74	1306.98	2337.72	2454.60	2577.35	2706.19	2841.5
703-0	13.7768	14.4656	15.1889	15.9483	16.7457	1102.14	1157.25	1215.11	1275.86	1339.66	2396.16	2515.98	2641.77	2773.85	2912.5
704-0	14.1212	14.8273	15.5687	16.3471	17.1645	1129.70	1186.18	1245.50	1307.77	1373.16	2456.08	2578.87	2707.84	2843.22	2985.3
705-0	14.4742	15.1979	15.9578	16.7557	17.5935	1157.94	1215.33	1276.62	1340.46	1407.48	2517.48	2643.34	2775.50	2914.29	3060.0
706-0	14.8361	15.5779	16.3568	17.1746	18.0333	1186.89	1246.23	1308.54	1373.97	1442.66	2580.42	2709.43	2844.90	2987.15	3136.4
707-0	15.2070	15.9674	16.7658	17.6041	18.4843	1216.56	1277.39	1341.26	1408.33	1478.74	2644.92	2777.17	2916.03	3061.85	3214.8
708-0	15.5872	16.3666	17.1849	18.0441	18.9463	1246.98	1309.33	1374.79	1443.53	1515.70	2711.06	2846.61	2988.93	3138.38	3295.2
709-0	15.9769	16.7757	17.6145	18.4952	19.4200	1278.15	1342.06	1409.16	1479.62	1553.60	2778.83	2917.77	3063.65	3216.84	3377.6
710-0	16.3763	17.1951	18.0549	18.9576	19.9055	1310.10	1375.61	1444.39	1516.61	1592.44	2848.29	2990.71	3140.25	3297.26	3462.1
711-0	16.7857	17.6250	18.5063	19.4316	20.4032	1342.86	1410.00	1480.50	1554.53	1632.26	2919.51	3065.48	3218.76	3379.70	3548.7
712-0	17.2053	18.0656	18.9689	19.9173	20.9132	1376.42	1445.25	1517.51	1593.38	1673.06	2992.47	3142.12	3299.22	3464.17	3637.4
713-0	17.6354	18.5172	19.4431	20.4153	21.4361	1410.83	1481.38	1555.45	1633.22	1714.89	3067.29	3220.67	3381.70	3550.78	3728.3
714-0	18.0763	18.9801	19.9291	20.9256	21.9719	1446.10	1518.41	1594.33	1674.05	1757.75	3143.97	3301.18	3466.23	3639.55	3821.5
715-0	18.5282	19.4546	20.4273	21.4487	22.5211	1482.26	1556.37	1634.18	1715.90	1801.69	3222.58	3383.70	3552.87	3730.54	3917.0
716-0	18.9914	19.9410	20.9381	21.9850	23.0843	1519.31	1595.28	1675.05	1758.80	1846.74	3303.13	3468.30	3641.73	3823.81	4015.0
717-0	19.4662	20.4395	21.4615	22.5346	23.6613	1557.30	1635.16	1716.92	1802.77	1892.90	3385.73	3555.00	3732.76	3919.40	4115.3
718-0	19.9529	20.9505	21.9980	23.0979	24.2528	1596.23	1676.04	1759.84	1847.83	1940.22	3470.36	3643.88	3826.07	4017.37	4218.2
719-0	20.4517	21.4743	22.5480	23.6754	24.8592	1636.14	1717.94	1803.84	1894.03	1988.74	3557.13	3734.97	3921.73	4117.81	4323.7
720-0	20.9630	22.0112	23.1118	24.2674	25.4808	1677.04	1760.90	1848.94	1941.39	2038.46	3646.05	3828.37	4019.76	4220.78	4431.8
721-0	21.4871	22.5615	23.6896	24.8741	26.1178	1718.97	1804.92	1895.17	1989.93	2089.42	3737.21	3924.08	4120.29	4326.31	4542.6
722-0	22.0243	23.1255	24.2818	25.4959	26.7707	1761.94	1850.04	1942.54	2039.67	2141.66	3830.63	4022.17	4223.28	4434.45	4656.0
723-0	22.5749	23.7036	24.8888	26.1332	27.4399	1805.99	1896.29	1991.10	2090.66	2195.19	3926.40	4122.72	4328.85	4545.30	4772.0
724-0	23.1393	24.2963	25.5111	26.7867	28.1260	1851.14	1943.70	2040.89	2142.94	2250.08	4024.56	4225.80	4437.10	4658.97	4891.0
725-0	23.7178	24.9037	26.1489	27.4563	28.8291	1897.42	1992.30	2091.91	2196.50	2306.33	4125.18	4331.46	4548.02	4775.41	5014.0

SCHEDULE X
SPECIAL ASSIGNMENT

CITY OF MDESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

HOURLY

BI-WEEKLY

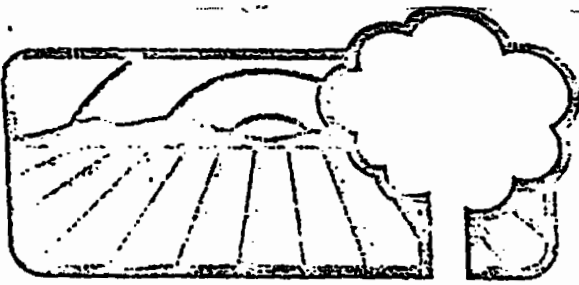
MONTHLY

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
299-1	18.7503	19.3728	20.3414	21.3585	22.4264	1776.02	1549.82	1627.31	1703.68	1794.11	3198.54	3358.47	3526.39	3702.72	3887.84
299-2	20.8316	21.8732	22.9669	24.1152	25.3210	1666.53	1749.86	1837.35	1929.22	2025.68	3610.36	3790.88	3980.42	4179.45	4388.42

SCHEDULE Z
 FIRE PREVENTION BUREAU & FIRE
 FIGHTER TRAINEES - 80 HR BIWKL

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
 EFFECTIVE 07/05/88

RANGE	MONTHLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
901.0	12.0870	12.6914	13.3260	13.9923	14.6919	966.96	1015.31	1066.08	1119.38	1175.35	2102.27	2207.39	2317.76	2433.64	2555.3
902.0	12.3892	13.0087	13.6591	14.3421	15.0592	991.14	1040.70	1092.73	1147.37	1204.74	2154.84	2262.59	2375.70	2494.50	2619.2
903.0	12.6989	13.3338	14.0005	14.7005	15.4355	1015.91	1066.70	1120.04	1176.04	1234.84	2208.69	2319.11	2435.08	2556.83	2684.6
904.0	13.0164	13.6672	14.3506	15.0681	15.8215	1041.31	1093.38	1148.05	1205.45	1265.72	2263.91	2377.12	2495.98	2620.77	2751.5
905.0	13.3418	14.0089	14.7093	15.4448	16.2170	1067.34	1120.71	1176.74	1235.58	1297.36	2320.50	2436.54	2558.35	2686.27	2820.9
906.0	13.6753	14.3591	15.0771	15.8310	16.6226	1094.02	1148.73	1206.17	1266.48	1329.81	2378.51	2497.45	2622.33	2753.45	2891.1
907.0	14.0172	14.7181	15.4540	16.2267	17.0380	1121.38	1177.45	1236.32	1298.14	1363.04	2437.99	2559.89	2687.88	2822.29	2963.1
908.0	14.3676	15.0860	15.8403	16.6323	17.4639	1149.41	1206.88	1267.22	1330.58	1397.11	2498.93	2623.88	2755.06	2892.81	3037.4
909.0	14.7268	15.4631	16.2363	17.0481	17.9005	1178.14	1237.05	1298.90	1363.85	1432.04	2561.39	2689.47	2823.94	2965.15	3113.4
910.0	15.0950	15.8498	16.6423	17.4744	18.3481	1207.60	1267.98	1331.38	1397.95	1467.85	2625.44	2756.72	2894.55	3039.28	3191.2
911.0	15.4724	16.2460	17.0583	17.9112	18.8068	1237.79	1299.68	1364.66	1432.90	1504.54	2691.08	2825.63	2966.91	3115.27	3271.0
912.0	15.8592	16.6522	17.4848	18.3590	19.2770	1268.74	1332.18	1398.78	1468.72	1542.16	2758.37	2896.29	3041.09	3193.14	3352.8
913.0	16.2557	17.0685	17.9219	18.8180	19.7589	1300.46	1365.48	1433.75	1505.42	1580.71	2827.33	2968.69	3117.12	3272.98	3436.6
914.0	16.6621	17.4952	18.3700	19.2885	20.2529	1332.97	1399.62	1469.60	1543.08	1620.23	2898.01	3042.71	3195.06	3354.81	3522.9
915.0	17.0787	17.9326	18.8292	19.7707	20.7592	1366.30	1434.61	1506.34	1581.66	1660.74	2970.47	3118.99	3274.93	3438.69	3610.6
916.0	17.5057	18.3810	19.3001	20.2651	21.2784	1400.46	1470.48	1544.01	1621.21	1702.27	3044.74	3196.97	3356.83	3524.67	3700.9
917.0	17.9433	18.8405	19.7825	20.7716	21.8102	1435.46	1507.24	1582.60	1661.73	1744.82	3120.83	3276.89	3440.73	3612.77	3793.4
918.0	18.3919	19.3115	20.2771	21.2910	22.3556	1471.35	1544.92	1622.17	1703.28	1788.45	3198.86	3358.81	3526.76	3703.10	3888.2
919.0	18.8517	19.7943	20.7840	21.8232	22.9144	1508.14	1583.54	1662.72	1745.86	1833.15	3278.85	3442.77	3614.92	3795.67	3985.4
920.0	19.3230	20.2892	21.3037	22.3689	23.4873	1545.84	1623.14	1704.30	1789.51	1878.98	3360.81	3528.87	3705.32	3890.57	4085.0
921.0	19.8061	20.7964	21.8362	22.9280	24.0744	1584.49	1663.71	1746.90	1834.24	1925.95	3444.84	3617.07	3797.94	3987.82	4187.2
922.0	20.3013	21.3164	22.3822	23.5013	24.6764	1624.10	1705.31	1790.58	1880.10	1974.11	3530.96	3707.51	3892.90	4087.53	4291.5
923.0	20.8088	21.8492	22.9417	24.0888	25.2932	1664.70	1747.96	1835.34	1927.10	2023.46	3619.22	3800.20	3990.21	4189.71	4399.2
924.0	21.3290	22.3955	23.5153	24.6911	25.9257	1706.32	1791.64	1881.22	1975.29	2074.06	3709.71	3895.20	4089.96	4294.48	4509.2
925.0	21.8622	22.9553	24.1031	25.3083	26.5737	1748.98	1836.42	1928.25	2024.66	2125.90	3802.46	3992.56	4192.21	4401.81	4621.7



CITY of MODESTO

Office of City Manager:
(209) 577-5463

801 11th Street, P. O. Box 642, Modesto, CA 95353
(TDD (209) 526-9211 Hearing and Speech Impaired only)

August 9, 1988

Mr. Ken Bryant
Chief Negotiator
Modesto City Fire Fighters Association

Dear Ken:

This is to confirm our agreement on behalf of City Management and MCFFA that all employees represented by MCFFA shall receive step increases in this and future years, until Step E is achieved, at the start of the first payroll period in January. Step increases already granted this fiscal year will be terminated effective the payroll period beginning August 2, 1988. They will be reinstated with the first payroll period in January 1989.

The above procedure shall not apply with new hires or promotions, in which case the employee shall progress through the steps as contained in the Personnel Rules and Personnel Administrative Orders. Neither will this change effect current evaluation dates.--

If the above is agreeable, please sign below.

CITY OF MODESTO MANAGEMENT REPRESENTATIVES

Michael C. Herrero 8-12-88
Michael C. Herrero
Assistant to City Manager
Dated

Robin Renwick 8-12-88
Robin Renwick
Senior Personnel Analyst
Dated

Ronald E. Smith 8-12-88
Ronald E. Smith
Fire Division Chief
Dated

Ron Holmes 8-12-88
Ron Holmes
Fire Battalion Chief
Dated

MODESTO CITY FIRE FIGHTERS ASSOCIATION REPRESENTATIVES

Ken Bryant 8-9-88
Ken Bryant
Chief Negotiator
Dated

Gary Hinshaw 8-12-88
Gary Hinshaw
Fire Captain
Dated

Chuck Giles 8-9-88
Chuck Giles
Fire Engineer
Dated

Bob Watt 8-9-88
Bob Watt
Fire Fighter
Dated

MODESTO CITY COUNCIL
RESOLUTION NO. 88-494

A RESOLUTION APPROVING SALARY RANGES, SALARY SCHEDULES, AND BENEFITS FOR MANAGEMENT AND CONFIDENTIAL AND EXECUTIVE MANAGEMENT EMPLOYEES FOR FISCAL YEARS 1988-89, 1989-90, AND 1990-91, COMMENCING ON JULY 1, 1988, AND ENDING ON JUNE 30, 1991.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the report dated June 27, 1988, entitled "Results of Labor Negotiations", including the attachments entitled "Management and Confidential Employees July 1988" which sets forth eleven (11) employee benefits, Exhibit "G" entitled "Class Range Table, Management and Confidential Non-Sworn Classes, Effective July 5, 1988", Exhibit "H" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule D Management/Confidential - General", Exhibit "I" entitled "Class Range Table, Fire Management Classes Effective July 5, 1988", Exhibit "J" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule E Management/Confidential - Fire, and Schedule Y Fire Management", Exhibit "K" entitled "Class Range Table, Police Management Classes Effective July 5, 1988", Exhibit "L" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule F Management/Confidential - Police", Exhibit "M" entitled "Class Range Table, Executive Management Effective July 5, 1988, hereto and hereby made a part hereof, be and it is hereby approved.

BE IT FURTHER RESOLVED that the implementation of said salary ranges, salary schedules and benefits by the designated 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 June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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
M E M O R A N D U M

Date: June 27, 1988

TO: City Manager
FROM: Assistant to City Manager Herrero
SUBJECT: Results of Labor Negotiations

The purpose of this memo is to summarize and highlight the results of this year's negotiations. Attached are draft copies of each of the proposed Memorandums of Understanding (MOU's). The MOU's are with the Modesto Police Officers Association (MPOA), the Modesto City Firefighters Association (MCFFA) and the Modesto City Employees Association (MCEA). Also attached are the proposed salary and benefit changes for management and confidential employees. These management/confidential changes are the result of related items negotiated with the employee organizations, as well as input from the Management and Confidential Employees Advisory Committee to the City Manager.

Three key items apply to all employees and will be summarized. They are the job audit, cost-of-living increases and a health care program study.

JOB AUDIT

The job audit process was begun for several reasons almost one year ago. First, it had been over 12 years since we had last taken a look at salaries in other agencies, as well as internal salary relationships. Given the growth of the City and diversifying nature of our workforce, there were obviously inequities to correct. Second, we had begun to experience recruiting difficulties. This was particularly true in management positions. In one recent case, we had to undertake a second recruitment at a higher salary level to receive any qualified applicants. Had we continued along this path, our ability to attract the quality employees we need to cope with the more complex challenges we face as a City would be suspect. In short, we were now the eighteenth largest city out of 450 in the State, but our classification and compensation programs had not kept pace with our growth.

The audit was divided into two parts - classification and compensation. In May the Council adopted the classification changes (with one exception to be discussed later). The compensation changes are what is now before the Council.

The first compensation task was to select cities with which to compare. Ralph Andersen and Associates, working with the joint labor-management advisory committee, recommended and the Council adopted the following comparable agencies: Sacramento, Stockton, Fresno, Hayward, Pleasanton, Fremont Livermore, Concord, San Mateo, and for some classifications, the MID. For department head and higher positions the cities of Burbank, Glendale, Pasadena and Bakersfield were also included.

We next needed to select a target with which to compare ourselves with these cities. Ralph Andersen recommended that our goal be the median of salaries surveyed. In other words, if 10 cities were surveyed, our goal would be to set our salaries so that 5 cities would be lower and 5 higher. This goal is the basis Andersen used for its recommendations. It is a conservative one, in part recognizing the financial parameters we have to live within.

For non-sworn general employees, the survey showed us to be roughly from 5% to over 20% behind the market median.

For fire non-management personnel, the survey showed us 8% to 16% behind the market median.

For police non-management personnel we were about 9% behind the market median.

For management employees, including police and fire, we were anywhere from 3% to 38% behind the market median. Many management positions were in the 11% to 28% range.

Based both on the survey results and internal relationships, Ralph Andersen & Associates recommend new salary ranges for all classifications. What is being recommended tonight is close to the Andersen recommendations. Changes are the result of negotiations with the employee organizations and consultation with management employees.

Because of the cost of implementing these changes all at once, all the employees have agreed to a phased implementation that will take a little over three years to fully complete. This is proposed to be done by adopting the new salary ranges, but moving employees back to lower steps in the ranges. Employees would then progress back up the steps over the years. By adopting the ranges we would also be able to recruit at the new labor market median.

The cost of the audit changes would be approximately 6.7% in the first year, 1.6% in the second year and 1.4% in the third year. The total cost over three years is about 9.7%

COST-OF-LIVING INCREASE

Cost-of-living increases are important for two reasons. One is that the job audit increases are unevenly distributed among employees. Some get relatively small increases, others relatively large ones. Most importantly, though, without cost-of-living increases, the job audit gains will be progressively diluted. Over a three or four year period they could be wiped-out and we would be back in the same under market situation. 3.7% to 4% cost-of-living increases are proposed for fiscal year 1988-89. This is based on the Department of Labor's Index for Urban Wage Earners and Clerical Workers from April, 1987 through March, 1988. In the case of MCFFA and MCEA, with three year agreements, a formula for increases in the second and third years is also provided.

HEALTH PROGRAM STUDY

Various requests were made this year for improvements in health care insurances. One particular emphasis was on better benefits for retirees. Due to the cost of the salary and cost-of-living changes and the projected cost of some of the health care requests, we did not feel we could make changes at this time.

We have also been concerned, though, over our rising health care costs - how best to control them and generally administer the program.

Furthermore, our program does not include some benefits which could be very beneficial for our employees and overall productivity. One example is what is termed an Employee Assistance Program which provides counseling and treatment for employees with alcohol or drug problems.

For all these reasons, it is proposed that a consultant be retained to study our health care program from top to bottom. A joint labor-management committee would be established to work with and learn from the consultant as to future options. The study would look at retiree benefits, employee assistance programs, program cost, program administration and optional service providers among other items. Before the end of fiscal year 1988-89, we would then be in a position to fashion a new health care program that better meets our needs and financial capabilities.

MCFFA

In addition to the three key items above, a few other items relating to MCFFA should be highlighted.

Two years ago our firefighters embarked on a program to begin providing emergency medical services. They have just recently gone through the certification process as "First Responders." This program has altered the job of a firefighter. This year, about 60% of fire runs were for medical emergencies. To acknowledge these added duties, a monthly allowance of 2.5% is proposed starting in fiscal year 1989-90, the second year of the contract. Starting in fiscal year 1990-91, those who achieve a higher level of medical certification, called EMT I, would receive a 4% instead of 2.5% allowance. This allows us to begin providing higher levels of emergency services to the citizens without undertaking expensive and time consuming in-house medical training programs. The EMT I training can be obtained locally. Under this proposal, each employee would be responsible for obtaining periodic recertification on their own time and at their own expense.

MCFFA has also agreed to changes in our firefighter trainee program which will result in substantial savings to the City. They have also agreed to modifications to the Constant Manning Policy which will provide management with greater flexibility in deploying equipment and manpower.

Finally, it is significant that for the first time in a number of years a multi-year agreement has been achieved with the Firefighters. This in itself is a step toward greater productivity.

MPOA

For a number of years, the Police Department has contracted with County Mental Health to provide counseling and crisis debriefing for police officers and dependents. This service was provided by Dr. Phil Trompetter. Dr. Trompetter is going into private practice and it is proposed to continue his services as a private practitioner.

MCEA

One significant provision in the MCEA memorandum is that labor and management will work together over the next few months to prepare a comprehensive memorandum of understanding. At the current time there is no single document containing all provisions which apply to a given group of employees. Creating a comprehensive MOU will require a large commitment of time, but will be a major step toward a more understandable personnel system for our employees.

RESOLUTIONS

A number of resolutions are required to adopt the various items; a resolution adopting each MOU, a resolution adopting the management and confidential changes, a resolution authorizing the City Manager to sign the Trompetter contract. At succeeding meetings other items will be placed on the Council agenda to implement various MOU provisions.

CLASSIFICATION

The final action needed on the 28th is to finish the classification portion for four employees in Engineering - Mark Chadwick, Jerry Dickey, Mike Kostiz and Lou Schlitz. It is recommended they be classified as Senior Civil Engineering Technicians.

Mike Herrero
Michael C. Herrero

cc: Bill Reeves, Carl Richter, MCEA
Paul Konsdorf, Steve Conway, MPOA
Larry Sederquist, Ken Bryant, MCFFA
Dale Thornburg, MCEAC
Personnel Manager

Management and Confidential Employees July 1988

1. Class ranges and salaries as shown on attached exhibits.
2. City pay health care premium increases.
3. Employees on medical leave without pay who return to work, to have health and life insurance benefits reinstated on the first day of the following pay period.
4. Deferred compensation after 15 years of continuous service to increase from 1.25 to 2.00% (non-sworn only).
5. Management leave increase from 40 to 48 hours. Create 8-hour leave for confidential employees.
6. Option to pay employee PERS contribution last three years prior to retirement.
7. City pay last 2% of employee PERS contribution (Police only).
8. Uniform allowance increase to \$47.50 per month (Police only).
9. City provide CAL-OSHA approved safety boots (Fire only).
10. Residency requirement eliminated (Fire only).
11. Option to cash-out holiday time at straight time (Fire only).

ADDENDUM TO MEMORANDUM OF UNDERSTANDING

This addendum to the July 15, 1986 Memorandum of Understanding, is entered into on the 1st day of July, 1988, by and between the management representatives of the City of Modesto (CITY) and the representatives of the Modesto Police Officers Association (MPOA) after meeting and conferring in good faith.

1. This Addendum covers the fiscal year 1988-89, commencing on July 1, 1988 and ending on June 30, 1989, and covers all matters which MPOA has the right to meet and confer with CITY during said fiscal year.
2. This Addendum covers the employees in the position classifications of Police Officer and Detective which MPOA is certified as representing, and MPOA is the Formally Recognized Employee Organization which has the exclusive right to represent said employees during the term of this Addendum.
3. SALARY ADJUSTMENT. Effective July 5, 1988, the Class Range Table and Schedule of Salary Ranges, which are a part of this Addendum and are attached as Exhibits A and B, shall be implemented. These range placements and salaries are the combined result of a comparable city salary survey and a 4.0% cost of living increase. The step at which MPOA's employees are placed in the new salary range will be that which gives the first increase over current salary after implementation of the salary survey, but prior to the cost-of-living increase. In some cases, an employee may be placed at a step lower than that held prior to the salary adjustment. A lower step as a result of the salary adjustment is not related to any evaluation of performance and is not a demotion.

Effective January 3, 1989, all employees covered by the Addendum shall receive a one step salary increase. This increase is in-lieu of any other step increases an employee may be eligible for during fiscal year 1988-89. Starting with fiscal year 1989-90, all step increases shall be based on existing Personnel Rules and Personnel Administrative Orders.

4. PSYCHOLOGICAL COUNSELING SERVICES. As soon as possible after July 1, 1988, as may be reasonably implemented, CITY shall provide psychological counseling services for MPOA members and member's dependents comparable to those currently provided through the County Mental Health Department.

5. All other provisions of the Addendum to Memorandum of Understanding signed on July 15, 1986, by representatives of CITY and MPOA, covering fiscal years 1986-87 through 1988-89, shall remain in full force and effect.

CITY OF MODESTO MANAGEMENT REPRESENTATIVES:

MODESTO POLICE OFFICERS ASSOCIATION:

Michael C. Herrero
MICHAEL C. HERRERO
Assistant to City Manager

7-11-88
Dated

Steve Conway
STEVE CONWAY
Business Representative

7/1/88
Dated

David Leonardo
DAVID LEONARDO
Police Captain

6-30-88
Dated

Paul Konsdorf
PAUL KONSDORF
President

7/6/88
Dated

Denis P. Holmes
DENIS HOLMES
Vice President

6-30-88
Dated

Vince Sabean
VINCE SABEAN
Member

6-30-88
Dated

EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL POLICE CLASSES

Effective July 5, 1988

RANGE	TITLE
304	Police Officer Trainee
305	
306	
307	
308	Police Officer
309	
310	
311	
312	Detective

SCHEDULE C
GENERAL POLICE CLASSES

EXHIBIT B

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	D	C	D	E	A	D	C	D	E	A	B	C	D	E
301.0	12.1219	12.7280	13.3844	14.0326	14.7342	969.75	1018.24	1069.15	1122.61	1178.74	2108.33	2213.76	2324.44	2440.67	2562.7
302.0	12.4249	13.0461	13.6984	14.3833	15.1025	993.99	1043.69	1095.87	1150.66	1208.20	2161.03	2269.09	2382.53	2501.65	2626.7
303.0	12.7355	13.3723	14.0409	14.7429	15.4800	1018.84	1069.78	1123.27	1179.43	1238.40	2215.06	2325.81	2442.10	2564.20	2692.4
304.0	13.0539	13.7066	14.3919	15.1115	15.8671	1044.31	1096.53	1151.35	1208.92	1269.37	2270.43	2383.97	2503.15	2628.31	2759.7
305.0	13.3802	14.0492	14.7517	15.4893	16.2638	1070.42	1123.94	1180.14	1239.14	1301.10	2327.20	2443.56	2565.74	2694.01	2826.7
306.0	13.7147	14.4004	15.1204	15.8764	16.6702	1097.18	1152.03	1209.63	1270.11	1333.62	2385.38	2504.63	2629.86	2761.35	2899.4
307.0	14.0576	14.7605	15.4985	16.2734	17.0871	1124.61	1180.84	1239.88	1301.87	1366.97	2445.01	2567.26	2695.62	2830.40	2971.9
308.0	14.4090	15.1295	15.8860	16.6803	17.5143	1152.72	1210.36	1270.88	1334.42	1401.14	2506.13	2631.44	2763.02	2901.16	3046.2
309.0	14.7692	15.5077	16.2831	17.0973	17.9522	1181.54	1240.62	1302.65	1367.78	1436.18	2568.79	2697.23	2832.09	2973.69	3122.6
310.0	15.1384	15.8953	16.6901	17.5246	18.4008	1211.07	1271.62	1335.21	1401.97	1472.06	2632.99	2764.63	2902.88	3048.02	3200.6
311.0	15.5169	16.2927	17.1073	17.9627	18.8608	1241.35	1303.42	1368.58	1437.02	1508.86	2698.82	2833.77	2975.43	3124.23	3280.6
312.0	15.9048	16.7000	17.5350	18.4118	19.3324	1272.38	1336.00	1402.80	1472.94	1546.59	2766.28	2904.60	3049.83	3202.32	3362.6
313.0	16.3024	17.1175	17.9734	18.8721	19.8157	1304.19	1369.40	1437.87	1509.77	1585.26	2835.44	2977.21	3126.07	3282.39	3446.6
314.0	16.7100	17.5455	18.4228	19.3439	20.3111	1336.80	1403.64	1473.82	1547.51	1624.89	2906.34	3051.65	3204.23	3364.44	3532.6
315.0	17.1278	17.9842	18.8834	19.8276	20.8190	1370.22	1438.74	1510.67	1586.21	1665.52	2979.00	3127.96	3284.35	3448.58	3621.6
316.0	17.5560	18.4338	19.3555	20.3233	21.3395	1404.48	1474.70	1548.44	1625.86	1707.16	3053.48	3206.15	3366.46	3534.78	3711.6
317.0	17.9949	18.8946	19.8393	20.8313	21.8729	1439.59	1511.57	1587.14	1666.50	1749.83	3129.81	3286.30	3450.60	3623.14	3804.6
318.0	18.4448	19.3670	20.3354	21.3522	22.4198	1475.58	1549.36	1626.83	1708.18	1793.58	3208.06	3368.46	3536.89	3713.75	3899.6
319.0	18.9059	19.8512	20.8438	21.8860	22.9803	1512.47	1588.10	1667.50	1750.88	1838.42	3288.26	3452.69	3625.31	3806.59	3996.6
320.0	19.3785	20.3474	21.3648	22.4330	23.5547	1550.28	1627.79	1709.18	1794.64	1884.38	3370.46	3538.98	3715.93	3901.73	4096.6
321.0	19.8630	20.8562	21.8990	22.9940	24.1437	1589.04	1668.50	1751.92	1839.52	1931.50	3454.73	3627.49	3808.85	3999.30	4199.6
322.0	20.3596	21.3776	22.4465	23.5688	24.7472	1628.77	1710.21	1795.72	1885.50	1979.78	3541.11	3718.17	3904.07	4099.27	4304.6
323.0	20.8686	21.9120	23.0076	24.1580	25.3659	1669.49	1752.96	1840.61	1932.64	2029.27	3629.64	3811.11	4001.67	4201.75	4411.6
324.0	21.3903	22.4598	23.5828	24.7619	26.0000	1711.22	1796.78	1886.62	1980.95	2080.00	3720.36	3906.38	4101.70	4306.78	4522.6
325.0	21.9251	23.0214	24.1725	25.3811	26.6502	1754.01	1841.71	1933.80	2030.49	2132.02	3813.39	4004.06	4204.27	4414.49	4635.6

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into this 1st day of July, 1988, by and between the management representatives of the City of Modesto (CITY), and the representatives of the Modesto City Fire Fighters Association (MCFFA) after meeting and conferring in good faith.

1. This Memorandum covers the fiscal years 1988-89, 1989-90 and 1990-91, commencing on July 1, 1988, and ending on June 30, 1991, and covers all matters which MCFFA has the right to meet and confer with CITY during said fiscal years.
2. This Memorandum covers the employees in the position classifications of Fire Fighter Trainee, Fire Fighter, Fire Engineer and Fire Captain which MCFFA is certified as representing and MCFFA is the formally recognized Employee Organization which has the exclusive right to represent said employees during the term of this Memorandum.
3. SALARY ADJUSTMENT. Effective July 5, 1988, the Class Range Table and Schedule of Salary Ranges, which are a part of this Memorandum and are attached as Exhibits A and B, shall be implemented. These range placements and salaries are the combined result of a comparable city salary survey and a 3.7% cost-of-living increase. The step at which MCFFA's members are placed in the new salary range will be that which gives the first increase over current salary after implementation of the salary survey, but prior to the cost-of-living increase. In some cases, an employee may be placed at a step lower than that held prior to the salary adjustment. A lower step as a result of the salary adjustment is not related to any evaluation of performance and is not a demotion. For those employees formerly at E Step who are placed in a lower step, annual step increases shall be granted until step E is again achieved, subject to the provisions of Personnel Rule 9.

Effective July 1, 1989, or the beginning of the pay period closest thereto, the salaries shown on Exhibit B shall be increased based upon the U.S. Department of Labor Consumer Price Index, Urban Wage Earners and Clerical Workers, rounded to the nearest tenth of one percent, for the twelve months beginning April 1, 1988 and ending March 31, 1989, provided that the minimum increase shall be no less than three and one-half percent (3.5%) and no greater than five and one-half percent (5.5%).

Effective July 1, 1990, or the beginning of the pay period closest thereto, the salaries shown on Exhibit B, as previously adjusted in 1989, shall be increased based upon the U.S. Department of Labor Consumer Price Index, Urban Wage Earners and Clerical Workers, rounded to the nearest tenth of one percent, for the twelve months beginning April 1, 1989 and ending March 31, 1990, provided that the minimum increase shall be no less than three and one-half percent (3.5%) and no greater than six percent (6.0%)

It is acknowledged by MCFFA that in fiscal year 1991-92, the comparable city salary survey will result in step increases approximating 1.4% of total bargaining unit salary. This increase shall be acknowledged in negotiating a Memorandum of Understanding beginning with said fiscal year.

4. UNIFORM ALLOWANCE. Effective July 1 of each of the following years, the monthly uniform allowance paid to employees covered by this Memorandum shall be as follows:

1988 - \$36.00 per month
1989 - \$41.00 per month
1990 - \$46.00 per month

5. SAFETY BOOTS. As soon as possible after July 1, 1988, CITY shall purchase one pair of Cal OSHA approved safety boots for each employee covered by this Memorandum. The actual boot purchased shall be as agreed to by CITY and MCFFA. Any replacement of the safety boots initially purchased by CITY shall be at the sole expense of each employee.

In the event that the State of California requires that employees covered by this Memorandum shall wear such safety boots, the cost of replacing said boots shall be borne by CITY.

6. HEALTH/DENTAL INSURANCE. For fiscal year 1988-89, CITY shall contribute for health and dental insurance, the following bi-weekly amounts:

a. \$89.79 bi-weekly for employees with dependent coverage.
b. \$37.47 bi-weekly for employees without dependent coverage.

7. HEALTH CARE AND INSURANCE STUDY. As soon as possible after July 1, 1988, CITY shall commission an independent study of its health care program and insurances. Said study shall at a minimum include analysis of retiree benefits, employee assistance programs, medical leaves of absence without pay, PERS insurance, program administration, and program cost and cost-effectiveness.

A committee which shall include representatives of CITY and MCFFA, shall be formed to advise CITY in selection of the consultant, and review the study as it progresses.

Prior to the beginning of fiscal year 1989-90, CITY and MCFFA will meet and confer on what changes, if any, shall be made in the health care program and related insurances, including but not limited to those items listed above, applicable to employees covered by this Memorandum during fiscal years 1989-90 and 1990-91.

8. EMERGENCY MEDICAL ALLOWANCE. Effective July 1, 1989, employees covered by this Memorandum who are certified as First Responders, shall receive a monthly allowance equivalent to two and one-half percent (2.5%) of the base salary for their classification.

In lieu of the First Responder allowance above, effective July 1, 1990, employees covered by this Memorandum who are certified as EMT I, shall receive a monthly allowance equivalent to four percent (4.0%) of the base salary for their classification.

Recertification for both the First Responder and EMT I programs shall be the sole responsibility of and at the sole cost of the employee.

Both the First Responder and EMT I allowances shall be paid only as long as the employee retains certification.

Effective July 1, 1988, all new Fire Fighter Trainees hired by CITY shall be required to obtain EMT I certification prior to the end of Fire Fighter probation. This requirement shall be added to the Fire Fighter classification as soon as possible after July 1, 1988. Failure to obtain such certification shall be grounds for dismissal. Once EMT I certification is obtained and probation is passed, recertification shall not be required.

9. TRAINING PROGRAM. Effective July 1, 1988, the Fire Department Training Program for new hires shall be ten (10) weeks in duration. The Sub-JAC committee established pursuant to the agreement between CITY and the California Fire Fighter Joint Apprenticeship Committee shall annually review the content of the Training Program.
10. RESIDENCY REQUIREMENT. Effective July 1, 1988, the residency requirements contained in Personnel Rule 7.8(b) and (c) shall be eliminated.
11. CONSTANT MANNING POLICY. The Constant Manning Policy shall be amended to provide flexibility of equipment and manpower between existing Stations 1-8, flexibility to use existing manpower to cover annexations involving developed or inhabited property for up to one hundred (100) days, and the commitment to increase personnel for a new fire station. These changes are not intended to change the total minimum staffing and equipment levels. CITY and MCFFA shall jointly agree on the revised wording no later than August 1, 1988.
12. HOLIDAY CASH-OUT. For fiscal years 1988-1989 and 1989-90, employees covered by this Memorandum shall have the option to cash-out holidays at straight time. For fiscal year 1990-91, said optional cash-out shall be at time and one-half. The process and timing of holiday cash-out shall be as mutually agreed to by CITY and MCFFA by September 1, 1988.
13. BENEFITS REOPENER. CITY may exercise its right to reopen negotiations to revise CITY'S sick leave plan if the Internal Revenue Service determines that employee sick leave is non-elective deferred compensation under IRS Section 457 and thereby taxable in the year it is earned, not the year it is taken.
14. MCFFA TIME BANK. Effective July 1, 1988 each employee covered under this Memorandum shall contribute one-half (0.5) of a holiday shift (twelve hours) to a pool of hours to be used for MCFFA business on an hour for hour basis. (other than meet and confer and meet and consult items, and routine administrative functions dealing with CITY). The specific procedures to be used to administer this time bank shall be as mutually agreed by CITY and MCFFA by August 1, 1988.

15. DISCIPLINARY APPEALS PROCESS. CITY and MCFFA shall form a committee by no later than July 30, 1988 to consider modifications to the disciplinary appeal hearing process with the intent of reducing the time required and cost of the hearing process. Prior to the beginning of fiscal year 1989-90, CITY and MCFFA will meet and confer on what changes, if any, shall be made in the appeal process.
16. HOLIDAYS. Effective July 1, 1988, P.A.O. 13.3-86-32(B) shall be amended allowing the Fire Chief discretion under special or unique circumstances to permit carryover of holiday time from one calendar year to another.
17. COMPENSATORY TIME OFF. As soon as possible after July 1, 1988, P.A.O. 13.2-86-30 shall be amended to allow employees covered by this Memorandum who work 40 hour work weeks to bank and use compensatory time off. No employee may maintain more than one hundred forty-four (144) hours of compensatory time off and the procedures for cashing-out said time shall be as provided in Section 3 of P.A.O. 13.2-88-1 for police employees.
18. Except as otherwise provided for in this Memorandum, the fifty-three hour work week and the fifty-six hour work schedule, in effect, in the City of Modesto Fire Department on the date of this memorandum, shall remain in full force, unchanged and unaffected in any manner, during the term covered by this Memorandum, unless changed by mutual consent.
19. All rights, privileges, and working conditions enjoyed by employees covered by this Memorandum on the date hereof, which are not otherwise covered hereby, shall remain in full force, unchanged and unaffected in any manner, during the term covered by this Memorandum, unless changed by mutual consent.
20. If any provision of this Memorandum, or the application of such provision, should be rendered or declared invalid by any court of law or by reason of any existing and subsequently-enacted legislation, the remaining parts or portions of this Memorandum shall remain in full force and effect during the term of this Memorandum.
21. CITY and MCFFA agree that the provisions of this Memorandum shall be applied without favor or discrimination based upon race, religion, color creed, age, national origin, political affiliation or beliefs, sex or handicap. The parties agree to recognize, respect and support CITY'S commitment to nondiscrimination in employment as set forth in CITY'S affirmative action program. MCFFA agrees to encourage its members to assist in the implementation of the program.
22. MCFFA agrees and acknowledges that strikes, sick-ins, slow-downs or other forms of work stoppage or disturbances are detrimental to the responsibility of MCFFA and its members to insure that high quality service is provided to the people of the City of Modesto. Any such actions are a violation of this Memorandum. MCFFA and its members agree not to sanction, condone, support or engage in any such actions directly or indirectly against CITY during the term of this memorandum.

23. MCFFA agrees to and acknowledges its responsibility to fairly represent all employees in the bargaining unit without regard to race, religion, color, creed, age, national origin, political affiliation or beliefs, sex, handicap, job classification or employment status.
24. CITY retains the exclusive right, except as expressly stated herein, 'to operate and direct the affairs of the City of Modesto Fire Department in all of its various aspects, including, but not limited to, the right to direct the working forces: to plan, direct and control all the operations and services of the City of Modesto Fire Department' to determine the methods, means and organization by which such operations and services are to be conducted; to assign and transfer employees within the City of Modesto Fire Department; to hire, promote, demote, suspend, discipline or relieve employees due to lack of work or other legitimate reasons; and to change or eliminate the existing methods, equipment or facilities.
25. Nothing in this Memorandum of Understanding shall be construed as abrogating any rights that either party has under the Meet and Confer provisions of the Government Code of the State of California.
26. This Memorandum of Understanding shall be presented to the Modesto City Council for approval and shall not be binding until so approved.

CITY OF MODESTO MANAGEMENT REPRESENTATIVES

MODESTO CITY FIRE FIGHTERS ASSOCIATION REPRESENTATIVES

Michael C. Herrero
Michael C. Herrero
Assistant to City Manager

8-12-88
Dated

Ken Bryant
Ken Bryant
Chief Negotiator

8-8-88
Dated

Robin Renwick
Robin Renwick
Senior Personnel Analyst

8-12-88
Dated

Gary Hinshaw
Gary Hinshaw
Fire Captain

8-8-88
Dated

Ronald E. Smith
Ronald E. Smith
Fire Division Chief

8-12-88
Dated

Chuck Giles
Chuck Giles
Fire Engineer

7-29-88
Dated

Ron Holmes
Ron Holmes
Fire Battalion Chief

8-12-88
Dated

Bob Watt
Bob Watt
Fire Fighter

8-9-88
Dated

EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL FIRE CLASSES

Effective July 5, 1988

RANGE	TITLE
203	Firefighter Trainee
204	
205	
206	
207	Firefighter
208	
209	
210	
211	Fire Engineer
212	
213	
214	
215	
216	
217	Fire Captain

1752WPMS

SCHEDULE B
GENERAL FIRE CLASSES
115.0 HR BI-WEEKLY

EXHIBIT B
CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY (SEE NOTE BELOW)					MONTHLY				
	A	D	C	D	E	A	B	C	D	E	A	B	C	D	E
201.0	9.1221	9.5782	10.0571	10.5600	11.0880										
	STRAIGHT TIME:					966.94	1015.29	1066.05	1119.36	1175.33					
	FLSA OVERTIME:					82.10	86.20	90.51	95.04	99.79					
	TOTALS:					1049.04	1101.49	1156.56	1214.40	1275.12	2280.72	2394.75	2514.48	2640.23	2772.00
202.0	9.3502	9.8177	10.3086	10.8240	11.3652										
	STRAIGHT TIME:					991.12	1040.68	1092.71	1147.34	1204.71					
	FLSA OVERTIME:					84.15	88.36	92.78	97.42	102.29					
	TOTALS:					1075.27	1129.04	1185.49	1244.76	1307.00	2337.74	2454.65	2577.37	2706.23	2841.00
203.0	9.5840	10.0632	10.5664	11.0947	11.6494										
	STRAIGHT TIME:					1015.90	1066.70	1120.04	1176.04	1234.84					
	FLSA OVERTIME:					86.26	90.57	95.10	99.85	104.84					
	TOTALS:					1102.16	1157.27	1215.14	1275.89	1339.68	2396.21	2516.02	2641.84	2773.91	2912.00
204.0	9.8236	10.3148	10.8305	11.3720	11.9406										
	STRAIGHT TIME:					1041.30	1093.37	1148.03	1205.43	1265.70					
	FLSA OVERTIME:					88.41	92.83	97.47	102.35	107.47					
	TOTALS:					1129.71	1186.20	1245.50	1307.78	1373.17	2456.10	2578.92	2707.84	2843.24	2985.00
205.0	10.0692	10.5727	11.1013	11.6564	12.2392										
	STRAIGHT TIME:					1067.34	1120.71	1176.74	1235.58	1297.36					
	FLSA OVERTIME:					90.62	95.15	99.91	104.91	110.15					
	TOTALS:					1157.96	1215.86	1276.65	1340.49	1407.51	2517.52	2643.40	2775.56	2914.36	3060.00
206.0	10.3209	10.8369	11.3787	11.9476	12.5450										
	STRAIGHT TIME:					1094.02	1148.71	1206.14	1266.45	1329.77					
	FLSA OVERTIME:					92.89	97.53	102.61	107.53	112.91					
	TOTALS:					1186.91	1246.24	1308.75	1373.98	1442.68	2580.46	2709.45	2844.92	2987.17	3136.00
207.0	10.5789	11.1076	11.6632	12.2464	12.8587										
	STRAIGHT TIME:					1121.36	1177.43	1236.30	1298.12	1363.02					
	FLSA OVERTIME:					95.21	99.97	104.97	110.22	115.73					
	TOTALS:					1216.57	1277.40	1341.27	1408.34	1478.75	2644.94	2777.20	2916.06	3061.87	3214.00
208.0	10.8434	11.3856	11.9549	12.5526	13.1802										
	STRAIGHT TIME:					1149.40	1206.87	1267.22	1330.58	1397.10					
	FLSA OVERTIME:					97.59	102.47	107.59	112.97	118.62					
	TOTALS:					1246.99	1309.34	1374.81	1443.55	1515.72	2711.08	2846.64	2988.97	3138.42	3295.00
209.0	11.1145	11.6702	12.2537	12.8664	13.5097										
	STRAIGHT TIME:					1178.14	1237.04	1298.89	1363.84	1432.03					
	FLSA OVERTIME:					100.03	105.03	110.28	115.80	121.59					
	TOTALS:					1278.17	1342.07	1409.17	1479.64	1553.62	2778.87	2917.79	3063.68	3216.89	3377.00

SCHEDULE D
GENERAL FIRE CLASSES
115.0 HR BI-WEEKLY

EXHIBIT B
CITY OF MODOCSTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY (SEE NOTE BELOW)					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
210.0	11.3924	11.9620	12.5601	13.1881	13.8475										
	STRAIGHT TIME:					1207.59	1267.97	1331.37	1397.94	1467.84					
	FLSA OVERTIME:					102.53	107.66	113.04	118.69	124.63					
	TOTALS:					1310.12	1375.63	1444.41	1516.63	1592.47	2848.33	2990.76	3170.29	3297.31	3462.5
211.0	11.6772	12.2611	12.8742	13.5179	14.1938										
	STRAIGHT TIME:					1237.78	1299.68	1364.67	1432.90	1504.54					
	FLSA OVERTIME:					105.09	110.35	115.87	121.66	127.74					
	TOTALS:					1342.87	1410.03	1480.54	1554.56	1632.28	2919.53	3065.55	3218.84	3379.77	3548.0
212.0	11.9691	12.5676	13.1960	13.8558	14.5486										
	STRAIGHT TIME:					1268.72	1332.17	1398.78	1468.71	1542.15					
	FLSA OVERTIME:					107.72	113.71	118.76	124.70	130.94					
	TOTALS:					1376.44	1445.28	1517.54	1593.41	1673.09	2992.52	3142.18	3299.28	3464.23	3637.0
213.0	12.2683	12.8817	13.5258	14.2021	14.9122										
	STRAIGHT TIME:					1306.44	1365.46	1433.73	1505.42	1580.69					
	FLSA OVERTIME:					110.41	115.94	121.73	127.82	134.21					
	TOTALS:					1416.85	1481.40	1555.46	1633.24	1714.90	3067.33	3220.71	3381.73	3550.83	3728.0
214.0	12.5750	13.2038	13.8640	14.5572	15.2851										
	STRAIGHT TIME:					1332.95	1399.60	1469.58	1543.06	1620.22					
	FLSA OVERTIME:					113.18	118.83	124.78	131.01	137.57					
	TOTALS:					1446.13	1518.43	1594.36	1674.07	1757.79	3144.03	3301.22	3466.30	3639.60	3821.0
215.0	12.8894	13.5339	14.2106	14.9211	15.6672										
	STRAIGHT TIME:					1366.28	1434.59	1506.32	1581.64	1660.72					
	FLSA OVERTIME:					116.00	121.81	127.90	134.29	141.00					
	TOTALS:					1482.28	1556.40	1634.22	1715.93	1801.72	3222.62	3383.77	3552.96	3730.60	3917.0
216.0	13.2116	13.8722	14.5658	15.2941	16.0588										
	STRAIGHT TIME:					1400.43	1470.45	1543.97	1621.17	1702.23					
	FLSA OVERTIME:					118.90	124.85	131.09	137.65	144.53					
	TOTALS:					1519.33	1595.30	1675.06	1758.82	1846.76	3303.18	3468.34	3641.75	3823.85	4015.0
217.0	13.5419	14.2190	14.9300	15.6765	16.4603										
	STRAIGHT TIME:					1435.44	1507.21	1582.58	1661.71	1744.79					
	FLSA OVERTIME:					121.88	127.97	134.37	141.09	148.14					
	TOTALS:					1557.32	1635.18	1716.95	1802.80	1892.93	3385.77	3555.04	3732.82	3919.47	4115.0
218.0	13.8804	14.5744	15.3031	16.0683	16.8717										
	STRAIGHT TIME:					1471.32	1544.89	1622.13	1703.24	1788.40					
	FLSA OVERTIME:					124.92	131.17	137.73	144.61	151.85					
	TOTALS:					1596.24	1676.06	1759.86	1847.85	1940.25	3470.39	3643.92	3826.11	4017.41	4218.0

SCHEDULE D
GENERAL FIRE CLASSES
115.0 HR BI-WEEKLY

EXHIBIT-B

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY (SEE NOTE BELOW)					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
219.0	14.2274	14.9388	15.6857	16.4700	17.2935	1508.10	1583.51	1662.68	1745.82	1833.11	3557.15	3735.02	3921.75	4117.85	4323.75
	STRAIGHT TIME:					128.05	134.45	141.17	148.23	155.64					
	FLSA OVERTIME:					1636.15	1717.96	1803.85	1894.05	1988.75					
	TOTALS:					1545.81	1623.10	1704.26	1789.47	1878.95					
220.0	14.5831	15.3123	16.0779	16.8818	17.7259	131.25	137.81	144.70	151.94	159.53	3646.10	3828.39	4019.82	4220.82	4431.00
	STRAIGHT TIME:					134.53	141.28	148.32	155.74	163.52					
	FLSA OVERTIME:					1677.06	1760.91	1848.96	1941.41	2038.48					
	TOTALS:					1584.46	1663.68	1746.87	1834.21	1925.92					
221.0	14.9477	15.6951	16.4799	17.3039	18.1691	144.79	152.03	159.63	167.61	176.07	3737.26	3924.12	4120.33	4326.35	4542.00
	STRAIGHT TIME:					141.34	148.41	155.83	163.62	171.80					
	FLSA OVERTIME:					1761.96	1850.07	1942.57	2039.70	2141.88					
	TOTALS:					1664.67	1747.90	1835.29	1927.06	2023.41					
222.0	15.3214	16.0875	16.8919	17.7365	18.6233	148.41	155.83	163.62	171.80	180.50	3830.68	4022.24	4223.34	4434.51	4656.00
	STRAIGHT TIME:					144.87	152.12	159.72	167.71	176.09					
	FLSA OVERTIME:					1806.01	1896.31	1991.12	2090.68	2195.21					
	TOTALS:					1706.28	1791.60	1881.18	1975.25	2074.01					
223.0	15.7044	16.4896	17.3141	18.1798	19.0888	159.72	167.71	176.09	185.09	194.50	3926.45	4122.77	4328.89	4545.35	4772.00
	STRAIGHT TIME:					152.12	159.72	167.71	176.09	185.09					
	FLSA OVERTIME:					1851.15	1943.72	2040.90	2142.96	2250.10					
	TOTALS:					1748.94	1836.39	1928.20	2024.61	2125.84					
224.0	16.0970	16.9019	17.7470	18.6344	19.5661	167.71	176.09	185.09	194.50	204.50	4024.59	4225.84	4437.12	4659.01	4891.00
	STRAIGHT TIME:					163.72	163.72	171.90	180.50	189.50					
	FLSA OVERTIME:					1897.43	1992.31	2091.92	2196.51	2306.36					
	TOTALS:					1786.25	1878.11	1974.10	2074.11	2178.34					
225.0	16.4994	17.3244	18.1906	19.1007	20.0551	176.09	185.09	194.50	204.50	215.00	4125.20	4331.68	4548.04	4775.43	5014.00
	STRAIGHT TIME:					171.90	180.50	189.50	199.00	209.00					
	FLSA OVERTIME:					1897.43	1992.31	2091.92	2196.51	2306.36					
	TOTALS:					1897.43	1992.31	2091.92	2196.51	2306.36					

NOTE: STRAIGHT TIME = HOURLY RATE X 106.0 HOURS
FLSA OVERTIME = HOURLY RATE X 9.0 HOURS (6.0 HOURS X 1.5)

SCHEDULE W
 GENERAL FIRE CLASSES
 80 HR (INCLUDES FLSA O/T)

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
 EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
701-0	13-1130	13-7687	14-4571	15-1800	15-9390	1049.04	1101.50	1156.57	1214.40	1275.12	2280.72	2394.77	2514.50	2640.23	2772.00
702-0	13-4408	14-1128	14-8184	15-5593	16-3373	1075.26	1129.02	1185.47	1244.74	1306.98	2337.72	2454.60	2577.35	2706.19	2841.00
703-0	13-7768	14-4656	15-1889	15-9483	16-7457	1102.14	1157.25	1215.11	1275.86	1339.66	2396.16	2515.98	2641.77	2773.85	2912.00
704-0	14-1212	14-8273	15-5687	16-3471	17-1645	1129.70	1186.18	1245.50	1307.77	1373.16	2456.08	2578.87	2707.84	2843.22	2985.00
705-0	14-4742	15-1979	15-9578	16-7557	17-5935	1157.94	1215.33	1276.62	1340.46	1407.48	2517.48	2643.34	2775.50	2914.29	3060.00
706-0	14-8361	15-5779	16-3568	17-1746	18-0333	1186.89	1246.23	1308.54	1373.97	1442.66	2580.42	2709.43	2844.90	2987.15	3136.00
707-0	15-2070	15-9674	16-7658	17-6041	18-4843	1216.56	1277.39	1341.26	1408.33	1478.74	2644.92	2777.17	2916.03	3061.85	3214.00
708-0	15-5872	16-3666	17-1849	18-0441	18-9463	1246.98	1309.33	1374.79	1443.53	1515.70	2711.06	2846.61	2988.93	3138.38	3295.00
709-0	15-9769	16-7757	17-6145	18-4952	19-4200	1278.15	1342.06	1409.16	1479.62	1553.60	2778.83	2917.77	3063.65	3216.84	3377.00
710-0	16-3763	17-1951	18-0549	18-9576	19-9055	1310.10	1375.61	1444.39	1516.61	1592.44	2848.29	2990.71	3140.25	3297.26	3462.00
711-0	16-7857	17-6250	18-5063	19-4316	20-4032	1342.86	1410.00	1480.50	1554.53	1632.26	2919.51	3065.48	3218.76	3379.70	3548.00
712-0	17-2053	18-0656	18-9689	19-9173	20-9132	1376.42	1445.25	1517.51	1593.38	1673.06	2992.47	3142.12	3299.22	3464.17	3637.00
713-0	17-6354	18-5172	19-4431	20-4153	21-4361	1410.83	1481.38	1555.45	1633.22	1714.89	3067.29	3220.67	3381.70	3550.78	3728.00
714-0	18-0763	18-9801	19-9291	20-9256	21-9719	1446.10	1518.41	1594.33	1674.05	1757.75	3143.97	3301.18	3466.23	3639.55	3821.00
715-0	18-5282	19-4546	20-4273	21-4487	22-5211	1482.26	1556.37	1634.18	1715.90	1801.69	3222.58	3383.70	3552.87	3730.54	3917.00
716-0	18-9914	19-9410	20-9381	21-9850	23-0843	1519.31	1595.28	1675.05	1758.80	1846.74	3303.13	3468.30	3641.73	3823.81	4015.00
717-0	19-4662	20-4395	21-4615	22-5346	23-6613	1557.30	1635.16	1716.92	1802.77	1892.90	3385.73	3555.00	3732.76	3919.40	4115.00
718-0	19-9529	20-9505	21-9980	23-0979	24-2528	1596.23	1676.04	1759.84	1847.83	1940.22	3470.36	3643.88	3826.07	4017.37	4218.00
719-0	20-4517	21-4743	22-5480	23-6754	24-8592	1636.14	1717.94	1803.84	1894.03	1988.74	3557.13	3734.97	3921.73	4117.81	4323.00
720-0	20-9630	22-0112	23-1118	24-2674	25-4808	1677.04	1760.90	1848.94	1941.39	2038.46	3646.05	3828.37	4019.76	4220.78	4431.00
721-0	21-4871	22-5615	23-6896	24-8741	26-1178	1718.97	1804.92	1895.17	1989.93	2089.42	3737.21	3924.08	4120.29	4326.31	4542.00
722-0	22-0243	23-1255	24-2818	25-4959	26-7707	1761.94	1850.04	1942.54	2039.67	2141.66	3830.63	4022.17	4223.28	4434.45	4656.00
723-0	22-5749	23-7036	24-8888	26-1332	27-4399	1805.99	1896.29	1991.10	2090.66	2195.19	3926.40	4122.72	4328.85	4545.30	4772.00
724-0	23-1393	24-2963	25-5111	26-7867	28-1260	1851.14	1943.70	2040.89	2142.94	2250.08	4024.56	4225.80	4437.10	4658.97	4891.00
725-0	23-7178	24-9037	26-1489	27-4563	28-8291	1897.42	1992.30	2091.91	2196.50	2306.33	4125.18	4331.46	4548.02	4775.41	5014.00

SCHEDULE X
SPECIAL ASSIGNMENT

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

HOURLY

BI-WEEKLY

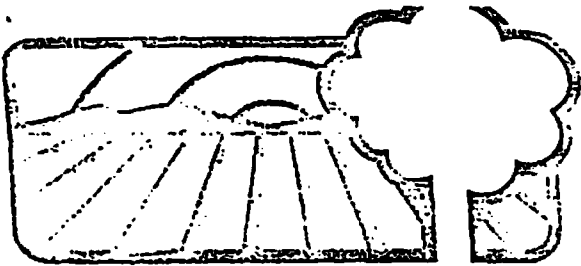
MONTHLY

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
299-1	18.7503	19.3728	20.5414	21.3585	22.7264	1476.02	1549.82	1627.31	1703.68	1794.11	3198.54	3353.47	3526.39	3702.72	3887.84
299-2	20.8316	21.8732	22.9669	24.1152	25.3210	1666.53	1749.86	1837.35	1929.22	2025.68	3610.36	3790.88	3980.42	4179.45	4388.42

SCHEDULE Z
 FIRE PREVENTION BUREAU & FIRE
 FIGHTER TRAINEES - 80 HR BIWKLY

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
 EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
901-0	12.0870	12.6914	13.3260	13.9923	14.6919	966.96	1015.31	1066.08	1119.38	1175.35	2102.27	2207.39	2317.76	2433.64	2555.0
902-0	12.3892	13.0087	13.6591	14.3421	15.0592	991.14	1040.70	1092.73	1147.37	1204.74	2154.84	2262.59	2375.70	2494.50	2619.0
903-0	12.6989	13.3338	14.0005	14.7005	15.4355	1015.91	1066.70	1120.04	1176.04	1234.84	2208.69	2319.11	2435.08	2556.83	2684.0
904-0	13.0164	13.6672	14.3506	15.0681	15.8215	1041.31	1093.38	1148.05	1205.45	1265.72	2263.97	2377.12	2495.98	2620.77	2751.0
905-0	13.3418	14.0089	14.7093	15.4448	16.2170	1067.34	1120.71	1176.74	1235.58	1297.36	2320.50	2436.54	2558.35	2686.27	2820.0
906-0	13.6753	14.3591	15.0771	15.8310	16.6226	1094.02	1148.73	1206.17	1266.48	1329.81	2378.51	2497.45	2622.33	2753.45	2891.0
907-0	14.0172	14.7181	15.4540	16.2267	17.0380	1121.38	1177.45	1236.32	1298.17	1363.04	2437.99	2559.89	2687.88	2822.29	2963.0
908-0	14.3676	15.0860	15.8403	16.6323	17.4639	1149.41	1206.88	1267.22	1330.58	1397.11	2498.93	2623.88	2755.06	2892.81	3037.0
909-0	14.7268	15.4631	16.2363	17.0481	17.9005	1178.14	1237.05	1298.90	1363.85	1432.04	2561.37	2689.47	2823.94	2965.15	3113.0
910-0	15.0950	15.8498	16.6423	17.4744	18.3481	1207.60	1267.98	1331.38	1397.95	1467.85	2625.44	2756.72	2894.55	3039.28	3191.0
911-0	15.4724	16.2460	17.0583	17.9112	18.8068	1237.79	1299.68	1364.66	1432.90	1504.54	2691.08	2825.63	2966.91	3115.27	3271.0
912-0	15.8592	16.6522	17.4848	18.3590	19.2770	1268.74	1332.18	1398.78	1468.72	1542.16	2758.37	2896.29	3041.09	3193.14	3352.0
913-0	16.2557	17.0685	17.9219	18.8180	19.7589	1300.46	1365.48	1433.75	1505.47	1580.71	2827.33	2968.69	3117.12	3272.98	3436.0
914-0	16.6621	17.4952	18.3700	19.2885	20.2529	1332.97	1399.62	1469.60	1543.08	1620.23	2898.01	3042.91	3195.06	3354.81	3522.0
915-0	17.0787	17.9326	18.8292	19.7707	20.7592	1366.30	1434.61	1506.34	1581.66	1660.74	2970.47	3118.99	3274.93	3438.69	3610.0
916-0	17.5057	18.3810	19.3001	20.2651	21.2784	1400.46	1470.48	1544.01	1621.21	1702.27	3044.74	3196.97	3356.83	3524.67	3700.0
917-0	17.9433	18.8405	19.7825	20.7716	21.8102	1435.46	1507.24	1582.60	1661.73	1744.82	3120.83	3276.89	3440.73	3612.77	3793.0
918-0	18.3919	19.3115	20.2771	21.2910	22.3556	1471.35	1544.92	1622.17	1703.28	1788.45	3198.86	3358.81	3526.76	3703.10	3888.0
919-0	18.8517	19.7943	20.7840	21.8232	22.9144	1508.14	1583.54	1662.72	1745.86	1833.15	3278.85	3442.77	3614.92	3795.67	3985.0
920-0	19.3230	20.2892	21.3037	22.3689	23.4873	1545.84	1623.14	1704.30	1789.51	1878.98	3360.81	3528.87	3705.32	3890.57	4085.0
921-0	17.8061	20.7964	21.8362	22.9280	24.0744	1584.49	1663.71	1746.90	1834.24	1925.95	3444.84	3617.07	3797.94	3987.82	4187.0
922-0	20.3013	21.3164	22.3822	23.5013	24.6764	1624.10	1705.31	1790.58	1880.10	1974.11	3530.96	3707.51	3892.90	4087.53	4291.0
923-0	20.8088	21.8492	22.9417	24.0888	25.2932	1664.70	1747.94	1835.34	1927.10	2023.46	3619.22	3800.20	3990.21	4189.71	4399.0
924-0	21.3290	22.3955	23.5153	24.6911	25.9257	1706.32	1791.64	1881.22	1975.29	2074.06	3709.71	3895.20	4089.96	4294.48	4509.0
925-0	21.8622	22.9553	24.1031	25.3083	26.5737	1748.98	1836.42	1928.25	2024.66	2125.90	3802.46	3992.56	4192.21	4401.81	4627.0



CITY of MODESTO

Office of City Manager:
(209) 577-5463

801 11th Street, P. O. Box 642, Modesto, CA 95353
[TDD (209) 526-9211 Hearing and Speech Impaired only]

August 9, 1988

Mr. Ken Bryant
Chief Negotiator
Modesto City Fire Fighters Association

Dear Ken:

This is to confirm our agreement on behalf of City Management and MCFFA that all employees represented by MCFFA shall receive step increases in this and future years, until Step E is achieved, at the start of the first payroll period in January. Step increases already granted this fiscal year will be terminated effective the payroll period beginning August 2, 1988. They will be reinstated with the first payroll period in January 1989.

The above procedure shall not apply with new hires or promotions, in which case the employee shall progress through the steps as contained in the Personnel Rules and Personnel Administrative Orders. Neither will this change effect current evaluation dates.

If the above is agreeable, please sign below.

CITY OF MODESTO MANAGEMENT REPRESENTATIVES

Michael C. Herrero
Michael C. Herrero
Assistant to City Manager

8-12-88
Dated

Robin Renwick
Robin Renwick
Senior Personnel Analyst

8-12-88
Dated

Ronald E. Smith
Ronald E. Smith
Fire Division Chief

8-12-88
Dated

Ron Holmes
Ron Holmes
Fire Battalion Chief

8-12-88
Dated

MODESTO CITY FIRE FIGHTERS ASSOCIATION REPRESENTATIVES

Ken Bryant
Ken Bryant
Chief Negotiator

8-9-88
Dated

Gary Hinshaw
Gary Hinshaw
Fire Captain

8-12-88
Dated

Chuck Giles
Chuck Giles
Fire Engineer

8-9-88
Dated

Bob Watt
Bob Watt
Fire Fighter

8-9-88
Dated

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into this 1st day of July, 1988, by and between the management representatives of the City of Modesto (CITY), and the representatives of the Modesto City Employees Association (MCEA) after meeting and conferring in good faith.

1. This Memorandum covers the fiscal years 1988-89, 1989-90 and 1990-91, commencing on July 1, 1988 and ending on June 30, 1991, and covers all matters which MCEA has the right to meet and confer with CITY during said fiscal years.
2. This Memorandum covers the employees in the position classifications of CITY which MCEA is certified as representing, and MCEA is the formally recognized employee organization which has the exclusive right to represent said employees during the term of this Memorandum.
3. SALARY ADJUSTMENT. Effective July 5, 1988, the Class Range Table and Schedule of Salary Ranges, which are a part of this Memorandum and are attached as Exhibits A and B, shall be implemented. These range placements and salaries are the combined result of a comparable city salary survey and a 4.0% cost-of-living increase. The step at which MCEA's members are placed in the new salary range will be that which gives the first increase over current salary after implementation of the salary survey but prior to the cost-of-living increase. The step changes incurred as a result of this procedure shall not effect the status of employees who require a "standard" rating under the performance evaluation system to maintain a step or receive a step increase.

Effective July 1, 1989, or the beginning of the pay period closest thereto, the salaries shown on Exhibit B shall be adjusted based upon the U. S. Department of Labor Consumer Price Index, Urban Wage Earners and Clerical Workers, computed to the nearest tenth of one percent, for the twelve months beginning April 1, 1988 and ending March 31, 1989, provided said adjustment shall be no greater than five and one-half percent (5.5%).

Effective July 1, 1990, or the beginning of the pay period closest thereto, the salaries shown on Exhibit B, as previously adjusted in 1989, shall be adjusted based upon the U. S. Department of Labor Consumer Price Index, Urban Wage Earners and Clerical Workers, rounded to the nearest tenth of one percent, for the twelve months beginning April 1, 1989 and ending March 31, 1990, provided said adjustment shall be no greater than five and one-half percent (5.5%).

4. HEALTH/DENTAL/VISION INSURANCE. For fiscal year 1988-89, CITY shall contribute for health, dental and vision insurance the following bi-weekly amounts:

- (a) \$103.14 bi-weekly for employees with dependent coverage.
- (b) \$38.38 bi-weekly for employees without dependent coverage.

For employees without dependent coverage, \$52.41 bi-weekly shall be contributed to the employee's deferred compensation account.

5. MEDICAL LEAVE WITHOUT PAY. Effective July 1, 1988, employees who are on medical leave without pay and return to work will have their health and life insurance benefits reinstated on the first day of the pay period following the employee's return to work.
6. HEALTH CARE AND INSURANCE STUDY. As soon as possible after July 1, 1988, CITY shall commission an independent study of its health care program and insurances. Said study shall at a minimum include analysis of retiree benefits, employee assistance programs, medical leaves of absence without pay, PERS insurance, program administration and program cost and cost-effectiveness.

A committee, which shall include representatives of CITY and MCEA, shall be formed to advise City in selection of the consultant and review the study as it progresses.

Prior to the beginning of fiscal year 1989-90, CITY and MCEA will meet and confer on what changes, if any, shall be made in the health care program and related insurances, including but not limited to those items listed above, applicable to employees covered by this Memorandum during fiscal years 1989-90 and 1990-91.

7. DEFERRED COMPENSATION. Effective July 1, 1989, or the beginning of the pay period closest thereto, and each year thereafter at the start of the first full payroll period closest to July 1st, employees covered by this Memorandum who have been continuously employed with the City of Modesto or before June 30th of that year for fifteen (15) or more years, shall receive a total of two percent (2.0%) deferred compensation contributed by the City. Employees who have been employed by the City for less than fifteen (15) years shall continue to receive a total of one percent (1.0%) deferred compensation contributed by the City.
8. P.E.R.S. CONTRIBUTION. Effective July 1, 1989, or the beginning of the pay period closest thereto, employees covered by this Memorandum shall have a one-time choice of contributing the seven percent (7%) employee contribution for up to three years to P.E.R.S. The intent of this option is to allow the employee to have the higher salary credits in the three years immediately preceding the anticipated date of retirement.
9. UNIFORM ALLOWANCE. Effective July 1, 1989, or the beginning of the pay period closest thereto and continuing through June 30, 1991, the monthly uniform allowance currently paid Community Service Officers shall be forty-seven dollars and fifty cents (\$47.50).
10. CALL BACK PAY. Effective July 1, 1990, or the beginning of the pay period closest thereto, and continuing through June 30, 1991, Community Service Officers shall receive a minimum of three (3) hours compensation at time and one-half for call back to appear in court. The City will amend its Personnel Administrative Order 13.2-87-30, Section IV, B, to reflect this change.
11. MECHANIC HAND TOOLS. CITY shall allow those employees in the position of Coach Mechanic, Coach Mechanic Crewleader, Equipment Mechanic, Equipment Mechanic Crewleader, Equipment Service Worker, or any other mechanic positions whose job requirements include possession of a complete set of

mechanic hand tools, to order tools required to perform their duties once a year through a CITY purchase order. CITY shall determine the process and time for such purchases and the employee shall pay the cost of the purchase at the time of placing their order with a cashier's check or a money order.

12. COMPREHENSIVE MEMORANDUM OF UNDERSTANDING. Beginning as soon as possible after July 1, 1988, a committee of CITY and MCEA representatives shall be formed to study and recommend wording for a comprehensive Memorandum of Understanding with a completion target date of July 1, 1989.
13. SICK LEAVE. As soon as possible after July 1, 1988, CITY will amend Personnel Administrative Order 13.5-87-13, III-C, to remove the sunset date of June 30, 1988. This will allow employees to continue to use up to three (3) days of sick leave in a calendar year to care for members of the family who are ill.
14. DISCIPLINARY ACTION. As soon as possible after July 1, 1988, CITY will amend Personnel Rule 1 and Personnel Rule 12 as shown in Exhibit C.

CITY agrees that conviction of a felony or conviction of a misdemeanor involving moral turpitude as contained in Personnel Rule 12.2(i) prior to July 1, 1988 by an individual working for CITY on July 1, 1988, shall not be the sole grounds for disciplinary action. Such conviction, however, may be considered along with other evidence by CITY in current or future disciplinary actions.

15. BENEFITS REOPENER. CITY may exercise its right to reopen negotiations to revise CITY'S sick leave plan if the Internal Revenue Service determines that employee sick leave is non-elective deferred compensation under IRS Section 457 and thereby taxable in the year it is earned, not the year it is taken.

CITY may exercise its right to reopen negotiations to revise CITY'S fringe benefit contributions if the Federal government mandates Medicare coverage or Social Security benefits for all local government employees.

16. SENIOR POLICE CLERK. Senior Police Clerk shall be changed from a classification to an assignment. The assignment shall receive a differential of ten percent (10%).
17. The parties agree that the provisions of this Memorandum shall be applied without favor or discrimination based upon race, religion, color, creed, age, national origin, political affiliation or beliefs, sex or handicap. The parties agree to recognize, respect and support the City's commitment to nondiscrimination in employment as set forth in the City's affirmative action program. The Modesto City Employees Association agrees to encourage its members to assist in the implementation of that program.
18. The Modesto City Employees Association agrees to and acknowledges its responsibility to fairly represent all employees in the bargaining unit without regard to race, religion, color, creed, age, national original, political affiliation or beliefs, sex, handicap, job classification or employment status.

19. The Modesto City Employees Association agrees and acknowledges that strikes, sick-ins, slow-downs or other forms of work stoppage or disturbances are detrimental to the responsibility of the Modesto City Employees Association and its members to insure that high quality service is provided to the people of the City of Modesto. Any such actions are also a violation of this Memorandum. The Modesto City Employees Association and its members agree not to sanction, support, condone, or engage in any such actions directly or indirectly during the term of this memorandum.
20. The City of Modesto retains the exclusive right, except as expressly stated herein, to operate and direct the affairs of the City of Modesto in all of its various aspects, including, but not limited to, the right to direct the working forces; to plan, direct and control all of the operations and services of the City of Modesto; to determine the methods, means, and organizations by which such operations and services are to be conducted; to assign and transfer employees; to hire, promote, demote, suspend, discipline, discharge or relieve employees due to lack of work or other legitimate reasons; and to change or eliminate existing methods, equipment or facilities.
21. Nothing in this Memorandum of Understanding shall be construed as abrogating any rights that either party hereto has under the Meet and Confer provisions of the Government Code of the State of California.
22. This Memorandum of Understanding shall be presented to the Modesto City Council for approval and shall not be binding until so approved.

CITY OF MODESTO:

Bonnie Long 7/5/88
 BONNIE LONG, Assistant to City Manager (Date)

Dale Davis 7/6/88
 DALE DAVIS, Solid Waste Program Manager (Date)

Janice Stewart 7/5/88
 JANICE STEWART, Management Analyst (Date)

MODESTO CITY EMPLOYEES ASSOCIATION:

Bill Reeves 7-15-88
 BILL REEVES, Business Representative (Date)

Carl Richter 7-15-88
 CARL RICHTER, President (Date)

DuWayne Miller 7-27-88
 DUWAYNE MILLER, Vice President (Date)

Donna Briggs 7-22-88
 DONNA BRIGGS, Treasurer (Date)

Ray Hawes 7/21/88
 RAY HAWES, Negotiator (Date)

EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective July 5, 1988

RANGE	TITLE
103	Administrative Clerk I Printing Services Op 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 July 5, 1988

RANGE	TITLE
115	Accounting Technician Planning Technician I Police Administrative Technician Wastewater Treatment Plant Att. Community Service Officer
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 Opr. Civil Engineering Technician I Building Maintenance Mechanic
120	Welder/Fabricator Senior Equipment Operator Fire Prevention Technician II Equipment Mechanic Assistant Electrician Traffic Painter Crewleader Accountant I Assistant Lab Technician

EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective July 5, 1988

RANGE	TITLE
121	
122	Coach Mechanic Fire Equipment Mechanic Nursery Propagator Tree Trimmer Crewleader Housing Program Specialist Programmer Analyst I
123	Sr. Wastewtr Trtmnt Plt Opr Maint. Mech. Crewleader-Pumps Civil Engineering Technician II Maint. Mech. Crewleader-Parks
124	Plant Mechanic Laboratory Technician Equipment Mechanic Crewleader Planning Assistant Equipment Crewleader
125	Crime Analyst
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector Senior Fire Equipment Mechanic
127	Civil Engineering Assistant
128	Instrument Repair Technician Programmer Analyst II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II

EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective July 5, 1988

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

SCHEDULE A
GENERAL NON-SWORN CLASSES

EXHIBIT B
CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
075.0	4.0572	4.2601	4.4731	4.6968	4.9316	324.58	340.81	357.85	375.74	394.53	705.67	740.96	778.00	816.90	857.00
076.0	4.1586	4.3665	4.5848	4.8140	5.0547	332.69	349.32	366.78	385.12	404.38	723.30	759.46	797.42	837.29	879.00
077.0	4.2626	4.4757	4.6995	4.9345	5.1812	341.01	358.06	375.96	394.76	414.50	741.39	778.46	817.37	858.25	901.00
078.0	4.3692	4.5877	4.8171	5.0580	5.3109	349.54	367.02	385.37	404.64	424.87	759.93	797.94	837.83	879.73	923.00
079.0	4.4784	4.7023	4.9374	5.1843	5.4435	358.27	376.18	394.99	414.74	435.48	778.91	817.85	858.75	901.69	946.00
080.0	4.5904	4.8199	5.0609	5.3139	5.5796	367.23	385.59	404.87	425.11	446.37	798.39	838.31	880.23	924.23	970.00
081.0	4.7052	4.9405	5.1875	5.4469	5.7192	376.42	395.24	415.00	435.75	457.54	818.37	859.29	902.25	947.36	993.00
082.0	4.8228	5.0639	5.3171	5.5830	5.8622	385.82	405.11	425.37	446.64	468.98	838.81	880.75	924.80	971.04	1019.00
083.0	4.9434	5.1906	5.4501	5.7226	6.0087	395.47	415.25	436.01	457.81	480.70	859.79	902.80	947.93	995.32	1044.00
084.0	5.0670	5.3204	5.5864	5.8657	6.1590	405.36	425.63	446.91	469.26	492.72	881.29	925.36	971.63	1020.22	1071.00
085.0	5.1937	5.4534	5.7261	6.0124	6.3130	415.50	436.27	458.09	480.99	505.04	903.34	948.49	995.93	1045.72	1098.00
086.0	5.3235	5.5897	5.8692	6.1627	6.4708	425.88	447.18	469.54	493.02	517.66	925.91	972.21	1020.83	1071.87	1129.00
087.0	5.4566	5.7294	6.0159	6.3167	6.6325	436.53	458.35	481.27	505.34	530.60	949.06	998.50	1046.33	1098.66	1155.00
088.0	5.5930	5.8727	6.1663	6.4746	6.7983	447.44	469.82	493.30	517.97	543.86	972.78	1021.44	1072.48	1126.12	1184.00
089.0	5.7328	6.0194	6.3204	6.6364	6.9682	458.62	481.55	505.63	530.91	557.46	997.09	1046.94	1099.29	1154.25	1212.00
090.0	5.8761	6.1699	6.4784	6.8023	7.1424	470.09	493.59	518.27	544.18	571.39	1022.02	1073.11	1126.77	1183.10	1241.00
091.0	6.0230	6.3242	6.6404	6.9724	7.3210	481.84	505.94	531.23	557.79	585.68	1047.57	1099.96	1154.95	1212.69	1271.00
092.0	6.1736	6.4823	6.8064	7.1467	7.5040	493.89	518.58	544.51	571.74	600.32	1073.77	1127.44	1183.82	1243.02	1301.00
093.0	6.3279	6.6443	6.9765	7.3253	7.6916	506.23	531.54	558.12	586.02	615.33	1100.59	1155.62	1213.41	1274.07	1331.00
094.0	6.4861	6.8104	7.1509	7.5084	7.8838	518.89	544.83	572.07	600.67	630.70	1128.12	1184.51	1243.74	1305.92	1371.00
095.0	6.6483	6.9807	7.3297	7.6962	8.0810	531.86	558.46	586.38	615.70	646.48	1156.32	1214.15	1274.85	1338.59	1401.00
096.0	6.8145	7.1552	7.5130	7.8887	8.2831	545.16	572.42	601.04	631.10	662.65	1185.23	1244.50	1306.72	1372.07	1441.00
097.0	6.9849	7.3341	7.7008	8.0858	8.4901	558.79	586.73	616.06	646.86	679.21	1214.87	1275.61	1339.38	1406.34	1471.00
098.0	7.1595	7.5175	7.8934	8.2881	8.7025	572.76	601.40	631.47	663.05	696.20	1245.24	1307.50	1372.88	1441.54	1511.00
099.0	7.3385	7.7054	8.0907	8.4952	8.9200	587.08	616.43	647.26	679.62	713.60	1276.37	1340.18	1407.21	1477.56	1551.00
100.0	7.5220	7.8981	8.2930	8.7077	9.1431	601.76	631.85	663.44	696.62	731.45	1308.29	1373.71	1442.38	1514.52	1591.00
101.0	7.7099	8.0954	8.5002	8.9252	9.3715	616.79	647.63	680.02	714.02	749.72	1340.96	1408.01	1478.43	1552.35	1621.00
102.0	7.9026	8.2977	8.7126	9.1482	9.6056	632.21	663.82	697.01	731.86	768.45	1374.49	1443.21	1515.37	1591.14	1671.00
103.0	8.1002	8.5052	8.9305	9.3770	9.8459	648.02	680.42	714.44	750.16	787.67	1408.86	1479.30	1553.26	1630.92	1711.00
104.0	8.3027	8.7178	9.1537	9.6114	10.0920	664.22	697.42	732.30	768.91	807.36	1444.08	1516.26	1592.09	1671.69	1751.00
105.0	8.5103	8.9358	9.3826	9.8517	10.3443	680.82	714.86	750.61	788.14	827.54	1480.17	1554.18	1631.90	1713.50	1791.00
106.0	8.7231	9.1593	9.6173	10.0982	10.6031	697.85	732.74	769.38	807.86	848.25	1517.20	1593.05	1672.71	1756.37	1841.00
107.0	8.9412	9.3883	9.8577	10.3506	10.8681	715.30	751.06	788.62	828.05	869.45	1555.13	1632.88	1714.54	1800.26	1891.00
108.0	9.1647	9.6229	10.1040	10.6092	11.1397	733.18	769.83	808.32	848.74	891.18	1594.01	1673.69	1757.37	1845.25	1931.00
109.0	9.3938	9.8635	10.3567	10.8745	11.4182	751.50	789.08	828.54	869.96	913.46	1633.84	1715.54	1801.33	1891.38	1981.00
110.0	9.6286	10.1100	10.6155	11.1463	11.7036	770.29	808.80	849.24	891.70	936.29	1674.69	1758.41	1846.33	1938.64	2031.00
111.0	9.8693	10.3628	10.8809	11.4249	11.9961	789.54	829.02	870.47	913.99	959.69	1716.54	1802.37	1892.49	1987.11	2081.00
112.0	10.1160	10.6218	11.1529	11.7105	12.2960	809.28	849.74	892.23	936.84	983.68	1759.46	1847.42	1939.80	2036.78	2131.00
113.0	10.3689	10.8873	11.4317	12.0033	12.6035	829.51	870.98	914.54	960.26	1008.28	1803.44	1893.60	1988.30	2087.70	2191.00
114.0	10.6281	11.1595	11.7175	12.3034	12.9186	850.25	892.76	937.40	984.27	1033.49	1848.53	1940.95	2038.00	2139.90	2241.00
115.0	10.8938	11.4385	12.0104	12.6109	13.2414	871.50	915.08	960.83	1008.87	1059.31	1894.73	1989.48	2088.94	2193.38	2301.00

EXHIBIT B

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

SCHEDULE A
GENERAL NON-SWORN CLASSES

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	D	C	O	E	A	D	C	D	E	A	B	C	D	E
157.0	30.7310	32.2676	33.8810	35.5751	37.3539	2458.48	2581.41	2710.48	2846.01	2988.31	5344.98	5612.24	5892.85	6187.51	6496.00
158.0	31.4993	33.0743	34.7280	36.4644	38.2876	2519.94	2645.94	2778.24	2917.15	3063.01	5478.60	5752.54	6040.17	6342.18	6659.00
159.0	32.2868	33.9011	35.5962	37.3760	39.2448	2582.94	2712.09	2847.70	2990.08	3139.58	5615.57	5896.35	6191.18	6500.73	6825.00
160.0	33.0940	34.7487	36.4861	38.3104	40.2259	2647.52	2779.90	2918.89	3064.83	3218.07	5755.97	6043.78	6345.96	6663.25	6996.00
161.0	33.9214	35.6175	37.3984	39.2683	41.2317	2713.71	2849.40	2991.87	3141.46	3298.54	5899.88	6194.88	6504.62	6829.85	7171.00
162.0	34.7694	36.5079	38.3333	40.2500	42.2625	2781.55	2920.63	3066.66	3220.00	3381.00	6047.37	6349.74	6667.23	7000.60	7350.00
163.0	35.6386	37.4205	39.2915	41.2561	43.3189	2851.09	2993.64	3143.32	3300.49	3465.51	6198.55	6508.47	6833.89	7175.60	7534.00
164.0	36.5296	38.3561	40.2739	42.2676	44.4020	2922.37	3068.49	3221.91	3383.01	3552.16	6353.52	6671.20	7004.75	7355.00	7722.00
165.0	37.4428	39.3149	41.2806	43.3446	45.5118	2995.42	3145.19	3302.45	3467.57	3640.94	6512.34	6837.96	7179.86	7538.84	7915.00
166.0	38.3789	40.2978	42.3127	44.4283	46.6497	3070.31	3223.82	3385.02	3554.26	3731.98	6675.16	7008.91	7359.37	7727.32	8113.00
167.0	39.3384	41.3053	43.3706	45.5391	47.8161	3147.07	3304.42	3469.65	3643.13	3825.29	6842.04	7184.14	7543.37	7920.53	8316.00
168.0	40.3219	42.3380	44.4549	46.6776	49.0115	3225.75	3387.04	3556.39	3734.21	3920.92	7013.10	7363.76	7731.95	8118.55	8524.00
169.0	41.3299	43.3964	45.5662	47.8445	50.2367	3306.39	3471.71	3645.30	3827.56	4018.94	7188.42	7547.84	7925.25	8321.50	8737.00
170.0	42.3631	44.4813	46.7054	49.0407	51.4927	3389.05	3558.50	3736.43	3923.26	4119.42	7368.13	7736.53	8123.37	8529.56	8956.00
171.0	43.4222	45.5933	47.8730	50.2667	52.7800	3473.78	3647.46	3829.84	4021.34	4222.40	7552.35	7929.94	8326.46	8742.80	9179.00
172.0	44.5078	46.7332	49.0699	51.5234	54.0996	3560.62	3738.66	3925.59	4121.87	4327.97	7741.14	8128.22	8534.63	8961.36	9409.00
173.0	45.6205	47.9015	50.2966	52.8114	55.4520	3649.64	3832.12	4023.73	4224.91	4436.16	7934.68	8331.41	8747.99	9185.38	9644.00
174.0	46.7610	49.0991	51.5541	54.1318	56.8384	3740.88	3927.93	4124.33	4330.54	4547.07	8133.05	8539.71	8966.71	9415.03	9885.00
175.0	47.9300	50.3265	52.8428	55.4849	58.2591	3834.40	4028.12	4227.42	4438.79	4660.73	8336.37	8753.19	9190.83	9650.37	10132.00
176.0	49.1283	51.5847	54.1639	56.8721	59.7157	3930.26	4126.78	4333.11	4549.77	4777.26	8544.78	8972.03	9420.61	9891.65	10386.00
177.0	50.3565	52.8743	55.5180	58.2939	61.2086	4028.52	4229.94	4441.44	4663.51	4896.69	8758.41	9196.31	9656.13	10138.94	10645.00
178.0	51.6154	54.1962	56.9060	59.7513	62.7389	4129.23	4335.70	4552.48	4780.10	5019.11	8977.36	9426.25	9897.55	10392.42	10912.00
179.0	52.9058	55.5511	58.3287	61.2451	64.3074	4232.46	4444.09	4666.30	4899.61	5144.59	9201.79	9661.90	10145.00	10652.24	11184.00
180.0	54.2284	56.9398	59.7868	62.7761	65.9149	4338.27	4555.18	4782.94	5022.09	5273.19	9431.83	9903.42	10398.59	10918.53	11464.00

EXHIBIT C

PROPOSED PERSONNEL RULE CHANGES

1.6 Violation

Violation of the provisions of the City Charter, Modesto Municipal Code, these Personnel Rules, or related Personnel Administrative Orders shall be grounds for rejection and disciplinary action as that term is defined in Personnel Rule 12.1.

1.7 Definitions

The words and terms used in these rules shall have the meaning indicated as follows, unless the context clearly indicates otherwise:

. . . (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.

Rule 12 - DISCIPLINARY ACTIONS, APPEALS AND HEARINGS

12.1 Disciplinary Action (New)

As used in this rule, the term "disciplinary action" shall mean dismissal, demotion, suspension, and disciplinary probation.

12.2 Causes for Disciplinary Action (New)

In addition to the causes set forth in Personnel Rule 1.6, each of the following shall constitute cause for disciplinary action against an employee:

- (a) Fraud in securing appointment.
- (b) Incompetency.
- (c) Inefficiency.
- (d) Inexcusable neglect of duty.
- (e) Insubordination.
- (f) Dishonesty.
- (g) Being under the influence of alcohol or controlled substance while on duty.
- (h) Inexcusable absence without leave.

(i) Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section.

(j) Discourteous treatment of the public or other employees.

(k) Misuse of City property.

(l) Violation of any established departmental rule, regulation, policy and/or manual.

(m) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the City.

(n) Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age, against the public or other employees while acting in the capacity of a City employee.

12.3 Requests for Hearing on Disciplinary Action

Any regular employee holding a position in the classified service shall have the right of appeal relative to any suspension, demotion, disciplinary probation, or dismissal in accordance with the applicable provisions of the Modesto Municipal Code. Hearing on such an appeal shall be before a hearing officer selected by the Board of Personnel Appeals.

12.4 Selection of Hearing Officer by Board of Personnel Appeals

(Other than renumbering, no change.)

12.5 Hearing Officer Responsibility

Subject to the provisions contained in Rule 12.6, the Hearing Officer shall proceed in any manner which will, in the Hearing Officer's judgment, develop all the facts bearing upon the matter before him/her, and no informality in his/her action shall constitute just cause for criticism of his/her findings and recommendations. Within 30 calendar days after the matter is submitted, the Hearing Officer shall furnish certified copies of his/her findings and recommendations to the persons concerned. The original copy of the findings and recommendations shall be submitted to the City Manager for final determination. The decision of the City Manager shall be final.

12.6 Regulations Governing the Conduct of Hearings by Hearing Officers

(a) A Hearing Date To Be Fixed (no change).

(b) Oath or Affirmation - Oral evidence shall be taken only on oath or affirmation.

(c) Rights of Each Party - 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.

(d) Evidentiary Rules - 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 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 complainants sexual conduct with individuals other than the alleged perpetrator is presumed inadmissible absence 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 subparagraph, "complainant" means any person claiming to have been subjected to conduct which constitutes sexual harassment, sexual assault, or sexual battery.

(e) Transcript. (No change - formally designated as Rule 12.4(f))

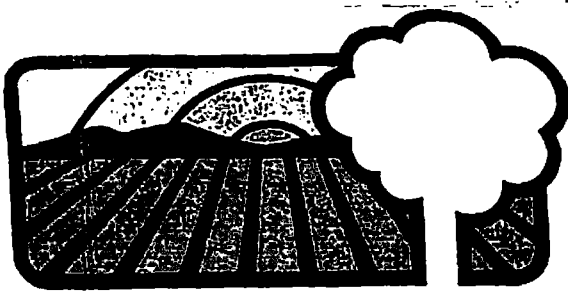
(f) Exclusion of Witnesses. (No change - formerly designated as Rule 12.4(g))

(g) Findings and Recommendations of Hearing Officer. (No change - formerly designated as Rule 12.4(h))

(h) Consideration of Proposed Findings and Recommendations. (No change - formerly designated as Rule 12.4(i))

(i) Determination by City Manager. (No change - formerly designated as Rule 12.4(j))

(j) Failure of Employee to Appear. Failure of the employee to appear at the hearing shall be deemed a withdrawal of his appeal and the action of the authority imposing the discipline shall be deemed final.



CITY of MODESTO

Office of City Manager:
(209) 577-5463

801 11th Street, P. O. Box 642, Modesto, CA 95353
[TDD (209) 526-9211 Hearing and Speech Impaired only]

July 28, 1988

Bill Reeves
Operating Engineers Local Union No. 3
2702 Mitchell Road
Ceres, CA 95307

Dear Mr. Reeves:

Re: Citywide Policy on Substance Abuse

The purpose of this letter is to set forth our understanding reached during the Meet and Confer session for fiscal years 1988-89, 1989-90, and 1990-91 with respect to a policy on substance abuse. As soon as possible after July 1, 1988, a committee which shall include representatives of CITY and MCEA shall be formed to discuss and propose a policy on substance abuse.

If your understanding is as set forth above, please indicate by signature below.

Sincerely,

Bonnie Long
Bonnie Long
Assistant to City Manager

Bill Reeves

Bill Reeves, Business Representative

Carl Richter

Carl Richter, President

DuWayne Miller

DuWayne Miller, Vice President

Donna L. Briggs

Donna Briggs, Treasurer

7-15-88

Date

7-15-88

Date

7-28-88

Date

7-22-88

Date

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

Effective July 5, 1988

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

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

Effective July 5, 1988

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	
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

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

Effective July 5, 1988

RANGE	TITLE
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Assistant Civil Engineer Senior Accountant Budget Analyst
433	
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supv. Engineering Systems Manager Supv. Housing Rehab. Specialist Public Works Supervisor II Building Maintenance Supervisor Secondary Treatment Site Supv. Parks Maintenance Supervisor II Events Coordinator Golf Course Supervisor 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
436	Senior Planner Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt Chief Electrician Associate Civil Engineer
439	Deputy City Attorney II

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

Effective July 5, 1988

RANGE	TITLE
440	Housing Program Officer Principal Accountant Purchasing Officer
441	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
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 Sr. Deputy City Attorney II
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir.
448	
449	
450	Asst. Utility Services Director
451	Assistant City Attorney

SCHEDULE D
MANAGEMENT/CONFIDENTIAL-GENERAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
442.0	21.2187	22.2796	23.5936	24.5633	25.7915	1697.50	1782.37	1871.49	1965.06	2063.32	3690.53	3875.05	4068.81	4272.24	4485.81
443.0	21.7492	22.8367	23.9785	25.1774	26.4363	1739.94	1826.94	1918.28	2014.19	2114.90	3782.80	3971.95	4170.53	4379.05	4598.00
444.0	22.2929	23.4075	24.5779	25.8068	27.0971	1783.43	1872.60	1966.23	2064.54	2167.77	3877.36	4071.22	4274.78	4488.52	4712.90
445.0	22.8502	23.9927	25.1923	26.4519	27.7745	1828.02	1919.42	2015.38	2116.15	2221.96	3974.30	4173.01	4381.64	4600.72	4830.70
446.0	23.4215	24.5926	25.8222	27.1133	28.4690	1873.72	1967.41	2065.78	2169.06	2277.52	4073.65	4277.35	4491.21	4715.75	4951.50
447.0	24.0070	25.2074	26.4678	27.7912	29.1808	1920.56	2016.59	2117.42	2223.30	2334.46	4175.49	4384.27	4603.48	4833.68	5075.30
448.0	24.6072	25.8376	27.1295	28.4860	29.9103	1968.58	2067.01	2170.36	2278.88	2392.82	4279.89	4493.89	4718.58	4954.51	5202.20
449.0	25.2224	26.4835	27.8077	29.1981	30.6580	2017.79	2118.68	2224.62	2335.85	2452.64	4386.88	4606.22	4836.55	5078.37	5332.20
450.0	25.8530	27.1457	28.5030	29.9282	31.4246	2068.24	2171.66	2280.24	2394.26	2513.97	4496.56	4721.41	4957.47	5205.36	5465.60
451.0	26.4993	27.8243	29.2155	30.6763	32.2101	2119.94	2225.94	2337.24	2454.10	2576.81	4608.96	4839.42	5081.39	5335.46	5602.20
452.0	27.1618	28.5199	29.9459	31.4432	33.0154	2172.94	2281.59	2395.67	2515.46	2641.23	4724.19	4960.40	5208.43	5468.86	5742.30
453.0	27.8408	29.2328	30.6944	32.2291	33.8406	2227.26	2338.62	2455.55	2578.33	2707.25	4842.29	5084.39	5338.61	5605.55	5885.80
454.0	28.5368	29.9636	31.4618	33.0349	34.6866	2282.94	2397.09	2516.94	2642.79	2774.93	4963.34	5211.51	5472.08	5745.69	6032.90
455.0	29.2502	30.7127	32.2483	33.8607	35.5537	2340.02	2457.02	2579.86	2708.86	2844.30	5087.44	5341.81	5608.87	5889.33	6183.90
456.0	29.9815	31.4806	33.0546	34.7073	36.4427	2398.52	2518.45	2644.37	2776.58	2915.42	5214.62	5475.36	5749.12	6036.56	6338.40
457.0	30.7310	32.2676	33.8810	35.5751	37.3539	2458.48	2581.41	2710.48	2846.01	2988.31	5344.98	5612.24	5892.85	6187.51	6496.80
458.0	31.4993	33.0743	34.7280	36.4644	38.2876	2519.94	2645.94	2778.24	2917.15	3063.01	5478.60	5752.54	6040.17	6342.18	6659.20
459.0	32.2868	33.9011	35.5962	37.3760	39.2448	2582.94	2712.09	2847.70	2990.08	3139.58	5615.57	5896.35	6191.18	6500.73	6825.70
460.0	33.0940	34.7487	36.4861	38.3104	40.2259	2647.52	2779.90	2918.89	3064.83	3218.07	5755.97	6043.78	6345.96	6663.25	6996.60
461.0	33.9214	35.6175	37.3984	39.2683	41.2317	2713.71	2849.40	2991.87	3141.46	3298.54	5899.88	6194.88	6504.62	6829.85	7171.30
462.0	34.7694	36.5079	38.3333	40.2500	42.2625	2781.55	2920.63	3066.66	3220.00	3381.00	6047.37	6349.74	6667.23	7000.60	7350.60
463.0	35.6386	37.4205	39.2915	41.2561	43.3189	2851.09	2993.64	3143.32	3300.49	3465.51	6198.55	6508.47	6833.89	7175.60	7534.30
464.0	36.5296	38.3561	40.2739	42.2876	44.4020	2922.37	3068.49	3221.91	3383.01	3552.16	6353.52	6671.20	7004.75	7355.00	7722.70
465.0	37.4428	39.3149	41.2806	43.3446	45.5118	2995.42	3145.19	3302.45	3467.57	3640.94	6512.34	6837.96	7179.86	7538.84	7915.70
466.0	38.3789	40.2978	42.3127	44.4283	46.6497	3070.31	3223.82	3385.02	3554.26	3731.98	6675.16	7008.91	7359.37	7727.32	8113.00
467.0	39.3384	41.3053	43.3706	45.5391	47.8161	3147.07	3304.42	3469.65	3643.13	3825.29	6842.04	7184.14	7543.37	7920.53	8316.00
468.0	40.3219	42.3380	44.4549	46.6776	49.0115	3225.75	3387.04	3556.39	3734.21	3920.92	7013.10	7363.76	7731.95	8118.55	8524.00
469.0	41.3299	43.3964	45.5662	47.8445	50.2367	3308.39	3471.71	3645.30	3827.56	4018.94	7188.42	7547.84	7925.25	8321.50	8737.00
470.0	42.3631	44.4813	46.7054	49.0407	51.4927	3389.05	3558.50	3736.43	3923.26	4119.42	7368.13	7736.53	8123.37	8529.56	8956.00
471.0	43.4222	45.5933	47.8730	50.2667	52.7800	3473.78	3647.46	3829.84	4021.34	4222.40	7552.35	7929.94	8326.46	8742.80	9179.00
472.0	44.5078	46.7332	49.0699	51.5234	54.0998	3560.62	3738.66	3925.59	4121.87	4327.97	7741.14	8128.22	8534.63	8961.36	9409.00
473.0	45.6205	47.9015	50.2966	52.8114	55.4520	3649.64	3832.12	4023.73	4224.91	4436.16	7934.68	8331.41	8747.99	9185.38	9644.00
474.0	46.7610	49.0991	51.5541	54.1318	56.8384	3740.88	3927.93	4124.33	4330.54	4547.07	8133.05	8539.71	8966.71	9415.03	9885.00
475.0	47.9300	50.3265	52.8428	55.4849	58.2591	3834.40	4026.12	4227.42	4438.79	4660.73	8336.37	8753.19	9190.83	9650.37	10132.00
476.0	49.1283	51.5847	54.1639	56.8721	59.7157	3930.26	4126.78	4333.11	4549.77	4777.26	8544.78	8972.03	9420.61	9891.65	10386.00
477.0	50.3565	52.8743	55.5180	58.2939	61.2086	4028.52	4229.94	4441.44	4663.51	4896.69	8758.41	9196.31	9656.13	10138.94	10645.00
478.0	51.6154	54.1962	56.9060	59.7513	62.7389	4129.23	4335.70	4552.48	4780.10	5019.17	8977.36	9426.25	9897.55	10392.42	10912.00
479.0	52.9058	55.5511	58.3287	61.2451	64.3074	4232.46	4444.09	4666.30	4899.61	5144.59	9201.79	9661.90	10145.00	10652.24	11184.00
480.0	54.2284	56.9398	59.7868	62.7761	65.9149	4338.27	4555.18	4782.94	5022.09	5273.19	9431.83	9903.42	10398.59	10918.53	11464.00

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES

Effective July 5, 1988

Range Title

512 Fire Battalion Chief

513

514

515

516

517 Fire Division Chief

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES

Effective July 5, 1988

Range	Title
606	Police Sergeant
607	
608	
609	
610	
611	
612	Police Lieutenant
613	
614	
615	
616	
617	Police Captain

EXHIBIT L

SCHEDULE F
MANAGEMENT/CONFIDENTIAL-POLICE

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 88/89
EFFECTIVE 07/05/88

HOURLY

BI-WEEKLY

MONTHLY

Table with 16 columns: RANGE, HOURLY (A-E), BI-WEEKLY (A-E), MONTHLY (A-E). Rows list salary ranges for grades 601.0 to 640.0. The table is presented in a dense, grid-like format with multiple columns for each category.

~~EXHIBIT M~~
CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective July 5, 1988

RANGE	TITLE	MINIMUM	MAXIMUM
703	City Clerk/Auditor	3500	4374
704			
705			
706			
707			
708			
709			
710			
711			
712			
713	Economic Development Manager	4479	5599
714			
715	Planning & Comm. Dev. Director Finance Director Parking, Traffic & Trans. Director Engineering Services Director	4706	5883
716			
717			
718			
719			
720	Parks & Recreation Director Utility Services Director City Attorney Fire Chief	5325	6656

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective July 5, 1988

RANGE	TITLE	MINIMUM	MAXIMUM
721			
722	Police Chief	5594	6993
723			
724	Deputy City Manager	5877	7347
725			
726			
727			
728	City Manager	6488	8110

MODESTO CITY COUNCIL
RESOLUTION NO. 88-495

A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN GROUP HEALTH, DENTAL AND VISION INSURANCE PREMIUM RATES OR PORTIONS THEREOF.

WHEREAS, the City of Modesto has a group health insurance plan for its employees and their dependents, and

WHEREAS, the City of Modesto has a group dental insurance plan for its employees and their dependents, and

WHEREAS, some employees of the City of Modesto are provided a group vision insurance plan, and

WHEREAS, some employees of the City of Modesto, pursuant to provisions in Memoranda of Understanding, subscribe for health, dental and vision insurance coverage under a group plan administered by the Operating Engineers Union Local No. 3, and

WHEREAS, some employees of the City of Modesto, pursuant to provisions in Memoranda of Understanding, subscribe for health insurance coverage under a group plan administered by the California Federated Fire Fighters Association and dental insurance under the City's dental insurance plan, and

WHEREAS, some employees of the City of Modesto subscribe for health insurance coverage under a group plan administered by the health maintenance organization TAKE CARE, dental insurance under the City's dental insurance plan, and vision insurance under the City's vision insurance plan, and

WHEREAS, some employees of the City of Modesto subscribe for health insurance coverage under a group plan administered by the health maintenance

organization AVMED, dental insurance under the City's dental insurance plan, and vision insurance under the City's vision insurance plan, and

WHEREAS, the Council desires to set forth which of the premium rates or portions thereof charged by the various group health, dental and vision insurance plans will be paid by the City of Modesto, and which will be paid by the employees,

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

1. The City of Modesto will pay the premium rates, for group health, dental and vision insurance under the group health, dental and vision insurance plans provided by the City of Modesto, as set forth on the chart marked Exhibit "A", attached hereto and made a part hereof.

2. The City of Modesto will pay the premium rates, or portions thereof, for group health, dental and vision insurance under the group insurance plan provided by the Operating Engineers Union Local No. 3, as set forth on the chart marked Exhibit "B", attached hereto and made a part hereof.

3. The City of Modesto will pay the premium rates or portions thereof, for group health insurance under the group insurance plan provided by the California Federated Fire Fighters Association, and the group dental insurance under the group dental insurance plan provided by the City of Modesto as set forth on the chart marked Exhibit "C", attached hereto and made a part hereof.

4. The City of Modesto will pay the premium rates, or portions thereof, for group health insurance under the group insurance plan provided by the health maintenance organization TAKE CARE and the group dental and vision

insurance under the City's dental and vision insurance plans, as set forth on the chart marked Exhibit "D", attached hereto and made a part hereof.

5. The City of Modesto will pay the premium rates, or portions thereof, for group health insurance under the group insurance plan provided by the health maintenance organization AVMED and the group dental and vision insurance under the City's dental and vision insurance plans, as set forth on the chart marked Exhibit "E", attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the City of Modesto will pay the various premium rates set forth on Exhibits "A", "B", "C", "D" and "E" effective on the various dates set forth on said exhibits.

BE IT FURTHER RESOLVED that this resolution supersedes Resolution No. 87-567.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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

Effective 7-5-88
CITY HEALTH/DENTAL/VISION PLANS

GROUP (UNION CODE)	TYPE	EMPLOYEE DEDUCTION	CITY PD. BENEFIT	TOTAL COST	IN-LIEU DEF. COMP
POLICE (Non-Management)	Employee (1)	-			
	Vision		\$ 2.67		
	Dental	-	\$ 8.37		
	Health	-	\$ 27.34	\$ 38.38	\$ 52.41
	Combined (3)	-			
	Vision		\$ 2.67		
	Dental	-	\$ 17.20		
	Health	-	\$ 83.27	\$103.14	-
<hr/>					
FIRE (Non-Management)	Employee (1)	-			
	Dental	-	\$ 8.37		
	Health	-	\$ 29.10	\$ 37.47	-
	Combined (3)	-			
	Dental	-	\$ 17.20		
	Health	-	\$ 72.59	\$ 89.79	-
<hr/>					
MISCELLANEOUS (Non-Management)	Employee (1)	-			
	Vision	-	\$ 2.67		
	Dental	-	\$ 8.37		
	Health	-	\$ 27.34	\$ 38.38	\$ 52.41
	Combined (3)	-			
	Vision	-	\$ 2.67		
	Dental	-	\$ 17.20		
	Health	-	\$ 83.27	\$103.14	-
<hr/>					
MANAGEMENT & CONF. (Except Fire Management)	Employee (1)	-			
	Vision	-	\$ 2.67		
	Dental	-	\$ 8.37		
	Health	-	\$ 27.34	\$ 38.38	\$ 68.25
	Combined (3)	-			
	Vision	-	\$ 6.16		
	Dental	-	\$ 17.20		
	Health	-	\$ 83.27	\$106.63	-
<hr/>					
FIRE MANAGEMENT (Except Chief)	Employee (1)	-			
	Vision	-	\$ 2.67		
	Dental	-	\$ 8.37		
	Health	-	\$ 27.34	\$ 38.38	\$ 12.32
	Combined (3)	-			
	Vision	-	\$ 6.16		
	Dental	-	\$ 17.20		
	Health	-	\$ 83.27	\$106.63	-
<hr/>					
RETIREES	Employee	-		\$ 93.52 mo.	
	Combined	-		\$185.43 mo.	

1988-89
Effective 7-5-88
OPERATING ENGINEERS HEALTH/DENTAL/VISION PLANS

GROUP (UNION CODE)	TYPE	EMPLOYEE DEDUCTION	CITY PD. BENEFIT	TOTAL COST	IN-LIEU DEF. COMP
POLICE (Non-Management)	Employee (1)	-			
	Vision		\$ 2.67		
	Dental	-	\$ 8.37		
	Health	\$ 28.02	\$ 79.75	\$ 118.81	-
	Combined (3)	-			
	Vision		\$ 2.67		
	Dental	-	\$ 17.20		
	Health	\$ 15.67	\$ 83.27	\$ 118.81	-
MISCELLANEOUS (Non-Management)	Employee (1)	-			
	Vision	-	\$ 2.67		
	Dental	-	\$ 8.37		
	Health	\$ 28.02	\$ 79.75	\$ 118.81	-
	Combined (3)	-			
	Vision	-	\$ 2.67		
	Dental	-	\$ 17.20		
	Health	\$ 15.67	\$ 83.27	\$ 118.81	-

1987-1988
 Effective 7-5-88
 FEDERATED FIRE FIGHTERS HEALTH PLAN
 CITY DENTAL PLAN

GROUP (UNION CODE)	TYPE	EMPLOYEE DEDUCTION	CITY PD. BENEFIT	TOTAL COST	IN-LIEU DEF. COMP
FIRE (Non-Management)	Employee (1)	-			
	Dental	-	\$ 8.37		
	Health	\$ 22.89	\$ 29.10	\$ 60.36	-
Employee and Spouse and Children	Combined (2)	-			
	Dental	-	\$ 17.20		
	Health	\$ 26.49	\$ 72.59	\$116.28	-
Employee and Spouse and Children	Combined (3)	-			
	Dental	-	\$ 17.20		
	Health	\$ 57.08	\$ 72.59	\$146.87	-

Effective 7-5-88
 TAKECARE HEALTH PLAN
 CITY DENTAL/VISION PLANS

GROUP (UNION CODE)	TYPE	EMPLOYEE DEDUCTION	CITY PD. BENEFIT	TOTAL COST	IN-LIEU DEF. COMP
POLICE (Non-Management)	Employee	-			
	Vision		\$ 2.67		
	Dental	-	\$ 8.37		
	Health	-	\$ 45.38	\$ 56.42	\$ 34.37
	Combined	-			
	Vision		\$ 2.67		
	Dental	-	\$ 17.20		
	Health	\$ 26.82	\$ 83.27	\$129.96	-
<hr/>					
FIRE (Non-Management)	Employee	-			
	Dental	-	\$ 8.37		
	Health	\$ 16.28	\$ 29.10	\$ 53.75	-
	Combined	-			
	Dental	-	\$ 17.20		
	Health	\$ 37.50	\$ 72.59	\$127.29	-
<hr/>					
MISCELLANEOUS (Non-Management)	Employee	-			
	Vision	-	\$ 2.67		
	Dental	-	\$ 8.37		
	Health	-	\$ 45.38	\$ 56.42	\$ 34.37
	Combined	-			
	Vision	-	\$ 2.67		
	Dental	-	\$ 17.20		
	Health	\$ 26.82	\$ 83.27	\$129.96	-
<hr/>					
MANAGEMENT & CONF. (Except Fire Management)	Employee	-			
	Vision	-	\$ 2.67		
	Dental	-	\$ 8.37		
	Health	-	\$ 45.38	\$ 56.42	\$ 50.21
	Combined	-			
	Vision	-	\$ 6.16		
	Dental	-	\$ 17.20		
	Health	\$ 26.82	\$ 83.27	\$133.45	-
<hr/>					
FIRE MANAGEMENT (Except Chief)	Employee	-			
	Vision	-	\$ 2.67		
	Dental	-	\$ 8.37		
	Health	\$ 5.72	\$ 39.66	\$ 56.42	-
	Combined	-			
	Vision	-	\$ 6.16		
	Dental	-	\$ 17.20		
	Health	\$ 26.82	\$ 83.27	\$133.45	-
<hr/>					
RETIREES	Employee			\$ 98.65 mo.	
	Combined (Two Party)			\$196.15 mo.	
	Medicare+1			\$189.15 mo.	
	Medicare+2			\$182.15 mo.	
	Family			\$260.30 mo.	

1988-89
Effective 7-5-88
AV MED HEALTH PLAN
CITY DENTAL/VISION PLANS

GROUP (UNION CODE)	TYPE	EMPLOYEE DEDUCTION	CITY PD. BENEFIT	TOTAL COST	IN-LIEU DEF. COMP
POLICE (Non-Management)	Employee (1)	-			
	Vision		\$ 2.67		
	Dental	-	\$ 8.37		
	Health	-	\$ 44.71	\$ 55.75	\$ 35.04
	Combined (3)	-			
	Vision		\$ 2.67		
	Dental	-	\$ 17.20		
	Health	\$ 28.26	\$ 83.27	\$ 131.40	-
FIRE (Non-Management)	Employee (1)	-			
	Dental	-	\$ 8.37		
	Health	\$ 15.61	\$ 29.10	\$ 53.08	-
	Combined (3)	-			
	Dental	-	\$ 17.20		
	Health	\$ 38.94	\$ 72.59	\$ 128.73	-
MISCELLANEOUS (Non-Management)	Employee (1)	-			
	Vision	-	\$ 2.67		
	Dental	-	\$ 8.37		
	Health	-	\$ 44.71	\$ 55.75	\$ 35.04
	Combined (3)	-			
	Vision	-	\$ 2.67		
	Dental	-	\$ 17.20		
	Health	\$ 28.26	\$ 83.27	\$ 131.40	-
MANAGEMENT & CONF. (Except Fire Management)	Employee (1)	-			
	Vision	-	\$ 2.67		
	Dental	-	\$ 8.37		
	Health	-	\$ 44.71	\$ 55.75	\$ 47.39
	Combined (3)	-			
	Vision	-	\$ 6.16		
	Dental	-	\$ 17.20		
	Health	\$ 28.26	\$ 83.27	\$ 134.89	-
FIRE MANAGEMENT (Except Chief)	Employee (1)	-			
	Vision	-	\$ 2.67		
	Dental	-	\$ 8.37		
	Health	\$ 5.05	\$ 39.66	\$ 55.75	-
	Combined (3)	-			
	Vision	-	\$ 6.16		
	Dental	-	\$ 17.20		
	Health	\$ 28.26	\$ 83.27	\$ 134.89	-
RETIRES	Employee			\$ 97.21/mo.	
	Combined			\$ 242.47/mo.	

MODESTO CITY COUNCIL
RESOLUTION NO. 88-496

A RESOLUTION AMENDING THE FINAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1987-88 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, 1988.

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 1987-88,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following reserves be established in the annual budget of the City of Modesto for the fiscal year 1987-88 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 1987-88 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee

salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Fund No. 050 - Local Transportation

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1987-88 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 fiscal year.

Reserve for Pending Projects - The amount available 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 1987-88 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 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 1987-88 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 1987-88 fiscal year but which will be reappropriated in the 1988-89 fiscal year.

Reserve for Pending Projects - The amount available to finance approved projects which will be appropriated in the 1988-89 fiscal year.

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 1987-88 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 1987-88 fiscal year but which will be reappropriated in the 1988-89 fiscal year.

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 1987-88 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 fiscal year.

Funds No. 131-138 - Capital Facilities Fees

Police Department (131), Fire Department (132), Expressway Loop (133), Street Lights (134), Parks (135), New Traffic Signals (136), Senior Citizens Center (137), City Hall Expansion (138)

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 fiscal year.

Fund No. 140 - 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 1987-88 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 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 1987-88 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 fiscal year.

Reserve for Pending Projects - The amount available 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 1987-88 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 fiscal year.

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

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 1987-88 fiscal year books are closed.

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

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 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 1987-88 fiscal year books are closed.

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

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 fiscal year.

Fund No. 200 - Revenue Sharing

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

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 fiscal year.

Funds No. 280-340 - Drainage Areas

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 1987-88 fiscal year books are closed.

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

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 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 1987-88 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 1987-88 fiscal year but which will be reappropriated in the 1988-89 fiscal year.

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 1987-88 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 fiscal year.

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

Exigency Reserve - An amount not to exceed \$600,000 is reserved for unforeseen exigencies arising from the operations of the Water Enterprise. Amount to be determined when 1987-88 fiscal year books are closed.

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

Fund No. 621 - Sewer

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1987-88 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 fiscal year.

Reserve for Pending Projects - The amount available 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 1987-88 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 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 1987-88 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 fiscal year.

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

Fund No. 650 - 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 1987-88 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 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. 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 1987-88 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1987-88 fiscal year but which will be reappropriated in the 1988-89 fiscal year.

Reserve for Pending Projects - The amount available 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 1988-89 fiscal year, and

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28 day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-497

A RESOLUTION AMENDING THE FINAL BUDGET OF THE CITY OF
MODESTO FOR FISCAL YEAR 1987-88 TO APPROPRIATE FUNDS FOR A
COPY MACHINE IN THE CITY CLERK'S OFFICE.

WHEREAS, it is necessary to amend the Final Budget of the City of
Modesto for fiscal year 1987-88 in the amount of \$3,000 to finance the
purchase of a copy machine in the City Clerk's office.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the General Fund, Fund No. 010, of the 1987-88 Annual Budget of the City
of Modesto for fiscal year 1987-88 be amended as follows:

1. The amount of \$3,274,442 in the General Fund Contingency
Reserve account number 010-800-8000-8003 be reduced by \$3,000
to \$3,271,442.
2. The amount of -0- in General Fund account number
010-050-0501-5880 be increased to \$3,000.

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 28 day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-498

A RESOLUTION APPROVING THE 1988-89 BUDGET FOR THE ADMINISTRATION OF CITY-COUNTY SERVICE AGREEMENT OF THE WASTE-TO-ENERGY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 1988-89 budget for the administration of City-County Service Agreement of the Waste-to-Energy Project in an estimated amount of \$3,591,870, to be paid from the Waste-to-Energy Trust Fund administered by Stanislaus County be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said budget for the administration of City-County Service Agreement of the Waste-to-Energy Project by the designated 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 June, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-499

A RESOLUTION REQUESTING RECONSIDERATION TO REVIEW THE
MODESTO SPHERE OF INFLUENCE BY THE STANISLAUS COUNTY LOCAL
AGENCY FORMATION COMMISSION (LAFCO) IN 1988.

WHEREAS, in 1984 the Stanislaus County Local Agency Formation
Commission (LAFCO) adopted the spheres of influence for all the cities in
Stanislaus County and has been reviewing spheres of influence of two cities
every year since 1984, and

WHEREAS, in February 1988 the Stanislaus County Local Agency
Formation Commission will consider whether to review the LAFCO sphere of
influence for the cities of Modesto and Waterford, and

WHEREAS, the Planning and Community Development Director by a
memorandum dated December 10, 1987, recommended to the City Manager that the
Stanislaus County Local Agency Formation Commission be requested to review the
Modesto Sphere of Influence for the reasons stated in said memorandum and
quoted as follows:

1. The City of Modesto amended the Circulation Element of its
General Plan in 1986, and Stanislaus County has completed a
major update of its General Plan. The Modesto Sphere of
Influence should be reviewed in light of these new circumstances.
2. Stanislaus County has approved many development proposals in the
Modesto Sphere of Influence since 1984. These approvals appear
to be in conflict with the LAFCO objectives and policies adopted
for the Modesto Sphere of Influence, attached Exhibit 2. For
instance, one LAFCO objective is to encourage cooperative
planning efforts between the County, the City, and special
districts and proper implementation of those agencies'
respective plans, (general objective 3, p. 1). Another
objective is to encourage orderly growth, (general objective 2,
p. 1).

The majority of development approvals by the County in the
Modesto Sphere of Influence is located in the tier of

neighborhoods to be served by a future expansion of the North Trunk. The development of this area may be consistent with the Stanislaus County General Plan adopted in 1987 but is inconsistent with the Modesto General Plan.

The Modesto General Plan Urban Reserve should not be developed until sanitary sewer trunks are extended and the General Plan amended to designate urban uses. This has not occurred and therefore County development of the North Trunk area appears in conflict with LAFCO policies.

LAFCO designates the North Trunk area as a secondary area of influence which is the territory which can reasonably be provided with all urban services the City is now providing or authorized to provide within the next twenty years. There is also a primary sphere of influence designating the territory which can be reasonably provided with all the services the City is now providing or authorized to provide either immediately or within the next ten years. The two different areas of influence establishes a time frame when annexation and development should occur. Annexation and development should occur within the primary area of influence before the secondary area of influence. This should be the case regardless of whether development is approved by the City or County.

A specific LAFCO policy states that LAFCO will request the County Board of Supervisors to not approve development proposals within the City's primary influence and recommend to the applicants to annex their property to the City and develop it under the City's jurisdiction, (specific policy 6a and b, page 2). It doesn't make sense to discourage development and annexation in the primary area of influence and permit development in the secondary area of influence.

3. The primary sphere of influence should be modified to include the Beard and Gallo areas and the Airport District south of Yosemite Boulevard. City sewer is available to these areas and all other urban services can be provided immediately or within the next ten years.

and

WHEREAS, the City Council adopted Resolution No. 87-1271 on December 22, 1987, requesting review of the Modesto Sphere of Influence by the Stanislaus County LAFCO in 1988, and

WHEREAS, the Stanislaus LAFCO considered Modesto City Council Resolution No. 87-1271 on May 25, 1988, and decided not to review the Modesto Sphere of Influence in 1988, and

WHEREAS, the Modesto Planning and Community Development staff did not receive the Stanislaus LAFCO staff report prior to the May 25, 1988, meeting, and

WHEREAS, the City of Modesto was not represented at the meeting of May 25, 1988, when the Stanislaus LAFCO decided not to review the Modesto Sphere of Influence in 1988,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the Stanislaus County Local Agency Formation Commission is hereby requested to reconsider the review of the Modesto Sphere of Influence because the City of Modesto did not receive adequate notice and was not represented at the Stanislaus LAFCO meeting of May 25, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28 day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-500

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 CHAPTER 4 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO FLOOD DAMAGE PREVENTION.

WHEREAS, on June 28, 1988the City Council introduced Ordinance No. 2590 -C.S. giving approval to a project relating to an amendment to Chapter 4 of Title IX of the Modesto Municipal Code relating to Flood Damage Prevention, 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 Chapter 4 of Title IX of the Modesto Municipal Code relating to Flood Damage Prevention.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28 day of June, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-501

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-0. (JOHN B. HINCHEY)

WHEREAS, on July 5, 1988, the City Council introduced Ordinance No. 2591-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-0, property located on the north side of Rumble Road west of Coffee Road, and

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

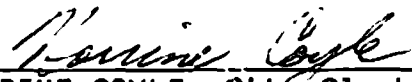
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 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-0, property located on the north side of Rumble Road west of Coffee Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton

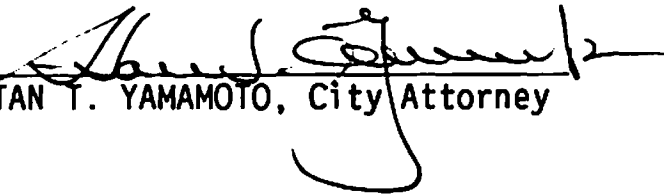
NOES: Councilmembers: Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-502

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 87-319
ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(417)."

WHEREAS, the City Council, by Ordinance No. 2503-C.S., which was introduced on April 28, 1987, finally adopted on May 5, 1987, and which became effective on June 4, 1987, amended Section 28-3-9 of the Zoning Map to rezone from Medium High Density Residential Zone, R-3, and General Commercial Zone, C-2, to Planned Development Zone, P-D(417), to allow a general retail shopping area with a supermarket as anchor tenant, property located between H and I Streets and between 17th and 19th Streets, and

WHEREAS, City Council Resolution No. 87-319, which was adopted on April 28, 1987, approved a development plan for P-D(417) to allow a general retail shopping area with a supermarket as anchor tenant, property located between H and I Streets and between 17th and 19th Streets, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(417) was filed by Mid-Valley Engineering on behalf of Westar Associates on June 6, 1988, to allow a delivery area along 19th Street, and

WHEREAS, after a public hearing held on June 6, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Planning Commission was unable to reach a majority vote to approve or deny the amendment request which effected a denial of the application, and

WHEREAS, after a public hearing held on July 5, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council

found and determined that the application of Mid-Valley Engineering on behalf of Westar Associates to amend P-D(417) to allow a delivery area along 19th Street, should be granted as consonant with public necessity, convenience and general welfare for the following reasons:

1. The proposed truck turn-out will allow for loading-unloading for a large tenant without creating conflict with customer traffic in the interior.
2. The truck loading-unloading and occupancy of the turn-out will be of relative short time duration.

and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 87-319 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(417)" is hereby amended as follows to allow the delivery area along 19th Street:

"SECTION 1. DEVELOPMENT PLAN. The revised development plan for Planned Development Zone, P-D(417), is hereby approved as amended in red stamped approved by the City Council on July 5, 1988, subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "A Project for Westar Associates" as amended in red, stamped approved by the Planning Commission on April 13, 1987 and as amended by the City Council hereby on July 5, 1988.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Director of Parks and Recreation. 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:

Six- and four-foot decorative masonry walls as shown on the approved plans.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. All street frontages shall be improved to City standards prior to the occupancy of any structures or when requested by the Director of Engineering Services 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 Director of Engineering Services. 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 Director of Engineering Services.
8. Drainage shall be provided as required by the Director of Engineering Services.
9. 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 Director of Planning and Community Development.
10. The loading dock area on the southwest side of the shopping center may not be used for outside storage of any type of material.
11. Three freestanding shopping center identification signs shall be permitted, one each on the Downey Street, H Street and I Street frontages. One of these signs shall not exceed 72 square feet in area and 20 feet in height, and the other two shall not exceed 50 square feet and eight feet in height. All other signs in the shopping center shall comply with the sign requirements of the C-3 Zone.
12. All curbcuts serving two-way driveways shall be of the street intersection design.
13. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
14. Prior to issuance of a building permit, the applicant shall obtain approval from the Director of Parks and Recreation of a plan to assure protection of the existing City trees which will remain.

15. That the approved "H" Street widening and traffic flow changes shall be made prior to occupancy of the first building to open for business. The applicant shall dedicate any right-of-way to widen "H" Street if needed as determined by the City Engineer."

BE IT FURTHER RESOLVED that all of the other provisions of Resolution No. 87-319 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 July, 1988, 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: Lang, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: Irizarry, McGrath, 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. 88-503

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE ASBESTOS ABATEMENT PROJECT AT THE CROCKER
BANK BUILDING

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

SECTION 1. The plans and specifications for the asbestos abatement project at the Crocker Bank Building copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 26, 1988 at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-504

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR CAPE SEAL OF VARIOUS CITY STREETS 1988 AND DRYDEN
PARKING LOT

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

SECTION 1. The plans and specifications for cape seal of various City streets 1988 and Dryden parking lot copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 19, 1988 at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-505

A RESOLUTION ACCEPTING THE BID OF PARAMOUNT EQUIPMENT SALES FOR FURNISHING TWO FIRE PUMPER TRUCKS

WHEREAS, Resolution No. 88-205 adopted by the Council of the City of Modesto on March 15, 1988, approved the plans and specifications for the purchase of two fire pumper trucks and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of two fire pumper trucks were opened at 3:00 p.m. on May 3, 1988, 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 Paramount Equipment Sales in the amount of \$404,893 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Paramount Equipment Sales in the amount of \$404,893 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 July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-506

LEASE/PURCHASE
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND
MUNICIPAL LEASING ASSOCIATES, INC. FOR THE FINANCING OF TWO FIRE PUMPER TRUCKS

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Municipal Leasing
Associates, Inc. for the financing of two fire pumper trucks

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
July, 1988, by Councilmember Lang
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norriane Coyle
NORRIANE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-507

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
COLE/YEE/SCHUBERT AND ASSOCIATES FOR STRUCTURAL PLAN CHECKING OF THE RED LION INN

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Cole/Yee/Schubert
and Associates for structural plan checking of the Red Lion Inn

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
July, 1988, by Councilmember Lang
who moved its adoption, which motion being duly seconded by Council-
member Muratore, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Morrine Coyle
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-508

A RESOLUTION ADOPTING A REVISED RECORDS MANAGEMENT MANUAL AND RECORDS RETENTION SCHEDULE FOR THE CITY OF MODESTO AND AUTHORIZING DESTRUCTION OF USELESS RECORDS.

WHEREAS, the destruction of certain old and useless papers and records of the City of Modesto has been authorized by the retention and destruction schedule of the "Records Management Manual," including the "City of Modesto Records Retention Schedule," adopted by the City Council by Resolution No. 77-998 on September 29, 1977, and

WHEREAS, said "Records Management Manual" and "City of Modesto Records Retention Schedule" were amended by City Council Resolution No. 79-644, adopted on June 26, 1979, Resolution No. 82-226, adopted on March 4, 1982, and Resolution No. 84-194, adopted on April 10, 1984, and Resolution No. 86-593 adopted on June 17, 1986, and

WHEREAS, the Council desires to adopt a revised "Records Management Manual and Records Retention Schedule for the City of Modesto",

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

1. The "Records Management Manual and Records Retention Schedule for the City of Modesto" dated July 5, 1988, copies of which are on file in the office of the City Clerk, is hereby adopted.

2. Records of the City of Modesto shall be maintained in accordance with the "Records Management Manual and Records Retention Schedule for the City of Modesto" adopted hereby.

3. In accordance with the procedures set forth in the "Records Management Manual and Records Retention Schedule for the City of Modesto" adopted hereby, useless records of each office, department, board or commission may be destroyed after the expiration of the total retention period set forth in said "Records Management Manual and Records Retention Schedule for the City of Modesto."

4. Records designated to be kept permanently, as well as the signed "Destruction of Records Not Sent to Records Center Notice" for all records destroyed, shall be retained permanently.

BE IT FURTHER RESOLVED that the above referred to "Records Management Manual and Records Retention Schedule for the City of Modesto" dated July 5, 1988, supersedes the "Records Management Manual" and "Records Retention Schedule" adopted by Resolution No. 77-998 on September 29, 1977, and as amended by Resolution No. 79-644 on June 26, 1979, Resolution No. 82-226 on March 4, 1982, Resolution No. 84-194, on April 10, 1984, and Resolution No. 86-593 on June 17, 1986, except as to those records sent to Records Center before July 5, 1988, which records shall remain subject to the Records Retention Schedule adopted by Resolution No. 86-593 and adopted on June 17, 1986.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton, 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. 88-509

A RESOLUTION APPROVING THE FINAL MAP OF THE HONEY CREEK
WEST SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Douglas Highiet, a single man is possessed of a tract of
land situate in the City of Modesto, County of Stanislaus, consisting of
3.1957 acres, known as the Honey Creek West Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 18th day of April, 1988, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that
the final map of said Honey Creek West 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 5 day of July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
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. 88-510

A RESOLUTION ACCEPTING IMPROVEMENTS IN ORANGEBURG GARDENS NO. 2 SUBDIVISION AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Horn Enterprises, subdividers of Orangeburg Gardens No. 2 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$285,000.00 and \$142,500.00 respectively to guarantee improvements in Orangeburg Gardens No. 2 and;

WHEREAS, the Director of Engineering in a memorandum dated June 29, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and


WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the 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 Orangeburg Gardens 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 \$285,000.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$142,500.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-511

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HERMAN WATERS, JR., AND MARY K. WATERS FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 2030 CROWS LANDING ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Herman Waters, Jr., and Mary K. Waters for sewer service to property outside City limits at 2030 Crows Landing Road, located on the east side of Crows Landing Road between Flamingo Drive and Imperial 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 July, 1988, by Councilmember Lang who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norriane Coyle*
NORRIANE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-512

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HERMAN WATERS, JR., AND MARY K. WATERS FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 2030 CROWS LANDING ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Herman Waters, Jr., and Mary K. Waters for water service to property outside City limits at 2030 Crows Landing Road, located on the east side of Crows Landing Road between Flamingo Drive and Imperial 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 July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-513

A RESOLUTION AMENDING RULE 3 OF THE PERSONNEL RULES
RELATING TO THE PAY PLAN TO IMPLEMENT THE JOB AUDIT AND
SALARY RANGE ADJUSTMENTS.

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 Rule 3 of the Personnel Rules relating to the Pay Plan be amended to implement the Job Audit and Salary Range Adjustments effective July 5, 1988, and

WHEREAS, at its meeting of July 5, 1988, the City Council considered amending Rule 3 of the Personnel Rules relating to the Pay Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that Rule 3 of the Personnel Rules relating to the Pay Plan shall be amended to read as follows:

RULE 3 - PAY PLAN

3.1 Preparation or Review of the Pay Plan

At least annually the City Manager shall review the existing pay plan and recommend to the City Council an appropriate range or rate of pay for each class for which he/she is the appointing authority. In arriving at salary ranges or rates, consideration shall be given to both basic pay and conditions of work in comparable public and private employment in the recruitment area.

3.2 Bases for Determination of Salaries and Salary Changes

The City Manager is hereby authorized to issue written administrative orders to establish procedures and practices governing the bases for determination of salaries and salary changes within the salary ranges established for their positions and classifications.

3.3 Salary for Full-Time Work

The salary rates established by the City presume the work being compensated for is the primary employment and occupation of the employee, and that services will reflect the employee's full time application at full competence. Compensation for employees working less than full time shall be adjusted proportionately. Full-time city employees may not carry on, concurrently with their public service, any private business or undertaking, attention to which affects the time or quality of their work or which casts discredit upon or creates embarrassment for the city government. Each full-time employee engaging in business or employment in addition to his/her city work shall report such activity to his department head, in accordance with procedures to be prescribed by the department head or by the City Manager.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
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. 88-514

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MARY ERIKSEN-RATTAN, dba ERIKSEN-RATTAN ASSOCIATES, TO PERFORM FIRE SAFETY PLAN CHECKING FOR THE FIRE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mary Eriksen-Rattan, dba Eriksen-Rattan Associates, to perform fire safety plan checking for the Fire Department

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-515

A RESOLUTION CERTIFYING TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS THE AMOUNT OF MONEY NEEDED BY THE CITY OF MODESTO FOR THE 1988-89 PAYMENT OF PRINCIPAL AND INTEREST ON BONDS OF THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1

WHEREAS, pursuant to Section 4614.13 of the Health and Safety Code, notice is required to be given on or before the 15th day of July of each year by the City of Modesto to the Board of Supervisors of the County of Stanislaus of the amount of money needed to be raised through taxation for the payment of principal and interest on bonds of the Modesto Municipal Sewer District No. 1, and

WHEREAS, pursuant to Section 4614.13 of the Health and Safety Code, the City of Modesto has determined that the total amount needed by it for the payment of principal and interest on the bonds of the Modesto Municipal Sewer District No. 1 is \$442,000.00, and

WHEREAS, the City of Modesto desires that the Board of Supervisors of the County of Stanislaus levy and collect taxes upon the taxable property in said Modesto Municipal Sewer District No. 1 sufficient to raise the amount which is so certified, and that the County Auditor, in accordance with Section 4614.13, compute the rate of taxation needed to raise the sum of \$442,000.00 for the payment of principal and interest on the bonds of said district,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, in accordance with the above-mentioned Section 4614.13 of the Health and Safety Code, that it does hereby certify to the Board of Supervisors of the County of Stanislaus that the amount of \$442,000.00 is needed by the City of Modesto for the payment of principal and interest on the bonds of the Modesto Municipal Sewer District No. 1.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it requires the Board of Supervisors of the County of Stanislaus to levy and collect taxes upon the taxable property in said Modesto Municipal Sewer District No. 1 sufficient to raise the amount of \$442,000.00 and that it requests the County Auditor of said county to compute the rate of taxation needed to raise the sum of \$442,000.00 for the payment of principal and interest on the bonds of said district.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
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. 88-516

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF BUDDY T. IWATA FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE JULY 5, 1988

WHEREAS, Buddy T. Iwata was appointed a member of the International Friendship Committee on March 18, 1986; and

WHEREAS, Buddy T. Iwata has tendered his resignation from the International Friendship Committee, effective July 5, 1988; and

WHEREAS, Buddy T. Iwata 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 Buddy T. Iwata 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 Buddy T. Iwata 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 July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-517

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF THOMAS MUNOZ FROM THE HOUSING MAINTENANCE AND COUNSELING SUBCOMMITTEE, EFFECTIVE JULY 5, 1988

WHEREAS, Thomas Munoz was appointed a member of the Housing Maintenance and Counseling Subcommittee on November 19, 1985; and

WHEREAS, Thomas Munoz has tendered his resignation from the Housing Maintenance and Counseling Subcommittee effective July 5, 1988; and

WHEREAS, Thomas Munoz 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 Thomas Munoz from the Housing Maintenance and Counseling Subcommittee be, and hereby is accepted with regret.

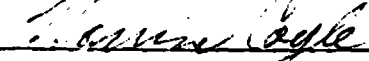
BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Thomas Munoz for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-518

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO R-1. (KAUFMAN AND BROAD)

WHEREAS, on July 12, 1988, the City Council introduced Ordinance No. 2592-C.S. giving approval to a project relating to an amendment to Section Map 8-4-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, property located on the north side of Whitmore Avenue east of Ustick 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 Map 8-4-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, property located on the north side of Whitmore Avenue east of Ustick Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12 day of July, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

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. 88-519

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING SLUDGE REMOVAL SERVICES

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

SECTION 1. The plans and specifications for the purchase of sludge removal 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 August 2, 1988, at 3:15 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Acting Mayor McGrath

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-520

A RESOLUTION ACCEPTING THE BID OF RICHARD A. HEAPS, INC. TO MODIFY THE TRAFFIC SIGNALS AT OAKDALE ROAD AND ORANGEBURG AVENUE

WHEREAS, Resolution No. 88-411, adopted by the Council of the City of Modesto on June 7, 1988, approved the plans and specifications for the modification of traffic signals at Oakdale Road and Orangeburg Avenue and authorized the calling for bids; and

WHEREAS, the bids received for the modification of traffic signals at Oakdale Road and Orangeburg Avenue

were opened at 11:00 a.m. on July 5, 1988, and later tabulated by the Director of Parking and Traffic for the consideration of the Council; and

WHEREAS, the Director of Parking and Traffic has recommended that the bid of Richard A. Heaps, Inc. in the amount of \$38,300 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Richard A. Heaps, Inc. in the amount of \$38,300 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Acting Mayor McGrath

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-521

A RESOLUTION APPROVING A LEASE/PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA COPY FOR FURNISHING A COPIER FOR THE POLICE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease/purchase agreement between the City of Modesto and California Copy for furnishing a copier for the Police Department be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Sutton, Acting Mayor McGrath
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Whiteside

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-522

A RESOLUTION ACCEPTING THE BID OF ORANGE COUNTY NURSERY FOR FURNISHING BARE
ROOT TREES

WHEREAS, Resolution No. 88-369 adopted by the Council of the City of
Modesto on May 17, 1988 , approved the plans and specifications for the
purchase of bare root trees

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of bare root trees
were opened at 3:00 p.m. on June 14, 1988 , 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
Orange County Nursery for a total price of \$23,886
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that
the bid of Orange County Nursery for a total price of \$23,886
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 July , 1988 , by Council-
member Lang , who moved its adoption, which motion being duly seconded by
Councilmember Sutton , was upon roll call carried and the resolution adopted by
the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Acting Mayor McGrath

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-523

A RESOLUTION ACCEPTING THE BID OF STRIBLINGS NURSERY FOR FURNISHING BARE ROOT TREES

WHEREAS, Resolution No.88-369, adopted by the Council of the City of Modesto on May 17, 1988, approved the plans and specifications for the purchase of bare root trees and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of bare root trees were opened at 3:00 p.m. on June 14, 1988, 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 Striblings Nursery for the total price of \$620 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Striblings Nursery for the total amount of \$620 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 July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Acting Mayor McGrath

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-524

A RESOLUTION ACCEPTING THE CARPET INSTALLATION AT THE CROCKER BUILDING
AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the carpet installation at the Crocker Building

has been completed by House of Carpets
in accordance with the contract agreement dated May 3, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the carpet installation at the
Crocker Building

be accepted from said contractor, House of Carpets ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$19,000 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 July,
1988, by Councilmember Lang, who moved its adoption, which
motion being duly seconded by Councilmember Sutton, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Acting Mayor McGrath

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-525

A RESOLUTION ACCEPTING THE CARPENTER/TORRID WATERLINE EXTENSION AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the Carpenter/Torrid waterline extension

has been completed by JSJ Construction, Inc.

in accordance with the contract agreement dated April 26, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the Carpenter/Torrid
waterline extension

be accepted from said contractor, JSJ Construction, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$42,698.98 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 July,
19 88, by Councilmember Lang, who moved its adoption, which
motion being duly seconded by Councilmember Sutton, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Acting Mayor McGrath

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-526

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO CITY SCHOOLS TO ALLOW TEMPORARY CLASSROOMS AT ALBERTA MARTONE NEIGHBORHOOD
PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Modesto City
Schools to allow temporary classrooms at Alberta Martone Neighborhood Park

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 12th day of
July, 1988, by Councilmember Sutton,
who moved its adoption, which motion being duly seconded by Council-
member Patterson, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Muratore, Patterson, Sutton,
Acting Mayor McGrath

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-527

A RESOLUTION ACCEPTING IMPROVEMENTS IN REGENCY PARK NO. 4 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Joe Trombetta, subdividers of Regency Park No. 4 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$101,700.00 and \$ 50,850.00 respectively to guarantee improvements in Regency Park No. 4 Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated June 1, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the 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 Regency Park No. 4 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$101,700.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$50,850.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1988, 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: Irizarry, Patterson, Sutton, Mayor pro tem Muratore
NOES: Councilmembers: None
ABSENT: Councilmembers: Lang, McGrath, Mayor Whiteside

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-528**

A RESOLUTION SETTING TIME AND PLACE FOR HEARING AN APPEAL BY BARGHAUSEN CONSULTING ENGINEERS, INC., TO A DECISION OF THE PLANNING COMMISSION CONCERNING A TENTATIVE PARCEL MAP AT THE NORTHEAST CORNER OF YOSEMITE BOULEVARD AND LINCOLN AVENUE, CONCERNING THE REQUIREMENT TO CONSTRUCT A MEDIAN BARRIER IN LINCOLN AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that July 26, 1988, 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 an appeal by Barghausen Consulting Engineers, Inc., to a decision of the Planning Commission concerning a Tentative Parcel Map at the northeast corner of Yosemite Boulevard and Lincoln Avenue, concerning the requirement to construct a median barrier in Lincoln Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton, Acting Mayor McGrath
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Whiteside

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-529

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF IDA LEAL FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE JULY 12, 1988

WHEREAS, Ida Leal was appointed a member of the Human Relations Commission on May 20, 1986; and

WHEREAS, Ida Leal has tendered her resignation from the Human Relations Commission, effective July 12, 1988; and

WHEREAS, Ida Leal 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 Ida Leal 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 Ida Leal 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 12th day of July, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Sutton, Acting Mayor McGrath
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Whiteside

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-530

A RESOLUTION CALLING A SPECIAL ADVISORY ELECTION BY THE
VOTERS OF THE CITY OF MODESTO

WHEREAS, an initiative ordinance entitled "Modesto Citizens Advisory Growth Management Act" was adopted by the voters of the City of Modesto at the general Municipal Election held on March 6, 1979, and

WHEREAS, said "Modesto Citizens Advisory Growth Management Act" requires that an advisory election by the voters of the City of Modesto, as provided by Section 5353 of the Elections Code of the State of California, be called before the City Council of the City of Modesto approves, authorizes or appropriates funds for the extension of any sewer trunk, and

WHEREAS, the Empire School District has notified the City of Modesto that it is planning to construct two elementary schools in the Empire West Neighborhood which lies within the City of Modesto's Urban Reserve, and

WHEREAS, the City Council of the City of Modesto directed the City Attorney to render an opinion as to whether or not the extension of sewer service to various areas of the City's Urban Reserve including the Empire West Neighborhood requires an advisory election pursuant to the Modesto Citizens Advisory Growth Management Act, commonly known as Measure "A", and

WHEREAS, on or about January 21, 1988, the City Attorney rendered his written opinion which found among other findings that an extension of the Yosemite Avenue sewer trunk to service a school in the Empire West Neighborhood would require an advisory election pursuant to Measure "A", and

WHEREAS, at a regularly scheduled meeting of the City Council of the City of Modesto on June 21, 1988, the Public Projects Committee of the City

Council made recommendations to the City Council which included a recommendation that an advisory election pursuant to Measure "A" be held with respect to the Yosemite sanitary sewer trunk extension into the Empire West Neighborhood for two elementary schools, and

WHEREAS, the City Council has determined that it is desirous of considering the extension of the Yosemite Trunk Sewer.

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

SECTION 1. SPECIAL ELECTION CALLED. That the City Council of the City of Modesto does hereby call a Special Advisory Election in the City of Modesto on November 8, 1988, said Special Election to be known as "Special Sewer Trunk Extension Advisory Election".

SECTION 2. NOTICE OF ADVISORY VOTE. The City Clerk of the City of Modesto is hereby ordered and directed to prepare and sign a notice of said advisory vote in the form required by law, and said City Clerk is hereby ordered and directed to publish said notice in the time and manner required by law in THE MODESTO BEE, the official newspaper of said City and a newspaper of general circulation printed and published in said City.

SECTION 3. FORM OF BALLOT. On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the Yosemite sanitary sewer trunk extension advisory measure:

CITY OF MODESTO MEASURE - ADVISORY VOTE ONLY

<p>Measure B City of Modesto Sewer Trunk Extension Advisory Measure</p>	<p>Shall the City Council approve an extension of the sanitary trunk sewer line in Yosemite Boulevard to a fixed point some 2100 feet east of the intersection of Yosemite Boulevard and Claus Road and then north 4400 feet on Frazine Road solely for the purposes of providing service to two (2) elementary schools to be completed on or about September 1992, and September 1994, and two (2) neighborhood parks, and from the intersection of Yosemite Boulevard and Claus Road to a fixed point some 3250 feet north on Claus Road solely for purposes of providing service to a public high school to be completed on or about September 1991, and a community park to be located east of Claus Road. This sanitary trunk sewer line is planned to be of sufficient size to provide capacity for future extension(s) of said trunk sewer line, subject to advisory vote(s) of the electorate to serve the Empire West Neighborhood between the Yosemite Neighborhood and the Santa Fe Railroad tracks and not within the Empire Sanitary District boundaries.</p>	<p>Y E S</p>	
		<p>N O</p>	

SECTION 4. CONDUCT OF ELECTION. Said special advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, said special advisory election shall be held as provided for in the Charter of said City and in all particulars not provided for therein said election shall be held as provided by law for the holding of advisory elections and special municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

(a) All persons qualified to vote at municipal elections in said City of Modesto on the day of said special advisory election herein provided for shall be qualified to vote upon said advisory measure hereby proposed by the Council of the City of Modesto on its own motion and submitted at said special advisory election.

(b) The polls at the polling places hereinafter referred to for said special advisory election shall be opened at 7:00 a.m. of said day of election, and shall be kept open continuously thereafter until 8:00 p.m. of said day of election, when the polls shall be closed, and the election officers shall thereupon proceed to canvass the ballots cast thereat.

(c) Said special advisory election shall be and is hereby consolidated with the general election to be held in Stanislaus County and in the City of Modesto on the date of said special advisory election hereby called, and the election precincts, polling places and voting booths shall in every case be the same, and there shall be only one set of election officers in each of said precincts; and the precincts, polling places and officers of said election within said city for said special advisory election shall be the same as those selected or to be selected and designated by the Board of Supervisors of Stanislaus County for said general election and set forth or to be set forth in the notice of election officers and polling places for said general election published or to be published by the County Clerk of said County, as required by law, to which notice reference is hereby specifically made for a designation of the precincts, polling places and election officers for said special advisory election hereby called. Only qualified voters of said City shall be permitted to vote at said special advisory election hereby

called. The Board of Supervisors of Stanislaus County is authorized to canvass, or cause to be canvassed, the returns of said special advisory election with respect to the votes cast in said City and to certify the results to the Council.

(d) On the ballots to be used at said general election and said special advisory election hereby consolidated therewith, in addition to all other matters required by law to be printed thereon, shall appear an advisory measure with respect to two elementary schools.

(e) To vote in favor of said advisory measure a voter shall punch a hole in the blank space opposite the word "YES" on the ballot to the right of said advisory measure, and to vote against said advisory measure a voter shall punch a hole in the blank space opposite the word "NO" on the ballot to the right of said advisory measure.

(f) The votes cast for and against said advisory measure shall be counted separate and apart from all other measures to be submitted at said general election and said special advisory election hereby consolidated therewith.

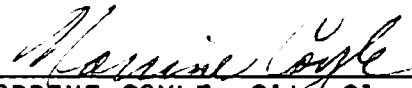
(g) At the next regular meeting of the Council occurring after the returns of said special advisory election have been canvassed and the results thereof certified by the Board of Supervisors of Stanislaus County to the Council, or at a special meeting called thereafter for such purpose, the Council shall cause to be spread upon its minutes a statement of the results of said special advisory election as ascertained by said canvass.

SECTION 5. NOTICE. The City Clerk of the City of Modesto is hereby authorized and directed to prepare and sign a notice of said special advisory

election in the form required by law, and said City Clerk is hereby authorized and directed to publish said notice in the time and manner required by law in THE MODESTO BEE, the official newspaper of said City and a newspaper of general circulation printed and published in said City.

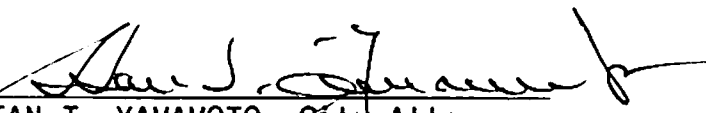
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Sutton, Mayor Whiteside
NOES: Councilmembers: Irizarry
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-531

A RESOLUTION ESTABLISHING CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, AND SUPERSEDING RESOLUTION NO. 87-208.

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	\$73.00 per unit per month.
End Units	\$87.00 per unit per month.
Hangar No. B	\$91.00 per unit per month.
End Units	\$110.00 per unit per month.
Hangar No. C	\$94.00 per unit per month.
End Units	\$114.00 per unit per month.
Hangar No. D	\$85.00 per unit per month.
End Units	\$100.00 per unit per month.
Hangar No. E	\$125.00 per unit per month.
End Units	\$146.00 per unit per month.
Hangar No. F	\$125.00 per unit per month.
End Units	\$146.00 per unit per month.

- Hangar No. G \$125.00 per unit per month.
- Hangar No. H \$125.00 per unit per month.
- Hangar No. J \$125.00 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 in advance.

(b) Storage Hangars:

- Hangar No. 1 \$1,350.00 per month (\$.09 per square foot per month) plus office space at \$.24 per square foot per month
- Hangar No. 2 \$ 540.00 per month (\$.09 per square foot per month) plus office space at \$.24 per square foot per month
- Hangar No. 3 \$ 360.00 per month (\$.10 per square foot per month) plus office space at \$.24 per square foot per month
- Hangar No. 4 \$ 480.00 per month (\$.10 per square foot per month) plus office space at \$.24 per square foot per month
- Hangar No. 5 \$ 600.00 per month (\$.10 per square foot per month) plus office space at \$.24 per square foot per month
- Hangar No. 6 \$ 360.00 per month (\$.10 per square foot per month) plus office space at \$.24 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) \$29.00 per month.
- (b) Taxi-in Tie-Down - Permanent, light single and multi-engine aircraft (under 12,500 lbs) \$58.00 per month.
- (c) Taxi-in Tie-Down - Permanent, large multi-engine (over 12,500 lbs) \$.02 per square foot per month.
- (d) Taxi-in Tie-Down - Transient, light single-engine aircraft (under 12,500 lbs) \$2.00 per day.
- (e) Taxi-in Tie-Down - Transient, light multi-engine aircraft (under 12,500 lbs) \$4.00 per day.
- (f) Taxi-in Tie-Down - Transient, large multi-engine aircraft (over 12,500 lbs) \$6.00 per day.
- (g) Taxi-in Tie-Down - Transient, large four-engine aircraft (over 12,500 lbs) \$8.00 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-downs 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 \$513.00 per month.
- (b) Office Building No. 2,
Suite A \$248.00 per month.
- (c) Office Building No. 2,
Suite B \$153.00 per month.
- (d) Hangar Office Space \$.24 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 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 non-scheduled 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 I 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 I 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, 1989, 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 percent (5%).

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 19, 1988.

SECTION 12. SUPERSEDE. This resolution supersedes Resolution No. 87-208 adopted by the City Council on March 17, 1987.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1988, 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: Irizarry, Lang, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: McGrath

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. 88-532

A RESOLUTION PROVIDING A DISCOUNT TO QUALIFYING INDIVIDUALS
FOR BUS FARES ON MODESTO INTRACITY TRANSIT DURING AUGUST 1988.

WHEREAS, bus passes for use on the fixed route buses of Modesto
Intracity Transit were purchased by individuals during the month of June 1988,
at the bus pass rates established by City Council Resolution No. 85-440, and

WHEREAS, said bus service was reduced during the month of June 1988
due to the strike by TRIPS drivers, and

WHEREAS, at its meeting of July 19, 1988, the Council of the City of
Modesto considered providing a 25% discount to those individuals purchasing
full-month monthly bus passes for August 1988 who also purchased monthly bus
passes for June 1988, and

WHEREAS, the City Transportation Committee has recommended the
discount and the County members of the City-County Joint Transportation
Committee have approved the proposed discount plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the following monthly bus pass rates are hereby established for
passengers purchasing monthly passes for August 1988 who also purchased
monthly bus passes for June 1988 for use on the fixed route buses of Modesto
Intracity Transit:

- | | |
|--|----------|
| 1. Regular Monthly Pass - full month | \$ 18.75 |
| 2. Student Monthly Pass - full month | \$ 13.50 |
| 3. Senior Citizen/Handicapped Monthly
Pass - full month | \$ 10.50 |

BE IT FURTHER RESOLVED that this resolution shall be effective immediately for passes purchased for use in August 1988, and supplements Resolution No. 85-440.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1988, 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: Irizarry, Lang, McGrath, Muratore, Sutton, 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. 88-533

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(448). (RESOURCE DEVELOPMENT)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Resource Development on January 11, 1988, to rezone from a portion of Planned Development Zone, P-D(343), to a new Planned Development Zone, P-D, to allow two fast-food restaurants, property located on the southwest corner of Floyd Avenue and Oakdale Road, described as follows:

All that certain real property situated in a portion of the Northeast quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

Being Parcel "1", as shown on the map recorded in Book 34 of Parcel Maps, at page 80, Stanislaus County Records.

Including also all of the southern 35.00 feet of Floyd Avenue and the western 50.00 feet of Oakdale Road immediately adjacent to the above-described property.

WHEREAS, after a public hearing held on April 18, 1988, which was thereafter continued to May 9, 1988, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, it was found and determined by the Planning Commission that the rezoning of a portion of Planned Development Zone, P-D(343), to Planned Development Zone, P-D(448), to allow two fast-food restaurants, is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D Zone for two fast-food establishments is compatible with surrounding existing and proposed developments.

2. The limitations imposed on the approved development plan assure optimum traffic flows both off-site and on-site for all three commercial establishments that will share access.

and

WHEREAS, by Resolution No. 88-49, the Planning Commission recommended to the City Council that the above-described property be rezoned from a portion of Planned Development Zone, P-D(343), to Planned Development Zone, P-D(448), for two fast-food restaurants, and

WHEREAS, the Council has introduced Ordinance No. 2594-C.S. on the 19th day of July, 1988, reclassifying a portion of Planned Development Zone, P-D(343), to Planned Development Zone, P-D(448),

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

1. All development shall conform to the plot plan and floor plans titled "Site Plan Prepared for Taco Bell and Only Burger" as amended in red, stamped approved by the Planning Commission on May 9, 1988.
2. The applicant shall submit revised plot plans showing all changes required by the Planning Commission prior to the City Council hearing. All development shall conform to these revised plans as amended in red, stamped approved by the Planning Commission on May 9, 1988.
3. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Director of Parks and Recreation. Screen landscaping shall be installed along the west property line. Low screen planting shall be established along both Floyd Avenue and Oakdale Road. 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. Prior to occupancy, the developer shall remove unused curb cuts and replace with standard curb, gutter, and full sidewalk as required by the Director of Engineering Services.
6. All curbcuts serving two-way driveways shall be 41 feet in width except that the curb cut on Oakdale Road shall be allowed at 60 feet.
7. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Director of Engineering Services.
8. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Director of Engineering Services. Easements for irrigation lines to remain shall be dedicated.
9. Drainage shall be provided as required by the Director of Engineering Services.
10. All outdoor lighting shall be shielded from adjacent residential properties as required by the Director of Engineering Services.
11. 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 Director of Planning and Community Development.
12. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the south, substantially as shown in red on the plot plan.
13. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
14. All signs shall comply with the sign requirements of the C-3 Zone.
15. All conditions of City Council Resolution No. 83-703 not in conflict with this action shall remain in full force and effect.

16. Prior to occupancy, the developer shall construct the south leg of a standard minimum four-foot wide median in the Oakdale Road right-of-way which median shall extend south to a line even with the south property line of P-D(432) and in accordance with improvement plans prepared by a registered civil engineer, which improvement plans shall be approved by the City Engineer prior to issuance of a building permit.
17. 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 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(448):

That the entire construction program be accomplished in one phase, construction to begin on or before May 9, 1990, and completion to be not later than May 9, 1991.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned 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 Ordinance No. 2594 -C.S. 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 July, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Sutton, Patterson,
Mayor Whiteside

NOES: Councilmembers: 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

APPROVED AS TO DESCRIPTION:

By William J. Nalder
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-534

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM A PORTION OF P-D(343) TO P-D(448). (RESOURCE DEVELOPMENT)

WHEREAS, on July 19, 1988, the City Council introduced Ordinance No. 2594 -C.S. giving approval to a project relating to an amendment to Section Map 15-3-9 of the Zoning Map of the City of Modesto to reclassify from a portion of Planned Development Zone, P-D(343), to Planned Development Zone, P-D(448), property located on the southwest corner of Floyd 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 negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 15-3-9 of the Zoning Map of the City of Modesto to reclassify from a portion of Planned Development Zone, P-D(343), to Planned Development Zone, P-D(448), property located on the southwest corner of Floyd Avenue and Oakdale Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Sutton, Patterson,
Mayor Whiteside

NOES: Councilmembers: 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. 88-535

A RESOLUTION GRANTING IN PART THE APPEAL OF MID-VALLEY ENGINEERING, INC., ON BEHALF OF RESOURCE DEVELOPMENT, TO A PLANNING COMMISSION DECISION REQUIRING THAT A TRAFFIC MEDIAN BE PROVIDED AS A CONDITION OF APPROVAL OF PLANNED DEVELOPMENT ZONE, P-D (448), AND AMENDING SECTION 1 OF MODESTO CITY COUNCIL RESOLUTION NO. 88-533 APPROVING THE DEVELOPMENT PLAN TO MODIFY THE MEDIAN REQUIREMENT. (TACO BELL AND ONLY BURGER)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Resource Development on January 11, 1988, to rezone from a portion of Planned Development Zone, P-D(343), to a new Planned Development zone, P-D, to allow two fast-food restaurants, property located on the southwest corner of Floyd Avenue and Oakdale Road, and

WHEREAS, after a public hearing held on April 18, 1988, which was thereafter continued to May 9, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that the rezoning of a portion of Planned Development Zone, P-D(343), to Planned Development Zone, P-D(448), to allow two fast-food restaurants, was required by public necessity, convenience and general welfare for the reasons stated in Planning Commission Resolution No. 88-49, and

WHEREAS, by Resolution No. 88-49, the Planning Commission recommended to the City Council that the property described therein should be rezoned from a portion of Planned Development zone, P-D(343), to Planned Development Zone, P-D(448), for two fast food restaurants, subject to certain conditions contained in said resolution, and

WHEREAS, by letter dated May 16, 1988, an appeal to the decision of the Planning Commission was filed with the Office of the City Clerk by Mid-Valley Engineering on behalf of Resource Development, relating to Condition No. 16 of the Development Plan in Planning Commission Resolution No. 88-49, which imposes a traffic median requirement, and

WHEREAS, said appeal 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 7, 1988, at 4:00 p.m., which public hearing was continued from June 7, June 28, and July 12, 1988, to July 19, 1988, at 4:00 p.m., at which time evidence, both oral and documentary, was presented and considered, and

WHEREAS, the City Council, by Ordinance No. 2594-C.S., which was introduced on July 19, 1988, amended Section 15-3-9 of the Zoning Map to rezone from a portion of P-D(343) to a new P-D(448), to allow two fast-food restaurants, property located on the southwest corner of Oakdale Road and Floyd Avenue, and

WHEREAS, the City Council, by Resolution No. 88-533, which was adopted on July 19, 1988, approved a development plan for P-D(448), which resolution contained the conditions of approval thereof, and

WHEREAS, Condition No. 16 of said Council Resolution No. 88-533 imposes a traffic median requirement as recommended by the Planning Commission in its Resolution No. 88-49, and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that said appeal to Condition No. 16 of Planning Commission Resolution No. 88-49 and included in City Council Resolution

No. 88-533 should be granted in part and said Condition No. 16 should be modified to provide that a median be required but that it be shorter and of a straight configuration for the following reasons:

1. The shorter median will facilitate on-street traffic flow while not hindering turning movement into and from the adjoining Gasco establishment which is relatively new and for which a median was not anticipated.
2. The straight median design rather than a curved median is preferable to the City's traffic engineers in promoting on-street traffic flow.

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

SECTION 1. APPEAL GRANTED. That Section 1 of Modesto City Council Resolution No. 88-533 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(448) " is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(448), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan Prepared for Taco Bell and Only Burger" as amended in red, stamped approved by the Planning Commission on May 9, 1988.
2. The applicant shall submit revised plot plans showing all changes required by the Planning Commission prior to the City Council hearing. All development shall conform to these revised plans as amended in red, stamped approved by the Planning Commission on May 9, 1988.
3. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Director of Parks and Recreation. Screen landscaping shall be installed along the west property line. Low screen planting shall be established along both Floyd Avenue and Oakdale Road. 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. Prior to occupancy, the developer shall remove unused curb cuts and replace with standard curb, gutter, and full sidewalk as required by the Director of Engineering Services.
6. All curbcuts serving two-way driveways shall be 41 feet in width except that the curb cut on Oakdale Road shall be allowed at 60 feet.
7. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Director of Engineering Services.
8. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Director of Engineering Services. Easements for irrigation lines to remain shall be dedicated.
9. Drainage shall be provided as required by the Director of Engineering Services.
10. All outdoor lighting shall be shielded from adjacent residential properties as required by the Director of Engineering Services.
11. 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 Director of Planning and Community Development.
12. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the south, substantially as shown in red on the plot plan.
13. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
14. All signs shall comply with the sign requirements of the C-3 Zone.
15. All conditions of City Council Resolution No. 83-703 not in conflict with this action shall remain in full force and effect.

16. Prior to occupancy, the developer shall construct the south leg of a standard minimum four-foot wide straight median in the Oakdale Road right-of-way which median shall be as shown on the approved plans and in accordance with improvement plans prepared by a registered civil engineer, which improvement plans shall be approved by the City Engineer prior to issuance of a building permit.
17. 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 2. OTHER PROVISIONS OF MODESTO CITY COUNCIL RESOLUTION

NO. 88-533. All other provisions of Modesto City Council Resolution No. 88-533 not in conflict with this resolution shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE. This resolution shall not become effective unless and until Ordinance No. 2594-C.S. 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 July, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: 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. 88-536

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE RESIDENTIAL ALLEY PAVING PROJECT NO. 14

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

SECTION 1. The plans and specifications for the residential alley paving
Project No. 14

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 2, 1988, at 11:00 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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


The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 19th day of July, 1988,
by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Sutton, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-537

A RESOLUTION ACCEPTING THE BID OF GARCIA PAVING COMPANY, INC. FOR THE RECONSTRUCTION OF SCENIC DRIVE, SUNNYSIDE AVENUE TO ROSE AVENUE

WHEREAS, Resolution No 88-394, adopted by the Council of the City of Modesto on May 24, 1988, approved the plans and specifications for the reconstruction of Scenic Drive, Sunnyside Avenue to Rose Avenue and authorized the calling for bids; and

WHEREAS, the bids received for the reconstruction of Scenic Drive, Sunnyside Avenue to Rose Avenue were opened at 11:00 a.m. on June 21, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Garcia Paving Company, Inc. in the amount of \$205,843.75 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Garcia Paving Company, Inc. in the amount of \$205,843.75 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-538

A RESOLUTION ACCEPTING THE WESSON RANCH PARK SITE WORK, LANDSCAPING AND IRRIGATION

WHEREAS, a report has been filed by the Director of Engineering , that the Wesson Ranch Park site work, landscaping and irrigation has been completed by Western Stone Products, Inc. in accordance with the contract agreement dated March 24, 1987 .

NOW, THEREFORE, BE IT RESOLVED that the Wesson Ranch Park site work. landscaping and irrigation

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 \$297,549.58 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 19th day of July, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-539

A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE AGREEMENT WITH BROWN AND CALDWELL ENGINEERS TO PROVIDE ADDITIONAL CONSULTATION SERVICES DURING THE CONSTRUCTION OF THE THIRD FIXED FILM REACTOR PROJECT AT THE REMOTE POND SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the second amendment to the agreement with Brown and Caldwell Engineers to provide additional consultation services during the construction of the Third Fixed Film Reactor Project at the Remote Pond site 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 19th day of July, 1988, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-540

A RESOLUTION ADOPTING A POLICY FOR THE SAFE CONDUCT OF VEHICULAR PURSUITS

WHEREAS, Section 17004.7 of the California Vehicle Code provides for immunity from liability from civil damages, for personal injury, death, or property damage resulting from the collision of a vehicle being operated by an actual or suspected violator of the law pursued by a police officer if the public entity has adopted a written policy for the safe conduct of vehicular pursuits; and

WHEREAS, it has been deemed desirable to develop a policy for the safe conduct of vehicular pursuits.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "Vehicle Pursuit of Actual or Suspected Law Violators", 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 19th day of July, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



City Council Policy

CITY of MODESTO

EFFECTIVE DATE

July 19, 1988

POLICY NO.

2.007

CITY DEPARTMENT

Police Department

Subject Vehicle Pursuit of Actual or Suspected Law Violators

Purpose:

This Policy Statement is intended to provide guidelines which should reduce hazards to officers engaged in hot pursuit and the ensuing public criticism that follows when an officer is involved in an accident while in pursuit.

It is intended that this Policy Statement will help minimize the danger to officers and the public, while still assuring apprehension of the violator.

Policy:

It is the policy of the Modesto Police Department to initiate pursuit when a law violator clearly exhibits the intention to avoid arrest by using his/her vehicle to flee, and his/her actions create a risk or danger to the community.

The objective of a police pursuit is to apprehend the violator without unnecessarily jeopardizing life and property. There is also a need to weigh the risk of collision against the nature of the offense which caused the pursuit. Officers should not feel that they have to continue a pursuit at all costs. The pursuit should not be initiated or should be terminated when the collision risk outweighs the requirements for apprehension.

California Vehicle Code Section 21055 exempts the driver of an authorized emergency vehicle with emergency equipment in operation from the general rules of the road when in pursuit of an actual or suspected violator. It does not relieve the driver from the duty to drive with due regard for the safety of all persons using the roadway, nor does it protect him/her from criminal prosecution or civil liability for an abuse of the privileges granted. The following procedure is intended to assist the pursuing officer in apprehending the violator in the least amount of time with the least amount of risk.

Pursuit Procedure:

I. Notification

- A. In the event an officer becomes involved in the pursuit of a vehicle that fails to stop, the officer will immediately notify the police dispatcher of the location, direction of pursuit, the reasons for the pursuit, estimated distance from the vehicle being pursued, and the license number, if possible.
- B. The officer initiating the pursuit is designated as the primary pursuit unit until relieved.

LEGISLATIVE HISTORY

Res. 88- , adopted July 19, 1988

- C. The Hatch Commander or on-duty patrol supervisor shall be notified immediately after a pursuit is initiated.
- D. When a pursuit is initiated, the dispatcher shall broadcast a 10-33 (Emergency Traffic Only). At the conclusion of a pursuit, a 10-34 will be broadcast to permit regular radio traffic.
- E. When the pursuit lasts more than a few minutes, the units involved in the pursuit shall switch to radio Channel 2. Other units with necessary traffic not relative to the pursuit shall transmit on Channel 1.
- F. The secondary unit will take charge of communications between field units and the radio desk.
- G. The dispatcher will attempt to gather as much information as possible on the suspect vehicle and/or suspect(s) known from the information.
- H. The dispatcher shall coordinate and advise other agencies upon the crossing or imminent crossing of jurisdictional lines.
- I. If communications are lost with the pursuit vehicles, the field supervisor is responsible for coordinating radio traffic.

II. Supervisory Control of Pursuit

- A. Upon being notified of a pursuit, the appropriate supervisor should assure himself/herself of the following:
 - 1. No more than the required units are involved in the pursuit.
 - 2. Proper radio frequencies and procedures are being used.
 - 3. Affected allied agencies are being notified.
- B. The supervisor should order the discontinuance of the pursuit when it appears that the pursuit poses a serious and unreasonable risk of harm to the pursuing officers or the public, balanced against the seriousness of the violations. If the supervisor is not available, the officer in the primary unit shall have the responsibility for conducting or abandoning the pursuit in compliance with the provisions of this Policy Statement.

III. Pursuit Driving Practices

- A. The number of units which should pursue a suspected violator depends on the violation and circumstances of the pursuit. The field supervisor should designate the number of units involved, normally two. If there is no supervisor available, the primary officer should designate.
- B. In a pursuit initiated by a motorcycle or an unmarked vehicle, the motorcycle or unmarked vehicle should discontinue when a patrol vehicle has joined in the pursuit.
- C. Officers not assigned to the pursuit should remain on their beat but stay alert to its progress and location.
- D. The primary, secondary, and field supervisor units should be the only units operating under emergency conditions (red lights and sirens), unless other units are assigned to the pursuit. There should be no caravanning of units, paralleling the pursuit or attempting to join the pursuit. Officers involved in a pursuit should not attempt to pass other units unless requested to do so by the primary unit.

- E. The practice of establishing stationary or rolling roadblocks is hazardous and should be undertaken only as a last resort in extreme cases, and only with the approval of a field supervisor.
- F. When the pursued vehicle is lost, the officer in the secondary unit shall immediately broadcast necessary information to communications. Upon receiving the communications broadcast that the suspect's vehicle was lost, all involved officers will resume normal non-pursuit operation of their police vehicles.

IV. Pursuits Into Other Jurisdictions

- A. All jurisdictions affected by a pursuit should be notified of the pursuit as soon as practical. Such notification should not be considered as a request to join in the pursuit.
- B. Other jurisdictions should not join a pursuit unless requested by the initiating agency and approved by the other jurisdiction's supervisor. Consideration should be given to requesting that the affected agency call the pursuit while it travels through their jurisdiction.
- C. As practical, non-initiating units should terminate the pursuit when the pursuit leaves their jurisdiction.
- D. Pursuits which originate in other jurisdictions and extend into Modesto shall be joined only when requested.

V. End of Pursuit

- A. The officer in the primary pursuing unit is responsible for the arrest of the suspect when the suspect voluntarily concludes his escape effort or if he becomes involved in a traffic accident.
- B. The officer in the secondary unit shall be responsible for backing up the primary unit and broadcasting pertinent information at the termination of the vehicular pursuit. This procedure frees officers in the primary unit to arrest the suspects or enter into foot pursuit without stopping to inform communications of their movements. If the suspect attempts to flee on foot, the secondary unit or a responding supervisor, shall coordinate the efforts of responding units.
- C. If the pursuing units become involved in an accident, the accident should be investigated by the law enforcement agency having jurisdiction.

VI. Discontinuing the Pursuit

- A. An officer involved in a pursuit must continually question whether the seriousness of the violation reasonably warrants continuation of the pursuit.
- B. A pursuit shall be discontinued when there is clear danger to the public or to the pursuing officers. A clear danger exists when speeds dangerously exceed the normal flow of traffic; or, where pedestrian or vehicular traffic necessitates unsafe maneuvering of the vehicle. In addition, a pursuit shall be discontinued when:

1. The suspect's vehicle location is no longer known. (The officer has lost sight of the vehicle and cannot readily locate it.)
 2. The suspect can adequately be identified so as to facilitate apprehension at a later date without endangering the public.
 3. At the order of a supervisor.
 4. Again, all personnel should continually weigh speed, duration, and other pertinent circumstances against the initial violation precipitating the pursuit. When the pursuit is for nothing more than a traffic violation, officers will give strong consideration to discontinuing the pursuit at such time as the situation involves unusually high speeds or long distances.
- C. All officers involved in vehicular pursuits will be held accountable for the continuation of a pursuit when circumstances indicate it should have been discontinued. Since the primary unit officer is usually concentrating on the safe operation of the police vehicle, the secondary unit officer is particularly responsible for advising when he feels the pursuit is exceeding reasonable limits.

VII. Supervisor's Responsibilities at Termination

- A. The patrol supervisor shall respond immediately to the termination point of the pursuit.
- B. He shall be responsible for controlling police action at the scene and ensuring adherence to department policies. He shall retain this responsibility until the suspect is booked or released and all reports are completed.

VIII. Reporting of Pursuits

- A. Whether or not the violator is apprehended, the initiating officer will prepare a written report. The supervisor may require each officer involved to submit a supplemental report.
- B. All officers involved in vehicular pursuits shall be prepared to explain the necessity for the continuation or termination of a pursuit.
- C. A copy of the report will be forwarded to the Field Operations Division Commander via the chain of command. The report will be used to analyze the techniques and procedures used in the pursuit for training purposes.

IX. Ramming by a Police Vehicle

- A. It is the policy of the Modesto Police Department that an officer resort to ramming or other use of deadly force only when it appears to be necessary and generally:
 1. As a means of self-defense from death or serious injury;
 2. To defend the life of another officer; or
 3. To defend the life of a victim of a crime; or
 4. To prevent a crime in which human life is in serious jeopardy as a result of a suspect's actions; or
 5. To apprehend a fleeing suspect for a crime involving the use or threatened use of deadly force.

B. Reporting of Ramming

1. Intentional ramming is not classified as an accident. In addition to the appropriate reports, the officer involved will complete a memorandum and route it to the Chief of Police, via chain of command, and a copy to the Safety Committee.
2. The memorandum should include, but not be limited to, the following:
 - (a) Circumstances of the pursuit;
 - (b) The reason for using the police vehicle to ram;
 - (c) Injuries sustained by any person as a result of the ramming;
 - (e) Extent of damage to the police vehicle and/or suspect's vehicle or other property as a result of the ramming. Photographs should be included.
3. The officer initiating the ramming shall fill out a "Damage to City Property Form."
4. The Watch Commander is responsible for having the City of Modesto Risk Manager notified as soon as practical.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-541

A RESOLUTION SETTING TIME AND PLACE FOR HEARING CONCERNING THE ADOPTION OF THE CONFLICT OF INTEREST CODE OF THE ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that August 2, 1988, 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 adoption of the Conflict of Interest Code of the Economic Development Loan Pool Subcommittee of the Citizens Housing and Community Development Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-542

A RESOLUTION AUTHORIZING PAYMENT OF THE CITY OF MODESTO'S SHARE OF THE ADMINISTRATIVE EXPENSES FOR PARTICIPATION IN THE AUTHORITY FOR CALIFORNIA CITIES EXCESS LIABILITY FOR FISCAL YEAR 1988-89

WHEREAS the City of Modesto is a participant in the Authority for California Cities Excess Liability, and

WHEREAS, the City of Modesto's share of expenses for participation in the Joint Powers Authority risk-sharing pool for administration fees for fiscal year 1988-89 are \$10,450.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that payment of administration fees in the amount of \$10,450 to Authority for California Cities Excess Liability for fiscal year 1988-89 is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-543

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KEMPER INSURANCE COMPANY FOR RENEWAL OF BOILER AND MACHINERY INSURANCE FOR THE YEAR JULY 15, 1988 THROUGH JULY 15, 1989

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 renewal of Boiler and Machinery Insurance for the year July 15, 1988 through July 15, 1989 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July, 1988, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-544

A RESOLUTION AUTHORIZING PAYMENT OF AUTHORITY FOR CALIFORNIA CITIES EXCESS LIABILITY FOR PREMIUM DEPOSIT FOR PROGRAM YEAR JULY 1988 - JULY 1989

WHEREAS, the City of Modesto is a member of the Authority for California Cities Excess Liability which offers comprehensive, general, and automobile liability coverage, including bodily injury, property damage, errors and omission, and personal injury, and

WHEREAS, the City of Modesto's deposit for program year July 1988 - July 1989 for coverage limits for half-million, excess of a half-million self-insured retention, and nine million excess of \$1,000,000 self-insured retention per occurrence is \$510,602.00;

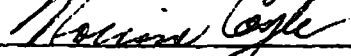
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that payment of premium deposit in the amount of \$410,602.00 to Authority for California Cities Excess Liability for program year July 1988 - July 1989 is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-545

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CENTRAL MUTUAL INSURANCE COMPANY FOR RENEWAL OF PROPERTY INSURANCE FOR THE YEAR JULY 15, 1988, TO JULY 15, 1989

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Central Mutual Insurance Company for renewal of property insurance for the year July 15, 1988, to July 15, 1989 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July, 1988, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-546

A RESOLUTION ESTABLISHING FLAT-RATE CHARGES FOR SEWER SERVICE TO SCHOOLS, AND SUPERSEDING RESOLUTION NO. 87-638.

WHEREAS, Section 5-6.02 of the Modesto Municipal Code provides that "the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged for furnishing sewer services to governmental agencies, including school districts, private schools...", and

WHEREAS, under this section, it will be the practice to establish, by resolution, a flat-rate for sewer service to schools, and

WHEREAS, a flat-rate sewer service charge to schools is fair and equitable to both the City and the schools in respect to providing sewer service,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that flat-rate sewer service charges for schools be established according to the following formula:

A. Domestic Use -- ADA x c.f./pupil/month x 12 months x $\frac{\$.46}{133.69}$ c.f.

Where:

K-6 Schools -- 10 cu. ft./pupil/month
K-8 Schools -- 13 cu. ft./pupil/month
7-8 Schools -- 24 cu. ft./pupil/month
High Schools -- 36 cu. ft./pupil/month
College -- 36 cu. ft./pupil/month

BE IT FURTHER RESOLVED by the Council that annual flat-rate sewer service charges are hereby established for the schools in accordance with the formula set forth above based on the number of pupils enrolled in each school:

Empire Union School District

Grade Range

Capistrano Elementary
Christine Sipherd Elementary

K-5
K-5

Modesto City School District

Harriet Kirschen Elementary
Beard Elementary
Beyer High
Davis High
Downey High
Enslin Elementary
Catherine Everett Elementary
Franklin Elementary
John C. Fremont Elementary
William H. Garrison Elementary and Joseph M. Kelly Center
Lakewood Elementary
La Loma Junior High
Alberta Martone Elementary
Modesto High
John Muir Elementary
Franklin Elementary
Robertson Road Elementary
Roosevelt Junior High
Rose Avenue School Elementary
Sonoma Elementary
Sutter Education Center
Mark Twain Junior High
Wilson Elementary

K-6
K-6
9-12
9-12
9-12
K-6
K-6
2-6
K-6
K-6
K-6
7-8
K-6
9-12
K-6
K-6
K-6
9-12
7-8
K-6

Salida Union School District

Mildred Perkins Elementary

K-5

Stanislaus Union School District

Chrysler Elementary
Eisenhut Elementary
Muncy Elementary
Prescott Junior High

K-6
K-6
K-6
7-8

Sylvan Union School District

Coleman F. Brown Elementary
Sherwood Elementary
Somerset Junior High
Standiford Elementary
Stockard Coffee Elementary
Sylvan Elementary
Woodrow Elementary

K-6
K-6
7-8
K-6
K-6
K-6
K-6

Yosemite Community College District

Grade Range

Modesto Junior College - East Campus

College

Central Catholic High

9-12

St. Stanislaus Elementary

K-8

Our Lady of Fatima Elementary

K-8

BE IT FURTHER RESOLVED that the flat-rate sewer service charges established hereby shall be due and payable to the City on November 1st of each year, commencing in 1988.

BE IT FURTHER RESOLVED that the determination of the number of pupils enrolled in each school shall be as of the 15th day of April of each year.

BE IT FURTHER RESOLVED that all other property owned or controlled by the schools and connected to the City sewer system shall be charged for the City sewer service on a regular flat-rate basis.

BE IT FURTHER RESOLVED that the City Council reserves the right to amend this resolution at any time.

BE IT FURTHER RESOLVED that Resolution No. 87-638 is hereby superseded.

BE IT FURTHER RESOLVED that this resolution shall become effective on November 1, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
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. 88-547

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GROTHE & SMITH ARCHITECTS FOR ARCHITECTURAL SERVICES, INCLUDING STRUCTURAL, MECHANICAL AND ELECTRICAL DESIGN OF THE EXPANSION OF THE CONTROL BUILDING AT THE CITY'S SEWER TREATMENT PLANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Grothe & Smith Architects for architectural services, including structural, mechanical and electrical design of the expansion of the control building at the City's sewer treatment plant

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-548

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES B. AND CHARLENE M. SMITH FOR WATER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 201 CRATER AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Charles B. and Charlene M. Smith for water service to property outside the City limits at 201 Crater Avenue, located on the north side of Crater Avenue between Cascade Avenue and Crystal 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 July, 1988, by Councilmember Muratore who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-549

A RESOLUTION APPROVING THE FINAL MAP OF THE NARAGHI LAKES
NO. 5 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, U. S. By-Products, Inc., a corporation; Sharon Naraghi Grcich; and Hashem Naraghi are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 5.912 acres, known as the Naraghi Lakes No. 5 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 18th day of May, 1987, 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 Naraghi Lakes No. 5 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton, 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. 88-550

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
ARE CONSULTANTS FOR THE DESIGN OF A COMPUTERIZED PAVEMENT MANAGEMENT SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and ARE Consultants
for the design of a computerized pavement management 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 19th day of
July, 19⁸⁸, by Councilmember Muratore,
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-551

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A PREAPPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR REQUEST FOR DETERMINATION OF APPLICANT ELIGIBILITY UNDER THE URBAN DEVELOPMENT ACTION GRANT PROGRAM

BE IT RESOLVED by the Council of the City of Modesto that the submission of a preapplication to the Department of Housing and Urban Development for Request for Determination of Applicant Eligibility be, and hereby is approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-552

A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION COMMISSION
"CITY ANNEXATION QUESTIONNAIRE" FOR HATCH ROAD NO. 3 REORGANIZATION

BE IT RESOLVED by the Council of the City of Modesto that
the attached Local Agency Formation Commission "City Annexation
Questionnaire" for Hatch Road No. 3 Reorganization
Annexation is hereby approved.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 19th
day of July, 1988, by Councilmember Muratore,
who moved its adoption, which motion being duly seconded by
Councilmember Sutton, was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

CITY REORGANIZATION QUESTIONNAIRE

1. Name of City Modesto
2. Name of Proposed Reorganization Hatch Road No. 3

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 LAFCU to impose?

No.

5. Other comments the City would like to make.

The attached memorandum from the Fire Marshal dated June 1, 1988, states the Fire Department has some concern over proposed annexations and developments of the area south of Hatch Road. This area will soon require an additional fire station, fire apparatus, and personnel to provide an adequate level of fire and life safety.

The development of a portion of this site will be subject to Capital Facility Fees which will help mitigate the cost of fire service. The applicant, Stanislaus County Housing Authority, plans to develop a low-income housing project on a portion of the site. Section 8-1.905(b) of the Modesto Municipal Code exempts Capital Facility Fees for certain low-income housing. The remaining portion of the site is not planned for low-income housing and would be subject to Capital Facility Fees.

CITY OF MODESTO

N E M O R A N D U M

DATE: June 1, 1988

TO: Director of Planning & Community Development
Engineering Department

FPOM: Fire Marshal

SUBJECT: Hatch Road No. 3 Reorganization (Stanislaus County Housing Authority)

The fire department has reviewed the proposed reorganization of 12.16 acres of potential annexation to the City of Modesto.

The fire department does have some great concern over the increasing annexation and build-up of property located south of Hatch Road. This area will soon require the services of an additional fire station including more fire apparatus and personnel to provide for an adequate level of fire and life safety.



Thurman Norton,
Fire Marshal

TN/gd

cc: Fire Chief
Administrative Chief
Operations Chief



R.B. WELTY & ASSOCIATES, INC.

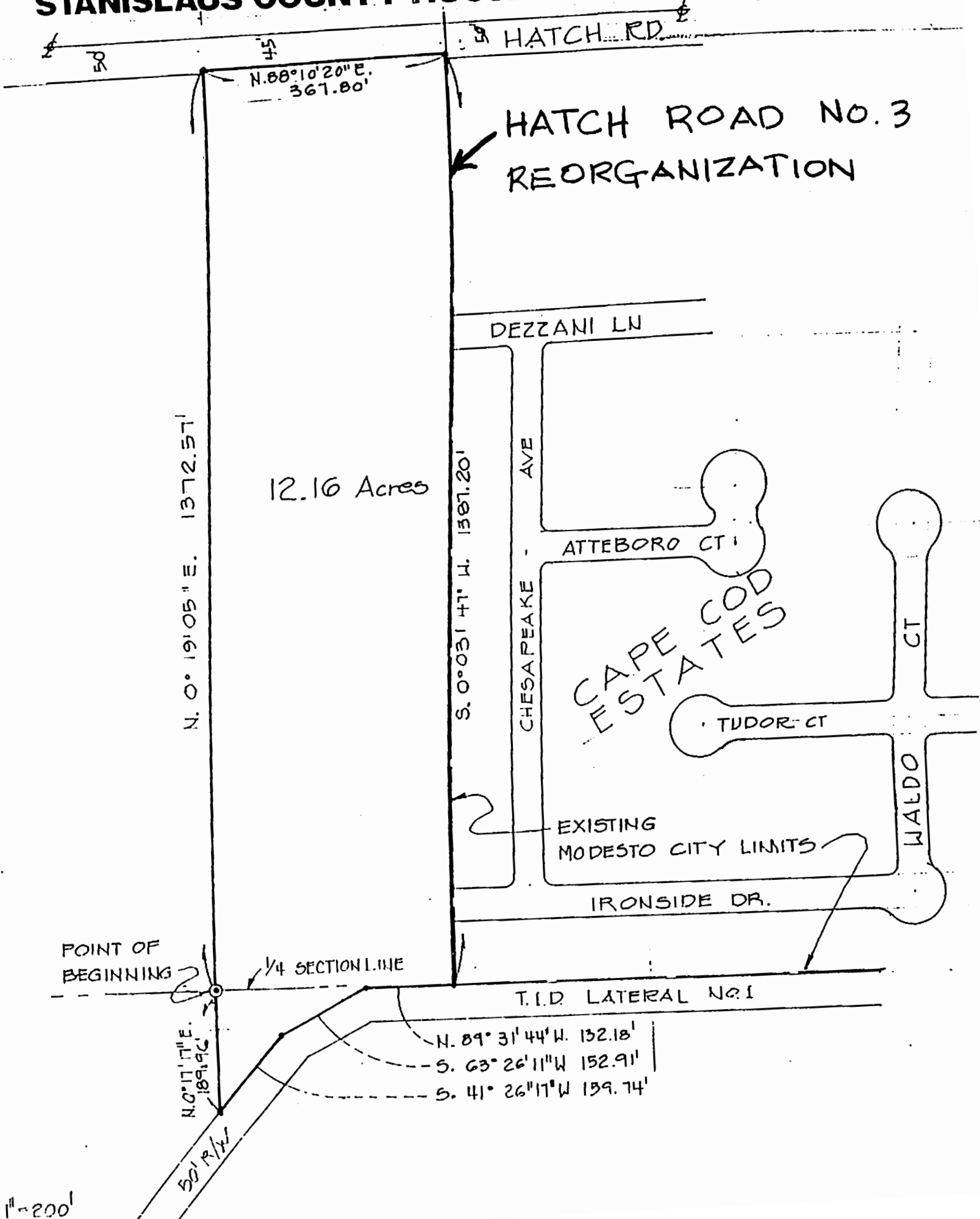
CIVIL/STRUCTURAL ENGINEERS
TELEPHONE (209) 526-1515

521 13TH STREET
P. O. BOX 1724

MODESTO, CALIFORNIA 95354
MODESTO, CALIFORNIA 95353-1724

BY MTC DATE 9-19-88 NAME STANISLAUS COUNTY HOUSING AUTH. CHK. JOB NO. 57157 SHEET 1 OF 2

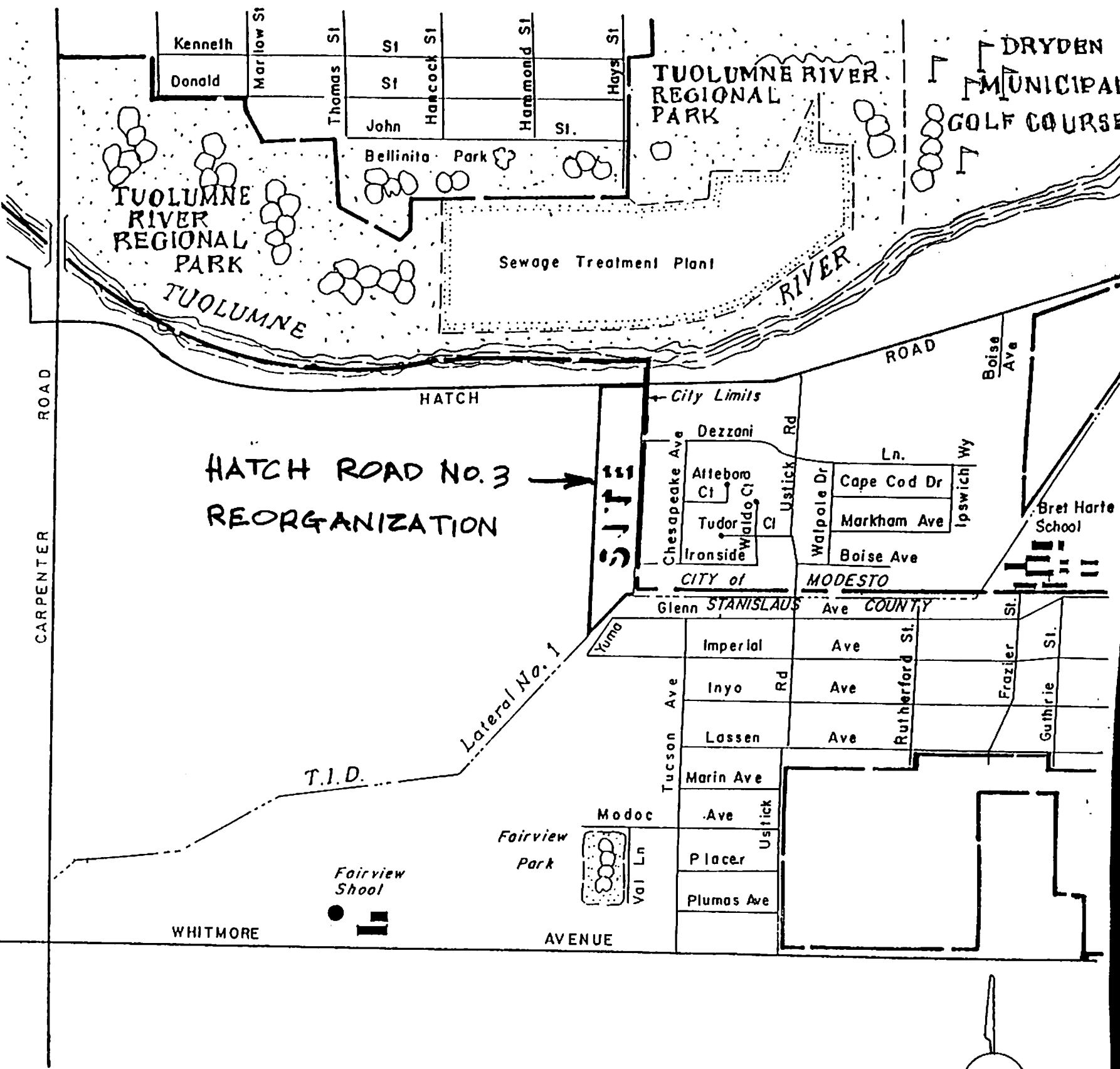
ANNEXATION TO CITY OF MODESTO HATCH ROAD PROPERTY STANISLAUS COUNTY HOUSING AUTHORITY



SCALE 1" = 200'

BY MTC DATE 9-19-88 NAME STANISLAUS COUNTY HOUSING AUTH. JOB NO. 57157 SHEET 2 OF 2

VICINITY MAP



HATCH ROAD NO. 3
REORGANIZATION

111
SITE

ANNEXATION TO CITY OF MODESTO
HATCH RD. PROPERTY
STANISLAUS COUNTY
HOUSING AUTHORITY



MODESTO CITY COUNCIL
RESOLUTION NO. 88-553

A RESOLUTION OF APPRECIATION FOR THE EFFORTS OF
POST-NEWSWEEK CABLE IN BRINGING NATIONAL PROMINENCE TO THE
CITY OF MODESTO THROUGH THE PRODUCTION OF AN AWARD WINNING
VIDEO.

WHEREAS, Post-Newsweek Cable took the initiative to produce a
five-minute video on the City of Modesto, and

WHEREAS, said video was selected as the best entry out of more than
seventy in national competition sponsored by the Arts and Entertainment
Network, National League of Cities, Partners for Liveable Places, and the
National Cable Television Association on July 12, 1988.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that appreciation is hereby expressed to Post-Newsweek Cable and its entire
production staff for their work in preparing this video and for bringing
national prominence 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 26 day of July, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-554

A RESOLUTION TRANSMITTING COPY OF PROPOSED SEWER TRUNK ADVISORY MEASURE TO THE CITY ATTORNEY FOR PREPARATION OF IMPARTIAL ANALYSES

WHEREAS, Section 5011 of the Elections Code provides that whenever any Charter Amendment or measure qualifies for a place on the ballot, the governing body may direct the City Clerk to transmit a copy of the amendment or measure to the City Attorney for preparation of an impartial analysis; and

WHEREAS, a copy of the proposed advisory measure concerning the proposed sewer trunk advisory measure, proposed for the November 8, 1988, election, marked Exhibit "A," is attached and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed to transmit a copy of said advisory measure to the City Attorney for preparation of an impartial analyses explaining the effect of the measure.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the impartial analyses.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MEASURE B

City of Modesto Sewer Trunk Extension Advisory Measure

Shall the City Council approve an extension of the sanitary trunk sewer line in Yosemite Boulevard to a fixed point some 2100 feet east of the intersection of Yosemite Boulevard and Claus Road and then north 4400 feet on Frazine Road solely for the purposes of providing service to two (2) elementary schools to be completed on or about September 1992, and September 1994, and two (2) neighborhood parks, and from the intersection of Yosemite Boulevard and Claus Road to a fixed point some 3250 feet north on Claus Road solely for purposes of providing service to a public high school to be completed on or about September 1991, and a community park to be located east of Claus Road. This sanitary trunk sewer line is planned to be of sufficient size to provide capacity for future extension(s) of said trunk sewer line, subject to advisory vote(s) of the electorate to serve the Empire West Neighborhood between the Yosemite Neighborhood and the Santa Fe Railroad tracks and not within the Empire Sanitary District boundaries.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-555

A RESOLUTION DENYING THE APPEAL OF JOAQUIN CONSTRUCTION TO A DECISION OF THE PLANNING COMMISSION REQUIRING THE CONSTRUCTION OF A MEDIAN BARRIER IN LINCOLN AVENUE AS A CONDITION OF APPROVAL OF A VESTING TENTATIVE PARCEL MAP, PROPERTY LOCATED AT THE NORTHEAST CORNER OF YOSEMITE BOULEVARD AND LINCOLN AVENUE, AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, the vesting tentative parcel map of the property at the northeast corner of Yosemite Boulevard and Lincoln Avenue was filed in the office of the Secretary of the Planning Commission on April 18, 1988, 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 Engineering Services 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 June 20, 1988, 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 vesting tentative parcel map of property located at the northeast corner of Yosemite Boulevard and Lincoln Avenue, filed in the office of the Secretary of the Planning Commission on April 18, 1988, should be

granted for the reasons set forth in Planning Commission Resolution No. 88-67, and quoted below:

1. That the proposed parcel map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.
2. That the discharge of waste as a result of the proposed parcel map into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
3. That the construction of improvements along the Yosemite Boulevard and Lincoln Avenue frontages of the property is necessary by not later than June 20, 1990, 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. 88-67 adopted on June 20, 1988, the Planning Commission granted the vesting tentative parcel map of the property located at the northeast corner of Yosemite Boulevard and Lincoln Avenue, subject to the following conditions:

1. That the Yosemite Boulevard frontage of Parcel A shall be developed to major street standards including the dedication of right-of-way to provide a 79 foot width north of the centerline and the construction of street improvements in accordance with City of Modesto Standard Specifications.
2. That the Yosemite Boulevard frontage of Parcels B, C, and D shall be developed to major street standards including the dedication of right-of-way to provide a 84 foot width north of the centerline and the construction of street improvements in accordance with City of Modesto Standard Specifications.

3. That the Lincoln Avenue frontage of Parcel A shall be improved to major street standards in accordance with City of Modesto Standard Specifications including medians.
4. That there shall be no direct access to Yosemite Boulevard from Parcels A and B within 300 feet of intersection.
5. That a minimum 20-foot wide easement for pedestrian and vehicular access and for construction and maintenance between Parcels A, B, and Parcel C shall be created across Parcels B and C substantially as shown on the tentative parcel map. A note shall be placed on the parcel map specifying that said easement is appurtenant to Parcel A and will be conveyed to the future owner of Parcel A and that Parcels B and C may not be conveyed without said easement. An access easement agreement shall be approved by the City Attorney's office.
6. That improvement plans for required improvements shall be prepared by a registered civil engineer and submitted for approval by the Engineering Services Director. All improvements shall be constructed in accordance with the approved plans.
7. That street improvements shall be completed as required by the Municipal Code in conjunction with property development or by not later than June 20, 1990, whichever occurs first.
8. That a certificate giving notice that street improvements are required along the Yosemite Boulevard and Lincoln Avenue frontages of the property shall be placed on the parcel map.
9. That a five-foot wide sidewalk easement shall be dedicated along the Yosemite Boulevard frontage of Parcel A.
10. That the existing ten-foot wide public utility easement along the Yosemite Boulevard and Lincoln Avenue frontages of Parcel A shall remain.
11. That 10-foot wide public utility easements shall be dedicated along the Yosemite Boulevard frontage of Parcels B, C, and D.
12. All parcels shall be served with separate water and sewer service.
13. That on-site drainage shall be stored and disposed of on-site.
14. 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.

15. That the property owner 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 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 proceedings and shall cooperate fully in the defense.

and

WHEREAS, by letter dated June 28, 1988, an appeal to the decision of the Planning Commission concerning the requirement to construct a median barrier on Lincoln Avenue as a condition of the parcel map recording, property located at the northeast corner of Yosemite Boulevard and Lincoln Avenue, was filed by Joaquin Construction, 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 July 26, 1988, 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 concerning the requirement to construct a median barrier on Lincoln Avenue as a condition of the parcel map recording, property located at the northeast corner of Yosemite Boulevard and Lincoln Avenue, should be denied,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the appeal of Joaquin Construction to the decision of the Planning Commission concerning the requirement to construct a median barrier on Lincoln Avenue as a condition of the parcel map recording, property located at the northeast corner of Yosemite Boulevard and Lincoln Avenue, is hereby denied for the reasons set forth below and for the reasons set forth in the Planning Commission Resolution No. 88-67 and quoted above, and the decision of the Planning Commission is hereby affirmed:

1. The curbed median will enhance the traffic handling capacity of Lincoln Avenue at its intersection with Yosemite Boulevard.
2. Parcel "A" will have access to Lincoln Avenue for right turns into and out of the property and to Yosemite Boulevard via an accessway over Parcel "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore,
Mayor Whiteside

NOES: Councilmembers: Patterson, Sutton

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. 88-555A

A RESOLUTION MODIFYING CONDITION NO. 8 OF BOARD OF ZONING ADJUSTMENT RESOLUTION NO. 1359 ENTITLED "A RESOLUTION GRANTING A CONDITIONAL USE PERMIT IN THE C-3 ZONE TO ARCO PETROLEUM PRODUCTS COMPANY FOR AN ARCO AM/PM CONVENIENCE MARKET AT THE NORTHEAST CORNER OF LINCOLN AVENUE AND YOSEMITE BOULEVARD" TO REQUIRE INSTALLATION OF A MEDIAN PRIOR TO OCCUPANCY.

WHEREAS, an application for a conditional use permit in the C-3 Zone for an Arco AM/PM convenience market with gas pump island at the northeast corner of Lincoln Avenue and Yosemite Boulevard, was filed by Arco Petroleum Products Company on May 2, 1988, 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 June 23, 1988, in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, by Resolution No. 1359 adopted on June 23, 1988, the Board of Zoning Adjustment found and determined that granting a conditional use permit as requested was required by public necessity, convenience, and general welfare for reasons quoted in said Resolution No. 1359, and granted a conditional use permit for an Arco AM/PM convenience market with a gas pump island at the northeast corner of Lincoln Avenue and Yosemite Boulevard subject to the conditions set forth in said Resolution No. 1359, and

WHEREAS, at its regular meeting place located in the Council Chambers in City Hall, 801 11th Street, Modesto, California, at 7:30 p.m., on July 26, 1988, the Council of the City of Modesto, after hearing evidence both oral and documentary, found and determined that an appeal to an earlier decision of the Planning Commission concerning the requirement to construct a median barrier on Lincoln Avenue as a condition of a parcel map recording, property located at the northeast corner of Yosemite Boulevard and Lincoln Avenue, should be denied, and

WHEREAS, by Modesto City Council Resolution No. 88-555 adopted on July 26, 1988, the Council of the City of Modesto denied the appeal of Joaquin Construction to the decision of the Planning Commission concerning the requirement to construct a median barrier on Lincoln Avenue as a condition of the parcel map recording, property located at the northeast corner of Yosemite Boulevard and Lincoln Avenue, for the reasons set forth in said Resolution No. 88-555 and set forth below, and the decision of the Planning Commission was affirmed, and

WHEREAS, concurrently, the Council further found and determined that condition No. 8 of Board of Zoning Adjustment Resolution No. 1359 adopted on June 23, 1988, should be modified to require installation of a median, but prior to occupancy of the property, for the following reasons:

1. The curbed median will enhance the traffic handling capacity of Lincoln Avenue at its intersection with Yosemite Boulevard.
2. Parcel "A" will have access to Lincoln Avenue for right turns into and out of the property and to Yosemite Boulevard via an accessway over Parcel "B".

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that condition No. 8 of Board of Zoning Adjustment Resolution No 1359, adopted on June 23, 1988, is hereby modified to require installation of a median prior to occupancy and the conditions set forth in said Resolution No. 1359 shall read as follows:

1. All development shall conform to the plot plan and floor plans titled "Preliminary Estimating Plan" as amended in red, stamped approved by the Board of Zoning Adjustment on June 23, 1988.
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 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:

Eight (8) foot decorative masonry wall along the entire north property line within 15 feet of Lincoln Avenue right-of-way line.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. The developer shall dedicate street right-of-way required by the Engineering Services Director to complete Yosemite Boulevard and Lincoln Avenue to major 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.
6. The Yosemite Boulevard and Lincoln Avenue frontages shall be improved to major street standards prior to the occupancy of any structures or when 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, improvements plans for required improvements shall be prepared by a registered civil engineer and approved by the Engineering Services Director. Improvement shall be constructed in accordance with the approved plans.
8. Prior to occupancy of the property the developer shall construct a traffic median in the Lincoln Avenue right-of-way with a design approved by the City Traffic Engineer and the City Engineer.

9. Prior to occupancy, the developer shall construct full sidewalk on the Lincoln Avenue and Yosemite Boulevard frontages as required by the Engineering Services Director.
10. All curbcuts serving two-way driveways shall be 41 feet in width.
11. The existing public utility easements adjacent to existing right-of-way lines shall remain.
12. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering Services Director.
13. 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. The trash enclosure shall not be allowed in the ten-foot screen planter along the north property line.
14. Prior to issuance of a building permit, the developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the east, substantially as shown in red on the plot plan. There shall be no direct access from the subject property to Yosemite Boulevard.
15. 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.
16. The premises shall be served by separate sewer and water service as approved by the Engineering Services Director.
17. 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 Engineering Services Director.
18. There shall be no outside storage of any type of material.
19. All signs shall comply with the sign requirements of the C-3 Zone.
20. Prior to the issuance of a building permit for any structure, a final parcel map shall be recorded.
21. 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.

BE IT FURTHER RESOLVED that all other provisions of Board of Zoning Resolution No. 1359 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 26th day of July, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore,
Mayor Whiteside

NOES: Councilmembers: Patterson, Sutton

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. 88-556

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE MCHENRY MANSION LANDSCAPING, PHASE I

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

SECTION 1. The plans and specifications for the McHenry Mansion
landscaping, Phase I

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on August 16, 1988, at 11:05 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 26th day of July, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-557

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR WELL NO. 13 SAND TRAP INSTALLATION

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

SECTION 1. The plans and specifications for Well No. 13 sand trap
installation

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on August 16, 1988, at 11:00 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 26th day of July, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-558

A RESOLUTION ACCEPTING THE BID OF GRAHAM CONTRACTORS, INC. FOR THE CAPE SEAL OF VARIOUS STREETS, 1988

WHEREAS, Resolution No.88-504, adopted by the Council of the City of Modesto on July 5, 1988, approved the plans and specifications for the cape seal of various City streets, 1988 and authorized the calling for bids; and

WHEREAS, the bids received for the cape seal of various streets, 1988 were opened at 11:05 a.m. on July 19, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Graham Contractors, Inc. in the amount of \$45,754.80 be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Graham Contractors, Inc. in the amount of \$45,754.80 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 July, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-559

A RESOLUTION APPROVING RIGHT-OF-ENTRY BETWEEN THE CITY OF MODESTO AND LEONARD W. AND BARBARA MILLER AND JEAN TARABEK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right-of-entry between the City of Modesto and Leonard W. and Barbara Miller and Jean Tarabek needed for the Scenic/Sunnyside to Rose 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 26th day of July, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-560

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO HIGH SCHOOL DISTRICT OF STANISLAUS COUNTY FOR THE LEASE OF PORTIONS OF
THE FORMER DOIDGE AND ANDERSON PROPERTIES IN DRY CREEK PARK**

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Modesto High
School District of Stanislaus County for the lease of portions of the former
Doidge and Anderson properties in Dry Creek Park

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 26th day of
July, 1988, by Councilmember Lang
who moved its adoption, which motion being duly seconded by Council-
member Whiteside, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-561

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
UNITED WAY OF STANISLAUS AREA FOR LEASE OF OFFICE SPACE AT THE MODESTO COMMUNITY
SERVICE CENTER**

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and United Way of
Stanislaus Area for lease of office space at the Modesto Community Service Center

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 26th day of
July, 1988, by Councilmember Lang
who moved its adoption, which motion being duly seconded by Council-
member Patterson, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-562

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SAN FRANCISCO LAW FIRM OF HANSON, BRIDGETT, MARCUS, VLAHOS & RUDY TO ASSIST IN MATTERS RELATED TO UMTA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the San Francisco law firm of Hanson, Bridgett, Marcus, Vlahos & Rudy to assist in matters related to UMTA

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July, 1988, 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: Irizarry, Lang, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: McGrath, Patterson

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-563

A RESOLUTION APPROVING THE FINAL MAP OF THE PARK VALLEY
HOMES UNIT 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, N. T. Hill, Inc. dba R. J. Hill Company is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 9.235 acres, known as the Park Valley Homes Unit 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 15th day of June, 1987, 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 Park Valley Homes Unit 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 26 day of July, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-564

A RESOLUTION ACCEPTING IMPROVEMENTS IN QUAIL MEADOWS SUBDIVISION AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Franco Construction, subdividers of Quail Meadows Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$173,200.00 and \$86,600.00 respectively to guarantee improvements in Quail Meadows Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated July 19, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the 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 Quail Meadows Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$173,200.00 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 \$86,600.00 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 26th day of July, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-565

A RESOLUTION ACCEPTING IMPROVEMENTS IN BRIGGS ESTATES SUBDIVISION AND
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, P & R Enterprises, subdividers of
Briggs Estates Subdivision have filed Irrevocable Commitment of Funds
for faithful performance and labor and materials in the amount of \$ 182,900.00
and \$91,450.00 respectively to guarantee improvements in Briggs Estates
Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated July 19, 1988,
indicates that all work required by the subdivision agreement has been completed
to the satisfaction of the Engineering Department; and

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

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

1. The improvements in Briggs Estates 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 \$ 182,900.00 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 \$ 91,450.00 upon expiration of the
statutory period.

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 26th day of July, 1988, by Council-
member 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-566

A RESOLUTION ACCEPTING IMPROVEMENTS IN ORCHARD PARK SUBDIVISION AND
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Saratoga Savings and Loan Association, subdividers of Orchard Park Subdivision have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$228,000.00 and \$114,000.00 respectively to guarantee improvements in Orchard Park Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated July 19, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

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

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

1. The improvements in Orchard Park 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 \$228,000.00 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 \$114,000.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-567

A RESOLUTION ACCEPTING IMPROVEMENTS IN ORANGEVIEW MANOR SUBDIVISION AND
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Rule Enterprises, subdividers of Orangeview Manor Subdivision, have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$224,600.00 and \$112,300.00 respectively to guarantee improvements in Orangeview Manor Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated July 19, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and


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

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

1. The improvements in Orangeview Manor 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 \$ 224,600.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for labor and materials in the amount of \$ 112,300.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-568

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO IRRIGATION DISTRICT FOR CONSENT TO COMMON USE ON CARVER ROAD OVER MID
LATERAL NO. 6

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Modesto Irrigation
District to allow the City to remove the existing bridge facility on Carver Road
over MID Lateral No. 6 and replace it with a new and wider crossing facility
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
July, 1988, by Councilmember Lang
who moved its adoption, which motion being duly seconded by Council-
member Patterson, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-569

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ALVIN J. AND LOIS H. LUCAS FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1629 WOODLAND AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Alvin J. and Lois H. Lucas for water service to property outside City limits at 1629 Woodland Avenue, located on the north side of Woodland Avenue between Watts Avenue and Carpenter Road
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-570

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, UTILITIES AGREEMENT NO. 10Ut1950 PROVIDING FOR THE ADJUSTMENT OF SANITARY SEWER MANHOLE COVERS AND LAMPHOLE COVERS ON ROUTE 132, YOSEMITE BOULEVARD, BETWEEN MORTON BOULEVARD AND RIVERSIDE DRIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California Department of Transportation, Utilities agreement No. 10Ut1950 providing for the adjustment of sanitary sewer manhole covers and lamphole covers on Route 132, Yosemite Boulevard, between Morton Boulevard and Riverside 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 26th day of July, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-571

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, UTILITIES AGREEMENT NO. 10Ut1949, PROVIDING FOR THE ADJUSTMENT OF WATER VALVE COVERS AND SANITARY SEWER MANHOLE COVERS ON ROUTE 132 BETWEEN CARPENTER ROAD AND 9TH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California Department of Transportation, Utilities Agreement No. 10Ut1949, providing for the adjustment of water valve covers and sanitary sewer manhole covers on Route 132 between Carpenter Road and 9th 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 26th day of July, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-572

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN CAROLLO ENGINEERS FOR PROFESSIONAL SERVICES ON THE PHASE III IRRIGATION STUDY AT THE REMOTE POND SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and John Carollo Engineers for professional services on the Phase III irrigation study at the remote pond site

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-573**

A RESOLUTION APPROVING APPROPRIATION TRANSFER IN THE AMOUNT OF \$85,000 TO FUND PHASE III OF THE IRRIGATION STUDY AT THE SECONDARY TREATMENT PLANT SITE

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

FROM:	Replace Aerators (621-480-P543-6000)	\$59,476
	Indust.Capacity Expansion (626-480-P765-6000)	25,524
TO:	Phase III Irrigation Study (621-480-P253-6000)	85,000

Funds are needed to fund the Phase III Irrigation Study at the Secondary Treatment Plant site.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-574

A RESOLUTION AMENDING THE 1988-89 ANNUAL BUDGET OF THE
CITY OF MODESTO TO REVISE THE CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, it has been determined that it is necessary to add a new project to the 1988-89 Capital Improvement Program in order to achieve the goals established by the Director of Utility Services regarding the Phase III Irrigation Study, and

WHEREAS, funding for the new project has been established by transfer of funds approved by Resolution Number 88-573,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Phase III Irrigation Study Project, number 621-480-P253-6000, be added to the 1988-89 Capital Improvement Program.

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

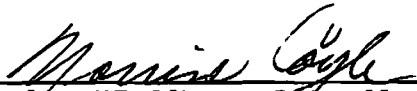
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded

by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-575

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE CALIFORNIA ENERGY COMMISSION FOR A TECHNICAL ASSISTANCE GRANT TO PERFORM AN ENERGY AUDIT AT THE WASTEWATER TREATMENT PLANT

WHEREAS, the Energy Partnership Technical Assistance Program, funded by the California Energy Commission, is designed to provide cities, counties and regional planning agencies with technical assistance and on-site consultation concerning potential energy-saving projects; and

WHEREAS, the proposed program application for fiscal year 1988-89, will focus on identifying energy saving measures that will reduce energy costs at the Wastewater Treatment Plant's primary and secondary sites.

NOW, THEREFORE, BE IT RESOLVED that the City Manager of the City of Modesto is authorized, on its behalf, to apply to the California Energy Commission for a Technical Assistance Grant and is authorized to execute on behalf of the Utility Services Department the grant to perform an energy audit at the Wastewater Treatment Plant.

BE IT FURTHER RESOLVED that the applicant agrees to provide 25% matching funds required under the rules of the Energy Partnership Technical Assistance Program, funded by the California Energy Commission and will appropriate funds as specified.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-576

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
PROVIDING FOR ISSUANCE OF BONDS FOR THE PURPOSE OF
PROVIDING FINANCING FOR MULTIFAMILY RENTAL HOUSING
FACILITIES TO BE OWNED BY HASHEM NARAGHI.

WHEREAS, the City of Modesto (the "City") is authorized by Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code, as amended (the "Act") to issue and sell its bonds for the purpose of providing financing for the acquisition, construction and improvement of multifamily rental housing developments for occupancy in part by low income persons within the meaning of the Act, and

WHEREAS, Hashem Naraghi (the "Developer"), has requested that the City issue its bonds for the purpose of providing financing for the acquisition, construction and improvement of a multifamily rental housing development consisting of approximately 196 units (the "Project"), to be located at the southeastern corner of the intersection of Manor Oak Drive and Oakdale Road in the City, to be owned by the Developer, and the City wishes to induce the Developer to acquire, construct, improve and locate said Project at said location, and

WHEREAS, it is in the public interest, for public benefit and in furtherance of the public purposes of the City that the City authorize bonds for the Project, and

WHEREAS, the issuance of bonds by the City in certain cases is subject to volume restrictions imposed by the Tax Reform Act of 1986, and such restrictions are administered in the State of California pursuant to a

Proclamation of the Governor of the State of California dated September 30, 1986 (the "Proclamation"), and

WHEREAS, pursuant to procedures established under the Proclamation, the City is required under certain circumstances to make an application to the California Mortgage Bond Allocation Committee for an allocation of the Private Activity Bond Limit (as such term is defined in the Proclamation) to enable the City to issue bonds in 1988 for the financing of the Project within the restrictions of the Tax Reform Act of 1986,

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

1. The City of Modesto hereby authorizes the issuance and sale of bonds of the City pursuant to the Act in a principal amount of not to exceed Six Million Dollars (\$6,000,000) for the purpose of providing financing to the Developer for the Project to be located in the City of Modesto at the southeastern corner of the intersection of Manor Oak Drive and Oakdale Road.

2. The issuance and the sale of said bonds shall be upon such terms and conditions as may be mutually agreed upon by the City, the Developer and the purchaser of said bonds and shall be subject to completion of proceedings of issuance, sale and delivery by the City.

3. The proceeds of the bonds referred to in paragraph 1 shall include such related and necessary issuance expenses, administrative costs, debt service reserves and interest payments as may be required to accomplish successfully the financing.

4. The City hereby finds that the issuance of the bonds as more particularly described herein is a substantial inducement to the Developer to

acquire, construct and improve the Project and said Project will further the public purposes of the City.

5. The appropriate officers of the City are hereby authorized, subject to the requirements established under or pursuant to the Proclamation and the Act, on behalf of the City to make an application to the Mortgage Bond Allocation Committee for an allocation of the Private Activity Bond Limit to enable the City to issue bonds in 1988 for the financing of the Project within the restrictions of the Tax Reform Act of 1986.

6. This Resolution shall be effective from and after its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, 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. 88-577

A RESOLUTION APPOINTING MEMBER OF THE PLANNING COMMISSION (JAN SMITH)

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:

Jan Smith
617 W. Granger #101
Modesto, Ca. 95350
Term to expire 1/1/89

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 26th day of July, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-578

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)

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Summerview Associates on May 11, 1988, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a restaurant and a condominium multiple-family residential complex, property located at the southeast corner of Standiford Avenue and Carver Road, described as follows:

R-1 to P-D(450)

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

Beginning at the Southwest corner of Lot 6, of Block 13216 as shown on the official map of Tully Manor No. 6, recorded in Volume 23 of Maps at Page 55, Stanislaus County Records; thence North 89°08' West, 519.00 feet to the centerline of Carver Road; thence North 0°52' West, along said centerline of Carver Road a distance of 542.00 feet to the centerline of Standiford Avenue and the East-West quarter section line of said Section 7; thence South 89°08' East, along said centerline of Standiford Avenue a distance of 519.00 feet; thence South 0°52' East, 542.00 feet to the point of beginning.

Containing 6.46 acres (gross)

WHEREAS, a public hearing was held by the Planning Commission on June 6, 1988, 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

AMENDED

on _____
By Resolution 1991-42

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning the property as requested was not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 88-63, and

WHEREAS, an appeal of the Planning Commission's denial of the request to rezone the property was filed with the Office of the City Clerk by Mid-Valley Engineering on behalf of Summerview Associates by letter dated June 7, 1988, 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 July 5, 1988, at 4:00 p.m., and continued to July 12, 1988 at 7:30 p.m., at which time the Council by motion indicated its intent to grant the appeal and the Council reconsidered the matter on July 26, 1988, and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(450), should be granted for the following reasons:

1. The proposed restaurant at the southeast corner of Standiford Avenue and Carver Road combined with the proposed amendment of P-D(351) for an office complex at the southwest corner of Standiford Avenue and Carver Road are less intense than the previously approved neighborhood commercial shopping center (P-D 351) at the southwest corner of Standiford and Carver.
2. Design details have been provided to make the proposed multiple-family condominium units compatible with the adjacent single-family homes.

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 Summerview Associates to reclassify the property described above from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(450), is hereby granted and the decision of the Planning Commission is overruled for the reasons set forth above.

SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(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.
 - 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):

Phase I - Condominiums - Begin on or before December 31, 1989, complete on or before December 31, 1990.

Phase II - Restaurant - Begin on or before December 31, 1990, complete on or before December 31, 1991.

SECTION 4. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 5. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 6. EFFECTIVE DATE. The development plan and development schedule for Planned Development Zone, P-D(450), set forth in Sections 1 and 2 above, shall not become effective unless and until Ordinance No. 2599-C.S., introduced on the 2 day of August, 1988, reclassifying the property to Planned Development Zone, P-D(450), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2 day of August , 1988, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, Muratore, Patterson, Sutton,

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: McGrath, Mayor Whiteside

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 Michael*
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-579

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(450). (SUMMERVIEW ASSOCIATES)

WHEREAS, on August 2,, 1988, the City Council introduced Ordinance No. 2599-C.S. giving approval to a project relating to an amendment to Section Map 7-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(450), property located on 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 Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 7-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(450), property located on 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 2 day of August, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, Muratore, Patterson, Sutton,

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: McGrath, Mayor Whiteside

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. 88-580

A RESOLUTION GRANTING THE APPEAL OF MID-VALLEY ENGINEERING, INC. ON BEHALF OF SUMMERVIEW ASSOCIATES TO THE DECISION OF THE PLANNING COMMISSION DENYING A VESTING TENTATIVE PARCEL MAP OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF STANDIFORD AVENUE AND CARVER ROAD, AND APPROVING SAID VESTING TENTATIVE PARCEL MAP.

WHEREAS, the vesting tentative parcel map of property located at the southeast corner of Standiford Avenue and Carver Road was filed in the office of the Secretary of the Planning Commission on March 28, 1988, 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 Engineering Services 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 June 6, 1988, 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, the Planning Commission, at its meeting on June 6, 1988, considered said vesting tentative parcel map, and by its Resolution No. 88-64, denied approval of said vesting tentative parcel map of property located at the southeast corner of Standiford Avenue and Carver Road for the reason set forth in Planning Commission Resolution No. 88-64, and

WHEREAS, an appeal to the Planning Commission's decision denying said tentative parcel map of property located at the southeast corner of

Standiford Avenue and Carver Road was filed by Mid-Valley Engineering, Inc. on behalf of Summerview Associates with the office of the City Clerk of the City of Modesto by letter dated June 7, 1988, and

WHEREAS, said appeal was set for public hearing before the City Council on July 5, 1988, and continued to July 12, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time the Council by motion indicated its intent to grant the appeal and the Council reconsidered the matter on July 26, 1988, and

WHEREAS, at said meeting, after hearing evidence, both oral and documentary, the Council found and determined that the appeal of Mid-Valley Engineering, Inc. on behalf of Summerview Associates to the decision of the Planning Commission denying the vesting tentative parcel map of property located at the southeast corner of Standiford Avenue and Carver Road, should be granted, and the decision of the Planning Commission should be overruled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Mid-Valley Engineering, Inc. on behalf of Summerview Associates to the decision of the Planning Commission denying the vesting tentative parcel map of property located at the southeast corner of Standiford Avenue and Carver Road be approved, and the decision of the Planning Commission denying approval of said vesting tentative parcel map be overruled.

BE IT FURTHER RESOLVED by the Council that it hereby finds and determines as follows:

1. That the proposed parcel map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.

2. That the discharge of waste as a result of the proposed parcel map into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
3. That the construction of street improvements along the Standiford Avenue and Carver Road frontages of the property is necessary by not later than July 26, 1990, 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.

BE IT FURTHER RESOLVED by the Council that the vesting tentative parcel map of property located at the southeast corner of Standiford Avenue and Carver Road, accepted for filing in the Office of the Secretary of the Planning Commission on March 28, 1988, be and it is hereby approved as submitted, subject to the following conditions:

1. That the Standiford Avenue frontage of Parcels A and B shall be developed to major street standards including the dedication of right-of-way to provide a 50.00 foot width south of the centerline and the construction of street improvements in accordance with City of Modesto Standard Specifications.
2. That the Carver Road frontage of Parcels A and B shall be developed to collector street standards including the dedication of right-of-way to provide a 30.00 foot width east of the centerline and the construction of street improvements in accordance with City of Modesto Standard Specifications.
3. That improvement plans for required improvements shall be prepared by a registered civil engineer and submitted for approval by the Engineering Services Director. All improvements shall be constructed in accordance with the approved plans.
4. That street improvements shall be completed as required by the Municipal Code in conjunction with property development or by not later than July 26, 1990, whichever occurs first.

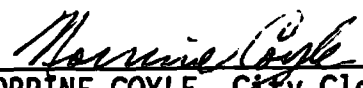
5. That a certificate giving notice that street improvements are required along the Standiford Avenue and Carver Road frontages of the property shall be placed on the parcel map.
6. That payment shall be made to the City for the planting of street trees along the Standiford Avenue and Carver Road frontages 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 shall be as determined by the Engineering Services Director.
7. That 10-foot wide public utility easements shall be dedicated along the Standiford Avenue and Carver Road frontages of the property.
8. That existing irrigation pipelines shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering Services Director.
9. That on-site drainage shall be stored and disposed of on-site. All new off-site rockwells shall be subject to Rockwell Maintenance Fees.
10. That the property owner 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 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 proceedings and shall cooperate fully in the defense.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2 day of August , 1988, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, Muratore, Patterson, Sutton,

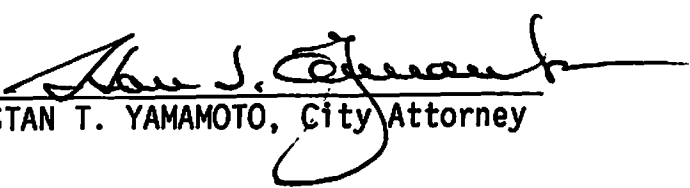
NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: McGrath, Mayor Whiteside

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-581**

A RESOLUTION GRANTING THE APPEAL OF MID-VALLEY ENGINEERING ON BEHALF OF SUMMERVIEW ASSOCIATES TO THE DECISION OF THE PLANNING COMMISSION AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR THE COMMONS SUBDIVISION. (SUMMERVIEW ASSOCIATES)

WHEREAS, the vesting tentative map of The Commons Subdivision was filed in the office of the Secretary of the Planning Commission on May 11, 1988, 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 the Stanislaus Elementary School and Modesto High School Districts, and Modesto Irrigation District, 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 area can be served by elementary schools in the Stanislaus School District and by Fire Station #6 at Standiford Avenue and Hahn Drive, one mile distant, and

WHEREAS, a public hearing was held by the Planning Commission on June 6, 1988, 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. 88-65, found and determined that the vesting tentative map of The Commons Subdivision accepted for filing in the office of the Secretary of the Planning

Commission on May 11, 1988, should be denied for the reasons set forth in said Planning Commission resolution, and

WHEREAS, an appeal to the decision of the Planning Commission denying said vesting tentative map for The Commons Subdivision was filed with the City Clerk by Mid-Valley Engineering on behalf of Summerview Associates by letter dated June 7, 1988, and

WHEREAS, said matter was set for a public hearing on July 5, 1988 at 4:00 p.m. in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, for consideration of said appeal, at which time said public hearing was continued to July 12, 1988 at 7:30 p.m., and

WHEREAS, on July 12, 1988, the City Council, by motion, declared its intent to approve the vesting tentative map of The Commons Subdivision, subject to certain conditions, and

WHEREAS, at its meeting of August 2, 1988 at 4:00 p.m., after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Mid-Valley Engineering filed on behalf of Summerview Associates to the decision of the Planning Commission denying approval of the vesting tentative map of The Commons Subdivision should be granted for the following reason and the decision of the Planning Commission should be overruled:

That this tentative subdivision map implements the proposed rezone from R-1 to P-D for the development of a multiple-family residential complex and a restaurant and that said rezone was approved by the City Council.

and

WHEREAS, at said meeting, the Council reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which

resulted in a negative declaration in regard to the environmental impact of the proposed vesting tentative map,

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

1. That the proposed subdivision map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.
2. That the discharge of waste as a result of the proposed subdivision into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
3. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated May 11, 1988, should be certified as adopted.

BE IT FURTHER RESOLVED by the Council that the appeal of Mid-Valley Engineering filed on behalf of Summerview Associates to the decision of the Planning Commission denying approval of the vesting tentative map of The Commons Subdivision is hereby granted for the reason set forth above, and the decision of the Planning Commission denying said vesting tentative map of The Commons Subdivision is hereby overruled.

BE IT FURTHER RESOLVED that the vesting tentative map of The Commons Subdivision which was accepted for filing in the office of the Secretary of the Planning Commission on May 11, 1988, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. That the parcel map creating the parcels shall be recorded prior to the recordation of the final subdivision map.

2. That the applicant shall participate in 30 percent of the cost of traffic mitigations provided by the traffic study prepared for the project at the southwest corner of Standiford Avenue and Carver Road.
3. That all subdivision improvements shall be constructed in accordance with City of Modesto Standard Specifications and as required by the Engineering Services Director pursuant to improvement plans.
4. That public utility easements as required by the utility companies serving the subdivision shall be dedicated by the final map.
5. That irrigation lines within the subdivision shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering Services Director. Appropriate easements for irrigation lines to remain shall be dedicated as necessary.
6. That prior to City Council approval of a final subdivision map the subdivider shall submit for approval by the City Attorney the articles of incorporation and bylaws, as well as all covenants, conditions, and restrictions which are to be recorded to create a Homeowners' Association which shall guarantee continued maintenance of common facilities in the development. Said documents shall be recorded concurrently with the final subdivision map.
7. 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 dwelling units to serve other dwelling 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.
8. That public utility easements, including a blanket easement over the common area, as required by the utility companies serving the project shall be dedicated by the final map.
9. That provisions for water and sanitary sewer services to individual units shall be made in a manner to be approved by the Director of Engineering. Maintenance of all sanitary sewers outside of the street right of way shall be by the Homeowner's Association.
10. That a final map shall not be recorded until such time as appropriate P-D Zoning to allow the proposed development is granted by the City Council and is in effect.

11. 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Secretary of the Planning Commission is hereby directed to file with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed subdivision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2 day of August, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, Muratore, Patterson, Sutton,

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: McGrath, Mayor Whiteside

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. 88-582

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(449). (HASHEM NARAGHI)

WHEREAS, a verified application for an amendment to Section 14-3-9 of the Zoning Map was filed by Hashem Naraghi on April 18, 1988, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a two-story condominium complex, property located on the southeast corner of Oakdale Road and Manor Oak Drive, described as follows:

ALL that certain real property shown as "Remainder" on the map of Manor Oak Estates, filed in Book 32 of Maps, at Page 46, Stanislaus County Records, and lying in the southwest quarter of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, Stanislaus County, State of California.

Including also all of the east 50.00 feet of Oakdale Road and south one half of Manor Oak Drive and both immediately adjacent to the above property referred to as "Remainder".

and

WHEREAS, after a public hearing held on July 5, 1988, 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. 88-81, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The property is located at the intersection of a major street and a collector street, an appropriate location for a development of the proposed density.
2. P-D zoning and the approved development will insure compatibility with the adjacent properties and street system.
3. The proposed zone change is in accordance with community objectives as set forth in the General Plan.

4. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated May 11, 1988, should be certified.

and

WHEREAS, after a public hearing held on August 2,, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Hashem Naraghi 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. 88-81 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2600-C.S. on the 2 day of August, 1988, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(449).

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

1. All development shall conform to the plot plan and floor plans titled "Manor Oak Apartments" as amended in red, stamped approved by the Planning Commission on July 5, 1988.
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 providing 15ft. high screen landscaping shall be installed along the south and east 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 double-board fence with decorative masonry pilasters along the entire east property line.
 - b. Maximum six-foot decorative masonry pilaster and wrought-iron fence set back five feet from the adjoining street frontages.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
 5. 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.
 6. All curbcuts serving two-way driveways shall be 41 feet in width.
 7. 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.
 8. Water and sanitary sewer to the various units and drainage shall be provided as required by the Engineering Services Director.
 9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering Services Director.
 10. Trash bins shall be kept in enclosures in accordance with the approved plan, and shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
 11. 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 Utility Services Director.
 12. All utilities shall be underground and cable television service shall be stubbed into all units.
 13. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to

construction of any structures. The security gates shall be constructed in accordance with the requirements of the Fire Chief and Planning and Community Development Director.

14. All signs shall comply with the sign requirements of the R-3 Zone.
15. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
16. That the developer shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Modesto or its advisory agency, appeal board, or legislative body concerning a P-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 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(449):

The entire construction program be accomplished in one phase, construction to begin on or before July 5, 1990, and completion to be not later than July 5, 1991.

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(449), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2 day of August, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: McGrath

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 Nicholas
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-583

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 14-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(449). (HASHM NARAGHI)

WHEREAS, on August 2, 1988, the City Council introduced Ordinance No. 2600-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 Planned Development Zone, P-D(449), property located on the southeast corner of Oakdale Road and Manor Oak Drive, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 14-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(449), property located on the southeast corner of Oakdale Road and Manor Oak Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2 day of August, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

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. 88-584

A RESOLUTION APPROVING SPECIAL INTRACITY TRANSIT SERVICE FARES FOR PROVIDING SHUTTLE BUS SERVICE BETWEEN DOWNTOWN MODESTO AND THE TUOLUMNE RIVER REGIONAL PARK DURING THE MODESTO A LA CARTE FESTIVAL.

WHEREAS, The Modesto a la Carte Festival will be held on Saturday, August 27, 1988, and Sunday, August 28, 1988, at the Tuolumne River Regional Park, and

WHEREAS, because of parking limitations at the festival site, the Modesto Chamber of Commerce, through its Modesto a la Carte Committee, has requested Intracity Transit to provide shuttle bus service between the site and downtown Modesto, and

WHEREAS, a notice has been published for a hearing on special fares for Modesto a la Carte service, and

WHEREAS, the City/County Joint Transportation Committee has recommended approval of the special bus service,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the following special Intracity Transit Service Fares for providing shuttle bus service between downtown Modesto and the Tuolumne River Regional Park during the Modesto a la Carte Festival to be held on Saturday, August 27, 1988, and Sunday, August 28, 1988:

\$1.00 round trip for all passengers except as noted below.

\$.50 round trip for senior citizens age 65 and over and
handicapped persons.

One child under 5 years of age may ride free when accompanied by a fare-paying passenger.

All day and monthly passes, transfers, or ride tickets will be accepted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of August, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

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. 88-585

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO CHAMBER OF COMMERCE FOR INTRACITY TRANSIT TO PROVIDE SPECIAL MODESTO
A LA CARTE BUS SERVICE**

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 Intracity Transit to provide special Modesto a la Carte bus service

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 2nd day of
August, 1988, by Councilmember Muratore
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-586

A RESOLUTION DESIGNATING AGENCIES OF THE CITY OF MODESTO REQUIRED TO ADOPT CONFLICT OF INTEREST CODES, ESTABLISHING A DEADLINE FOR SUBMISSION OF SAID CODES, ADOPTING PROCEDURES FOR SUBMISSION THEREOF, AND RESCINDING RESOLUTION NO. 84-544.

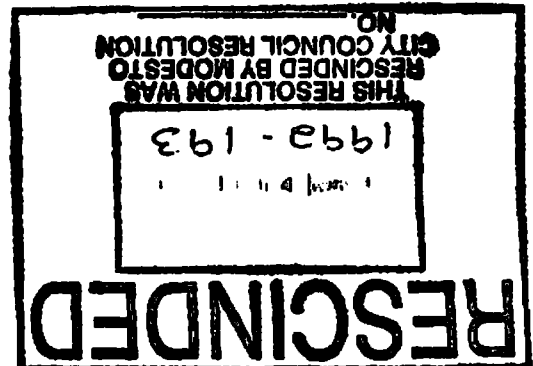
WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, conflict of interest codes adopted by local agencies must be reviewed and approved by a code reviewing body pursuant to Government Code Section 87303, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, in carrying out its responsibilities as a code reviewing body this Council must designate City agencies required to adopt a conflict of interest code, establish a deadline for submission of said conflict of interest codes, and establish procedures for submission and review of said conflict of interest codes, and

WHEREAS, the Council desires to add the Economic Development Loan Pool Subcommittee of the Citizens Housing and Community Development Committee to Exhibit A, attached hereto,



NOW, THEREFORE, BE IT RESOLVED that each of the agencies named on the list of City agencies attached hereto as Annex "A", be, and the same hereby are, designated as agencies required to adopt a conflict of interest code and which shall submit a proposed conflict of interest code to this Council as code reviewing body, not later than the date shown on Annex "A".

BE IT FURTHER RESOLVED that Annex "B" hereto, be, and the same hereby is, adopted to establish the procedures for submission and review of conflict of interest codes by this Council as code reviewing body.

BE IT FURTHER RESOLVED that Resolution No. 88-544 adopted on August 7, 1984, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2 day of August, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

ANNEX "A"
AGENCIES OF THE CITY OF MODESTO
REQUIRED TO ADOPT A CONFLICT
OF INTEREST CODE

MODESTO CITY COUNCIL
CODE REVIEWING BODY

(Government Code Section 87300, et seq.)

1. The following departments of the City of Modesto shall adopt a Conflict of Interest Code and shall submit such code to the City Council of the City of Modesto as code reviewing body, not later than the dates shown:

Office of the City Manager	March 10, 1977
Office of the City Attorney	March 10, 1977
Office of the City Clerk and Auditor	March 10, 1977
Office of Economic Development	February 7, 1985
Office of Management Services	March 20, 1984
Engineering Services Department	March 20, 1984
Finance Department	March 10, 1977
Fire Department	March 10, 1977
Parking and Traffic Department	March 10, 1977
Parks and Recreation Department	March 10, 1977
Planning and Community Development Department	March 10, 1977
Police Department	March 10, 1977
Utility Services Department	March 20, 1984

2. The following boards, commissions and committees of the City of Modesto shall adopt a Conflict of Interest Code and shall submit such code to the City Council of the City of Modesto as code reviewing body, not later than the dates shown:

Board of Zoning Adjustment	March 10, 1977
Board of Appeals for Housing Code and Dangerous Building Code	March 10, 1977
Citizens Housing and Community Development Committee	March 10, 1977
Economic Development Loan Pool Subcommittee	September 2, 1988
Housing Maintenance and Counseling Subcommittee	March 10, 1977
Rehabilitation Loan Pool Subcommittee	March 10, 1977
Environmental Assessment Committee	March 10, 1977
License Tax Appeals Board	March 10, 1977

ANNEX "B"
PROCEDURE FOR SUBMISSION AND REVIEW OF
CONFLICT OF INTEREST CODES
MODESTO CITY COUNCIL
CODE REVIEWING BODY

(Government Code Section 87300, et seq.)

1. Each agency shall submit an original and two copies of its proposed code to the City Council by submitting them to the City Clerk, City Hall, 801 Eleventh Street, P. O. Box 642, Modesto, California, 95353, by the established deadline and with two copies of the record of action form attached thereto.
2. The proposed code shall satisfy the requirements of Government Code Section 87300, et seq. The code shall be accompanied by:
 - a. A declaration by the head of the agency declaring that the agency has satisfied the notice and hearing requirements preliminary to formulation of the code pursuant to Government Code Section 87311;
 - b. Proof of publication of notice of hearing in substantially the following form:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the _____ (name of agency) _____ will hold a public hearing at _____ o'clock ____ .m., on _____, 19____, at _____ (place) _____, to consider adoption of a conflict of interest code pursuant to California Government Code Section 87300, et seq. A copy of the proposed conflict of interest code is on file in the office of _____, at _____

and is available for inspection at such location from 8:00 o'clock a.m. to 5:00 o'clock p.m., Monday through Friday.

- c. One copy of all written submissions made to the agency regarding the proposed code including requests for notice of hearings;
 - d. Materials justifying the designation and disclosure responsibilities of officers, employees, members, or consultants of the agency.
3. Within 40 days of submission of the proposed code to the City Council, the City Clerk shall:
- a. Notice the proposed code for hearing before the City Council, or
 - b. Return the proposed code to the agency with written recommendations for revision. Any agency which objects to the recommendations for revision may request a hearing before the City Council.
4. The hearing before the City Council shall be set within 90 days of date of receipt of the proposed code by the City Council.
5. At least 30 days prior to the hearing on the proposed code, notice thereof shall be:
- a. Published in the official newspaper of the City of Modesto.
 - b. Mailed to every person who has filed a request for notice thereof with the City Council or with the agency.
 - c. Mailed or delivered to the head of such agency.
 - d. Made available to the public in such additional form and manner as the City Council shall prescribe.

The failure to mail notice to any person as provided in this Regulation shall not invalidate any action taken by the City Council to approve a code.

6. If the proposed code is returned to the agency, a new deadline shall be established by the City Council for resubmission of the code by the agency. The revised deadline shall be no later than 60 days after the code is returned to the agency.
7. All persons wishing to challenge any provision of the proposed code may submit a concise written statement of the objections to the proposed code or appear in person at the scheduled hearing on the proposed code.
8. At the scheduled hearing on the proposed code, the City Council shall afford any agency or interested person or his or her duly authorized representative, or both, the opportunity to present statements, arguments, or contentions in writing. Oral testimony shall be encouraged; however, the time permitted for oral statements may be limited at the discretion of the City Council, but may be supplemented by written statements. The City Council shall consider all relevant matter presented to it during the public hearing, or appearing on the record of such hearing, prior to approving or revising and approving the proposed code, or returning the proposed code to the agency for revision.
9. After a hearing as provided herein, the City Council shall:
 - a. Approve the proposed code as submitted and return the code to the agency;
 - b. Revise the proposed code and approve it as revised; or
 - c. Return the proposed code to the agency for revision and resubmission within 60 days.
10. The effective date of a conflict of interest code shall be thirty (30) days after approval by the City Council. If any agency fails to submit a proposed conflict of interest code within prescribed time limits, the City Council shall act pursuant to Government Code Section 87304.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-587

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO APPROVING THE CONFLICT OF INTEREST CODE OF THE ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE OF THE CITY OF MODESTO.

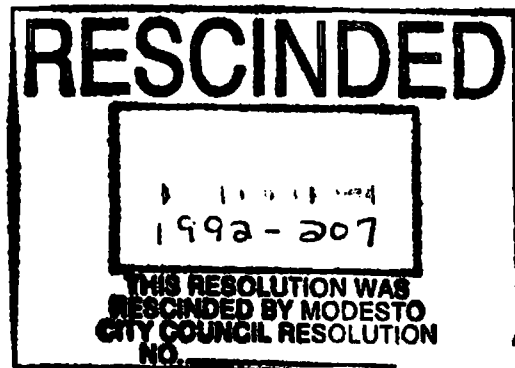
WHEREAS, by Resolution No. 88-586 the City Council, pursuant to Government Code Section 87300, designated the agencies of the City of Modesto required to adopt a Conflict of Interest Code, and

WHEREAS, the Economic Development Loan Pool Subcommittee of the Citizens Housing and Community Development Committee of the City of Modesto as a designated agency has adopted and submitted a Code to the Council for review and approval, and

WHEREAS, the Council held a public hearing on August 2, 1988, to consider and review said Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Conflict of Interest Code of the Economic Development Loan Pool Subcommittee of the Citizens Housing and Community Development Committee of the City of Modesto as submitted, a copy of which Code is attached hereto, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2 day of August, 1988, by Councilmember Lang, who moved its adoption, which motion

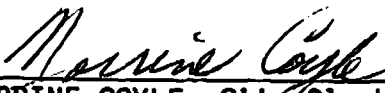


being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

CONFLICT OF INTEREST CODE
OF THE
ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE

OF THE
CITY OF MODESTO

Section 100. Introduction. Pursuant to the provisions of Government Code Sections Sec. 87300, et seq., the ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE of the City of Modesto hereby adopts the following Conflict of Interest Code.

Section 200. Designated Positions. The Positions listed in Exhibit "A" are designated positions. Officers and employees holding these positions are designated employees and are deemed to make or participate in the making of decisions which may foreseeably have a material effect on a financial interest.

Section 300. Disclosure Statements. A designated employee shall be assigned to one or more of the disclosure categories set forth in Exhibit "B". Each designated employee shall file an annual statement disclosing that employee's interest in investments, real property, and income designated as reportable under the category to which the employee's position is assigned in Exhibit "B".

Section 400. Place and Time of Filing.

(A) All designated employees required to submit a statement of economic interests shall file the original with the Director of the Department of Planning and Community Development.

(b) The Director of the Department of Planning and Community Development who receives the statement of financial interest shall make and retain a copy and forward the original to the City Clerk.

(c) A designated employee required to submit a statement of economic interests shall submit an initial statement within thirty days after the effective date of this Code.

(d) All employees in the Classified Service of the City of Modesto appointed, promoted or transferred to designated positions shall file initial statements within thirty days after the date of their employment.

(e) All other employees appointed, promoted or transferred to designated positions shall file initial statements not less than ten days before assuming office, unless an earlier assumption of office is required by emergency circumstances, in which case the statement shall be filed within thirty days thereafter.

(f) Annual statements shall be filed by all designated employees by April 1 of each year disclosing reportable investments in business entities, interests in real property, and income held or received in the period since the closing date of the employee's previously filed statement and December 31st.

(g) Each person who leaves a designated position specified in Exhibit "A" shall file a leaving office statement within thirty days after leaving.

Section 500. Contents of Disclosure Statements.

(a) Disclosure statements shall be made on forms supplied by the City Clerk, and shall contain the following information:

(1) Contents of Investment and Real Property Reports:

When an investment, or an interest in real property, is required to be reported, the statement shall contain:

- (A) A statement of the nature of the investment or interest;
- (B) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
- (C) The address or other precise location of the real property;
- (D) A statement whether the fair market value of the investment, or interest in real property, exceeds ten thousand dollars (\$10,000), and whether it exceeds one hundred thousand dollars (\$100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

(2) Contents of Personal Income Reports

When personal income is required to be reported, the statement shall contain:

- (A) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
- (B) A statement whether the aggregate value of income from each source or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(C) A description of the consideration, if any, for which the income was received;

(D) In the case of a gift, the name and address and business activity of the donor and any intermediary through which the gift was received, a description of the gift and the amount or value of the gift.

(3) Contents of Business Entity Income Reports:

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

(A) The name, address, and a general description of the business activity of the business entity;

(B) In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's pro rata share of fees from such person was equal to or greater than one thousand dollars (\$1,000);

(C) In the case of a business entity not covered by paragraph (B), the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

(4) Contents of Management Position Reports:

When management positions are required to be reported, designated employees shall list the name of each business entity in which he is a director, officer, partner, trustee, employee, or in which he or

she holds any position of management, a description of the business activity in which the business entity is engaged or the designated employee's position with the business entity.

(b) Contents of Initial Statement

The initial statement filed by an employee appointed to a designated position shall disclose any reportable investments and interests in real property. 1/

(c) Contents of Annual Statements:

The annual statement filed by a designated employee shall disclose any reportable investments, interests in real property, and income during the period since the previous statement was filed.

(d) Contents of Leaving Office Statements:

The leaving office statement filed by designated employees shall disclose reportable investments, interests in real property, and income during the period since the closing date of the previous statement filed pursuant to this Code. The statement shall include any investments in business entities, interests in real property, and income held or received at any time during the period covered by the statement, whether or not they are still held at the time of filing. 1/

(e) Acquisition or Disposal During Reporting Period:

In the case of a statement filed under Sections 500(c) and (d), if the investment, or interest in real property, was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

1/When disclosure of management positions is required, disclosure of such positions shall be made upon filing initial, annual and leaving office statements.

Section 600. Disqualification. Designated employees must disqualify themselves from making or participating or using his or her official influence in the making of any decisions which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any reportable interest of that employee (except sources of gifts less than \$250). No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made.

Section 700. Manner of Disqualification.

A designated employee who is a member of the Economic Development Loan Pool Subcommittee (EDLPS), notice of disqualification shall be given at the meeting during which consideration of the decision takes place and shall be made part of the official record of the Economic Development Loan Pool Subcommittee. The member shall then refrain from participating and shall attempt in no way to use his or her official position to influence any other person with respect to the matter.

Section 800. Definition of Terms.

Except as otherwise provided, the definitions contained in the Political Reform Act of 1974 (Government Code Art.81000 et seq.), the Regulations of the Fair Political Practices Commission, and any amendments to the Act or Regulations, shall be incorporated into this Conflict of Interest Code.

Section 900. Effective Date of Code.

This Conflict of Interest Code shall become effective 30 days after approval by the City Council.

EXHIBIT 'A'

Designated Positions

Disclosure Category

Chairman, Vice Chairman, and all Subcommittee members except members of the City Council who are required, pursuant to Government Code Art. 87200, to disclose investments, interests in real property and income. No other or no additional requirements are imposed upon said Council members by this Conflict of Interest Code.

ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE

EXHIBIT 'B'

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Designated Employees in Group "1" must report:

1. Interests in Real Property
2. Investments
3. Investments and Interests in Real Property Held By Business Entities You Control
4. Income
5. Gifts & Loans
6. Employment and Management Positions in Business Entities

MODESTO CITY COUNCIL
RESOLUTION NO. 88-588

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THURMAN FIELD GRANDSTAND RENOVATION

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

SECTION 1. The plans and specifications for the Thurman Field grandstand renovation

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 23, 1988, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of August, 1988, by Councilmember Sutton, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-589

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FOR HIGHWAY VILLAGE STREET AND STORM DRAIN
IMPROVEMENTS

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

SECTION 1. The plans and specifications for Highway Village street and
storm drain 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 August 23, 1988, at 11:00 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 2nd day of August, 1988,
by Councilmember Sutton, who moved its adoption, which motion
being duly seconded by Councilmember Muratore, was upon roll call
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-590

A RESOLUTION ACCEPTING THE BID OF ASBESTOS CONTROL GROUP, INC. FOR THE ASBESTOS ABATEMENT PROJECT AT THE CROCKER BANK BUILDING

WHEREAS, Resolution No.88-503, adopted by the Council of the City of Modesto on July 5, 1988, approved the plans and specifications for the asbestos abatement project at the Crocker Bank Building and authorized the calling for bids; and

WHEREAS, the bids received for the asbestos abatement project at the Crocker Bank building were opened at 11:00 a.m. on July 26, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Asbestos Control Group, Inc. in the amount of \$4,900 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Asbestos Control Group, Inc. in the amount of \$4,900 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of August, 1988, by Councilmember Sutton, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McGrath

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-591

A RESOLUTION ACCEPTING THE ROSELLE AVENUE WATERLINE EXTENSION AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the Roselle Avenue waterline extension

has been completed by Joe Martin Pipeline, Inc.

in accordance with the contract agreement dated March 1, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the Roselle Avenue 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 \$26,730 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 August,
1988, by Councilmember Sutton, who moved its adoption, which
motion being duly seconded by Councilmember Muratore, was upon
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-592

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF TWO-WAY RADIOS AND MOBILE DATA TERMINALS FROM MOTOROLA, INC.

WHEREAS, the Police Department is requesting the purchase of two (2) mobile radios and two (2) mobile data terminals; and

WHEREAS, the present two-way radios are equipped with a Motorola Digital Voice Privacy feature, and any new equipment must be Motorola to be compatible with the existing equipment.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of two-way radios and mobile data terminals is hereby waived.

BE IT FURTHER RESOLVED that purchase of two-way radios and mobile data terminals from Motorola, Inc., for the total price of \$15,580 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 August, 1988, by Councilmember Sutton, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-593

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF PUMP REPAIR SERVICES FROM JOHNSON PUMP COMPANY

WHEREAS, the Utility Services Sewerage Division is requesting the purchase of pump repair services for a Johnston pump used to transfer treated sewage from the Sutter Plant to the ponds at Jennings Road; and

WHEREAS, the Johnston Pump Company located in Benicia, California, is the authorized Northern California repair facility for Johnston pumps.

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

BE IT FURTHER RESOLVED that purchase of pump repair services from Johnston Pump Company for the total price of \$9,938 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 August, 1988, by Councilmember Sutton, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-594

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THEODORE D. AND ELIZABETH VIERRA FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1621 SHADDOX AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Theodore D. and Elizabeth Vierra for water service to property outside City limits at 1621 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 2nd day of August, 1988, by Councilmember Sutton who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McGrath

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-595

A RESOLUTION DENYING THE APPEAL FILED BY HAROLD HAAN TO A PLANNING COMMISSION DECISION DENYING A REZONING FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO MEDIUM DENSITY RESIDENTIAL ZONE, R-2, PROPERTY LOCATED AT 1535 MELROSE AVENUE, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Harold Haan on May 10, 1988, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at 1535 Melrose Avenue, described as follows:

All that certain real property situate in a portion of the northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Portion of Lot 1 of Coolidge Colony recorded November 15, 1910, in Volume 5 of Maps, at Page 17 and more specifically described as follows:

Beginning at the northeast corner of parcel "C" as shown on the parcel map filed at Book 25 of Parcel Maps at Page 77, Stanislaus County Records; thence along the north line of said parcel "C", north 89°01'52" west, 50.00 feet to the TRUE POINT OF BEGINNING of this description; thence continuing along said north line, north 89°01'52" west, 100.00 feet; thence north 0°11'50" west, 165.00 feet; thence south 89°01'52" east 280.00 feet to the west line of 50.00 foot Melrose Avenue; thence along said west line of Melrose Avenue, south 0°11'50" east 100.00 feet; thence leaving said west line of Melrose Avenue on a property line bearing, north 89°01'52" west, 180.00 feet; thence, south 0°11'50" east, 65.00 feet to the TRUE POINT OF BEGINNING of this description.

Also including the west 25.00 feet of Melrose Avenue immediately adjacent to the above described property.

and

WHEREAS, a public hearing was held by the Planning Commission on July 5, 1988, in the City Council Chambers, City Hall, 801 11th Street,

Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 88-80, and denied the application of Harold Haan to amend Section 21-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at 1535 Melrose Avenue, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to rezone from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at 1535 Melrose Avenue, was filed with the Office of the City Clerk by Harold Haan, by letter dated July 12, 1988, 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 9, 1988, at 7:30 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at 1535 Melrose Avenue, should be denied and the decision of the Planning Commission should be affirmed for

the reasons set forth in Planning Commission Resolution No. 88-80 and quoted below:

1. The requested R-2 zoning would permit residential development which exceeds the R-1 density as specified for this area of Melrose Avenue by the Zoning and Development Plan for the East McHenry Neighborhood.
2. The applicant's neighborhood can be sufficiently developed with P-D zoning allowing up to ten units per acre.

and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Harold Haan to the decision of the Planning Commission denying the request to rezone from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at 1535 Melrose Avenue, is denied for the reasons set forth in Planning Commission Resolution No. 88-80 and quoted above, and the decision of the Planning Commission is hereby affirmed.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 1988, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: Muratore

ABSENT: Councilmembers: None

ATTEST: Morrine Coyle
MORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Smith
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-596

A RESOLUTION DENYING THE APPEAL FILED BY MID-VALLEY ENGINEERING ON BEHALF OF RON E. WINTER TO A PLANNING COMMISSION DECISION DENYING A REZONING FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D, PROPERTY LOCATED ON THE EAST SIDE OF OAKDALE ROAD SOUTH OF WYLIE DRIVE, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by Ron E. Winter on May 3, 1988, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the east side of Oakdale Road south of Wylie Drive, described as follows:

All that portion of the Northwest quarter of the Southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Parcels 1, 2, and 3 as shown on the parcel map filed in the Office of the Recorder of Stanislaus County, California, on September 29, 1972, in Book 15 of Parcel Maps, at page 24.

Including also all of the east 50.00 feet of Oakdale Road immediately adjacent to the above described property.

and

WHEREAS, a public hearing was held by the Planning Commission on June 20, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 88-75, and denied the application of Ron E. Winter to amend Section 23-3-9 of the Zoning Map to

reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the east side of Oakdale Road south of Wylie Drive, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the east side of Oakdale Road south of Wylie Drive, was filed with the Office of the City Clerk by Mid-Valley Engineering on behalf of Ron E. Winter, by letter dated June 27, 1988, 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 July 26, 1988, at 7:30 p.m., and

WHEREAS, a continuance of the appeal hearing was requested by Mid-Valley Engineering on behalf of Ron E. Winter, by letter dated July 21, 1988, said appeal then being continued for public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on August 9, 1988, at 7:30 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the east side of Oakdale Road south of Wylie Drive, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution

No. 88-75 and quoted below:

1. There is already an excessive amount of commercial zoning in the vicinity of the subject property to serve neighborhood and general commercial needs as specified in the General Plan.
2. The portion of Oakdale Road serving the subject property is about at capacity and increased turning movements and traffic generated by commercial development will worsen the traffic situation.

and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Mid-Valley Engineering on behalf of Ron E. Winter to the decision of the Planning Commission denying the request to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the east side of Oakdale Road south of Wylie Drive, is denied for the reasons set forth in Planning Commission Resolution No. 88-75 and quoted above, and the decision of the Planning Commission is hereby affirmed.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 1988, 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: Irizarry, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: McGrath, Patterson, Sutton

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William J. Smith*
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-597

A RESOLUTION ORDERING THE RED PINE (MODIFIED)
REORGANIZATION TO THE CITY OF MODESTO (INHABITED).

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution dated May 25, 1988, approved the proposed Red Pine (Modified) 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 Red Pine (Modified) Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that the territory included in the proposed Red Pine (Modified) Reorganization is inhabited territory, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution ordered that said Reorganization consist of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the Burbank-Paradise Fire Protection District; (c) the reorganization boundaries to include all of Rouse Avenue adjacent to the subject territory; and (d) the annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus County Local Agency Formation Commission on May 25, 1988, ordered that a Negative Declaration be filed as to the environmental impact of the subject Reorganization, 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 reasons for this annexation are as follows:

In order to make the full range of City services available to serve the existing development in the area, 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 9th day of August, 1988, 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 August 9, 1988, 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 prior to 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 Red Pine (Modified) Reorganization is more particularly described on Exhibit A attached hereto and made a part hereof by reference as though set forth in full herein.

3. Said territory is hereby annexed to and made a part of the City of Modesto.

4. Said territory is hereby detached from the Burbank-Paradise Fire Protection District.

5. Said territory is hereby annexed to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer district.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of this Reorganization has been reviewed and considered.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 1988, 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: Irizarry, Lang, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

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. Chakrasan
Engineering Services

June 29, 1988

Job No. 60-837

LEGAL DESCRIPTION**To Accompany an Annexation Application**

ALL that certain real property, situate in a portion of the Northeast quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, and lying in the County of Stanislaus, State of California, more particularly described as follows:

COMMENCING at the interior quarter corner of said Section 6, as shown on the map of Greensan Estates subdivision, as filed in Volume 31 of Maps, at Page 40, Stanislaus County Records, said corner lies on the existing Modesto City Limits Line; thence North 0 degrees 36'46" West, along said City Limits Line, 1,337.33 feet to a point on the Westerly prolongation of the North right-of-way line of Rouse Avenue; thence North 89 degrees 02'59" East, along said North right-of-way line, 395.35 feet to the Southwest corner of Parcel "2", as shown on the map filed in Book 1 of Parcel Maps, at Page 63, Stanislaus County Records, said corner lies on said City Limits Line; thence South 0 degrees 57'01" East, along said City Limits Line, 30.00 feet to the centerline of Rouse Avenue, as shown on said map of Greensan Estates subdivision; thence North 89 degrees 02'59" East, along said centerline and existing City Limits Line, 446.86 feet; thence South 0 degrees 18'39" East, along said City Limits Line and the West line of said Greensan Estates, 1,314.59 feet; thence South 89 degrees 32'37" West, along said City Limits Line and the quarter section line, 835.45 feet to said interior quarter corner and the Point of Beginning of this description.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-598

A RESOLUTION ACCEPTING THE BID OF PATCH MASTER FOR THE RESIDENTIAL ALLEY PAVING PROJECT NO. 14

WHEREAS, Resolution No. 88-536, adopted by the Council of the City of Modesto on July 19, 1988, approved the plans and specifications for the residential alley paving, Project No. 14 and authorized the calling for bids; and

WHEREAS, the bids received for the residential alley paving, Project No. 14 were opened at 11:00 a.m. on August 2, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Patch Master in the amount of \$178,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Patch Master in the amount of \$178,000 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 9th day of August, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-599

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE CONSTRUCTION OF A WOMEN'S RESTROOM AT JOHN
THURMAN FIELD

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

SECTION 1. The plans and specifications for the construction of a women's
restroom at John Thurman Field
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 30, 1988, at 11:00 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 9th day of August, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-600

A RESOLUTION ACCEPTING THE DALLAS/WHITMORE WATERLINE EXTENSION AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the Dallas/Whitmore waterline extension

has been completed by Joe Martin Pipeline, Inc.

in accordance with the contract agreement dated June 7, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the Dallas/Whitmore 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 \$47,725 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 9th day of August,
1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-601

A RESOLUTION APPROVING THE FINAL MAP OF THE EVERGREEN PARK
NO. 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Evergreen Investment Group, a general partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 6.59 acres, known as the Evergreen Park No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 14th day of September, 1987, 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 Evergreen Park No. 3 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9 day of August, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-602

A RESOLUTION WAIVING THE GUIDELINES ADOPTED FOR THE ECONOMIC DEVELOPMENT REVOLVING LOAN FUND AND APPROVING A LOAN OF FIFTY THOUSAND DOLLARS (\$50,000) TO SIERRA PACIFIC CUTTING DIES, INC., PENDING ANNEXATION OF THEIR PROPOSED BUSINESS LOCATION INTO THE CITY OF MODESTO, WITH EXECUTION OF THE LOAN AND DISBURSEMENT OF FUNDS IMMEDIATELY.

WHEREAS, the City of Modesto has established an Economic Development Revolving Loan Fund under the Community Development Block Grant Program, and

WHEREAS, this Council has approved guidelines for business loans under the Economic Development Revolving Loan Fund at the Council meeting of December 1, 1987, and

WHEREAS, the guidelines for business loans specify that the business must be located in the City of Modesto, and

WHEREAS, Sierra Pacific Cutting Dies, Inc. has been unable to locate suitable business space within the existing City limits, and

WHEREAS, the property Sierra Pacific Cutting Dies, Inc. has selected is located within an unincorporated area of Stanislaus County that is completely surrounded by the City of Modesto, and

WHEREAS, the real property owners, Velthoen Associates, have initiated annexation proceedings to bring the property into the City, and

WHEREAS, Sierra Pacific Cutting Dies, Inc. will be employing twenty employees, most of whom will be low/moderate Modesto residents, within the first three years, and

WHEREAS, creating jobs for low/moderate income residents is an important criterion for obtaining funding under the Economic Development Revolving Loan Fund, and an important benefit to the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED that this Council does hereby waive the guideline requiring Sierra Pacific Cutting Dies, Inc. to be located within the City of Modesto at this time for the reasons outlined above, and approves a loan of Fifty Thousand Dollars (\$50,000) to Sierra Pacific Cutting Dies, Inc., with immediate execution of the loan documents and disbursement of loan funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 1988, 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: Irizarry, Lang, Muratore, Patterson, Sutton,
Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

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. 88-603

A RESOLUTION APPROVING THE REQUEST OF HAINES STEEL COMPANY FOR REFUND OF \$3,064.14 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Haines Steel Company for refund of \$3,064.14 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 9th day of August, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-604

LEASE/PURCHASE

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND MUNICIPAL LEASING ASSOCIATES TO PURCHASE COMPUTER EQUIPMENT FROM STANISLAUS COUNTY, IBM, AND CAMEO, INC.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Municipal Leasing Associates to purchase computer equipment from Stanislaus County, IBM, and Cameo, Inc.

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 August, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-605

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DUARTE M. SILVA FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE AUGUST 9, 1988

WHEREAS, Duarte Silva was appointed a member of the International Friendship Committee on February 23, 1988; and

WHEREAS, Duarte Silva has tendered his resignation from the International Friendship Committee, effective August 9, 1988; and

WHEREAS, Duarte Silva 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 Duarte Silva 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 Duarte Silva 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 9th day of August, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-606

A RESOLUTION ACCEPTING THE BID OF JAMES SCOTT SPREADING SERVICE FOR SLUDGE REMOVAL SERVICES

WHEREAS, Resolution No. 88-519, adopted by the Council of the City of Modesto on July 12, 1988, approved the plans and specifications for the sludge removal service

and authorized the calling for bids; and

WHEREAS, the bids received for the sludge removal service were opened at 3:15 p.m. on August 2, 1988, 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 James Scott Spreading Service in the amount of \$35,317 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of James Scott Spreading Service in the amount of \$35,317 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 August, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-607

A RESOLUTION ACCEPTING THE FLOYD AVENUE OVERLAY AND RECONSTRUCTION AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the Floyd Avenue overlay and reconstruction

has been completed by George Reed, Inc.

in accordance with the contract agreement dated April 26, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the Floyd Avenue overlay and
reconstruction

be accepted from said contractor, George Reed, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$164,552.57 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 16th day of August ,
1988, by Councilmember Irizarry , who moved its adoption, which
motion being duly seconded by Councilmember McGrath , was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-608

A RESOLUTION ACCEPTING THE REROOFING OF MADDUX YOUTH CENTER AND COMMUNITY SERVICE CENTER AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering , that the reroofing of Maddux Youth Center and Community Service Center has been completed by A & B Roofing, Inc. in accordance with the contract agreement dated April 5, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the reroofing of Maddux Youth Center and Community Service Center

be accepted from said contractor, A & B Roofing, Inc. ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$26,683 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 19 88 by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-609

A RESOLUTION ADOPTING A POLICY DIRECTING CONDITIONS OF APPROVAL ON VESTING TENTATIVE MAPS AS THEY RELATE TO CAPITAL FACILITIES FEES

WHEREAS, the Public Projects Committee has recommended that a policy be adopted regarding the Capital Facilities Fees, applicable to any new vesting tentative maps that are accepted for filing, to prevent a rush on filing vesting tentative maps which attempt to avoid the adjusted Capital Facilities Fees.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled "Conditions of Approval on Vesting Tentative Maps as They Relate to Capital Facilities Fees", which reads as follows:

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Sutton, Mayor Whiteside
NOES:	Councilmembers:	McGrath, Patterson
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-610

A RESOLUTION APPROVING THE FINAL MAP OF THE CALIFORNIA
SUNRISE NO. 3 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 8.180 acres, known as the
California Sunrise No. 3 Subdivision, and

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

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

WHEREAS, the City Engineer of the City of Modesto has certified that
the final map of said California Sunrise No. 3 Subdivision meets all of the
provisions of the California Subdivision Map Act and the provisions of the
Modesto Municipal Code relating to subdivisions, and that the map is
technically correct,

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 16th day of August, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-611

A RESOLUTION APPROVING THE FINAL MAP OF THE PINEHURST II
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 9.980 acres, known as the
Pinehurst II Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 2nd day of February, 1987, 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 Pinehurst II 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 16th day of August, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-612

A RESOLUTION APPROVING THE FINAL MAP OF THE NARAGHI LAKES
No. 6 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, U. S. By Products, Inc., a corporation; Sharon Naraghi Grcich, a married woman; and Hashen Naraghi Lakes, an unmarried man are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 5.482 acres, known as the Naraghi Lakes No. 6 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 18th day of May, 1987, 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 Naraghi Lakes No. 6 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-613

A RESOLUTION ACCEPTING IMPROVEMENTS IN NORWEGIAN ESTATES SUBDIVISION AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Lyon-Horn Associates, subdividers of Norwegian Estates Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$579,200.00 and \$289,600.00 respectively to guarantee improvements in Norwegian Estates Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated August 9, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

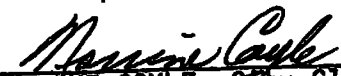
WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

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

1. The improvements in Norwegian Estates Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 579,200.00 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 \$ 289,600.00 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 16th day of August, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-614

A RESOLUTION AUTHORIZING MICHAEL/DANIELS AND ASSOCIATES TO
FILM COMMERCIALS FOR BLUE DIAMOND ALMONDS IN ENSLEN PARK
ON AUGUST 19, 1988.

WHEREAS, the Modesto Film Commission representing Michael/Daniel
Associates has requested authorization to film commercials for Blue Diamond
Almonds at Graceada/Enslin Park on August 17, 18 or 19, 1988, and

WHEREAS, filming the commercial scenes would require that a hole be
dug approximately three feet across and two feet deep in size to simulate a
wading pool, and

WHEREAS, Michael/Daniel Associates plans to use local citizens as
actors and production assistants, and

WHEREAS, City staff has recommended that the request of the Modesto
Film Commission representing Michael/Daniel Associates to film commercials for
Blue Diamond almonds on August 17, 18 or 19, 1988, be approved and that Enslin
Park be designated as the park to be used for said filming purposes, and

WHEREAS, said matter was considered by the City Council at its
meeting of August 16, 1988,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it does hereby grant authorization to the Modesto Film Commission
representing Michael/Daniel Associates to film commercials for Blue Diamond
Almonds at Enslin Park on August 17, 18 or 19, 1988, subject to the following
conditions:

1. A bonded landscape company shall be engaged by
Michael/Daniel Associates to remove and replace sod
and dirt and to insure that the park site is
satisfactorily returned to its original condition.

2. A Park Construction Supervisor will be on site during all activity related to said filming activities. In addition, the Park Construction Supervisor will approve the site so as not to interfere with the sprinkler systems and will inspect the site after filming to verify that the park site has been returned to its original condition. All personnel costs incurred by the City, including fringe benefits, shall be reimbursed by Michael/Daniel Associates.
3. A certificate of insurance accepted by Risk Management, the City Attorney, and the City Clerk naming the City of Modesto as policy holder, shall be filed with the City Clerk's Office.
4. Appropriate measures shall be taken by Michael/Daniel Associates to insure adequate control of crowds and safety to all participants and onlookers.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-615

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1988-89 TO APPROPRIATE FUNDS FOR SOLICITING OF PROPOSALS TO CONSTRUCT A RESTAURANT FACILITY AT THE MODESTO AIRPORT.

WHEREAS, it is necessary to amend the Annual Budget of the City of Modesto for Fiscal Year 1988-89 in the amount of \$2,500 to finance the soliciting of proposals to construct a restaurant facility at the Modesto Airport.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Special Aviation Fund, Fund No. 632, of the Annual Budget of the City of Modesto for fiscal year 1988-89 be amended as follows:

1. The amount of \$11,000 in the Special Aviation Fund Contingency reserve account 632-800-8000-8003 be reduced by \$2,500 to \$8,500.
2. The amount of -0- in Special Aviation Fund account number 632-480-P741 be increased to \$2,500.

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 16th day of August, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-616

A RESOLUTION APPROVING THE SOLICITING OF PROPOSALS TO CONSTRUCT A RESTAURANT FACILITY AT THE MODESTO AIRPORT

WHEREAS, several proposed sources of revenue at the airport have been discussed for development to meet airport capital costs; and

WHEREAS, input from the Airport Advisory Committee, Chamber of Commerce, Modesto Airport Pilots' Association, and fixed base operators indicates of revenue sources discussed, a restaurant would be one of the most feasible projects to develop revenues at the airport in the short term.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the soliciting of proposals to construct a restaurant facility at the Modesto Airport, and authorizes the Director of Utility Services to seek proposals.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1988, by Councilmember McGrath, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-617

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GREAT AMERICAN INSURANCE FOR RENEWAL OF THE INLAND MARINE INSURANCE POLICY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Great American Insurance for renewal of the Inland Marine Insurance Policy for policy year August 6, 1988 through August 6, 1989

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 August, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-618

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
GALLO GLASS CO. 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 Co.
for the lease of Mark Twain Park site

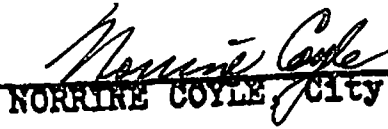
be, and it is hereby approved.

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 16th day of
August, 1988, by Councilmember Muratore
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-619

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND LOGSDON, SNIDER & SNIDER FOR LAND RENTAL 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 Logsdon, Snider & Snider for land rental 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 16th day of August, 1988, by Councilmember Muratore who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-620
AMENDED

A RESOLUTION APPROVING/ AGREEMENT BETWEEN THE CITY OF MODESTO AND
FOSTER POULTRY FARMS FOR RENTAL 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 Foster Poultry
Farms for rental 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 16th day of
August, 1988, by Councilmember Muratore
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-621

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND
JAMES C. SORENSEN, INC. FOR RENTAL 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 James C. Sorensen,
Inc. for rental 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 16th day of
August, 1988, by Councilmember Muratore,
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-622

A RESOLUTION CERTIFYING A RIGHT-OF-WAY AGREEMENT FOR CARVER ROAD/MID
LATERAL NO. 6 PROJECT

WHEREAS, the Engineering Department has been working with Cal Trans to develop plans for a new canal crossing on MID Lateral No. 6 at Carver Road; and

WHEREAS, this is a federally funded project so Cal Trans requires a right-of-way certification setting forth the status of right-of-way acquisition with Modesto Irrigation District before the project can be funded.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the certification for right-of-way for Carver Road/MID Lateral No. 6 Project with M.I.D. be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said right-of-way certification by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-623

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HAILWOOD, INC. FOR OPERATION OF THE CITY'S WASTEWATER DISPOSAL IRRIGATION SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Hailwood, Inc., for operation of the City's wastewater disposal irrigation 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 16th day of August, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-624

A RESOLUTION SUPPORTING THE LEVYING OF A ONE-HALF CENT SALES TAX WITHIN STANISLAUS COUNTY TO ACCOMPLISH CERTAIN PUBLIC PROJECTS, MEASURE Y.

WHEREAS, a general election will be held on November 8, 1988, and on the election ballot will be a proposed one-half cent sales tax measure which will be called Measure Y, and

WHEREAS, said Measure Y will allow the electorate to determine whether said sales tax should be imposed to raise revenue to be used to fund such public projects which will be in the interest of and benefit generally the County of Stanislaus, and

WHEREAS, the County of Stanislaus and the City of Modesto desire to accomplish certain public projects which will be in the interest of and benefit generally the people of the County of Stanislaus, and

WHEREAS, the City of Modesto has identified the following public projects as being in the general interest and benefit of the people of the County of Stanislaus and the City of Modesto:

1. Improvement of streets and roadways within Modesto including but not limited to acquisition, widening and direction control; and
2. Public safety services and facilities within Modesto; and
3. Improvement of parks and recreation services and facilities in Modesto including but not limited to acquisition of land; and
4. Participation in self-help projects with Caltrans by providing matching funds for additional main-line capacity, operational improvements, or which add significantly to the life of a state highway.

and

WHEREAS, at its meeting of August 23, 1988, the Council of the City of Modesto considered the levying of a one-half cent sales tax in the County of Stanislaus for the purpose of raising revenue for which a portion thereof may be used to fund such public projects as above described,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that due to the unavailability of sufficient local, state and federal funding, the Council does hereby support Measure Y on the November 8, 1988, election ballot to authorize a one-half cent sales tax to raise revenue for which a portion thereof will be used to fund such public projects in the County of Stanislaus and the City of Modesto as above described.

BE IT FURTHER RESOLVED that the Council urges the electorate within the City of Modesto to support said Measure Y for the purposes identified above.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to submit a copy of this resolution to the Board of Supervisors of the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

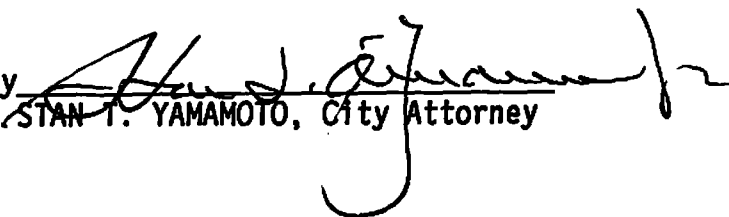
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-625

A RESOLUTION GRANTING THE APPEAL OF MID-VALLEY ENGINEERING ON BEHALF OF BIG VALLEY GRACE COMMUNITY CHURCH APPROVING THE DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(452), PROPERTY LOCATED AT 605 STANDIFORD AVENUE, AND OVERRULING THE DECISION OF THE PLANNING COMMISSION. (BIG VALLEY GRACE COMMUNITY CHURCH)

WHEREAS, a verified application for an amendment to Section 8-3-9 of the Zoning Map was filed by Big Valley Grace Community Church on June 22, 1988, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow townhouse condominium lots and the conversion and expansion of an existing church building into an office, property located at 605 Standiford Avenue, described as follows:

R-1 to P-D(452)

ALL that certain real property situate in a portion of the Southwest quarter of the Northeast quarter of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

COMMENCING at the Southeast corner of Lot "1", Block 13050 of the Greenwood Estates No. 3 subdivision, as shown on the map filed in Volume 22 of Maps, at Page 44, Stanislaus County Records; thence South 0°19'40" West, 407.30 feet; thence North 89°35'00" West, 526.61 feet to the point of beginning of a tangent curve, concave to the Northeast, having a radius of 15.00 feet and a central angle of 93°01'01"; thence Northwesterly along the arc of said curve, 24.35 feet to the point of a compound curve, said curve having a radius of 300.00 feet and a central angle of 45°48'03"; thence Northeasterly along the arc of said curve, 239.81 feet; thence North 49°14'04" East, 286.37 feet to the point of beginning of a tangent curve, concave to the Northwest, having a radius of 360.00 feet and a central angle of 5°36'27"; thence Northeasterly along the arc of said curve, 35.25 feet; thence South 74°35'00" East, 122.21 feet; thence South 89°40'20" East, 80.00 feet to the Point of Beginning of this description.

Including also the Northerly one-half of Standiford Avenue and the Westerly one-half of Columbine Drive all being immediately adjacent to the above described property.

and

WHEREAS, after a public hearing was held on July 18, 1988 in the City Council Chambers the Planning Commission was unable to reach a majority vote to approve or deny the amendment request which effected a denial of the application, and

WHEREAS, an appeal of the Planning Commission's denial of the request to rezone the property was filed with the Office of the City Clerk by Mid-Valley Engineering on behalf of Big Valley Grace Community Church by letter dated August 2, 1988, 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 23, 1988, at 7:30 p.m., for consideration, and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(452), should be granted for the following reasons:

1. That the proposed multiple-family condominium units are in accordance with community objectives as set forth in the General Plan, which provides for multiple-family development along this section of Standiford Avenue.
2. That the proposed office use is an appropriate use of the existing church building.

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 Big Valley Grace Community Church to reclassify the property described above from Low Density Residential Zone, R-1, to Planned Development

Zone, P-D(452), is hereby granted and the decision of the Planning Commission is overruled for the reasons set forth above.

SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(452), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "605 Standiford" as amended in red, stamped approved by the City Council on August 23, 1988.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Six-foot wood fence with decorative masonry pilasters between the office and residential use.
 - b. A minimum seven-foot double sided wood, stucco, or masonry wall or fence along the north and east property lines of the residential development and around all private patios.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. That a street light be added on the Columbine Drive frontage between Amber Street and Grace Avenue.
6. That a street light be added on the Standiford Avenue frontage as directed by the Engineering Services Director.
7. That five feet of right-of-way shall be dedicated on Columbine Drive for a left-turn lane as required for a collector-major intersection.
8. That the Standiford Avenue frontage of the development shall be dedicated to a 55-foot width north of the centerline.
9. That no parking shall be allowed on the east side of Columbine Drive from Standiford Avenue to the driveway serving the office use.

10. That the developer pay 1/3 the cost or a maximum \$30,000, whichever is less, of the traffic signal at Standiford Avenue and Columbine Drive.
11. That the western most curb cut on Standiford Avenue shall be a right-in/right-out curb cut as approved by the Engineering Services Director.
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. Drainage shall be provided as required by the Engineering Services Director.
14. Trash containers shall be screened from view from any public street.
15. All utilities shall be underground and cable television service shall be stubbed into all units.
16. 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.
17. All signs for the office use shall comply with the sign requirements of the P-O Zone and signs for the residential developments shall comply with the requirements of the R-2 Zone.
18. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
19. 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.
20. 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(452):

Construction to begin on or before August 23, 1990, and to be completed on or before August 23, 1991.

SECTION 4. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 5. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 6. EFFECTIVE DATE. The development plan and development schedule for Planned Development Zone, P-D(452), set forth in Sections 1 and 2 above, shall not become effective unless and until Ordinance No. 2602-C.S., introduced on the 23rd day of August, 1988, reclassifying the property to Planned Development Zone, P-D(452), 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 August, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 *Altham Daniels*
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-626

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(452). (BIG VALLEY GRACE COMMUNITY CHURCH)

WHEREAS, on August 23, 1988, the City Council introduced Ordinance No. 2602-C.S. giving approval to a project relating to an amendment to Section Map 8-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(452), property located at 605 Standiford 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 Section Map 8-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(452), property located at 605 Standiford Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson
Sutton, 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. 88-627

A RESOLUTION GRANTING THE APPEAL OF MID-VALLEY ENGINEERING ON BEHALF OF BIG VALLEY GRACE COMMUNITY CHURCH TO THE DECISION OF THE PLANNING COMMISSION AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR 605 STANDIFORD. (BIG VALLEY GRACE COMMUNITY CHURCH)

WHEREAS, the vesting tentative map of 605 Standiford was filed in the office of the Secretary of the Planning Commission on June 22, 1988, 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 the Sylvan Elementary School and Modesto High School Districts, and Modesto Irrigation District, 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 area can be served by elementary schools in the Sylvan School District and by Fire Station #7 at Mable Avenue and Palmwood Drive, 2-1/4 miles distant, and

WHEREAS, after a public hearing held on July 18, 1988, in the City Council Chambers, the Planning Commission was unable to reach a majority vote to approve or deny the amendment request which effected a denial of the vesting tentative subdivision map, and

WHEREAS, an appeal to the decision of the Planning Commission denying said vesting tentative map for 605 Standiford was filed with the City Clerk by Mid-Valley Engineering on behalf of Big Valley Grace Community Church by letter dated August 2, 1988, and

WHEREAS, said matter was set for a public hearing on August 23, 1988 at 7:30 p.m. in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, for consideration of said appeal, and

WHEREAS, at its meeting of August 23, 1988 at 7:30 p.m., after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Mid-Valley Engineering filed on behalf of Big Valley Grace Community Church to the decision of the Planning Commission denying approval of the vesting tentative map of 605 Standiford should be granted for the following reasons and the decision of the Planning Commission should be overruled:

1. That the proposed multiple-family condominium units are in accordance with community objectives as set forth in the General Plan, which provides for multiple-family development along this section of Standiford Avenue.
2. That the proposed office use is an appropriate use of the existing church building.

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

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

1. That the proposed subdivision map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.
2. That the discharge of waste as a result of the proposed subdivision into the existing sewer system will not result in a violation of existing requirements by the California Regional

Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.

3. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated June 22, 1988, should be certified as adopted.

BE IT FURTHER RESOLVED by the Council that the appeal of Mid-Valley Engineering filed on behalf of Big Valley Grace Community Church to the decision of the Planning Commission denying approval of the vesting tentative map of 605 Standiford is hereby granted for the reasons set forth above, and the decision of the Planning Commission denying said vesting tentative map of 605 Standiford is hereby overruled.

BE IT FURTHER RESOLVED that the vesting tentative map of 605 Standiford which was accepted for filing in the office of the Secretary of the Planning Commission on June 22, 1988, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. That a street light be added on the Standiford Avenue frontage as directed by the Engineering Services Director.
2. That five feet of right-of-way shall be dedicated on Columbine Drive for a left-turn lane as required for a collector-major intersection.
3. That the Standiford Avenue frontage of the subdivision shall be dedicated to a 55-foot width north of the centerline.
4. That the developer shall pay 1/3 the cost or a maximum of \$30,000, whichever is less, of the traffic signal at Standiford Avenue and Columbine Drive.
5. That the western most curb cut on Standiford Avenue shall be a right-in/right-out curb cut as approved by the Engineering Services Director.

6. That all subdivision improvements shall be constructed in accordance with City of Modesto Standard Specifications and as required by the Engineering Services Director pursuant to improvement plans.
7. That on-site drainage shall be stored and disposed of on-site.
8. That prior to City Council approval of a final subdivision map for the residential development, 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 Homeowners' Association which shall guarantee continued maintenance of common facilities in the development. Said documents shall be recorded concurrently with the final subdivision map.
9. That the covenants, conditions and restrictions pertaining to the residential development shall provide, among other things, that utility service equipment and facilities may be installed on or through dwelling units to serve other dwelling 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.
10. That public utility easements, including a blanket easement over the common area for the residential development, as required by the utility companies serving the project shall be dedicated by the final map.
11. That reciprocal access easement shall be provided between the office and residential parcel as shown in red on the approved tentative map prior to recording of a final subdivision map. A maintenance and access agreement relative to the easterly driveway on Standiford Avenue shall be recorded as approved by the City Attorney's office.
12. That provisions for water and sanitary sewer services to individual units shall be made in a manner to be approved by the Engineering Services Director. Maintenance of all sanitary sewers outside of the street right of way shall be by the Homeowner's Association.
13. That a final map shall not be recorded until such time as appropriate P-D Zoning to allow the proposed development is granted by the City Council and is in effect.
14. 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.

15. 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.

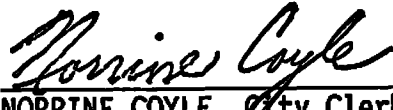
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Secretary of the Planning Commission is hereby directed to file with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed subdivision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

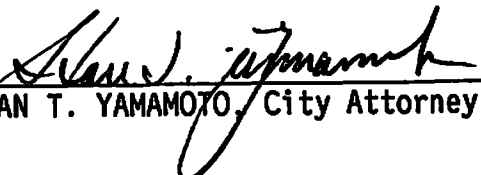
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-628

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(451). (ERNEST P. GRAHAM DEVELOPMENT CO.)

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Ernest P. Graham c/o Graham Development Company on April 18, 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 two free-standing "pads" for restaurants or banks/financial institutions, property located on the southwest corner of Standiford Avenue and Carver Road, described as follows:

ALL that certain real property shown as Parcel "2", as shown on the map filed in Book 38 of Parcel Maps, at Page 94, Stanislaus County Records, and lying in the Southwest quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, Stanislaus County, State of California.

Including also the west one-half of Carver Road and the south one-half of Standiford Avenue and all immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on August 1, 1988, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, it was found and determined by the Planning Commission that the rezoning of a portion of Planned Development Zone, P-D(351), to Planned Development Zone, P-D(451), to allow a three-story office complex with two free-standing "pads" for restaurants or banks/financial institutions, is required by public necessity, convenience and general welfare for the following reasons:

1. The office complex, despite massive buildings, represents a compromise land use between medium-density residential and the currently approved shopping center which is better located at the major/major street intersection one-half mile to the west.
2. The free-standing commercial "pads" conform to a similar recently-approved feature across Carver Road and other existing commercial properties in the near vicinity.

and

WHEREAS, by Resolution No. 88-90, the Planning Commission recommended to the City Council that a portion of the above-described property be rezoned from Planned Development Zone, P-D(351), to Planned Development Zone, P-D(451), for a three-story office complex with two free-standing "pads" for restaurants or banks/financial institutions, and

WHEREAS, the Council has introduced Ordinance No. 2603-C.S. on the 23 day of August, 1988, reclassifying a portion of Planned Development Zone, P-D(351), to Planned Development Zone, P-D(451),

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

1. All development shall conform to the plot plan and floor plans titled "Standiford Plaza" as amended in red, stamped approved by the Planning Commission on August 1, 1988.
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, including minimum 15 gallon evergreen trees, shall be installed along the entire south property line as an early part of the first phase. 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:

eight-foot solid decorative masonry wall as an early part of the first phase along the entire south property line.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. The Standiford Avenue and Carver Road frontages shall be improved to major and collector street standards respectively prior to the occupancy of any structures or when requested by the Engineering Services Director to alleviate a health, safety, or traffic problem in the area.
6. The developer shall dedicate to the City of Modesto a street tree planting easement along the Standiford and Carver Road frontages as required by the Parks and Recreation Director.
7. All curbcuts serving two-way driveways shall be 41 feet in width.
8. 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.
9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering Services Director.
10. Trash bins shall be kept in enclosures in accordance with the approved plan, and shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
11. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the west, substantially as shown in red on the plot plan.
12. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
13. All signs for the office uses shall comply with the sign requirements of the P-0 Zone. Signs for the restaurant and financial use shall comply with the requirements for the C-3 zone.

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.
15. 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 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(451):

Phase I - To include one 3 story office building, the apertinent parking, the entire south wall and screen landscaping, and peripheral street improvements including excess curbcut removal and traffic signal upgrading. Construction to begin on or before August 1, 1990, and completion to be not later than August 1, 1991.

Phase II - To be remainder of the site. Construction to begin on or before August 1, 1991, and completion to be not later than August 1, 1992.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned 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 Ordinance No. 2603 -C.S. becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23 day of August, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 Archie
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-629

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING A PORTION OF P-D(351) TO P-D(451). (ERNEST P. GRAHAM DEVELOPMENT COMPANY)

WHEREAS, on August 23, 1988, the City Council introduced Ordinance No. 2603-C.S. giving approval to a project relating to an amendment to Section Map 7-3-9 of the Zoning Map of the City of Modesto to reclassify a portion of Planned Development Zone, P-D(351), to Planned Development Zone, P-D(451), property located on the southwest 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 Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 7-3-9 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(351), to Planned Development Zone, P-D(451), property located on the southwest 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 23 day of August, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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. 88-630

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF ALLEYS IN CERTAIN BLOCKS IN THE CITY OF MODESTO (Block No.s 210, 549, 808, 809, 810, 816, 934, 1006, 2028, 2263, 2282, 6020, 6041, 6140, 6622, 6629, 6824, 6829, 6922, 12952)

WHEREAS, Chapter 27 of Part 3 of Division 7 of Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Superintendent of Streets did, upon petition by property owners, order the construction of alleys in certain blocks in the City of Modesto, giving notice requiring the construction of such improvements; and

WHEREAS, the Superintendent of Streets did set the 23rd day of August, 1988, at 7:30 o'clock p.m., in the Council Chambers, as the time and place for a hearing for the purpose of passing upon objections or protests, if any, which may be raised by the property owners or other interested persons relating to the proposed work; and

WHEREAS, the Superintendent of Streets has caused notices to be posted and mailed as required by the Streets and Highways Code; and

WHEREAS, at the time set for hearing the protests and objections to the proposed work, the said Council proceeded to hear the same.

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

SECTION 1. All protests and objections of any kind or nature whatsoever to the proposed work as set forth in the notices, are hereby overruled or denied.

SECTION 2. The Superintendent of Streets is hereby directed to proceed with the project as to the properties described in the notices in accordance with the provisions of Chapter 27, Part 3, of Division 7 of the Streets and Highways Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

BlockStreets

210	Lane Street - Walden Street/Burney Street - James Street
549	Magnolia Avenue - Elmwood Avenue/Needham Street - Alice Street
808	Princeton Avenue - Trinity Avenue/Notre Dame - College Avenue
809	Princeton Avenue - Trinity Avenue/Notre Dame - Tully Road
810	Tully Road - Notre Dame/Princeton Avenue - Fordham Avenue
816	Columbia Way - Mills Avenue/Carla Lane - Melinda Lane
934	Del Monte Avenue - Del Mar Avenue/Kearney Avenue - Del Rey Avenue
1006	Morris Avenue/Grantland Court
2028	Encina Avenue - Roble Avenue/Wilson Avenue - Santa Ana Avenue
2263	Miller Avenue - Glendale Avenue/Parry Avenue - El Vista Avenue
2282	Colfax Avenue - Cloverdale Avenue/ Roble Avenue - Haddon Avenue
6020	Maplewood Drive - Cherrywood Drive/Westland Drive - Del Vale Avenue
6041	Orangeburg Avenue - Oakwood Drive/Del Vale Avenue - Kearney Avenue
6140	Concord Avenue - Albany Avenue/Woodman Way - Granger Avenue
6622	Schulenburg Avenue - Theo Avenue/Hemminger Way - Uhlig Avenue
6629	Theo Avenue - Kingsbury Avenue/Hemminger Way - Uhlig Avenue
6824	Northgate Drive.- Northwood Drive/Kirkwood Avenue - Sherwood Avenue
6829	Northgate Drive - Fleetwood Drive/Dorrington Court - Ridgewood Court
6922	Floyd Avenue - Bruce Avenue/Jasmin Avenue - Dana Lane
12952	Sheffield Lane - Winsor Lane/Sunrise Avenue - Rumble Road

MODESTO CITY COUNCIL
RESOLUTION NO.88-631

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF ALLEYS IN CERTAIN BLOCKS IN THE CITY OF MODESTO (Block No. 466 - College Avenue - Myrtle Avenue/Morris Avenue to Coldwell Avenue)

WHEREAS, Chapter 27 of Part 3 of Division 7 of Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Superintendent of Streets did, upon petition by property owners, order the construction of alleys in certain blocks in the City of Modesto, giving notice requiring the construction of such improvements; and

WHEREAS, the Superintendent of Streets did set the 23rd day of August, 1988, at 7:30 o'clock p.m., in the Council Chambers, as the time and place for a hearing for the purpose of passing upon objections or protests, if any, which may be raised by the property owners or other interested persons relating to the proposed work; and

WHEREAS, the Superintendent of Streets has caused notices to be posted and mailed as required by the Streets and Highways Code; and

WHEREAS, at the time set for hearing the protests and objections to the proposed work, the said Council proceeded to hear the same.

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

SECTION 1. All protests and objections of any kind or nature whatsoever to the proposed work as set forth in the notices, are hereby overruled or denied.

SECTION 2. The Superintendent of Streets is hereby directed to proceed with the project as to the properties described in the notices in accordance with the provisions of Chapter 27, Part 3, of Division 7 of the Streets and Highways Code of the State of California.

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

- AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-632

A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS FOR WELL NO. 13 SAND TRAP INSTALLATION

WHEREAS, Resolution No. 88-557, adopted by the Council of the City of Modesto on July 26, 1988, approved the plans and specifications for the Well No. 13 sand trap installation

and authorized the calling for bids; and

WHEREAS, the bids received for the Well No. 13 sand trap installation were opened at 11:00 a.m. on August 16, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Howk Systems in the amount of \$35,820 be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Howk Systems in the amount of \$35,820 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 August, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-633

A RESOLUTION WAIVING FORMAL BID PROCEDURE FOR REMOVAL OF UNDERGROUND TANKS AT THE CITY SERVICE YARD AND AUTHORIZING ISSUANCE OF A PURCHASE ORDER TO SEMCO, INC. TO PERFORM THE WORK

WHEREAS, during the execution of an earlier contract to remove various underground tanks, the Contractor, Semco, Inc. located an additional underground tank at the City Bus Yard, and it was suspected that others existed; and

WHEREAS, having performed the previous underground tank removal project and they are familiar with the work required, it is suggested that formal bids be waived and a purchase order be issued to Semco, Inc. for the work.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that bid procedure for removal of underground tanks at the City Service Yard is hereby waived.

BE IT FURTHER RESOLVED that a purchase order in the amount of \$22,000 to Semco, Inc. for removal of underground tanks 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 August, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-634

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
RALPH ANDERSON AND ASSOCIATES FOR EXECUTIVE RECRUITMENT SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Ralph Anderson and
Associates for recruitment services in hiring a Deputy City Manager

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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, 1988, by Councilmember Patterson
who moved its adoption, which motion being duly seconded by Council-
member Lang, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-635

A RESOLUTION ACCEPTING IMPROVEMENTS IN WOODLAND GARDENS SUBDIVISION AND
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, P & R Enterprises, subdividers of Woodland Gardens Subdivision, have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$110,500.00 and \$55,250.00 respectively to guarantee improvements in Woodland Gardens Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated August 16, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

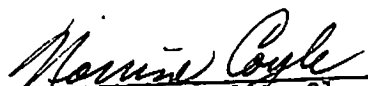
WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the Irrevocable Commitment of Funds upon expiration of the statutory period.

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

1. The improvements in Woodland Gardens 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 \$110,500.00 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 \$55,250.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor, Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-636

A RESOLUTION ACCEPTING THE PROPOSAL OF AMERICAN GOLF CORPORATION AND AUTHORIZING NEGOTIATIONS FOR THE PURPOSE OF MANAGING EXISTING GOLF COURSES AND CONSTRUCTION, DEVELOPMENT AND OPERATION OF THE PROPOSED 18-HOLE CHAMPIONSHIP DRY CREEK GOLF COURSE

WHEREAS, Resolution No. 87-1058, adopted by the Council of the City of Modesto on September 15, 1987, approved the specifications for the development and operation of the Dry Creek eighteen hole golf course, and maintenance and operation of the Dryden and Muni nine-hole golf courses, and authorized the calling for proposals; and

WHEREAS, the proposals received were opened at 3:00 p.m. on January 26, 1988, and later tabulated by the Director of Parks and Recreation for the consideration of the Council; and

WHEREAS, the Director of Parks & Recreation has recommended that the proposal of American Golf Corporation be accepted as the most responsible proposal and that the Council direct staff to enter into negotiations with American Golf Corporation for the purposes of managing the two existing golf courses and construction, development and operation of the proposed 18-hole championship Dry Creek golf course.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the proposal of American Golf Corporation be accepted as the most responsible proposal and City staff is directed to enter into negotiations with American Golf Corporation for the purpose of managing existing golf courses and construction, development and operation of the proposed 18-hole championship Dry Creek Golf Course.

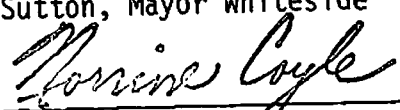
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the

following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

Irizarry, Lang, Muratore, Sutton, Mayor Whiteside
McGrath, Patterson
None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-636-A

A RESOLUTION GRANTING AN APPEAL TO THE DECISION OF THE ENVIRONMENTAL ASSESSMENT COMMITTEE REQUIRING AN ENVIRONMENTAL IMPACT REPORT FOR CALIFORNIA CHARDONNAY (FORMERLY HILLVIEW MOBILE HOME PARK) VESTING TENTATIVE SUBDIVISION MAP AND ISSUING A MITIGATED NEGATIVE DECLARATION FOR THE PROJECT.

WHEREAS, on August 10, 1988, the City of Modesto's Environmental Assessment Committee reviewed the California Chardonnay (formerly Hillview Mobile Home Park) vesting tentative subdivision map ("the project"), which is a proposal to create lots for a 228 single family homes subdivision to be located at Whitmore Avenue and Ustick Road, and

WHEREAS, the City of Modesto's Environmental Assessment Committee found that an Environmental Impact Report was required because the project may have a significant effect on the environment due to potential impacts on response time for fire and medical emergencies, the cost of providing police services, and the additional impacts relating to planting and maintaining street trees, 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 of an Environmental Impact Report was filed with the Office of the City Clerk by Kaufman and Broad on behalf of California Chardonnay, (formerly Hillview Mobile Home Park) by letter dated August 11, 1988, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California on September 6, 1988, at 4:00 p.m., and

WHEREAS, after said public hearing held on September 6, 1988, the Council has found and determined that said appeal should be granted, that the decision of the Environmental Assessment Committee should be reversed, and that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described by the evidence presented to the City Council on September 6, 1988 at its regularly scheduled meeting have been added to the project, and, therefore, the Council does hereby issue a Mitigated Negative Declaration on the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that based on the findings and determinations set forth above, it does hereby grant the appeal of Kaufman and Broad on behalf of California Chardonnay, (formerly Hillview Mobile Home Park) vesting tentative subdivision map, to the decision of the City of Modesto's Environmental Assessment Committee requiring an Environmental Impact Report for said project.

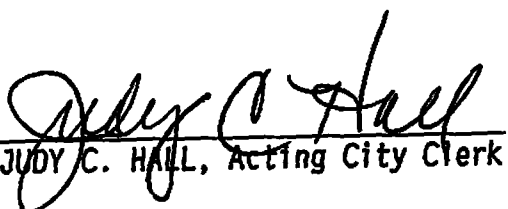
BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby reserves any and all of its rights to alter, amend, modify or change the findings stated herein, if upon administrative appeal substantial evidence is presented which demonstrates that the project may have significant environmental impacts which are not mitigated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

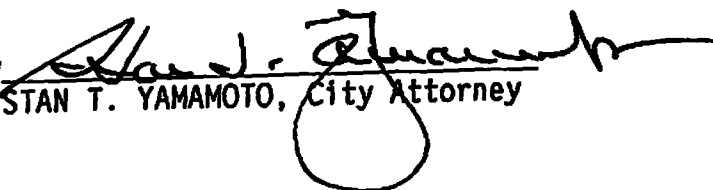
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-637

A RESOLUTION ADOPTING A FEE IN CONNECTION WITH MAINTENANCE OF ROCKWELLS AND RESCINDING RESOLUTION NO. 87-500.

WHEREAS, Section 7-1.108 of the Modesto Municipal Code provides that fees for services performed by the City of Modesto pursuant to Chapter 1 of Title VII of the Modesto Municipal Code relating to street improvements shall be in accordance with a schedule of fees adopted by the City Council from time to time by resolution, and

WHEREAS, City staff has recommended the imposition of a rockwell maintenance fee which will be the capitalized cost of annual maintenance, and

WHEREAS, the Council held a public hearing at its regular meeting on September 6, 1988, to consider the recommended fee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a Rockwell Maintenance Fee of One Thousand Thirty-five Dollars and no/100ths (\$1,035.00) per rockwell is hereby adopted. The fee will be payable prior to approval of the final subdivision map or prior to issuance of an encroachment permit, whichever occurs first. In those instances where rockwells are not shown on improvement plans, the number of rockwells for fee collection purposes shall be calculated on the basis of one rockwell for each 12,000 square feet of right of way to be drained. Any fraction shall be considered an additional rockwell. The fee shall be adjusted at the first of each year by the Building Cost Index of the United States as published by Engineering News-Record, a McGraw-Hill publication.

BE IT FURTHER RESOLVED that this resolution shall become effective in sixty (60) days pursuant to Government Code Section 65962.

BE IT FURTHER RESOLVED that pursuant to Section 15273 of the State CEQA guidelines this resolution is exempt from CEQA because the fees established by this resolution will be collected for the purpose of obtaining funds which are necessary to maintain the current level of rockwell maintenance services within the City.

BE IT FURTHER RESOLVED that Resolution No. 87-500 adopted by the Council on June 23, 1987, is hereby rescinded effective December 31, 1988.


BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

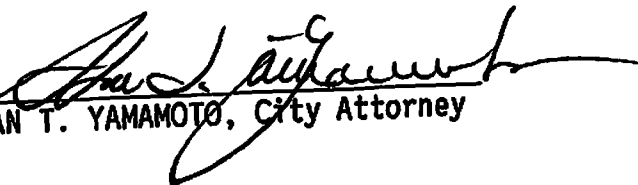
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-638

A RESOLUTION ESTABLISHING FILING FEES FOR SUBDIVISION AND
PARCEL MAPS AND RESCINDING RESOLUTION NO. 87-1017.

WHEREAS, Section 4-4.106 of the Modesto Municipal Code, provides
that the Council, by resolution, shall establish filing fees for the
processing of tentative and final subdivision and parcel maps and for other
procedures required or authorized by Chapter 4 of Title IV of the Modesto
Municipal Code, and

WHEREAS, City staff has recommended an increase in the filing fees
for the processing of tentative and final subdivision and parcel maps, and
other procedures, and

WHEREAS, the Council held a public hearing at its regular meeting on
September 6, 1988, to consider the recommended increases in the filing fees
for the processing of tentative and final subdivision and parcel maps and
other procedures,

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

SECTION 1. FEES. Filing fees for maps and procedures required and
authorized by Chapter 4 of Title IV of the Modesto Municipal Code are hereby
established as follows:

- | | |
|---|----------|
| (a) Reversion to acreage | \$162.00 |
| (b) Final parcel map checking fee | \$335.00 |
| (c) Final (subdivision) map checking fee
for subdivisions of 10 or less lots | \$335.00 |

(d) Final (subdivision) map checking fee for subdivisions of 10 or more lots	\$335.00
Plus per each lot in excess of 10	\$ 6.75
(e) Parcel map improvement plan check fee	\$135.00
(f) Subdivision improvement plan check fee for subdivisions of 10 or less lots	\$223.00
(g) Subdivision improvement plan check fee for subdivisions of 10 or more lots	\$223.00
Plus each lot in excess of 10	\$ 5.50
(h) Property owners' association document checking fee	\$166.00
(i) Certificate of compliance	\$118.00
(j) Summary right of way abandonment	\$163.00

SECTION 2. REPEALS. Resolution No. 87-1017 adopted by the Council on September 8, 1987, is rescinded effective December 31, 1988.

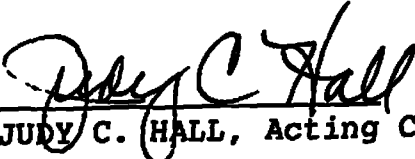
SECTION 3. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after January 1, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

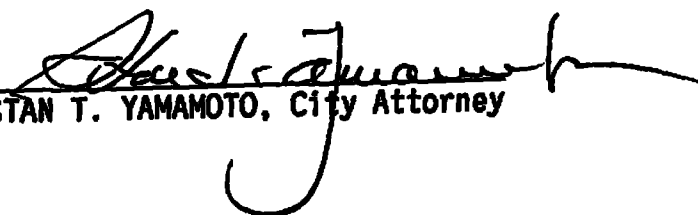
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-639

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR COPIES OF VARIOUS MAPS AND PRINTS OBTAINED FROM THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 87-1018.

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

WHEREAS, the City Council held a public hearing at its regular meeting on September 6, 1988, to consider the recommended fee increases,

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. 87-1018 adopted by the Council on September 8, 1987 is hereby rescinded effective December 31, 1988.

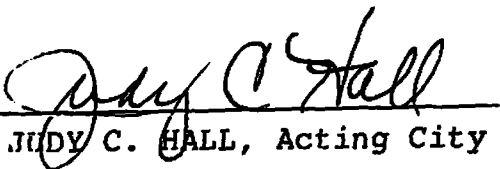
SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after January 1, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

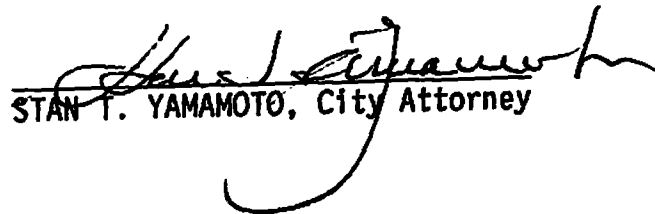
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

FEES AND CHARGES
FOR COPIES OF VARIOUS MAPS AND PRINTS
OBTAINED FROM THE CITY OF MODESTO

PRINTING FEES

Printing fees per sheet plus sales tax for copies of tentative and final subdivision maps and parcel maps.

A. Mylar	\$8.79
B. Sepia	\$1.35
C. Blue-line	\$.35

DOCUMENT RETRIEVAL FEE

This fee covers the cost of interviewing the customer to determine his needs, searching of the vault or other files to find the needed document, drawing, aerial photo, map, microfilm, log book, etc. This is a fee that covers the prerequisite activity to reproduction of a document. This charge is in addition to any other reproduction costs listed herein. The Director of Engineering Services is authorized to waive the document retrieval fee for certain standard stock documents which he determines do not require the document retrieval activity.

Fee \$6.00

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 \$.15/s.f.

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.

EXHIBIT A

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 \$.50/s.f.

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 \$1.70/image

MODESTO CITY COUNCIL
RESOLUTION NO. 88-640

A RESOLUTION ESTABLISHING INVESTIGATION AND PERMIT FEES
RELATING TO MOVING OF BUILDINGS AND RESCINDING RESOLUTION
NO. 87-1019.

WHEREAS, Section 4-3.08 of the Modesto Municipal Code authorizes the Council to establish, by resolution, investigation and permit fees relating to the moving of buildings, and

WHEREAS, investigation and permit fees relating to moving of buildings have previously been established, and

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

WHEREAS, the City Council held a public hearing at its regular meeting on September 6, 1988, to consider the recommended fee increases,

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

SECTION 1. INVESTIGATION FEES:

(a) When the building to be moved is located inside the City limits and is to be moved to a new site in the City, an investigation fee in the sum of \$61.50 shall be paid to the Finance Director upon filing each application for a House Moving Inspection Permit.

(b) When the building to be moved is located outside the City limits and is to be moved to a new site in the City, an investigation fee equal to the sum of the estimated direct salary of one inspector while making the investigation, plus the cost of travel calculated at 23¢ per mile, but in no case less than \$61.50 shall be paid to the Finance Director upon filing each application for a House Moving Inspection Permit.

(c) When the building to be moved is located inside the City limits and is to be moved to a new site outside the City limits, there is no investigation fee.

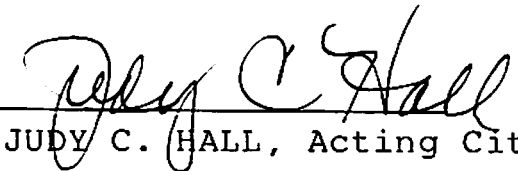
SECTION 2. PERMIT FEES. A permit fee in the sum of \$35.00 shall be paid to the Finance Director upon issuance of each House Moving Permit.

SECTION 3. REPEALS. Resolution No. 87-1019 adopted by the City Council on September 8, 1987, is hereby rescinded effective December 31, 1988.

SECTION 4. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after January 1, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-641

A RESOLUTION ESTABLISHING A SEWER BOND REDEMPTION CHARGE AND
WATER CONNECTION CHARGE INSPECTION FEES AND RESCINDING
RESOLUTION NO. 87-1020.

WHEREAS, Section 5-6.04 of the Modesto Municipal Code provides for a
fee for inspection of property to determine the acreage to be used in
determining the sewer bond redemption charge imposed by said section, and

WHEREAS, Section 11-1.05(d)(3) of the Modesto Municipal Code
provides for a fee for inspection of property to determine area of a parcel to
be used in determining water connection charges, and

WHEREAS, the Council has previously adopted such fees, and

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

WHEREAS, the City Council held a public hearing at its regular
meeting on September 6, 1988, to consider the recommended fees increase,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby establishes a Sewer Bond Redemption Charge Inspection Fee in
the amount of \$27.00 to be charged for each inspection of property to
determine the acreage to be used in determining the sewer bond redemption
charge imposed by Section 5-6.04 of the Modesto Municipal Code.

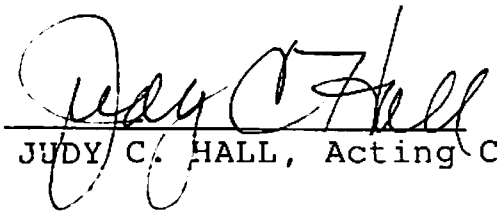
BE IT FURTHER RESOLVED by the Council of the City of Modesto that it
hereby establishes a Water Connection Charge Inspection fee in the amount of
\$27.00 to be charged for each inspection of property to determine the square
foot area to be used in determining the water connection charge imposed by
Sections 11-1.05(a) and 11-1.05(b) of the Modesto Municipal Code.

BE IT FURTHER RESOLVED that Resolution No. 87-1020 adopted by the Council on September 8, 1987, is hereby rescinded effective December 31, 1988.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1989.

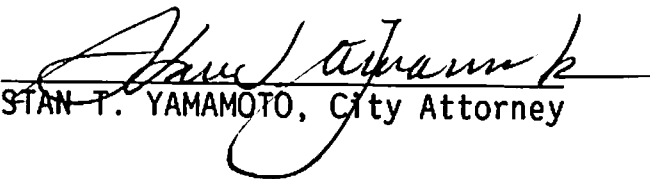
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-642

A RESOLUTION ESTABLISHING SIGN PERMIT FEES AND RESCINDING
RESOLUTION NO. 87-1021.

WHEREAS, Section 10-2.3503(i) of the Modesto Municipal Code
authorizes the Council, by resolution, to establish sign permit fees, and

WHEREAS, City staff has recommended an increase in existing sign
permit fees to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on
September 6, 1988, to consider the recommended increase in the existing sign
permit fees,

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

SECTION 1. PAINTED WALL SIGNS. The fee shall be \$34.50 for each
painted wall sign.

SECTION 2. CHANGE OF COPY. The fee shall be \$33.50 for each sign
on which there is a change of copy.

SECTION 3. ALL OTHER SIGNS. The fee shall be \$40.50 for all other
signs.

SECTION 4. BUILDING AND ELECTRICAL PERMIT FEES. The above listed
fees are in addition to fees incident to the issuance of building and
electrical permits. Building and electrical permits are not required for
painted wall signs or for change of copy.

SECTION 5. REPEALS. Resolution No. 87-1021 adopted by the Council
on September 8, 1987, is hereby rescinded effective December 31, 1988.

SECTION 6. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after January 1, 1989.

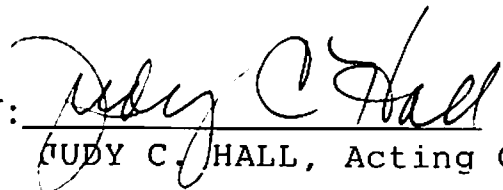
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

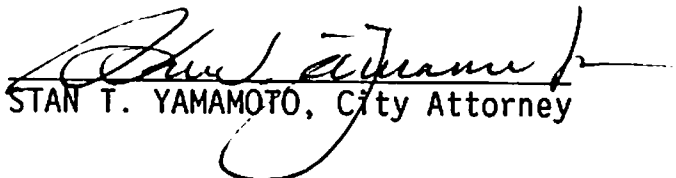
ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By


STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-643

A RESOLUTION ESTABLISHING A FEE FOR PREPARATION OF SEWER
LINE REIMBURSEMENT AGREEMENTS AND RESCINDING RESOLUTION NO.
87-1022.

WHEREAS, Section 5-6.10 of the Modesto Municipal Code provides for a
fee for preparation of sewer line reimbursement agreements, and

WHEREAS, the Council has previously adopted such a fee, and

WHEREAS, the City staff has recommended an increase in said fee to
reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular
meeting on September 6, 1988, to consider the recommended fee increase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby establishes a Sewer Line Reimbursement Agreement Preparation
Fee in the amount of \$142.00 to be charged for preparation of each sewer line
reimbursement agreement.

BE IT FURTHER RESOLVED that Resolution No. 87-1022, adopted by the
Council on September 8, 1987, is hereby rescinded effective December 31, 1988.

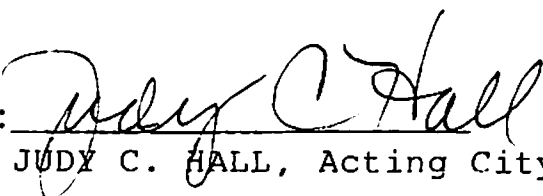
BE IT FURTHER RESOLVED that the fee established by this resolution
shall become effective on and after January 1, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-644

A RESOLUTION ESTABLISHING A BUILDING COMPLIANCE INSPECTION
FEE AND RESCINDING RESOLUTION NO. 87-1023.

WHEREAS, this Council has previously established a Building
Compliance Inspection Fee which is charged by the Building Official for
inspections to determine whether a building complies with the Housing Code
and/or the Dangerous Buildings Code, and

WHEREAS, City staff has recommended an increase in the Building
Compliance Inspection Fee to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on
September 6, 1988 to consider the recommended increase in the Building
Compliance Inspection Fee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that a Building Compliance Inspection Fee of \$52.00 shall be charged by the
Building Official for inspections to determine whether a building complies
with the Housing Code and/or the Dangerous Buildings Code.

BE IT FURTHER RESOLVED that Resolution No. 87-1023 adopted by the
Council on September 8, 1987 is hereby rescinded effective December 31, 1988.

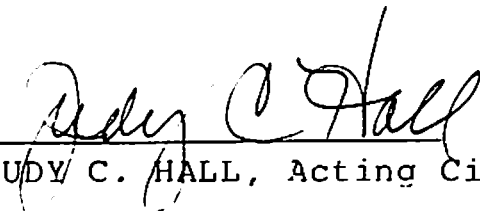
BE IT FURTHER RESOLVED that the fees established by this resolution
shall become effective on and after January 1, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-645

A RESOLUTION ADOPTING A SCHEDULE OF FEES IN CONNECTION WITH ENCROACHMENT PERMITS AND INSPECTIONS REQUIRED BY THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 87-1024.

WHEREAS, Section 5-6.08 of the Modesto Municipal Code provides that costs incurred by the City of Modesto for preparation of plans and specifications and inspections for construction of sewer laterals in the City shall be in accordance with a schedule of fees approved by the Council from time to time by resolution, and

WHEREAS, Section 7-1.108 of the Modesto Municipal Code provides that fees for services performed by the City of Modesto pursuant to Chapter 1 of Title VII of the Modesto Municipal Code relating to street improvements shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.14 of the Modesto Municipal Code provides that fees for inspection for the temporary closing of public ways in the City of Modesto shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.22 of the Modesto Municipal Code provides that fees for street paving performed by the City of Modesto shall be paid by permittees obtaining permits therefor from the City in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.27 of the Modesto Municipal Code provides that fees for street cuts inspections performed by the City of Modesto shall be

paid in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Resolution No. 77-1081 entitled, "A Resolution Establishing Conditions for Issuing Encroachment Permits to Place Newspaper Racks in Sidewalk Planting Strips" in the City of Modesto, provides that inspection fees shall be charged in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, City staff has recommended an increase in the fees authorized by the above sections of the Modesto Municipal Code and Resolution No. 77-1081, and

WHEREAS, the Council held a public hearing at its regular meeting on September 6, 1988 to consider the recommended increase in the fees authorized by the above sections of the Modesto Municipal Code and Resolution No. 77-1081,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the "Schedule of Encroachment Permit Fees", attached hereto as Exhibit "A", is hereby adopted as the fees to be charged for work or inspections performed by the City of Modesto in connection with encroachment permits.

BE IT FURTHER RESOLVED that Resolution No. 87-1024 adopted by the City Council on September 8, 1987, is hereby rescinded effective December 31, 1988.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT A

SCHEDULE OF ENCROACHMENT PERMIT FEES

TYPE PERMIT ⁽⁶⁾	BASIC PERMIT ⁽⁵⁾ & INSP.	STAKING ⁽¹⁾	CRACK FILLING	PAVING ⁽¹⁾	CODE OR RES. REFERENCE
1. Curbs and curb cuts	\$55.00/lot ⁽⁷⁾	3.00/1.f.	----	by City	7-1.108
2. Sidewalks	\$26.00/lot ⁽⁷⁾	----	----	----	7-1.108
3. Sewer Service from lot to sewer lateral	\$31.50/each	----	\$.52/1.f. of trench	\$3.50/s.f. ⁽⁹⁾	5-6.08; 7-2.22
4. Sewer Laterals ⁽²⁾	\$ 0.84/1.f.	0.60/1.f.	\$.52/1.f. of trench	\$3.50/s.f. ⁽⁹⁾	5-6.08; 7-2.22
5. Newspaper Racks	\$24.50/each	----	----	----	7-1.108
6. Storm Drains (through curb)	\$20.00/each	----	----	----	7-1.108
7. Utilities ⁽³⁾ Major Const.	\$60.50/each	----	\$.52/1.f. of trench	\$3.50/s.f. ⁽⁹⁾	7-2.27; 7-2.22
8. Utilities ⁽³⁾ Service and Repair	\$42.50/each	----	included in permit fee	\$3.50/s.f. ⁽⁹⁾	7-2.27; 7-2.22
9. Street Closures (temporary)	\$90.00/each	----	----	----	7-2.14
10. Street Lights	\$50.00/each	----	\$.52/1.f. of trench	----	7-1.108
11. Rock Wells or Storm Drain Connections	\$50.00/each	----	\$.52/1.f. of trench	----	7-1.108

12. Street Construction	\$44.50/lot ⁽⁷⁾	----		----	7-1.108
13. Improvements ⁽⁸⁾	\$54.00/lot ⁽⁷⁾	----		----	7-1.108
14. Other work not listed ⁽¹⁰⁾	To be calculated	----		----	7-1.108
15. Install refractor steel pole	\$36.50/each	----		----	7-1.108
16. Added refractor steel pole	\$ 8.25/each	----		----	7-1.108
17. Install mast arm wood pole	\$92.00/each	----		----	7-1.108
18. Added mast arm wood pole	\$69.00/each	----		----	7-1.108

- (1) Where no fee is shown, the work is to be performed by others as needed.
- (2) Small laterals or extensions designed and drawn by the City shall pay an additional \$2.00/l.f.
- (3) Utility relocation required for City projects is not subject to a charge.
- (4) (Deleted)
- (5) Costs shall be paid for emergency or other work performed by City for public health and safety in addition to the following minimum charges:
 - a. Cleanup or dust control \$245.00 per street
 - b. Temporary paving \$180.00 per street
 - c. Temporary barricades \$105.00 per each
- (6) Permits are required for all work done in all public rights of way, including public utility easements.
- (7) For lots greater than 100' frontage, each 100' or part thereof is considered to be one "lot", (distance to be measured to nearest 100 feet).
- (8) Improvements not otherwise listed such as water line extensions, irrigation lines, irrigation line replacements, storm drain lines.
- (9) Chargeable only when paving is done by City.
- (10) To be calculated by Director of Engineering in each instance, based on the actual cost of doing the work including overhead.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-646

A RESOLUTION ESTABLISHING FILING FEES FOR SPECIAL ASSESSMENT DISTRICT FINANCING AND RESCINDING RESOLUTION NO. 87-1025.

WHEREAS, increased use of Special Assessment District Financing is foreseen, and

WHEREAS, applications for Special Assessment District Financing require significant staff time and may or may not result in a district formation, and

WHEREAS, the Director of Engineering Services has estimated the preliminary staff work for Special Assessment District Financing is at least \$2,800, and

WHEREAS, the City Council held a public hearing at its regular meeting on September 6, 1988, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the filing fee for Special Assessment District Financing is hereby established in the sum of \$2,800.

BE IT FURTHER RESOLVED that Resolution No. 87-1025 adopted by the Council on September 8, 1987, is hereby rescinded effective December 31, 1988.

BE IT FURTHER RESOLVED that the fee established by this resolution shall become effective on and after January 1, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muartore, Patterson, Sutton, Mayor Whiteside

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. 88-647

A RESOLUTION ESTABLISHING FEES FOR ISSUANCE OF ANNUAL PERMITS FOR OVERSIZED OR OVERLOADED VEHICLES AND FOR ISSUANCE OF ONE TRIP PERMITS FOR OVERSIZED OR OVERLOADED VEHICLES AND RESCINDING RESOLUTION NO. 87-1028.

WHEREAS, the City of Modesto has an agreement with the State of California (Caltrans) for the issuance of annual permits for oversized or overloaded vehicles and for the issuance of one trip permits for oversized or overloaded vehicles, and

WHEREAS, as of January 27, 1986, the state fees for issuance of annual permits were \$50.00 and the state fees for issuance of one trip permits were \$5.00, and

WHEREAS, in February 1987, the City of Modesto decided to add the City's actual cost of permit issuance to the state transportation fees for annual permits for oversized or overloaded vehicles, and

WHEREAS, in February 1987, the City of Modesto decided that the City's actual cost of service would be phased in and that the state fee would not be used in the issuance of one trip permits for oversized or overloaded vehicles, and

WHEREAS, said fees also cover terminal access of interstate trucks pursuant to Section 35401.5 (d) of the Motor Vehicle Code, and

WHEREAS, the City proposes a fee of \$57.50 be charged for issuance of annual permits for oversized or overloaded vehicles, which includes a charge for the services of a Plan Review Engineer, and the City proposes a fee of \$8.00 be charged for the issuance of one trip permits for oversized or

overloaded vehicles be charged, which includes a charge for the services of a Police Squad Leader and a Plan Review Engineer,

WHEREAS, the City Council held a public hearing at its regular meeting on September 6, 1988, to consider the recommended changes,

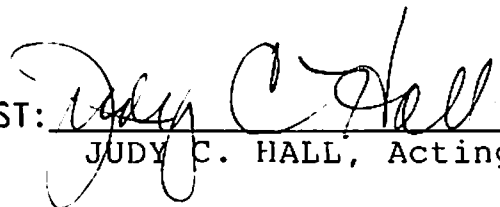
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an Annual Permit Fee of \$57.50 For Oversized Or Overloaded Vehicles shall be charged by the City Engineering Department and a One Trip Permit Fee of \$8.00 For Oversized Or Overloaded Vehicles shall be charged by the City Engineering Department.

BE IT FURTHER RESOLVED that Resolution No. 87-1028 adopted by the Council on September 8, 1987, is hereby rescinded effective December 31, 1988.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on and after January 1, 1989.

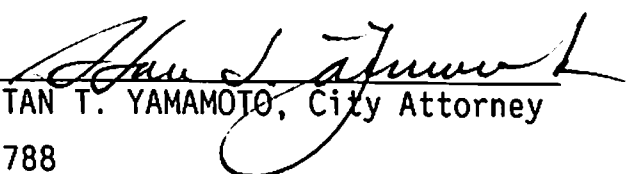
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-648

A RESOLUTION ESTABLISHING FILING FEES FOR SPECIAL ASSESSMENT
BENEFIT DISTRICTS FOR LANDSCAPING AND RESCINDING RESOLUTION
NO. 87-1026. (SABDL)

WHEREAS, increased use of Special Assessment Benefit Districts For
Landscaping (SABDL) is unforeseen, and

WHEREAS, applications for Special Assessment Benefit Districts For
Landscaping require significant staff time and may or may not result in a
district formation, and

WHEREAS, the Director of Engineering Services has estimated the
preliminary staff work for Special Assessment Benefit Districts For
Landscaping at a minimum of \$2,400, and

WHEREAS, the City Council held a public hearing at its regular
meeting on September 6, 1988, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the filing fee for Special Assessment Benefit Districts For Landscaping
is hereby established in the sum of \$2,400.

BE IT FURTHER RESOLVED that Resolution No. 87-1026 adopted by the
Council on September 8, 1987, is hereby rescinded effective December 31, 1988.

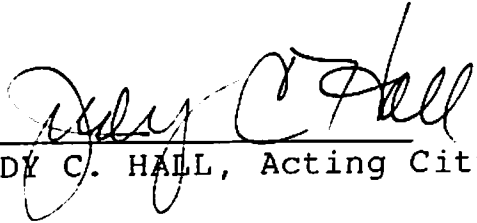
BE IT FURTHER RESOLVED that the fee established by this resolution
shall become effective on and after January 1, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

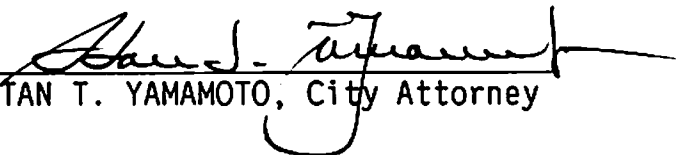
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-649

A RESOLUTION ESTABLISHING CAPITAL FACILITIES FEES AND
RESCINDING RESOLUTION NO. 88-51.

WHEREAS, Section 8-1.904 of the Modesto Municipal Code authorizes
the Council to establish, by resolution, 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, Section 8-1.903 of the Modesto Municipal Code defines
various types of uses which contribute to the impact of development on the
City, and

WHEREAS, City staff has recommended an increase in capital
facilities fees in accordance with the Building Costs Index effective
August 1, 1988, published by the Engineering News Record, and

WHEREAS, the City Council held a public hearing at its regular
meeting on September 6, 1988, to consider the recommended changes,

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

SECTION 1. AMOUNT OF CAPITAL FACILITIES FEES. The amount of
Capital Facilities Fees to be paid by developers shall be:

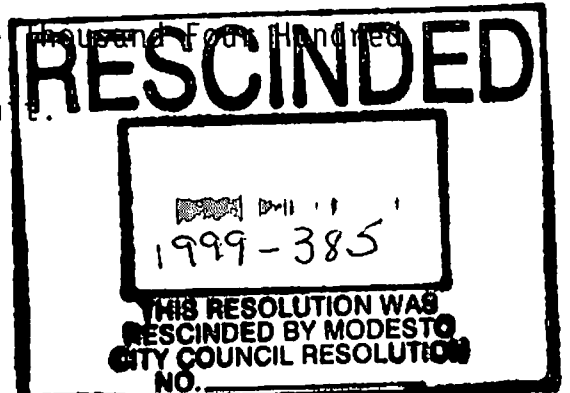
a. For each Low Density Residential Use to be constructed the
developer shall pay a capital facilities fee of One Thousand Four Hundred
Forty-Five and 70/100ths Dollars (\$1,445.70) per unit.

AMENDED

on
By Resolution 91-780 91-703
89-373 92-176
89-986 92-507
89-1132
91-90

081788

-1-



3686CA

b. For each Medium Density Residential Use to be constructed the developer shall pay a capital facilities fee of One Thousand One Hundred Seventeen and 96/100ths Dollars (\$1,117.96) per unit.

c. For each Medium High Density Residential Use to be constructed the developer shall pay a capital facilities fee of Eight Hundred Twenty-one and 38/100ths Dollars (\$821.38) per unit.

d. For each Care Home Use to be constructed the developer shall pay a capital facilities fee of Two Hundred Eighty-nine and 51/100ths Dollars (\$289.51) per 1000 square foot of building space.

e. For each Church Use to be constructed the developer shall pay a capital facilities fee of Three Hundred Fifty-two and 44/100ths Dollars (\$352.44) per 1000 square foot of building space.

f. For each Office Use to be constructed the developer shall pay a capital facilities fee of Nine Hundred Thirty-five and no/100ths Dollars (\$935.00) per 1000 square foot of building space.

g. For each School Use to be constructed the developer shall pay a capital facilities fee of Three Hundred Fifty-two and 44/100ths Dollars (\$352.44) per 1000 square foot of building space.

h. For each Commercial Use to be constructed the developer shall pay a capital facilities fee of One Thousand Six Hundred and no/100ths Dollars (\$1,600.00) per 1000 square foot of building space.

i. For each Fast Food Restaurant Use to be constructed the developer shall pay a capital facilities fee of Four Thousand Two Hundred Ninety-eight and 04/100ths Dollars (\$4,298.04) per 1000 square foot of building space.

j. For each Convenience Mart Use to be constructed the developer shall pay a capital facilities fee of Nine Thousand Nine Hundred Ninety-five and 81/100ths Dollars (\$9,995.81) per 1000 square foot of building space.

k. For each Industrial Use to be constructed the developer shall pay a capital facilities fee of Two Hundred Twenty-five and 21/100ths Dollars (\$225.21) per 1000 square foot of building space.

l. For each hospital use to be constructed the developer shall pay a capital facilities fee of Six Hundred Eleven and 40/100ths Dollars (\$611.40) per 1000 square foot of building space.

m. 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 parking garages shall not be included in the area building space for the purpose of calculating the capital facilities fee for that use. As used herein, the term "public parking garage" shall mean the same as the term is defined in the Uniform Building Code.

n. For any of the uses set forth above for which a capital facilities fee is payable and for which the City does not or cannot require a building permit, payment of the fee shall be a condition of any planned development approval or any other approval conferred by the City upon the project, including but not limited to, the entering into of any collateral agreements concerning the project with the City of Modesto.

SECTION 2. EXPANSION OF AND/OR ADDITION TO EXISTING STRUCTURES. A capital facilities fee shall be paid for the expansion of and/or addition to an existing use. The capital facilities fee for residential uses shall be a

percentage of the appropriate residential use fee which is equal to the percentage of increase of new floor space over existing floor space in the use. The capital facilities fee for all other uses shall be based on the number of square feet being added.

SECTION 3. RESCINDS. Effective December 31, 1988, this resolution shall rescind Resolution No. 88-51.

SECTION 4. EFFECTIVE DATE. The fees provided for in this resolution shall be effective on and after January 1, 1989. All other provisions of this resolution shall be effective immediately.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
- 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. 88-650

A RESOLUTION ALLOWING THE SALE OF ELECTRONIC DATA AND
ESTABLISHING A FEE TO BE CHARGED BY ALL CITY DEPARTMENTS
FOR THE SALE OF ELECTRONIC DATA AND RESCINDING RESOLUTION
NO. 87-1027.

WHEREAS, various departments within the City of Modesto are, from
time to time, requested to sell electronic computer data which may be in the
form of either tapes or floppy disks, and

WHEREAS, the sale of such data falls under the provisions of Section
6256 of the Government Code, and

WHEREAS, City staff recommends that all departments within the City
be allowed to sell computer data and charge a fee for said data, and

WHEREAS, the following conditions and fees shall be applicable to
all such City departments preparing and selling such data:

1. Any sale of electronic data shall be in accordance with the
provisions of Section 6255, et seq. of the Government Code.

2. Fees chargeable for preparing and selling data shall include:

a. The actual cost in terms of staff time plus overhead and
benefits for writing the programs and other actions

necessary to place the data in transmittable form; the
minimum amount to be charged being the sum of \$14.50.

b. The cost of the media (tape or disk), if furnished by the
City

89-1149
THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO.

The sum of \$40.00 per megabyte (approximately 250 pages of
data) sold. The fee per megabyte of data shall be

prorated for fractions of megabytes, and

WHEREAS, the City Council held a public hearing at its regular meeting on September 6, 1988, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all departments within the City shall be allowed to sell electronic data and charge a fee for said data to include the actual cost in terms of staff time plus overhead and benefits for writing the programs and other actions necessary to place the data in transmittable form in a minimum amount of \$14.50, together with the cost of the tape or disk if furnished by the City, and the sum of \$40.00 per megabyte or proration thereof for fraction of megabyte provided.

BE IT FURTHER RESOLVED that Resolution No. 87-1027 adopted by the Council on September 8, 1987, is hereby rescinded effective December 31, 1988.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on and after January 1, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

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. 88-651

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ROCK WELL RELOCATION AT CITY WATER WELL NO. 27 AND NO. 43

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

SECTION 1. The plans and specifications for the rock well relocation at City Water Well No. 27 and No. 43, 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 20, 1988, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-652

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR FURNISHING DISCING SERVICES

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

SECTION 1. The plans and specifications for furnishing discing 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 October 11, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

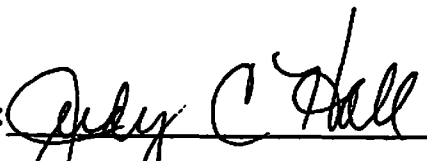
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-653

A RESOLUTION ACCEPTING THE BID OF GROVER LANDSCAPING FOR THE MCHENRY MANSION
LANDSCAPING - PHASE I

WHEREAS, Resolution No. 88-556, adopted by the Council of the City of Modesto on July 26, 1988, approved the plans and specifications for the McHenry Mansion Landscaping - Phase I and authorized the calling for bids; and

WHEREAS, the bids received for the McHenry Mansion landscaping - Phase I were opened at 11:05 a.m. on July 26, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

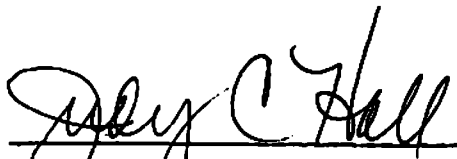
WHEREAS, the Director of Finance has recommended that the bid of Grover Landscaping in the amount of \$35,698 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Grover Landscaping in the amount of \$35,698 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 September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-654

A RESOLUTION ACCEPTING THE BID OF B & L BUILDERS FOR THE CONSTRUCTION OF A WOMEN'S RESTROOM AT JOHN THURMAN FIELD

WHEREAS, Resolution No. 88-599, adopted by the Council of the City of Modesto on August 9, 1988, approved the plans and specifications for the construction of a women's restroom at John Thurman Field and authorized the calling for bids; and

WHEREAS, the bids received for the construction of a women's restroom at John Thurman Field were opened at 11:00 a.m. on August 30, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

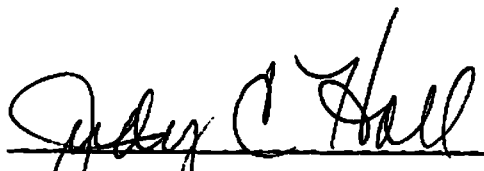
WHEREAS, the Director of Engineering has recommended that the bid of B & L Builders in the amount of \$104,265 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of B & L Builders in the amount of \$104,265 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 September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-655

A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS, INC. FOR THE HIGHWAY VILLAGE STREET AND STORM DRAIN IMPROVEMENTS

WHEREAS, Resolution No. 88-589, adopted by the Council of the City of Modesto on August 2, 1988, approved the plans and specifications for the Highway Village street and storm drain improvements and authorized the calling for bids; and

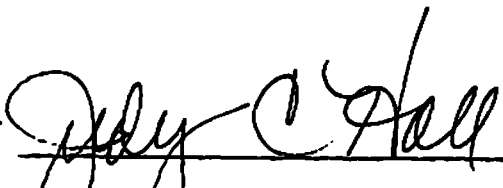
WHEREAS, the bids received for the Highway Village street and storm drain improvements were opened at 11:00 a.m. on August 23, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Western Stone Products, Inc. in the amount of \$179,391, 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 \$179,391 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 September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-656

A RESOLUTION ACCEPTING THE BID OF B & L BUILDERS, INC. FOR THE JOHN THURMAN
FIELD GRANDSTAND RENOVATION

WHEREAS, Resolution No. 88-588, adopted by the Council of the City of Modesto on August 2, 1988, approved the plans and specifications for the John Thurman Field grandstand renovation and authorized the calling for bids; and

WHEREAS, the bids received for the John Thurman Field grandstand renovation were opened at 11:05 a.m. on August 23, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

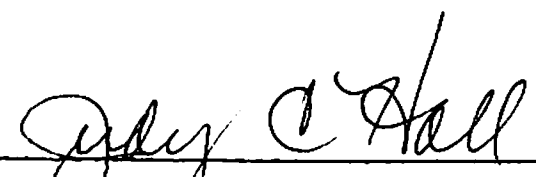
WHEREAS, the Director of Engineering has recommended that the bid of B & L Builders, Inc. in the amount of \$119,270, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of B & L Builders, Inc. in the amount of \$119,270 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 September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-657

A RESOLUTION ACCEPTING THE BID OF R.F. MACDONALD CO. FOR FURNISHING ONE HOT WATER BOILER

WHEREAS, Resolution No. 88-436, adopted by the Council of the City of Modesto on June 14, 1988, approved the plans and specifications for the purchase of one hot water boiler and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one hot water boiler were opened at 3:00 p.m. on July 19, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

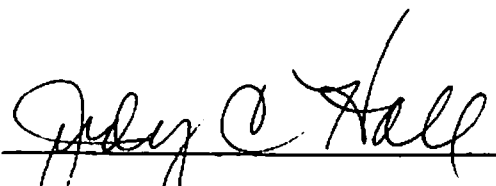
WHEREAS, the Director of Engineering has recommended that the bid of R. F. MacDonald Co. in the amount of \$40,379.78, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of R. F. MacDonald Co. in the amount of \$40,379.78 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 September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-658

A RESOLUTION ACCEPTING THE RESURFACING OF THE BASKETBALL COURT IN WOODROW PARK
AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering that the resurfacing of the basketball court in Woodrow Park has been completed by Ragsdale & Sons, Inc. in accordance with the contract agreement dated June 7, 1988.

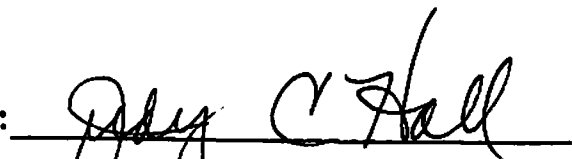
NOW, THEREFORE, BE IT RESOLVED that the resurfacing of the basketball court in Woodrow Park be accepted from said contractor, Ragsdale & Sons, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$11,965, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-659

A RESOLUTION ACCEPTING THE LEGION HALL KITCHEN HOOD REPLACEMENT AS
COMPLETE

WHEREAS, a report has been filed by the Director of Engineering that the Legion Hall kitchen hood replacement has been completed by Dwight Lang's Enterprises Inc. in accordance with the contract agreement dated February 2, 1988.

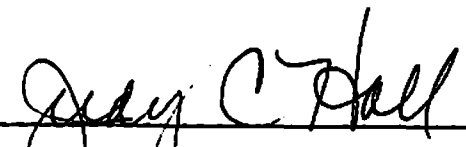
NOW, THEREFORE, BE IT RESOLVED that the Legion Hall kitchen hood replacement be accepted from said contractor, Dwight Lang's Enterprises, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$24,207.35, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-660

A RESOLUTION ACCEPTING THE COLEMAN BROWN PARK PLAY APPARATUS REPLACEMENT AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering that the Coleman Brown Park play apparatus replacement has been completed by B & L Builders, Inc. in accordance with the contract agreement dated April 5, 1988.

NOW, THEREFORE, BE IT RESOLVED that the Coleman Brown Park play apparatus replacement be accepted from said contractor, B & L Builders, Inc. ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$13,250, as provided in the contract, be authorized.

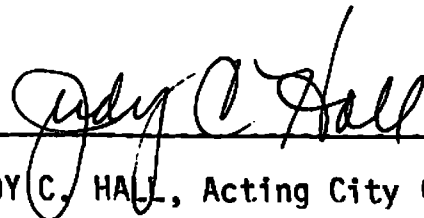
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-661

A RESOLUTION ACCEPTING THE REMOVAL OF UNDERGROUND TANKS AT VARIOUS LOCATIONS
AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering that the removal of underground tanks at various locations has been completed by SEMCO, in accordance with the contract agreement dated February 9, 1988.

NOW, THEREFORE, BE IT RESOLVED that the removal of underground tanks at various locations be accepted from said contractor, SEMCO; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$13,481.50, as provided in the contract, be authorized.

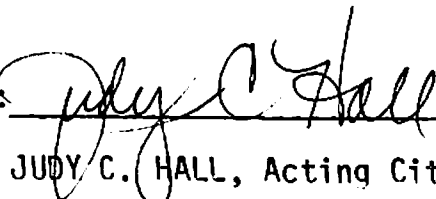
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-662

A RESOLUTION ACCEPTING THE CONSTRUCTION OF ALBERTA MARTONE PARK AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering that the construction of Alberta Martone Park has been completed by George Reed, Inc., in accordance with the contract agreement dated October 13, 1988.

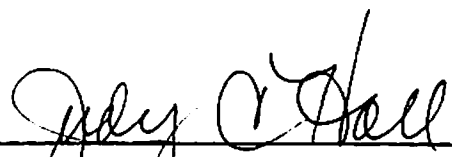
NOW, THEREFORE, BE IT RESOLVED that the construction of Alberta Martone Park be accepted from said contractor, George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$230,185, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-663

A RESOLUTION ACCEPTING THE SCENIC/LAKEWOOD WATERLINE EXTENSION AS COMPLETE

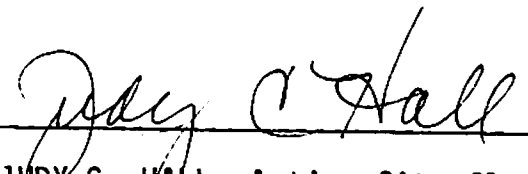
WHEREAS, a report has been filed by the Director of Engineering that the Scenic/Lakewood waterline extension has been completed by Scheidt, Haydon and Hall, Inc., in accordance with the contract agreement dated May 10, 1988.

NOW, THEREFORE, BE IT RESOLVED that the Scenic/Lakewood waterline extension be accepted from said contractor, Scheidt, Haydon and Hall, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$108,978, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-664

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF ELEVEN USED CARS FROM A WHOLESAL DEALERS AUCTION

WHEREAS, the Modesto Police Department is requesting the purchase of eleven used cars for use by detectives to replace units currently in service; and

WHEREAS, by using a wholesale auto dealer's auction, we can select vehicles of good quality and condition and of a type not readily identified with law enforcement agencies.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of eleven used cars from a wholesale auto dealer's auction is hereby waived.

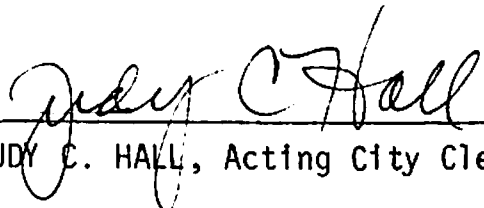
BE IT FURTHER RESOLVED that purchase of eleven used cars from a wholesale auto dealer's auction for an estimated cost of \$105,000 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-665

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH ADVERTISING COMMUNICATIONS (AdCom) FOR DESIGNING A PRINT ADVERTISEMENT CAMPAIGN FOR THE MODESTO CENTRE PLAZA

WHEREAS, the Modesto Centre Plaza and the Modesto Convention & Visitors Bureau jointly sought print advertisement services for this fiscal year; and

WHEREAS, in order to facilitate coordinated and complimentary ad campaigns for the Modesto Convention & Visitors Bureau and the Centre Plaza, it is desirable that the advertising campaigns be done by the same advertising agency.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for designing a print advertisement campaign for the Modesto Centre Plaza is hereby waived.

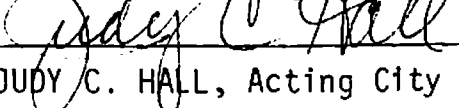
BE IT FURTHER RESOLVED that an agreement with Advertising Communications (AdCom) for designing a print advertisement campaign for the Modesto Centre Plaza for an estimated cost of \$11,000, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-666

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR CONSENT TO COMMON USE FOR ADDITIONAL RIGHT OF WAY NEEDED AT THE CORNER OF SISK AND BRIGGSMORE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District to allow for widening of the corner of Briggsmore and Sisk Roads in conjunction with a project on Sisk Road be, and it is hereby approved.

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

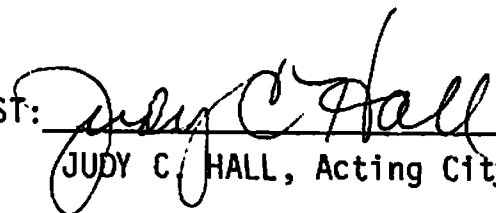
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-667

A RESOLUTION DENYING THE REQUEST OF CHARLIE CRANE FOR ASSISTANCE THROUGH THE MANDATORY SIDEWALK PROGRAM FOR SIDEWALK AND TREES ALONG THE VINE STREET FRONTAGE OF UNCLE CHARLIE'S GROUP HOME LOCATED AT 523 N. MARTIN LUTHER KING DRIVE, MODESTO.

WHEREAS, a request was made by Charlie Crane to the Department of Engineering Services for assistance through the Mandatory Sidewalk Program for a sidewalk and trees along the Vine Street frontage of Uncle Charlie's Group Home located at 523 N. Martin Luther King Drive, Modesto, and

WHEREAS, Charlie Crane requested that the City engineer the project and allow payment over a period of ten years under the Mandatory Sidewalk Program, and

WHEREAS, after consideration of the request, and determination by the Engineering Services Director that as a condition of issuance of a building permit the City would require dedication of 8 feet of right-of-way along 156 feet of the Vine Street frontage and the construction of a sidewalk, and the remaining westerly 165 feet of the Vine Street frontage is not a dedicated city street and the City does not maintain this portion of the street, and

WHEREAS, there is no mechanism for requiring a sidewalk to be constructed along said Vine Street frontage as a condition of the building permit, and

WHEREAS, the ten year time payments under the Mandatory Sidewalk Program are available only to owner-occupied, single family residences and to churches with less than 50 people in the congregation, and

WHEREAS, the Engineering Services Director has recommended to the City Council that said request be denied.

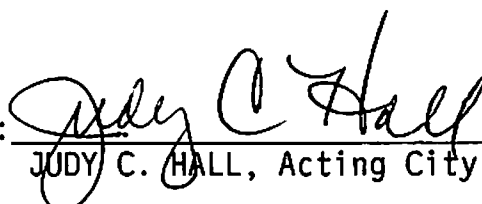
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request of Charlie Crane for assistance through the Mandatory Sidewalk Program for Uncle Charlie's Group Home is hereby denied and the recommendation of the Engineering Services Director is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore
Patterson, Sutton, Mayor Whiteside

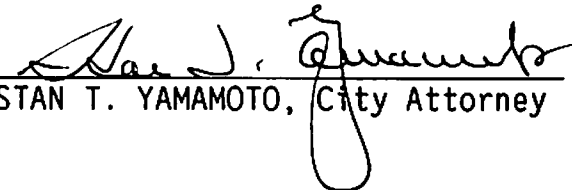
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-668

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS RAPE TASK FORCE FOR PROGRAM FUNDING OF \$6,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1988-89

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus Rape Task Force for program funding of \$6,000 under the Community Development Block Grant Program for fiscal year 1988-89 be, and it is hereby approved.

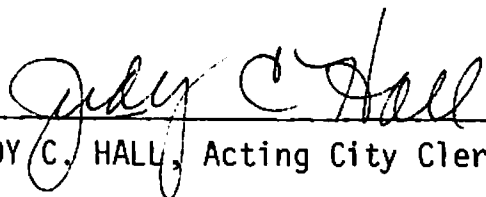
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-669

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A TEMPORARY
REFUSE TRANSFER FACILITY AT THE CITY/COUNTY GEER ROAD
LANDFILL.

WHEREAS, the Stanislaus Resource Recovery Facility is scheduled to
begin commercial operation on November 22, 1988, and

WHEREAS, the contracting communities are obligated to provide an
average of 667 tons of acceptable waste per day to the facility, and

WHEREAS, to accomplish this in the least costly, most efficient
manner, it is necessary to provide additional refuse transfer capacity for the
refuse hauling industries, and

WHEREAS, the Stanislaus County Department of Public Works proposes
to meet the needs of both the refuse hauling industries and the contracting
communities by establishing a temporary refuse transfer facility at the Geer
Road Landfill, and

WHEREAS, on August 16, 1988, the Stanislaus County Board of
Supervisors approved this proposal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it does hereby authorize the construction of a temporary refuse facility
at the City/County Geer Road Landfill.

BE IT FURTHER RESOLVED that the facility construction would be
managed through the Geer Road Landfill Enterprise Fund administered by
Stanislaus County.

BE IT FURTHER RESOLVED that these expenditures would be recovered through user fees established for the transfer facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

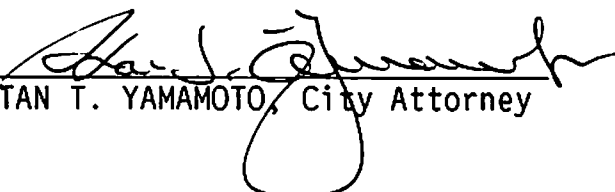
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-670

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF IMPROVEMENTS ALONG CERTAIN STREETS IN THE CITY OF MODESTO AND SETTING HEARING FOR OBJECTIONS OR PROTESTS RELATING TO THE PROPOSED WORK ON CALIFORNIA, KANSAS AND FAIRMONT AVENUES

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.

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

SECTION 1. The Council of the City of Modesto upon its own motion hereby orders the installation of the improvements described in the notices to be mailed to each property owner.

SECTION 2. The Superintendent of Streets is hereby directed to deliver, mail and post said notices in the manner specified in Sections 5876 through 5879 of the Streets and Highways Code.

SECTION 3. The 27th day of September, 1988, at 7:30 o'clock p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California is set as the time and place where the Council will hear and pass upon objections or protests, if any, which may be raised by any property owner or other interested person relating to the proposed work.

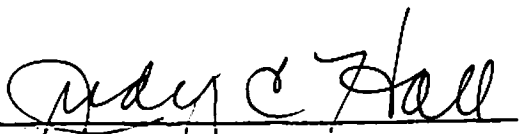
SECTION 4. The Superintendent of Streets is hereby authorized to implement the provisions of this resolution in accordance with the procedure contained in Chapter 27, Part 3, Division 7 of the Streets and Highways Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

- a. Curb and sidewalk at 1320 California Avenue, a portion of Block 4055 (Laverne F. and Nadine Hager)
- b. Curb and sidewalk at 415 Kansas Avenue, a portion of Block 5061 (Kraft, Inc.)
- c. Curb and sidewalk at 519 Kansas Avenue, a portion of Block 506 (Albert A. and Delores W. Silva)
- d. Curb and sidewalk at 837 Kansas Avenue, a portion of Block 5032 (U-Haul Co. of Fresno)
- e. Curb and sidewalk at 842-848 Kansas Avenue, a portion of Block 5027 (READ Investments)
- f. Curb and sidewalk at 619-625 Kansas Avenue, a portion of Block 5055 (Varni Bros.)
- g. Curb at 117 E. Fairmont Avenue, a portion of Block 651 (Jerry L. Hooper)
- h. Curb at 130 E. Fairmont Avenue, a portion of Block 648 (Tangent Investment Co.)
- i. Curb at 128 E. Fairmont Avenue, a portion of Block 648 (Tangent Investment Co.)
- j. Curb at 125 E. Fairmont Avenue, a portion of Block 651 (Heirs of Merritt Alzada R.)
- k. Curb along E. Fairmont Avenue at 925 Ila Way, a portion of Block 651 (Naomi H. Tucker, Life Estate)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-671

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE R. AND PHYLLIS L. SANDERS FOR WATER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 1017-21 N. EMERALD AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and George R. and Phyllis L. Sanders for water service to property outside the City limits at 1017-21 N. Emerald Avenue, located on the west side of N. Emerald Avenue between Kansas Avenue and 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 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-672

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD C. AND JANE L. FREED FOR WATER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 1037 S. EMERALD AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Richard C. and Jane L. Freed for water service to property outside the City limits at 1037 A. Emerald Avenue, located on the west side of S. Carpenter Road and Houser 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 6th day of September, 1988, by Councilmember Lang who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Judy C. Hall

JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-673

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD C. FREED FOR WATER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 1612 CALIFORNIA AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Richard C. Freed for water service to property outside the City limits at 1612 California Avenue, located on the south side of California Avenue and Ohio 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 6th day of September, 19⁸⁸, by Councilmember Lang who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-674

A RESOLUTION APPROVING THE FINAL MAP OF THE PARK VALLEY
HOMES No. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Kaufman and Broad of Northern California, Inc., a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 18.321 acres, known as the Park Valley Homes No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 15th day of September, 1986, 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 Park Valley Homes 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 6 day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
- 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. 88-675

A RESOLUTION APPROVING THE FINAL MAP OF THE PARK VALLEY
HOMES NO. 3 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 2.241 acres, known as the Park Valley Homes No. 3 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 June, 1988, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Park Valley Homes No. 3 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

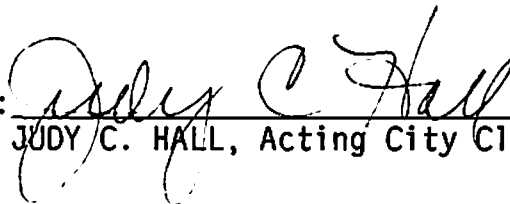
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map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

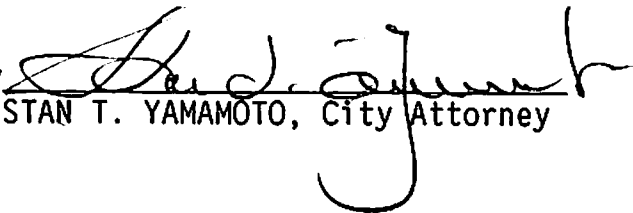
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
 JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
 STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-676

A RESOLUTION ACCEPTING IMPROVEMENTS IN WINDOM HEIGHTS SUBDIVISION AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Grant Construction, subdividers of Windom Heights Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$364,600.00 and \$182,300.00 respectively to guarantee improvements in Windom Heights Subd, and;

WHEREAS, the Director of Engineering in a memorandum dated August 30, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the 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 Windom Heights Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bonds for faithful performance in the amount of \$364,600.00 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 \$182,300.00 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 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-677

A RESOLUTION APPROVING THE SOLICITING OF PROPOSALS TO HIRE A CONSULTANT FOR PREPARATION OF A CITYWIDE TRAFFIC MODEL

WHEREAS, the Infrastructure Staff Task Force has recommended a citywide traffic model be prepared to assist in long-term traffic planning and in determining adjustments to Capital Facility Fees for streets, traffic signals, and other transportation needs.

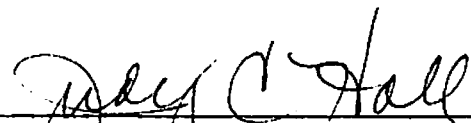
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the request for proposals from consulting firms to prepare a citywide traffic model to assist in long-term traffic planning and in determining adjustments to Capital Facility Fees for streets, traffic signals, and other transportation needs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-678

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2,500 FROM THE CONTINGENCY RESERVE TO FUND THE HIRING OF A CONSULTANT FIRM TO ASSIST THE CITY IN ADJUSTING THE CAPITAL FACILITIES FEES

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


FROM:	General Fund (010 800 8000 8003)	\$2,500
TO:	Services, Professional and Other (010 140 1401 0235)	\$2,500

To provide preliminary funds for the hiring of an economic consulting firm to assist the City in adjusting the Capital Facilities Fees and to prepare documentation for compliance with AB 1600.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-679

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
PARSONS, BRINCKERHOFF, QUADE & DOUGLAS TO REVISE THE TRANSPORTATION CENTER DESIGN

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 revise the Transportation Center design

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
September, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-680

A RESOLUTION IN SUPPORT OF "MODESTO SAYS NO, 1988", A COMMUNITY-WIDE EFFORT TO PREVENT THE ABUSE OF DRUGS AND ALCOHOL IN MODESTO.

WHEREAS, the key to our community's future demands that our young people have the knowledge and self-esteem necessary to refuse involvement with illicit drugs, including alcohol, and

WHEREAS, our community leaders are striving to meet the needs of young people relating to drug abuse prevention efforts and to promote lives that are rewarding and drug free for our young people, and

WHEREAS, the "Modesto Says No, 1987" event, held Saturday, October 17, 1987, was an outstanding success attended by approximately 3,000 young people, and

WHEREAS, the Modesto Says No community committee seeks to make this unique event an annual occurrence, and

WHEREAS, to make this effort one that is truly community sponsored and supported, enthusiastic participation from public agencies and others is needed to lead the way,

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Modesto will be a full-fledged sponsor and participant in the "Modesto Says No, 1988" event and will allocate staff to assist with various aspects of this worthwhile endeavor to ensure its success.

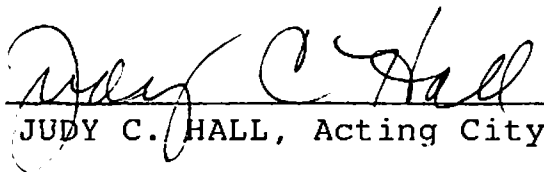
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By


STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-681

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
EMPIRE UNION SCHOOL DISTRICT FOR THE ACQUISITION OF TWO ELEMENTARY SCHOOL/PARK SITES
IN THE EMPIRE WEST NEIGHBORHOOD**

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Empire Union School
District for the acquisition of two elementary school/park sites in the Empire
West Neighborhood

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 6th day of
September, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-682

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
HODGES & SHUTT, A CONSULTING FIRM, FOR THE UPDATE OF THE AIRPORT MASTER PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Hodges & Shutt,
a consulting firm, for the update of the Airport Master Plan

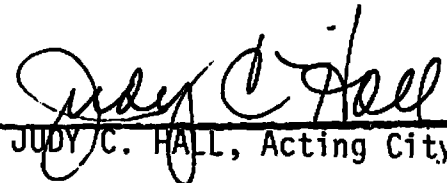
be, and it is hereby approved.

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 6th day of
September, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-683

A RESOLUTION APPROVING SUBMISSION OF AN APPLICATION FOR A FEDERAL GRANT FOR THE MODESTO CITY-COUNTY AIRPORT FOR THE EXPANSION OF THE PASSENGER TERMINAL, INSTALLATION OF TAXIWAY HOLDING SIGNS, CONSTRUCTION OF TAXIWAY "E", INSTALLATION OF RUNWAY DISTANCE MARKERS, AND DRAINAGE FOR TAXIWAY #2

WHEREAS, on June 28, 1988, the City Council authorized the staff to submit a preapplication for federal assistance to expand the airline passenger terminal, install taxiway holding signs, construct taxiway "E", install runway distance markers, and drainage for taxiway #2; and

WHEREAS, the City received notification from the Federal Aviation Administration (FAA) for the above projects and has recommended that \$152,681.00 be set aside for the airline terminal expansion and \$147,319.00 for the construction projects listed above.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the submission of an application to the Federal Aviation Administration for a grant for the Modesto City-County Airport for the expansion of the passenger terminal, installation of taxiway holding signs, construction of taxiway "E", installation of runway distance markers, and drainage for taxiway #2 is hereby approved.

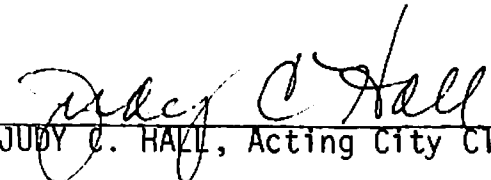
BE IT FURTHER RESOLVED that the execution of the application by the City's designated official, Garth Lipsky, City Manager, be and it is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-684

A RESOLUTION APPROVING A SUBLEASE AGREEMENT WITH BORTON, PETRINI AND CONRON,
LAW OFFICES FOR THE TURNER BUILDING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the sublease agreement between the City of Modesto and Borton, Petrini and Conron, Law Offices, for the Turner Building be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said sublease agreement by the designated 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 September, 1988, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson, Sutton

NOES: Councilmembers: Mayor Whiteside

ABSENT: Councilmembers: Lang

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-684A

A RESOLUTION GRANTING APPROVAL TO THE NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS TO CONDUCT A PRISONERS OF WAR/MISSING IN ACTION PARADE IN THE CITY OF MODESTO ON SUNDAY, SEPTEMBER 11, 1988, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the National League Of Families Of American Prisoners (hereinafter referred to as "the League") has filed an Application for Direct City Assistance to use portions of city streets and for the City to provide traffic control and a public address system, relating to a Prisoners of War and Missing in Action Parade, to be held on Sunday, September 11, 1988, and for use of Mancini Bowl at Graceada Park in connection with the parade in remembrance of Prisoners of War and the Missing in Action, and

WHEREAS, the Council, by Resolution No. 80-1066, adopted a "Policy for Evaluating Requests for Direct City Assistance," and

WHEREAS, the City Council deems it appropriate to grant approval to the League relating to said Prisoners of War and Missing in Action Parade and to grant the League's request for traffic control, public address system, and for use of Mancini Bowl at Graceada Park in connection with the parade in remembrance of the Prisoners of War and the Missing in Action, 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 the League relating to a Prisoners of War and Missing in Action Parade to be held on Sunday, September 11, 1988, subject to the following conditions:

1. The parade assembly will take place on September 11, 1988, near 610 6th Street, commencing at 12:30 p.m. and terminating at approximately 2:00 p.m., followed by a rally in Mancini Bowl at Graceada Park which will terminate at approximately 5:00 p.m.

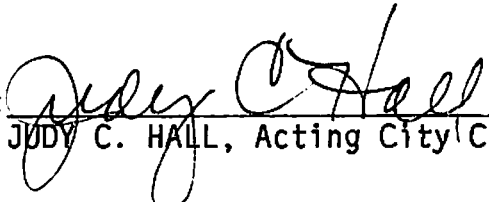
2. The parade route, subject to the approval of the Chief of Police, will include 610 6th Street, eastbound on G Street to 15th Street, and northbound on 15th Street to Graceada Park.
3. The City of Modesto will provide four (4) traffic officers, three (3) reserve officers and four (4) motorcycles to maintain traffic control along the parade route.
4. The Parks and Recreation Department will reserve Mancini Bowl at Graceada Park for parade rally on September 11, 1988 from approximately 2:00 p.m. to 5:00 p.m.
5. The Parks and Recreation Department will set up a public address system at a predetermined location on September 11, 1988. After the parade has terminated, the Parks and Recreation Department will remove the public address system no later than 5:00 p.m. on September 11, 1988.
6. The League shall assume full responsibility for the public address system from such time as the public address system is provided, until the time the public address system is removed.
7. The League shall be responsible for the removal of all trash and debris from the streets used for the aforementioned Prisoners of War and the Missing in Action Parade which accumulates as a result of the parade.
8. The League 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 Prisoners of War and the Missing in Action Parade, and use of Graceada Park and all streets, within the City for the aforementioned Prisoners of War and the Missing in Action Parade.
9. The League agrees to provide and keep in force on September 11, 1988, a policy of public liability insurance covering any and all claims for injuries to persons or property arising out of the aforementioned Prisoners of War and the Missing in Action Parade, with combined single limits in the aggregate amount of One Million (\$1,000,000.00) Dollars per occurrence for bodily injury, sickness and disease, including death resulting therefrom, and for claims for property damage.

The policy of insurance so provided shall contain a contractual liability endorsement covering the liability assumed by the League, 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 League with a copy of this resolution. The League 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 6th day of September, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

ACCEPTANCE

I do hereby agree with and accept all of the terms and conditions set forth in Resolution No. 88-684A pertaining to the 1988 Prisoners of War and the Missing in Action Parade sponsored by the National League of Families of American Prisoners.

Dated: September 6, 1988 .

NATIONAL LEAGUE OF FAMILIES
OF AMERICAN PRISONERS
a non-profit organization

By _____

By _____

MODESTO CITY COUNCIL
RESOLUTION NO. 88-685

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF KEITH D. VOGT FROM THE DOWNTOWN IMPROVEMENT DISTRICT BOARD OF DIRECTORS, EFFECTIVE SEPTEMBER 6, 1988

WHEREAS, Keith D. Vogt was appointed a member of the Downtown Improvement District Advisory Board on May 13, 1986; and

WHEREAS, Keigh D. Vogt has tendered his resignation from the Downtown Improvement District Advisory Board, effective September 6, 1988; and

WHEREAS, Keith D. Vogt 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 Keith D. Vogt from the Downtown Improvement District Advisory Board be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Keith D. Vogt 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 6th day of September, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-686

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM ON BEHALF OF CLAIMANT RONALD BURGESS, 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, Ronald Burgess, against the City of Modesto was received on August 31, 1988, in the office of the City Clerk.

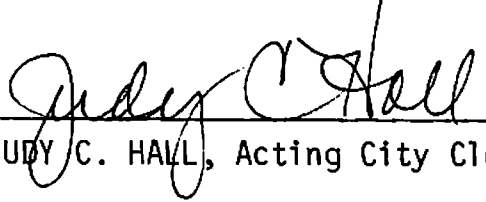
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim on behalf of claimant Ronald Burgess, against the City of Modesto, received on August 31, 1988, in the office of the City Clerk, City of Modesto, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-687**

**RE-
A RESOLUTION / APPOINTING MEMBER OF THE AFFIRMATIVE ACTION COMMISSION
(JERRY KUNISHIGE)**

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:

Jerry Kunishige - term to expire 12/31/90

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 6th day of September, 1988, by Councilmember Sutton, 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:** Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
- NOES: Councilmembers:** None
- ABSENT: Councilmembers:** Lang

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-687

RE-
A RESOLUTION/APPOINTING MEMBER OF THE AFFIRMATIVE ACTION COMMISSION (JERRY KURNISHIGE)

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:

Jerry Kurnishige
Term to expire 1/1/90

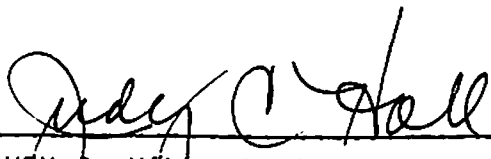
SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Affirmative Action Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1988, by Councilmember Sutton, 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: Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-688

RE-
A RESOLUTION/APPOINTING MEMBER OF THE AFFIRMATIVE ACTION COMMISSION
(YVONNE HALL)

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:

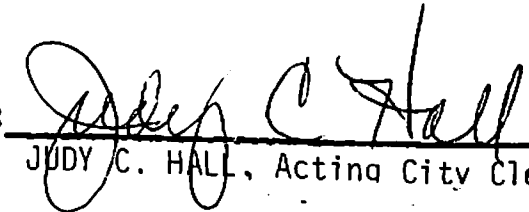
SECTION 1. The following person is hereby appointed to the Affirmative Action Commission for the respective term as indicated:

Yvonne Hall - Term to expire 12/31/90

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 6th day of September, 1988, 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: Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-688

RE-
A RESOLUTION/APPOINTING MEMBER OF THE AFFIRMATIVE ACTION COMMISSION (YVONNE HALL)

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:

Yvonne Hall

Term to expire 1/1/90

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.

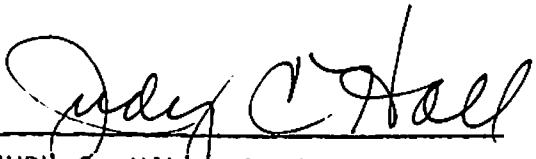
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 6th day of September , 1988 ,
by Councilmember Muratore , who moved its adoption, which motion being
duly seconded by Councilmember Patterson , was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-689

RE-
A RESOLUTION / APPOINTING MEMBER OF THE AFFIRMATIVE ACTION COMMISSION
(ANITA ADAMS)

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:

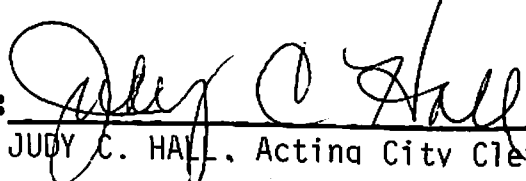
SECTION 1. The following person is hereby appointed to the Affirmative Action Commission for the respective term as indicated:

Anita Adams - Term to expire 12/31/90

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 6th day of September, 19⁸⁸, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
- NOES: Councilmembers: Irizarry
- ABSENT: Councilmembers: Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-689

RE-
A RESOLUTION/APPOINTING MEMBER OF THE AFFIRMATIVE ACTION COMMISSION (ANITA ADAMS)

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:

Anita Adams

Term to expire 1/1/90

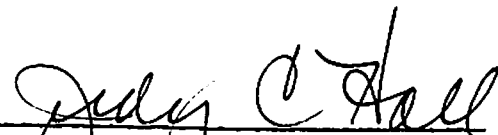
SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Affirmative
Action Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 6th day of September , 19 88 ,
by Councilmember Muratore , who moved its adoption, which motion being
duly seconded by Councilmember Sutton , was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-690

A RESOLUTION ADOPTING A POLICY FOR PROCEDURE AFTER A STREET NAME CHANGE
APPROVAL

WHEREAS, the Planning Commission has recommended the adoption of a City policy for specific procedure after a street name change approval, in order to assist property owners affected by a street name change; and

WHEREAS, the City Council of the City of Modesto deems it desirable to adopt a policy for procedure after a street name change.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled "Procedure After a Street Name Change Approval", a copy of which is attached hereto.

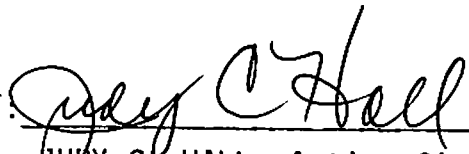
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

ATTEST:



JUDY O. HALL, Acting City Clerk



City Council Policy

CITY of MODESTO

EFFECTIVE DATE
9/13/88

POLICY No.
3.017

CITY DEPARTMENT
Planning & Community Development

Subject Procedure After a Street Name Change Approval

Purpose:

To assist property owners affected by a street name change.

Background:

The Planning Commission recommended the adoption of a City policy for specific procedure after a street name change approval at their meeting of April 18, 1988.

Policy:

1. That the street name change shall be in effect 180 days after City Council action.
2. That City staff updates City maps and immediately notifies map companies such as Compass Maps and California Automobile Association.
3. That City staff immediately notifies affected public agencies, utility companies, and City departments.
4. That a package be sent to affected property owners and residents to include the following:
 - a. A letter informing property owners and residents who the City has notified of the address change.
 - b. An address-change packet from the Post Office.
 - c. Return address stickers.
 - d. A copy of the resolution approving the street name change.
5. That the City shall replace street name signs.

LEGISLATIVE HISTORY

Res. No. 88- 690

MODESTO CITY COUNCIL
RESOLUTION NO. 88-691

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
BISSELL AND KARN, INC. FOR THE PRELIMINARY DESIGN OF THE LAKEWOOD/LINCOLN BRIDGE
(PHASE I)**

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Bissell and Karn,
Inc. for the preliminary design of the Lakewood/Lincoln Bridge (Phase I)

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 13th day of
September, 1988, by Councilmember Lang
who moved its adoption, which motion being duly seconded by
Mayor Whiteside, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Mayor Whiteside
NOES: Councilmembers: McGrath
ABSENT: Councilmembers: None.

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-692

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE DIKE WAVE ACTION PROTECTION PROJECT AT THE
REMOTE POND SITE

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

SECTION 1. The plans and specifications for the dike wave action protection project at the remote pond site to provide protection against wind and wave erosion, 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 18, 1988, at 2:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

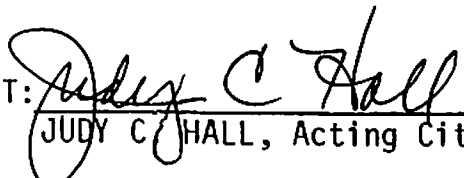
SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-693

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING TWO POLICE MINIVANS

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

SECTION 1. The plans and specifications for furnishing two police
minivans

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 11, 1988, at 3:10 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 13th day of September, 1988,
by Councilmember Lang, who moved its adoption, which motion
being duly seconded by Councilmember Sutton, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson
Sutton, Mayor Whiteside

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-694

A RESOLUTION ACCEPTING THE RECONSTRUCTION OF KEARNEY AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the reconstruction of Kearney Avenue

has been completed by Granite Construction Company
in accordance with the contract agreement dated May 24, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the reconstruction of Kearney
Avenue

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 \$89,835.18 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 13th day of September,
1988, by Councilmember Lang, who moved its adoption, which
motion being duly seconded by Councilmember Sutton, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-695

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH A.B. DICK COMPANY FOR A SORTER

WHEREAS, the Office Services Division of Finance recently experienced a breakdown of the 100 bin sorter/collator which collates a multi-paged document as it comes off the A.B. Dick printing press; and

WHEREAS, the sorter cannot be repaired as parts are no longer available; and

WHEREAS, although the replacement of this piece of equipment is scheduled for consideration in the 1989-90 Capital Improvement Program, a replacement sorter is needed to save the laborious and time extensive work involved in sorting large projects by hand, and A.B. Dick has a sorter which is comparable to the unit needing replacement and is compatible with the A.B. Dick printing presses we currently use.

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

BE IT FURTHER RESOLVED that a lease agreement with A.B. Dick Company for an estimated cost for Fiscal Year 1988-89 of \$4,660, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-696

A RESOLUTION AWARDING CONTRACT FOR JANITORIAL SERVICES FOR THE CENTRE PLAZA TO GUARANTEE JANITORIAL SERVICE, AND RESCINDING RES. NO. 88-414 WHICH AWARDED JANITORIAL SERVICES TO CENTRAL CALIFORNIA MAINTENANCE

WHEREAS, on June 7, 1988, by Resolution No. 88-414, Central California Maintenance was awarded the contract for janitorial services at the Modesto Centre Plaza; and

WHEREAS, on August 31, 1988, the City was notified by Central California Maintenance that they would no longer be providing service after September 30, 1988, which 30-day notification is within their contract.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it authorizes the purchase of janitorial services for the Modesto Centre Plaza from Guarantee Janitorial Service, who were the low bidder when the project was originally bid.

BE IT FURTHER RESOLVED that Resolution No. 88-414, awarding the contract for janitorial services at the Modesto Centre Plaza to Central California Maintenance, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None.
ABSENT: Councilmembers: None.

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-697

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WOMEN'S CENTER OF STANISLAUS FOR HANDICAPPED BARRIER REMOVAL FUNDING OF \$2,304.67 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1988-89

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Women's Center of Stanislaus for handicapped barrier removal funding of \$2,304.67 under the Community Development Block Grant Program for Fiscal Year 1988-89

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-698

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CREATIVE ALTERNATIVES FOR \$30,000 IN FUNDING OF THE SENIOR AIDES PROGRAM UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1988-89

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Creative Alternatives for \$30,000 in funding of the Senior Aides Program under the Community Development Block Grant Program for Fiscal Year 1988-89

be, and it is hereby approved.

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

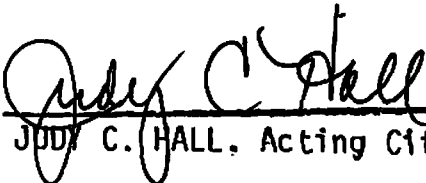
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson
Sutton, Mayor Whiteside

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-699

A RESOLUTION TO PROCLAIM THURSDAY, SEPTEMBER 15, 1988, AS "MODESTO DARE DAY" IN CONJUNCTION WITH "NATIONAL DARE DAY" AS PROCLAIMED BY CONGRESS.

WHEREAS, the United States Congress has proclaimed September 15, 1988, as "National DARE (Drug Abuse Resistance Education) Day," and

WHEREAS, the City of Modesto's Police Department has instructed the DARE Program for two school years, and

WHEREAS, the DARE Program has reached 15,000 City of Modesto students, and

WHEREAS, the City of Modesto currently has eight police officers teaching DARE on a full-time basis and two police officers teaching DARE on a part-time basis, and

WHEREAS, the DARE Program is now reaching all first, third, fifth and seventh grade students in the City of Modesto, and

WHEREAS, the City of Modesto Police Department is also teaching the program, on a contract basis, in parochial schools and in schools in outlying County of Stanislaus school districts, and

WHEREAS, the DARE Program has received accolades from students, teachers, administrators, and parents, and

WHEREAS, the DARE Program is viewed to have a tremendous positive impact on our children, and

WHEREAS, the DARE Program is an investment in our children's safe future, and

WHEREAS, the City of Modesto is one of the municipalities of the thirty-eight states, 500 cities, West Germany, and New Zealand that presents the DARE Program,

NOW, THEREFORE, BE IT RESOLVED by the City of Modesto that Thursday, September 15, 1988, be proclaimed as "Modesto DARE Day" in conjunction with "National DARE Day."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13 day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
- 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. 88-700

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
RICHARD L. MARKS FOR 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 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 13th day of
September, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-701

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
ROBERT D. MANGUM FOR 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 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 13th day of
September, 1988, by Councilmember Lang
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-702

A RESOLUTION ACCEPTING IMPROVEMENTS IN GIBSON GARDENS SUBDIVISION AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Joaquin Construction, subdividers of Gibson Gardens Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$380,900.00 and \$190,450.00 respectively to guarantee improvements in Gibson Gardens Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated September 6, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

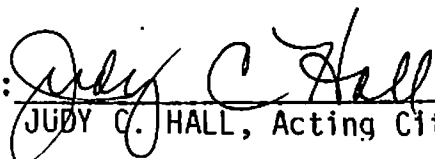
WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

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

1. The improvements in Gibson Gardens Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$380,900.00 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 \$ 190,450.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None.
ABSENT:	Councilmembers:	None.

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-703

A RESOLUTION ACCEPTING IMPROVEMENTS IN SONGBIRD MEADOWS SUBDIVISION AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Lawrie Development, subdividers of Songbird Meadows Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$133,200.00 and \$66,600.00 respectively to guarantee improvements in Songbird Meadows Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated September 6, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

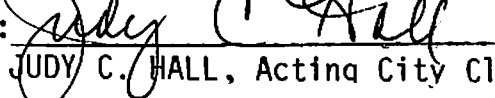
WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

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

1. The improvements in Songbird Meadows Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$133,200.00 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 \$66,600.00 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 13th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None.
ABSENT:	Councilmembers:	None.

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-704

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
BURDETTE N. AND MARION A. DAVIS FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS
AT 1345 WATTS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Burdette N. and
Marion A. Davis for water service to property outside City limits at 1345 Watts
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 13th day of
September, 1988, by Councilmember Lang
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-705

A RESOLUTION APPROVING THE REQUEST OF THE WARDEN'S OFFICE, INC. FOR REFUND OF \$625.50 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of The Warden's Office, Inc. for refund of \$625.50 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 13th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-706

A RESOLUTION OPPOSING THE SELECTION OF THE MORGAN/WHITMORE
SITE FOR A JAIL LOCATION.

WHEREAS, the Stanislaus County Board of Supervisors will be making a
decision on the location for a jail facility, and

WHEREAS, the Morgan/Whitmore site is one of the primary sites under
consideration, and

WHEREAS, the Morgan/Whitmore site represents the largest portion of
available industrial land within the City of Modesto's Enterprise Zone, and

WHEREAS, selection of the site for a jail facility would represent
the loss of 136 of the 200 available vacant acres in our City's Enterprise
Zone, and

WHEREAS, the Union Pacific Realty Company is in the process of
spending approximately \$3 million for the development of the parcel for
private development, and

WHEREAS, industrial development which occurs upon the site would
generate in excess of \$1 million per year in property, sales, and other types
of taxes to local units of government, and

WHEREAS, the unemployment rate in Stanislaus County is 12.3 percent,
and it is conservatively estimated that the Union Pacific project will create
approximately 1,000 new jobs to aid in mitigating the high unemployment rate,
and

WHEREAS, the General Foods Corporation considers the site to be a
prime location for future, long-term corporate expansion which may result in

increased employment opportunities, and

WHEREAS, the Morgan/Whitmore site offers a unique industrial development opportunity within the City of Modesto as it is a large parcel of land with exceptional access to Freeway 99, and public utilities, and special advantages arising from its Enterprise Zone designation, and

WHEREAS, there are other available vacant sites in the immediate area that would provide for a jail location without the negative economic impact to the City of Modesto and Stanislaus County,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that due to the negative economic impact on the City of Modesto and the County of Stanislaus, the Board of Supervisors should select another site for a jail facility and allow Union Pacific Realty to develop their property to create new tax base and employment for our citizens.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson
Sutton, 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. 88-707

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR PROJECT NO. 17 - REPLACEMENT OF CURB, DRIVE APRONS
AND SIDEWALKS AT VARIOUS LOCATIONS

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

SECTION 1. The plans and specifications for Project No. 17 - replacement
of curb, drive aprons and sidewalks at various locations
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on October 11, 1988, at 11:00 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 20th day of September, 1988,
by Councilmember Lang, who moved its adoption, which motion
being duly seconded by Councilmember McGrath, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-708

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING POLICE PORTABLE RADIOS

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

SECTION 1. The plans and specifications for furnishing Police portable
radios

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 11, 1988, at 3:15 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 20th day of September, 1988,
by Councilmember Lang, who moved its adoption, which motion
being duly seconded by Councilmember McGrath, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO.88-709

A RESOLUTION ACCEPTING THE 1988 OVERLAY OF VARIOUS CITY STREETS AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the 1988 overlay of various city streets

has been completed by George Reed, Inc.

in accordance with the contract agreement dated June 21, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the 1988 overlay of various
City streets

be accepted from said contractor, George Reed, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$260,930.30 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 20th day of September,
1988, by Councilmember Muratore, who moved its adoption, which
motion being duly seconded by Councilmember McGrath, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-710

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE DIKE WAVE ACTION PROTECTION PROJECT--PHASE I.

WHEREAS, on September 13, 1988 the City Council approved plans and specifications and authorized a call for bids relating to the installation of a concrete liner inside of Storage Ponds 1 and 2 at the Secondary Wastewater Treatment Facility relating to the Dike Wave Action Protection Project--Phase I, and

WHEREAS, the City Council certifies that at its meeting of September 20, 1988, 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 the installation of a concrete liner inside of Storage Ponds 1 and 2 at the Secondary Wastewater Treatment Facility relating to the Dike Wave Action Protection Project--Phase I.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20 day of September, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-711

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPROVING A SECOND 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 Second Amendment to Lease Agreement dated as of May 1, 1987, (the "Second Amendment to Lease Agreement") by and between the Agency as lessor and the City as lessee, and

WHEREAS, the City Council approves of said Second 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 Second Amendment to Lease Agreement. The City Council hereby approves the amendment of the Lease Agreement pursuant to the Second 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 Second 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 20 day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-712

A RESOLUTION APPROVING THE REQUEST OF P.S.C. COMPANY FOR REFUND OF \$771.39
FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request
of P.S.C. Company for refund of \$771.39 for overpayment of Business License
Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 20th day of September, 1988, by
Councilmember Lang , who moved its adoption, which motion being duly
seconded by Councilmember McGrath , was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-713

A RESOLUTION APPROVING THE REQUEST OF HANDY ANDY FOR REFUND OF \$2,590.23
FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request
of Handy Andy for refund of \$2,590.23 for overpayment of Business License
Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 20th day of September, 1988, by
Councilmember Lang , who moved its adoption, which motion being duly
seconded by Councilmember McGrath , was upon roll call carried and the
resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-714

A RESOLUTION APPROVING THE FINAL MAP OF THE ORANGEBURG
PROFESSIONAL PLAZA SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Scott Orangeburg Investors is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.499 acres, known as the Orangeburg Professional Plaza Subdivision Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 3rd day of August, 1987, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Orangeburg 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,

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 20 day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-715

A RESOLUTION ACCEPTING IMPROVEMENTS IN PINEHURST NO. 1 SUBDIVISION AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Kaufman & Broad of Northern California, subdividers of Pinehurst No. 1 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$444,500.00 and \$222,250.00 respectively to guarantee improvements in Pinehurst No. 1 Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated September 13, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the 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 Pinehurst No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$444,500.00 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 \$222,250.00 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 20th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-716

A RESOLUTION ACCEPTING IMPROVEMENTS IN PHEASANT VALLEY SUBDIVISION AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, FRANCO CONSTRUCTION, subdividers of Pheasant Valley Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$521,800.00 and \$260,900.00 respectively to guarantee improvements in Pheasant Valley Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated September 13, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the 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 Pheasant Valley Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$521,800.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$260,900.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-717

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND R.D.R. PROPERTIES FOR WATER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 3120 OAKDALE ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and R.D.R. Properties for water service to property outside the City limits at 3120 Oakdale Road, located on the east side of Oakdale Road between Floyd Avenue and Sylvan Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-718

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JULIA A. WAGNER FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1054 LONE PALM AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Julia A. Wagner for water service to property outside City limits at 1054 Lone Palm Avenue, located on the east side of Lone Palm Avenue between Kansas Avenue and N. Emerald be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-719

A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION COMMISSION
"CITY ANNEXATION QUESTIONNAIRE" FOR CALIFORNIA-MARSHALL REVISED
GOVERNMENTAL REORGANIZATION

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

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 20th
day of September, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by
Councilmember McGrath, was upon roll call carried and
the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____

Norrine Coyle
NORRINE COYLE, City Clerk

CITY REORGANIZATION QUESTIONNAIRE

1. Name of City Modesto

2. Name of Proposed Reorganization California-Marshall Revised Reorganization

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?

None

5. Other comments the City would like to make.

None

REORGANIZATION MAP A

MELLIS
PARK

MARSHALL

CALIFORNIA AVE.

AVENUE

DRIVE

RUBERT
ST.

ASH
ST.

LUTHER KING

N. MARTIN

TUOLUMNE
AVE.

ORIGINAL
AREA

ADDITIONAL
AREA

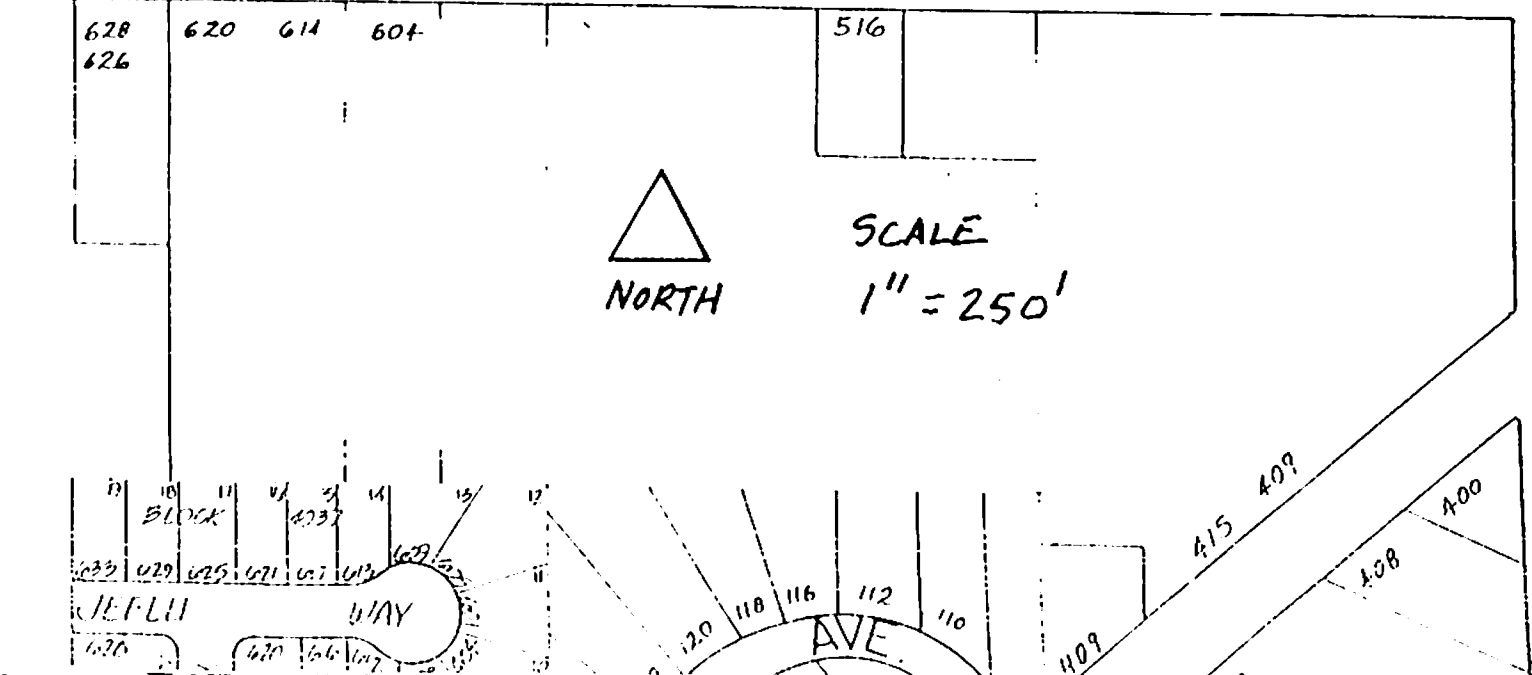
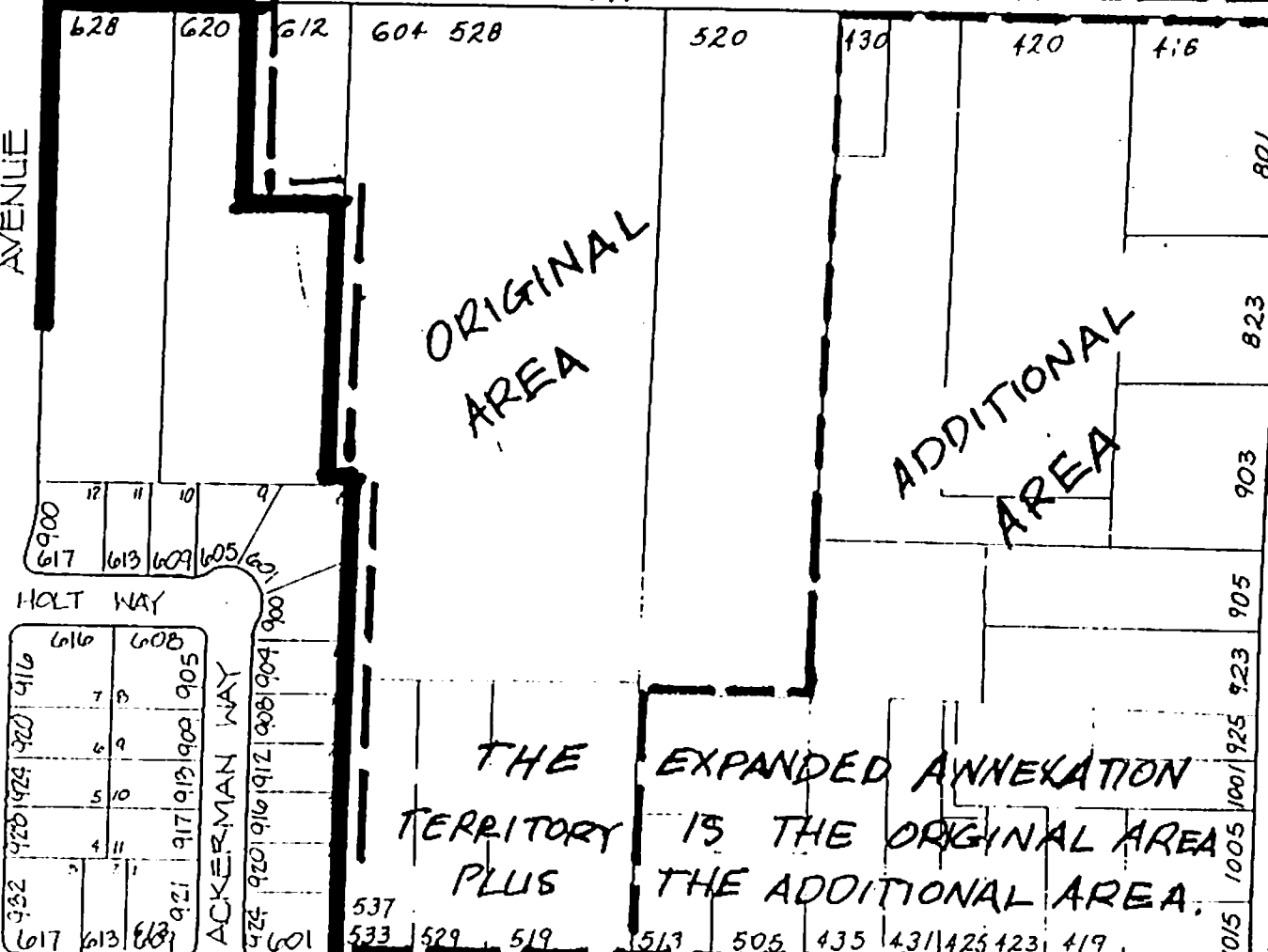
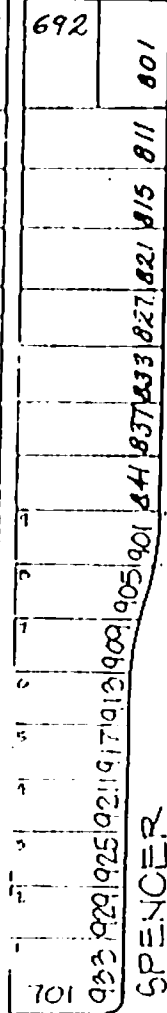
THE EXPANDED ANNEKATION
TERRITORY IS THE ORIGINAL AREA
PLUS THE ADDITIONAL AREA.



NORTH

SCALE

1" = 250'



MODESTO CITY COUNCIL
RESOLUTION NO. 88-720

A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION COMMISSION
"CITY ANNEXATION QUESTIONNAIRE" FOR KANSAS AVENUE NO. 7A (MODIFIED)
GOVERNMENTAL REORGANIZATION

BE IT RESOLVED by the Council of the City of Modesto that
the attached Local Agency Formation Commission "City Annexation
Questionnaire" for the Kansas Avenue No. 7A (Modified) Governmental Reorganization
Annexation is hereby approved.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 20th
day of September, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by
Councilmember McGrath, was upon roll call carried and
the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

CITY REORGANIZATION QUESTIONNAIRE

1. Name of City Modesto

2. Name of Proposed Reorganization Kansas Avenue No. 7A (Modified)

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?

None

5. Other comments the City would like to make.

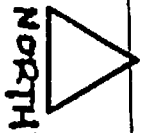
None

PROPOSED KANSAS AVE. NO. 7 REORGANIZATION

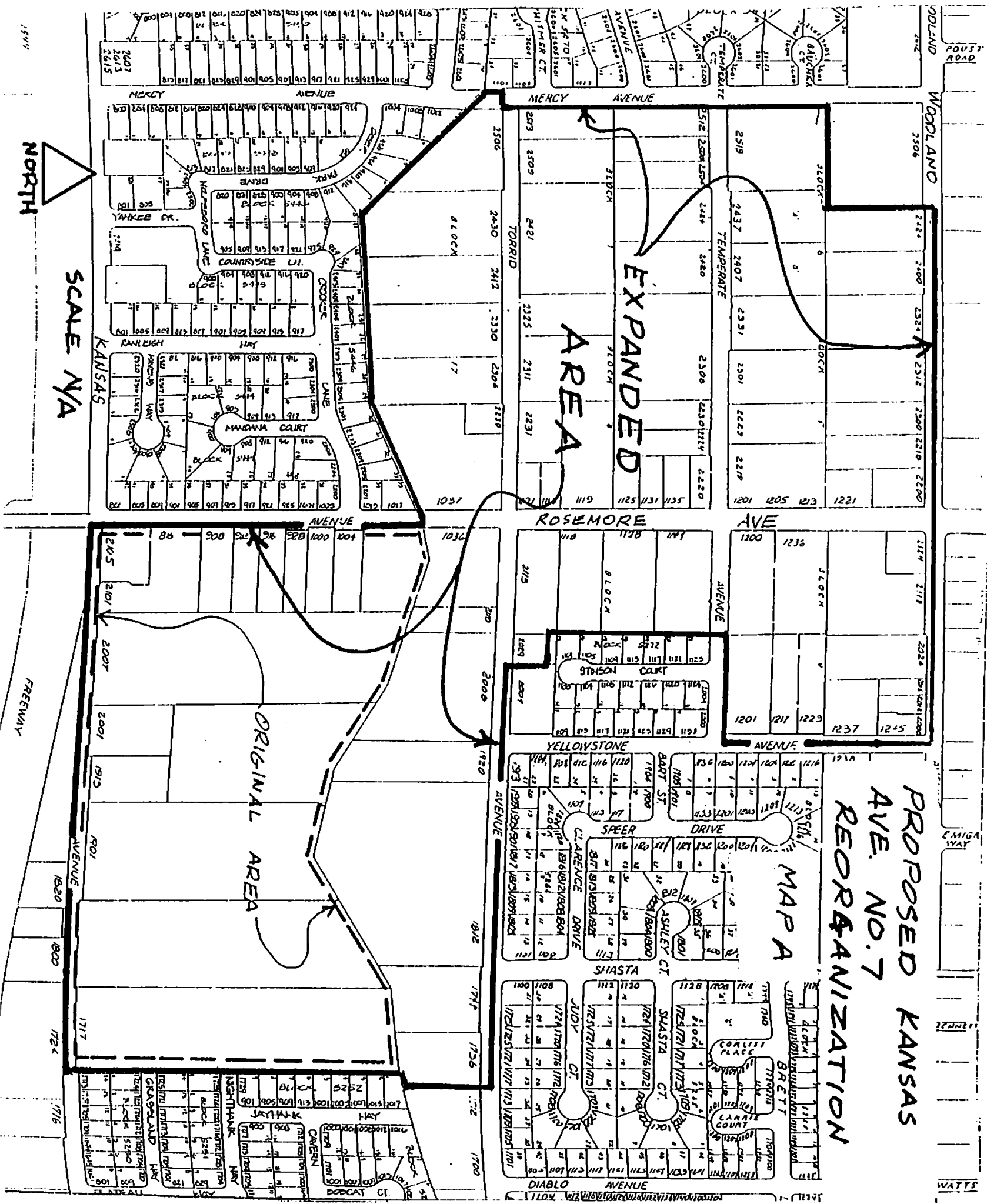
MAP A

EXPANDED AREA

ORIGINAL AREA



SCALE N/A



MODESTO CITY COUNCIL
RESOLUTION NO. 88-721

A RESOLUTION APPROVING A GRANT OFFER FOR MODESTO CITY-COUNTY AIRPORT FOR THE EXPANSION OF THE PASSENGER TERMINAL, INSTALLATION OF TAXIWAY HOLDING SIGNS, CONSTRUCTION OF TAXIWAY "E", INSTALLATION OF RUNWAY DISTANCE MARKERS, AND DRAINAGE FOR TAXIWAY #2

WHEREAS, on September 6, 1988, the City Council, by Resolution No. 88-683, authorized the submission of a project application to the Federal Aviation Administration (FAA) to expand the airline passenger terminal, install taxiway holding signs, construct taxiway "E", install runway distance markers, and drainage for taxiway #2; and

WHEREAS, the City has received notice that the FAA has programmed funds for these projects in the amount of \$152,681.00 for the terminal and \$147,319.00 for the construction projects, totaling \$300,000 which the City will receive annually for the next five years.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the grant offer on behalf of the City of Modesto with the Federal Aviation Administration for funding in the amount of \$300,000 for the above-mentioned projects 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 20th day of September, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-722**

**A RESOLUTION APPOINTING MEMBERS OF THE HUMAN RELATIONS COMMISSION
(ROBERT TANIQUCHI AND QUINCY HAMILTON)**

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 Human Relations Commission for the respective term as indicated:

Robert Taniquichi - term to expire 1/1/92

Quincy Hamilton - 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 members of the Human Relations Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-723

A RESOLUTION APPOINTING MEMBERS OF THE FARM-CITY ADVISORY COMMITTEE (ED PERRY AND KEITH MAHAN)

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

SECTION 1. The following persons / ^{are} hereby appointed to the Farm-City Advisory Committee for the respective term as indicated:

Ed Perry - term to expire 5/1/92

Keith Mahan - term to expire 5/1/89

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Farm-City 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 20th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 88-724

A RESOLUTION APPOINTING MEMBER OF THE LOCAL CABLE PROGRAMMING COMMITTEE (KIRK COLEMAN)

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:

Kirk Coleman - term to expire 1/1/91

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 20th day of September , 1988 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 88-725

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF BUILDING APPEALS
(TIM RAGSDALE)

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

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

SECTION 1. The following person is hereby appointed to the Board of Building Appeals for the respective term as indicated:

Tim Ragsdale - 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 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 20th day of September, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Colle
NORRINE COLLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-726

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:

Golf Superintendent

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 September 27, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of September, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

DEFINITION

To manage, direct, administer and coordinate the activities of the City's golf program including the maintenance and operation of the City golf courses, the supervision of the food concession and the golf professionals; to coordinate golf activities with other divisions and departments and the general public; and to provide highly complex staff assistance to the Parks and Recreation Director.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from an Assistant Parks and Recreation Director.

Exercises direct supervision over supervisory, technical, maintenance and clerical personnel.

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

Plans, initiates and directs the golf activities of the City of Modesto.

Direct, oversee, and participate in the development of the golf division work plan; assigns work activities, projects and programs; monitors work flow; review and evaluate work product, methods and procedures.

Prepares annual operating and capital improvement budgets for the City's golf operations; participates in the forecast of additional fund of additional funds needed for staffing, equipment, materials, and supplies; administers approved budget.

Supervises the golf professionals in handling starting duties, receiving and accounting for all City monies and all other activities in connection with the City's interest in the starter and clubhouse operations.

Supervises food concession contracts and the operation of those contracts and makes recommendations regarding changes in the food concession operations.

Directs and supervises the operation of the City's driving ranges.

Participates in recommending the appointment of golf personnel; provides or coordinates staff training work with employees to correct deficiencies; implement disciplinary procedures; recommend employee terminations; prepare performance evaluations.

Recommend and establish goals and objectives; assist in the development of all rules regulations and policies related to the City's golf operations.

Prepares and recommends plans for the modification and improvements of tees, greens, fairways, cart paths, roadways, parking lots and buildings.

EXAMPLES OF DUTIES

Directs and supervises the propagation of grass and other plants, and the control of fungus, weeds, rodents and insects.

Estimates and requisition for all material, supplies and equipment used in the golf operations.

Ensure the adherence to safe work practices by golf course personnel; directs the division safety program.

Review, investigate, and dispose of all golf complaints.

Directs and supervises the maintenance of all golf course equipment. Approves golf tournament requests and times to be allotted to such activities.

Coordinates the golf division activities with other division, sections, outside agencies and the general public.

Attends meetings, seminars, training sessions and workshops relating to golf course operations.

Performs other related work as may be assigned.

QUALIFICATIONS

Knowledge of:

Material, methods, practices and equipment used in golf course operations.

Types and levels of maintenance and repair activities generally performed in a golf course maintenance operation.

Occupational hazards and standard safety precautions necessary in golf course work.

Principles and practices of supervision, training and personnel management.

Methods used in the maintenance of golf courses, including the care and maintenance of grass, greens, turf diseases, chemicals, and methods to control them.

Use and operating methods of equipment and tools used in golf course maintenance.

Budgeting procedures and techniques.

Research methods and statistics.

Record keeping and reporting procedures.

QUALIFICATIONS

Ability to:

Organize, direct and implement a comprehensive golf course maintenance operation.

Conduct studies, prepare comprehensive reports and determine cost-effective ways for conducting all golf operations.

Prepare and monitor a budget.

Understand and apply pertinent laws, rules and regulations.

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 would be:

Experience

Five (5) years of experience of a progressively responsible nature in organized public golf course activities, including supervisory experience.

Training

Equivalent to graduation from an accredited four year college or university with major course work in management, horticulture or related field.

License or Certificate

Possession of, or ability to obtain, a valid Class 3 driver's license issued by the California Department of Motor Vehicles.

Possession of a valid California Certified Pesticide Applicator's license issued by the State Department of Food and Agriculture within six months after appointment.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-727

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 88-490 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE."

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 88-490. Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-490, 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 5, 1988", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adds the classification of Golf Superintendent, Range 441.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after September 27, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of September, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

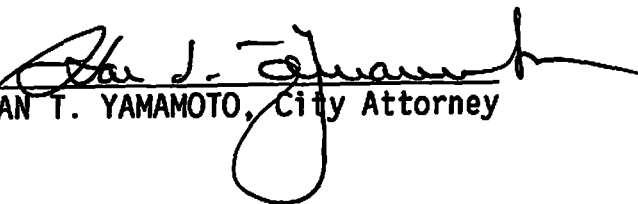
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

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

Effective July 5, 1988

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

062788

1752WPMS

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

Effective July 5, 1988

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	
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

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

Effective July 5, 1988

RANGE	TITLE
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Assistant Civil Engineer Senior Accountant Budget Analyst
433	
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supv. Engineering Systems Manager Supv. Housing Rehab. Specialist Public Works Supervisor II Building Maintenance Supervisor Secondary Treatment Site Supv. Parks Maintenance Supervisor II Events Coordinator Golf Course Supervisor 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
436	Senior Planner Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt Chief Electrician Associate Civil Engineer
439	Deputy City Attorney II

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

Effective July 5, 1988

E	TITLE
440	Housing Program Officer Principal Accountant Purchasing Officer
441	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 Sr. Deputy City Attorney II
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir.
448	
449	
450	Asst. Utility Services Director
451 062788	Assistant City Attorney

1752WPMS

MODESTO CITY COUNCIL
RESOLUTION NO.88-728

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF IMPROVEMENTS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (CALIFORNIA, KANSAS AND FAIRMONT AVENUES)

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 September 6, 1988, adopt its Resolution No. 88-670, 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, the Council did by said resolution, set the 27th day of September, 1988, at 7:30 o'clock p.m., in the Council Chambers, as the time and place for a hearing for the purpose of passing upon objections or protests, if any, which may be raised by the property owners or other interested persons relating to the proposed work; and

WHEREAS, the Superintendent of Streets has caused notices to be given as directed by said Resolution No. 88-670; 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 the notices in accordance with the provisions of Resolution No. 88-670 and Chapter 27, Part 3, of Division 7 of the Streets and Highways Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

- a. Curb and sidewalk at 1320 California Avenue, a portion of Block 4055 (Laverne F. and Nadine Haqer)
- b. Curb and sidewalk at 415 Kansas Avenue, a portion of Block 5061 (Kraft, Inc.)
- c. Curb and sidewalk at 519 Kansas Avenue, a portion of Block 507 (Albert A. and Delores W. Silva)
- d.
- e. Curb and sidewalk at 842-848 Kansas Avenue, a portion of Block 5027 (READ Investments)
- f. Curb and sidewalk at 619-625 Kansas Avenue, a portion of Block 5055 (Varnl Bros.)
- g. Curb at 117 E. Fairmont Avenue, a portion of Block 651 (Jerry L. Hooper)
- h. Curb at 130 E. Fairmont Avenue, a portion of Block 648 (Tangent Investment Co.)
- i. Curb at 128 E. Fairmont Avenue, a portion of Block 648 (Tangent Investment Co.)
- j. Curb at 125 E. Fairmont Avenue, a portion of Block 651 (Heirs of Merritt Alzada R.)

MODESTO CITY COUNCIL
RESOLUTION NO. 88-729

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF IMPROVEMENTS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (CURB ALONG E. FAIRMONT AVENUE AT 925 ILA WAY, PORTION OF BLOCK 651 - NAOMI H. TUCKER, LIFE ESTATE)

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 September 6, 1988, adopt its Resolution No. 88-670, 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, the Council did by said resolution, set the 27th day of September, 1988, at 7:30 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 owner or other interested persons relating to the proposed work; and

WHEREAS, the Superintendent of Streets has caused notices to be given as directed by said Resolution No. 88-670; 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. Property owner is instructed to pay at least \$50 per year for a maximum of 10 years.

SECTION 3. The Superintendent of Streets is hereby directed to proceed with the project as to the properties described in the notice, in accordance with the provisions of Resolution No. 88-670 and Chapter 27, Part 3, of Division 7 of the Streets and Highways Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-730

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-D(336) TO R-1. (THOMPSON-HYSELL ENGINEERS)

WHEREAS, on September 27, 1988, the City Council introduced Ordinance No. 2609 -C.S. giving approval to a project relating to an amendment to Section Map 8-4-9 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(336), to Low Density Residential Zone, R-1, property located at the northeast corner of Ustick Road and Whitmore 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 Section Map 8-4-9 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(336), to Low Density Residential Zone, R-1, property located at the northeast corner of Ustick Road and Whitmore Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of September, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-731

A RESOLUTION DENYING A PORTION OF THE AREA OF A REQUEST TO AMEND SECTIONS 28-3-9 AND 33-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO FROM GENERAL COMMERCIAL ZONE, C-2, TO PROFESSIONAL OFFICE ZONE, P-0, AND REFERRING SAID MATTER BACK TO THE PLANNING COMMISSION FOR CONSIDERATION OF REZONING THE BARTON FAMILY AND GALLO GLASS PROPERTIES FROM GENERAL COMMERCIAL ZONE, C-2, TO HIGHWAY COMMERCIAL ZONE, C-3. (PROPERTIES LOCATED NORTH OF NEW STATE HIGHWAY 132 EAST OF DRY CREEK)

WHEREAS, a verified application for an amendment to Sections 28-3-9 and 33-3-9 of the Zoning Map was initiated by the Modesto City Council on May 10, 1988, to reclassify certain property located at the north of new State Highway 132 from Dry Creek to Las Flores Avenue from General Commercial Zone, C-2, to Professional Office Zone, P-0, and

WHEREAS, after a public hearing held on August 15, 1988, it was found and determined by the Planning Commission that rezoning of the property as initiated was required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 88-91, adopted on August 15, 1988, the Planning Commission recommended to the Council that the application initiated by the Modesto City Council to amend Sections 28-3-9 and 33-3-9 of the Zoning Map to reclassify the property described in said Planning Commission Resolution No. 88-91 from General Commercial Zone, C-2, to Professional Office Zone, P-0, should be approved, and

WHEREAS, at its meeting of September 27, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council considered said amendment to Sections 28-3-9 and 33-3-9 of the Zoning Map to

rezone from General Commercial Zone, C-2, to Professional Office Zone, P-0, property located at the north of new State Highway 132 from Dry Creek to Las Flores Avenue as initiated by the City Council, and

WHEREAS, after consideration of said proposed rezoning the Council desired to rezone the property as initiated excepting the Barton family and Gallo Glass properties located at the north of new State Highway 132 east of Dry Creek,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that after a public hearing held on September 27, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council hereby denies the rezoning of the Barton family and Gallo Glass properties located at the north of new State Highway 132 from Dry Creek to Las Flores Avenue.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Council hereby refers the rezoning of the Barton family and Gallo Glass properties back to the Planning Commission for reconsideration of rezoning the Barton family and Gallo Glass properties from General Commercial Zone, C-2, to Highway Commercial Zone, C-3, for the following reasons:

1. Development in the C-3 Zone is subject to conditional use permit application which would review compatibility with the residential area to the north and appropriate curb cut locations.
2. The C-3 Zone allows a variety of land uses which could be compatible with surrounding nonresidential uses.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that after said public hearing the Council introduced Ordinance No. 2610-C.S. amending Sections 28-3-9 and 33-3-9 of the Zoning Map of the City of Modesto,

reclassifying certain property located at the north of new State Highway 132 east of Dry Creek from General Commercial Zone, C-2, to Professional Office Zone, P-0, excepting the Barton family and Gallo Glass properties.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-732

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 28-3-9 AND 33-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM C-2 TO P-0. (CITY COUNCIL INITIATED)

WHEREAS, on September 27 1988, the City Council introduced Ordinance No. 2610 -C.S. giving approval to a project relating to an amendment to Section Map 28-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to reclassify from General Commercial Zone, C-2, to Professional Office Zone, P-0, property located north of new State Highway 132 from Dry Creek to Las Flores 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 Section Map 28-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to reclassify from General Commercial Zone, C-2, to Professional Office Zone, P-0, property located north of new State Highway 132 from Dry Creek to Las Flores Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of September, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-733

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR CARVER ROAD BRIDGE REPLACEMENT AT MID LATERAL NO. 6

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

SECTION 1. The plans and specifications for the Carver Road bridge
replacement at MID Lateral No. 6

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 18, 1988, at 11:00 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 27th day of September, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-734

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE BACKHOE/LOADER AND TRAILER

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 backhoe/loader and trailer copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 25, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-735

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING OFFICE FURNITURE FOR THE FIRST FLOOR
REMODELING OF CITY HALL

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

SECTION 1. The plans and specifications for the purchase of office
furniture for the first floor remodeling of 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 October 18, 1988, at 3:00 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 27th day of September, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-736

A RESOLUTION ACCEPTING THE BID OF CONCO-WEST, INC. FOR ROCKWELL RELOCATION AT WELLS NO. 27 AND 43

WHEREAS, Resolution No. 88-651, adopted by the Council of the City of Modesto on September 6, 1988 , approved the plans and specifications for the rockwell relocation at Wells No. 27 and 43 and authorized the calling for bids; and

WHEREAS, the bids received for the rockwell relocation at Wells 27 and 43 were opened at 11:00 a.m. on September 20, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Conco-West, Inc. in the amount of \$9,750 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 \$9,750 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September , 1988 , 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-737

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING PURCHASE OF FIELD PREPARATION SERVICES FROM ARSENIO LAND LEVELING, INC. IN CONNECTION WITH THE 1988-89 WASTEWATER DISCHARGE (HYPER FLOODING) PROGRAM

WHEREAS, the California Regional Water Quality Control Board, by Cease and Desist Order No. 83-109, established that the City of Modesto should comply with a no summer discharge to the San Joaquin River from June 1, through September 30, of each year; and

WHEREAS, due to unexpected levee damage on the irrigation storage ponds, the storage ponds cannot be used and normal irrigation will not be possible, and until repairs can be completed to the irrigation storage pond system in fiscal year 1988-89, the hyper flood method must be implemented; and

WHEREAS, because the formal purchasing bid process would take a minimum of 45 days to complete, and this work is an urgent necessity, it is suggested formal bid procedures be waived.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of field preparation services in connection with the 1988-89 Wastewater Discharge (Hyper Flooding) Program, is hereby waived


BE IT FURTHER RESOLVED that purchase of field preparation services from Arsenio Land Leveling, Inc. for the total amount of \$76,583, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-738

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING PURCHASE OF MOSQUITO CONTROL SERVICES FROM TURLOCK MOSQUITO ABATEMENT DISTRICT IN CONNECTION WITH THE 1988-89 WASTEWATER DISCHARGE (HYPER FLOODING) PROGRAM

WHEREAS, the California Regional Water Quality Control Board, by Cease and Desist Order No. 83-109, established that the City of Modesto should comply with a no summer discharge to the San Joaquin River from June 1, through September 30, of each year; and

WHEREAS, due to unexpected levee damage on the irrigation storage ponds, the storage ponds cannot be used and normal irrigation will not be possible, and until repairs can be completed to the irrigation storage pond system in fiscal year 1988-89, the hyper flood method must be implemented; and

WHEREAS, because the formal purchasing bid process would take a minimum of 45 days to complete, and this work is an urgent necessity, it is suggested formal bid procedures be waived.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of mosquito control services in connection with the 1988-89 Wastewater Discharge (Hyper Flooding) Program, is hereby waived.

BE IT FURTHER RESOLVED that purchase of mosquito control services from Turlock Mosquito Abatement District for the total amount of \$84,468, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-739

A RESOLUTION ADOPTING THE "CITY OF MODESTO FIRST RESPONDER E.M.S. PROGRAM"
POLICY

WHEREAS, during the City Council meeting held on August 5, 1986, the Council approved a series of recommendations to improve delivery of Emergency Medical Service in the City of Modesto; and

WHEREAS, the First Responder Policy Task Force met on August 24, 1988, and approved a program description and policy statement.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "City of Modesto First Responder E.M.S. Program", 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 27th day of September, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

CITY OF MODESTO
"FIRST RESPONDER"
E.M.S. PROGRAM

The City of Modesto "First Responder" Program is designed to provide the nearest medically trained unit to the scene of a medical emergency in the shortest amount of time.

Program Mission Statement

To provide the inhabitants of the City of Modesto with rapid, professional, efficient, and effective service to field medical emergencies.

Program Description

The City of Modesto currently has a tiered first responder emergency medical response system that includes two ambulance company providers, the Modesto Fire Department, and the Modesto Police Department. The goal of the system is to respond the closest available trained medical help to the scene of a medical emergency in the shortest possible amount of time. Since the public agencies are trained in Basic Life Support and the private providers are trained in Advanced Life Support, it is also critical that ambulances are adequately and properly deployed within the system in Modesto. Currently there are four to six private provider Advanced Life Support ambulance units located in the City of Modesto that serve the First Responder System.

The First Responder Program is referred to as a "tiered" Program because of the involvement of three agencies and two levels of training - B.L.S. (Basic Life Support) and ALS (Advanced Life Support). The major goal of the program is to reduce mortality and morbidity of injured citizens prior to receiving hospital treatment.

Program Policies

To respond to any medical condition or accident causing injury which requires immediate attention to prevent added disability or loss of life.

To interface with other responding agencies to deliver expedient, quality emergency care while avoiding duplication of service and private provider subsidies.

To maintain a well trained, equipped, and adequately deployed organization that will achieve the mission.

To work with state and county emergency medical services boards, commissions, and committees to ensure that program policies, procedures, and training are current and supportive of the mission.

Program Coordination

The First Responder Program is coordinated by the Fire Department. Although there is no statutory or regulatory authority over other participating agencies, cooperation is obtained for program standardization through the activities of a policy committee - the First Responder Policy Task Force - and an operations review committee - the First Responder Sub-Task Force. Representation on the two committees is as follows:

First Responder Policy Task Force

City of Modesto Fire Chief - Chairman
City of Modesto Police Chief
Director of Stanislaus County Health Services
Director of Regional Emergency Medical Services
Representative of Mobile Life Support Ambulance
Representative of Doctors Ambulance
Director of Stanislaus County Communications

First Responder Sub-Task Force

Representative of Modesto Fire Department
Representative of Modesto Police Department
Representative of Regional Emergency Medical Services
Representative of Mobile Life Support Ambulance
Representative of Doctors Ambulance
Representative of Stanislaus County Communications
Representative of Ambulance Communications

In addition, liaison representation is made to the EMRB and the Pre-Hospital Care Committee.

Operational Procedures

Field operational procedures will be developed and promulgated by the First Responder Sub-Task Force, reviewed and acted upon by the First Responder Policy Task Force in accordance with state and federal laws.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-740

A RESOLUTION APPROVING AN AMENDMENT NO. 1 TO THE SERVICE AGREEMENT AMONG STANISLAUS COUNTY, THE CITY OF MODESTO, AND STANISLAUS WASTE ENERGY COMPANY FOR THE DEVELOPMENT OF THE STANISLAUS RESOURCE RECOVERY FACILITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Amendment No .1 to the service agreement among Stanislaus County, the City of Modesto, and Stanislaus Waste Energy Company, for the development of the Stanislaus Resource Recovery Facility 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 27th day of September, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-741

A RESOLUTION AUTHORIZING FUEL EFFICIENT TRAFFIC SIGNAL
MANAGEMENT PROGRAM GRANT APPLICATION.

WHEREAS, the City of Modesto recognizes that it is in the interest of the national economy to promote the conservation of energy resources and to reduce our nation's dependence on costly foreign oil, and

WHEREAS, fuel efficient traffic signal management by the City of Modesto will provide benefits to the local community in the form of improved traffic flow, reduced fuel consumption, reduced vehicle operating costs, reduced air pollutant emissions, and improved safety due to smoother flow, and

WHEREAS, funds have been established and are available through the California Department of Transportation for grants to local governments for efficient traffic signal management projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it authorizes the submittal of an application to the California Department of Transportation for a Fuel Efficient Traffic Signal Management grant and the City Manager, or his authorized designee, is hereby authorized and empowered to execute in the name of the City of Modesto all necessary applications, contracts, and agreements to implement and carry out the purposes specified in this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of September, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-742

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE COORDINATION AND SYNCHRONIZATION OF THE TRAFFIC SIGNALS ON COFFEE ROAD AND OAKDALE ROAD.

WHEREAS, on September 27, 1988 the City Council, by Resolution No. 88-741, authorized the submittal of an application to the California Department of Transportation for a Fuel Efficient Traffic Signal Management grant for the specific project of coordination and synchronization of the traffic signals on Coffee Road and Oakdale Road, and

WHEREAS, the City Council certifies that at its meeting of September 27, 1988, 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 the coordination and synchronization of the traffic signals on Coffee Road and Oakdale Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of September, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-743

A RESOLUTION ADOPTING AN AMENDMENT TO THE STANDARD SPECIFICATIONS FOR EXPRESSWAY STANDARDS IN 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 Engineering Services Director and recommended by the Planning Commission, and

WHEREAS, the Engineering Services Director has recommended an amendment to the Standard Specifications, which amendment is as shown on the drawing entitled "Streets, Expressways, Drawing 3-D," said drawing being attached hereto marked Exhibit A and incorporated herein by reference, and

WHEREAS, the proposed amendment is to add a drawing to explain the specifications for expressways excepting Briggsmore Avenue, and

WHEREAS, the proposed amendment was 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, engineers, and utility companies, and

WHEREAS, an informal public hearing to consider the proposed amendment was held by the Planning Commission on May 16, June 20, August 1, and August 15, 1988, and

WHEREAS, the Planning Commission, by Resolution No. 88-94, adopted on August 15, 1988, recommended to the City Council the adoption of an amendment to the Standard Specifications of the City of Modesto to explain the specifications for expressways excepting Briggsmore Avenue, as incorporated in the drawing entitled "Streets, Expressways, Drawing 3-D," said drawing being attached hereto marked Exhibit A and incorporated herein by reference, and

WHEREAS, said proposed amendment to the Standard Specifications for Expressway Standards in the City of Modesto, as prepared by the Engineering Services Director and recommended by the Planning Commission, was considered by the City Council at its regular meeting on September 27, 1988, at which time the Council determined that the proposed amendment to the Standard Specifications for Expressway Standards in the City of Modesto, as recommended by the Planning Commission, should be added to 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, the proposed amendment to the "Standard Specifications of the City of Modesto" to explain the specifications for expressways excepting Briggsmore Avenue, as incorporated in the drawing entitled "Streets, Expressways, Drawing 3-D," said drawing being attached hereto marked Exhibit A and incorporated herein by reference, is hereby adopted as an amendment to the "Standard Specifications of the City of Modesto," copies of which Standard Specifications are on file in the offices of the Engineering Services Director and the Secretary of the Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of September, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

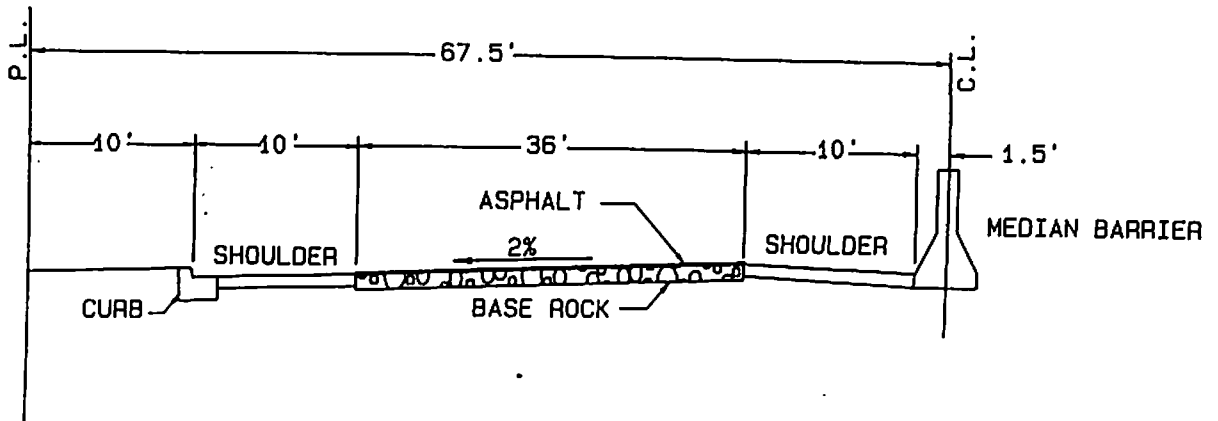
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

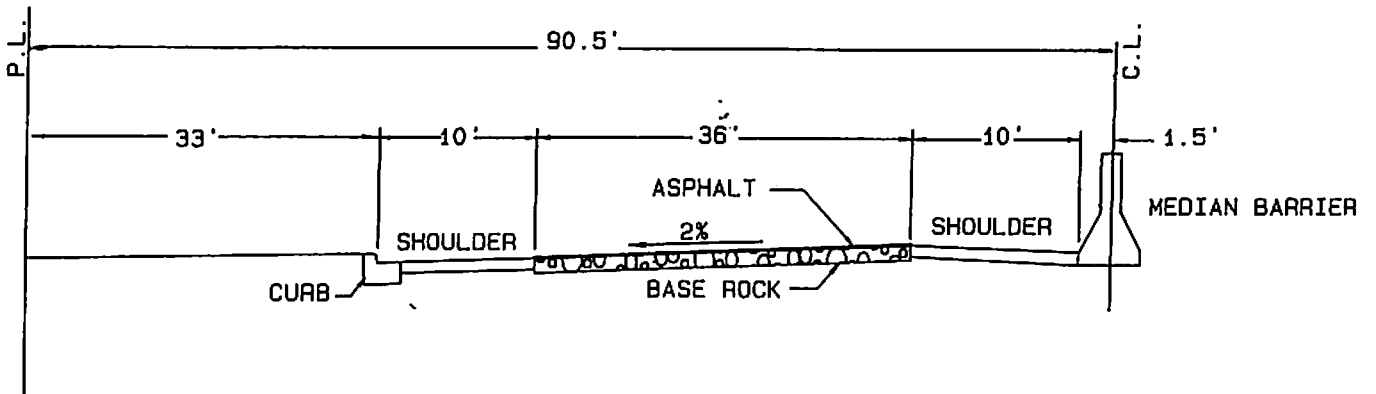
(SEAL)

APPROVED AS TO FORM:

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




135' RIGHT OF WAY EXCEPT STATE HIGHWAY 219



181' RIGHT OF WAY FOR STATE HIGHWAY 219

APPROVED BY CITY COUNCIL:	
APPROVED BY:	DIRECTOR:
	RE: 6743
REVISED: Hovik Hordiroosien	DATE: 8/17/88
REVISED:	DATE:
DATE: 3/88	DRAWN: JOE WELLS

STREETS EXPRESSWAY
ENGINEERING DEPARTMENT


CITY OF MODESTO DRAWING NO. 3-D

MODESTO CITY COUNCIL
RESOLUTION NO. 88-744

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SIMPAR INVESTMENTS FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 4418 MCHENRY AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Simpar Investments for water service to property outside City limits at 4418 McHenry Avenue, located on the west side of McHenry Avenue between Claratine Avenue and Bangs 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 27th day of September, 19 88, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-745

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

WHEREAS, Kaufman & Broad of Northern California, subdividers of Pinehurst No. 2 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$268,800.00 and \$ 134,400.00 respectively to guarantee improvements in Pinehurst No. 2 Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated September 20, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and


WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the 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 Pinehurst 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 \$ 268,800.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$ 134,400.00 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 27th day of September, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-746

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(453). (P & R ENTERPRISES)

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by P & R Enterprises on July 18, 1988, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a 44-unit, one story elderly housing complex, property located at 1211 Houser Lane, on the north side of Houser Lane, east of Carpenter Road, described as follows:

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

Beginning at the Southeast corner of Carpenter Villas No. 2 Subdivision, according to the official maps thereof, filed in the office of the Recorder of Stanislaus County, California, on February 3, 1988, in Volume 32 of Maps, Page 63, said corner also lying on the west line of the Hacienda Villas Subdivision according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California on February 27, 1980, in Volume 29 of Maps, Page 10; thence along the West line of said Hacienda Villas and its Southerly prolongation 150.00 feet more or less; thence Westerly 94.00 feet; thence Southerly 156.00 feet more or less to the centerline of original 40.00-foot-wide Houser Lane; thence along said centerline Westerly 199.00 feet more or less; thence leaving the centerline of Houser Lane, Northerly 220.00 feet; thence Westerly 113.00 feet to the East line of Parcel "2" as shown on that certain Parcel Map filed in the office of the Recorder of Stanislaus County, California on March 16, 1973, in Book 16 of Parcel Maps, at Page 54; thence along said East line of Parcel "2" Northerly 84.00 feet more or less to the South line of previously mentioned Carpenter Villas No. 2 Subdivision; thence along said South line, Easterly 416.00 feet more or less to the point of beginning.

and

WHEREAS, after a public hearing held on September 6, 1988, 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. 88-102, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed elderly housing complex conforms to the General Plan which calls for a variety of housing types in all neighborhoods.
2. The proposed elderly housing complex is compatible with surrounding residential development.

and

WHEREAS, after a public hearing held on October 4, 1988, 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. 88-102 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2614 -C.S. on the 4 day of October, 1988, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(453).

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

1. All development shall conform to the plot plan and floor plans titled "Senior Citizen Apartments" as amended in red, stamped approved by the Planning Commission on September 6, 1988.
2. The applicant shall submit revised plot plans and floor plans showing all changes required by the Planning Commission prior to the City Council hearing. All development shall conform to these revised plans as amended in red, stamped approved by the Planning Commission on September 6, 1988.
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. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Six-foot wood fence with decorative masonry pilasters around the project periphery.
 - b. Three to three and one-half foot fences separating patio areas from other open space.
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 Houser Lane 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. The Houser Lane frontage shall be improved to collector street standards prior to the occupancy of any structures or when requested by the Engineering Services Director to alleviate a health, safety, or traffic problem in the area.
8. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Engineering Services Director. Improvements shall be constructed in accordance with the approved plans.
9. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Houser Lane frontage. The number shall be as determined by the Engineering Services Director.

10. 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.
11. 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.
12. Drainage shall be provided as required by the Engineering Services Director.
13. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering Services Director.
14. 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.
15. All utilities shall be underground and cable television service shall be stubbed into all units.
16. 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.
17. The complex shall be served with water and sanitary sewer service, as approved by the Engineering Services Director.
18. All signs shall comply with the sign requirements of the R-1 Zone.
19. 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.
20. 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 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(453):

The entire construction program be accomplished in one phase, construction to begin on or before September 6, 1990, and completion to be not later than September 6, 1991.

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.

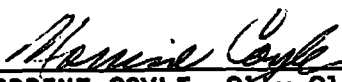
SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(453), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4 day of October , 1988, by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

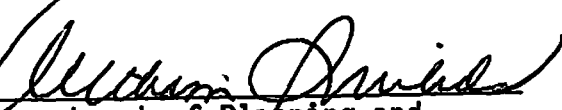
ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-747

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(453). (P & R ENTERPRISES)

WHEREAS, on October 4, 1988, the City Council introduced Ordinance No. 2614 -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(453), property located at 1211 Houser Lane, on the north side of Houser Lane, east of Carpenter Road, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 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(453), property located at 1211 Houser Lane, on the north side of Houser Lane, east of Carpenter Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4 day of October, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 88-748

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(455). (WEBB CHENEY INVESTMENTS)

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Webb Cheney Investments on May 27, 1988, to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D, to allow a business/professional office building and parking area, property located on the north side of Sylvan Avenue between Rexford Drive and Dragoo Park Drive, described as follows:

A portion of the Northeast quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and lying in the City of Modesto, State of California.

BEGINNING at the Southeast corner of Parcel 2 as shown on that certain map filed in Volume 22 of Parcel Maps at page 63, Stanislaus County Records; said corner also lying on the North right-of-way line of Sylvan Avenue; thence North 89°17'00" West along said right-of-way a distance of 201.00 feet; thence North 0°45'15" West, a distance of 317.10 feet; thence South 89°17'00" East, a distance of 201.00 feet; thence South 0°45'15" East, a distance of 317.10 feet to the point of beginning.

Including also the north one-half of 100.00-foot wide Sylvan Avenue immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on August 15, 1988, and continued to September 6, 1988, 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. 88-97, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reason:

The proposed P-D zone will be compatible with surrounding residential developments.

and

WHEREAS, after a public hearing held on October 4, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Webb Cheney Investments for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reason set forth in Planning Commission Resolution No. 88-97 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2615-C.S. on the 4 day of October, 1988, reclassifying the above-described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(455).

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

1. All development shall conform to the plot plan and floor plans titled "Proposed Office Building, Sylvan Avenue, Modesto, CA" as amended in red, stamped approved by the Planning Commission on September 6, 1988.
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 west, north, and east property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

- a. Six-foot wood fence with decorative masonry pilasters along the east boundary adjacent to the office building.
- b. Six-foot double-sided wood, stucco, or masonry wall or fence with masonry pilasters along the west, north, and northern portion of the east boundary adjacent to the parking area.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. The Sylvan Avenue frontage shall be improved to major street standards prior to the occupancy of any structures or when requested by the Engineering Services 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 Engineering Services Director. Improvements shall be constructed in accordance with the approved plans.
7. 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.
8. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Sylvan Avenue frontage. The number shall be as determined by the Engineering Services Director.
9. All curbcuts serving two-way driveways shall be 41 feet in width.
10. 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.
11. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering Services Director.
12. 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.
13. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire

hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

14. Water and sanitary sewer to the project shall be as approved by the Engineering Services Director.
15. No signs shall be permitted above eight feet in height on the north, east, and west faces of the building.
16. All signs shall comply with the sign requirements of the P-0 Zone.
17. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Planning and Community Development Department.
18. 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 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(455):

The entire construction program be accomplished in one phase, construction to begin on or before September 6, 1990, and completion to be not later than September 6, 1991.

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(455), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4 day of October, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

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 Richards
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-749

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO P-D(455). (WEBB CHENEY INVESTMENTS)

WHEREAS, on October 4, 1988, the City Council introduced Ordinance No. 2615-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 Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(455), property located on the north side of Sylvan Avenue between Rexford Drive and Dragoo Park Drive, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 9-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(455), property located on the north side of Sylvan Avenue between Rexford Drive and Dragoo Park Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4 day of October, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 88-750

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF PUMP STATION NO. 47

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

SECTION 1. The plans and specifications for construction of Pump Station No. 47, 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 25, 1988, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-751

A RESOLUTION ACCEPTING THE STREET LIGHTS - EAST MORRIS, LUCERN, AND 10th STREET CIRCUITS AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering that the street lights - East Morris, Lucern, and 10th Street circuits has been completed by J.K. Hayes, Inc., in accordance with the contract agreement dated January 5, 1988.

NOW, THEREFORE, BE IT RESOLVED that the street lights - East Morris, Lucern, and 10th Street circuits, be accepted from said contractor, J.K. Hayes, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$174,094.25, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-752

A RESOLUTION ACCEPTING THE CLAUS, ARDIA AND PARKWAY WATERLINE AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering that the Claus, Ardia and Parkway waterline has been completed by Clyde Wheeler Pipeline, Inc., in accordance with the contract agreement dated May 10, 1988.

NOW, THEREFORE, BE IT RESOLVED that the Claus, Ardia and Parkway Waterline, be accepted from said contractor, Clyde Wheeler Pipeline, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$113,230, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-753

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING ISSUANCE OF PURCHASE ORDER TO BEST PAINTING FOR PAINTING THE EXTERIOR OF FIRE STATION NO. 2 AND THE INTERIOR OF THE APPARATUS BAY

WHEREAS, informal bids were requested for the painting needed at the Fire Station located at 629 Second Street, based on the assumption that the work could be performed for less than \$5,000; and

WHEREAS, six bids were received, and staff feels the low bid of \$6,650 is acceptable and recommends issuance of a purchase order.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of painting services needed for Fire Station No. 2, is hereby waived.

BE IT FURTHER RESOLVED that issuance of a purchase order to Best Painting in the amount of \$6,650 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 October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-754

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE POLICE MOTORCYCLE FROM TWO-WHEELS, INC.

WHEREAS, the Police Department is requesting the purchase of one Police motorcycle that will be used by the Patrol Division to replace an existing cycle being taken out of service due to age and mileage; and

WHEREAS, Two Wheels, Inc. of Merced is the Northern California dealer for Kawasaki police motorcycles, preferred by the Modesto Police Department.

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

BE IT FURTHER RESOLVED that purchase of one Police motorcycle from Two-Wheels, Inc. for the total price of \$5,697, 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 October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-755

A RESOLUTION ACCEPTING AN AMENDED FEDERAL GRANT FOR DESIGN OF WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT (UNITS 1, 2, 3, AND 4)

WHEREAS, on September 16, 1980, the City of Modesto accepted a Federal grant offer for \$791,100 for design engineering services on the Wastewater Treatment Plant Improvement Project; and

WHEREAS, the grant offer was based upon the anticipated cost of design at the time, and the amendment to the original State grant increases the State's participation to match current estimated design costs.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amended Federal grant in the amount of \$1,116,767 for design engineering services on the Wastewater Treatment Plant Improvement Project, and authorizes the City Manager to execute the amended 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 4th day of October, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-756

A RESOLUTION ACCEPTING AN AMENDED STATE GRANT FOR DESIGN OF WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT (UNITS 1, 2, 3, AND 4)

WHEREAS, on October 7, 1980, the City of Modesto accepted a grant offer from the State for \$131,850 for design engineering services on the Wastewater Treatment Plant Improvement Project; and

WHEREAS, the grant offer was based upon the anticipated cost of design at the time, and the amendment to the original State grant increases the State's participation to match current estimated design costs.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amended State grant in the amount of \$186,128 for design engineering services on the Wastewater Treatment Plant Improvement Project, and authorizes the City Manager to execute the amended 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 4th day of October, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-757

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
ROGER ERNST AND ASSOCIATES FOR AUCTIONEERING SERVICES FOR A PUBLIC AUCTION TO BE
HELD ON OCTOBER 29, 1988

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Roger Ernst and
Associates for auctioneering services for a public auction to be held on
October 29, 1988

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
October, 1988, by Councilmember Muratore,
who moved its adoption, which motion being duly seconded by Council-
member Lang, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-758

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 OCTOBER 29, 1988, LOCATED AT 824 KIERNAN AVENUE.

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

WHEREAS, an auction is being planned by Roger Ernst and Associates at a large facility located at 824 Kiernan Avenue on Saturday, October 29, 1988, selling property from numerous private agencies, and

WHEREAS, Roger Ernst and Associates is agreeable to include the City's surplus property at this auction, and

WHEREAS, it is desirable to authorize the sale of said surplus property at said proposed auction at this time to insure that there is adequate time to inform the public of the date, time and location of said auction, and

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

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

BE IT FURTHER RESOLVED that said property is authorized to be included at a public auction to be conducted by Roger Ernst and Associates on October 29, 1988, at a large facility located at 824 Kiernan Avenue, subject to the execution of an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4 day of October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 88-759

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DELEUW, CATHER AND COMPANY FOR RELOCATING THE TRAINS FROM 9TH STREET

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and DeLeuw, Cather and Company for relocating the trains from 9th 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 4th day of October, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None Sutton
ABSENT:	Councilmembers:	

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-760

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL TO CONSIDER THE APPLICATION OF THE UNION PACIFIC RAILROAD COMPANY FRANCHISE TO OPERATE A COMMERCIAL RAILROAD WITHIN THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR A HEARING ON SAID APPLICATION.

WHEREAS, Union Pacific Railroad Company has filed, pursuant to Section 11-2.02 of the Modesto Municipal Code, a verified application for a franchise for a fixed term to operate a commercial railroad within the territorial limits of the City of Modesto, and

WHEREAS, Tidewater Southern Railway Company, a California corporation, was the grantee of a franchise to operate a commercial railroad within the City of Modesto under Ordinance No. 756-C.S. adopted by the City Council on November 1, 1965, and

WHEREAS, Union Pacific Railroad Company, a Utah corporation, is successor in interest to Tidewater Southern Railway Company with regard to said franchise, and

WHEREAS, said franchise having commenced on January 13, 1966 for a period of twenty years and the term of said franchise having expired on January 12, 1986, Union Pacific Railroad Company desires to continue to operate said commercial railroad and has therefore applied to the City to continue to operate said franchise, and

WHEREAS, the City Manager has recommended that said franchise be granted for a term of twenty (20) years,

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

SECTION 1. The City Council of the City of Modesto does hereby declare its intention to consider the application of the Union Pacific Railroad Company for a franchise to operate a commercial railroad within the City of Modesto.

SECTION 2. Notice is hereby given that Tuesday, October 25, 1988, at the hour of 7:30 p.m., in the Council Chambers at 801 11th Street, Modesto, California, is hereby fixed as the time and place for considering the application of the Union Pacific Railroad Company franchise to operate a commercial railroad within the territorial limits of the City of Modesto, at which time and place any and all persons interested in or objecting to the proposed franchise may appear before the Council and be heard thereon.

SECTION 3. A general statement of the major provisions of the proposed franchise are as follows:

(a) A franchise to operate a commercial railroad within the territorial limits of the City of Modesto for a term of twenty (20) years, commencing on January 13, 1986 and terminating on January 12, 2006, unless sooner surrendered, abandoned, forfeited, or terminated as provided in the ordinance granting the proposed franchise.

(b) As consideration for the granting of the proposed franchise, grantee shall pay to the City the amounts described in subsections (a) and (b) and as modified by subsection (c) of the proposed franchise and as quoted below. All amounts are per track foot, or fraction thereof, per year, for the portion of all tracks in street areas as measured along the center line of each track described in Section 3 of the proposed franchise.

"(a) Arrears. This franchise is retroactive to January 13, 1986. From that date through October 21, 1987 the grantee shall pay a fee at the rate of fifty cents (50¢) per track foot per year. For the period from October 22, 1987 through January 12, 1989 the grantee shall pay a fee at the rate of Two and no/100ths (\$2.00) Dollars per year per track foot.

(b) Annual Consideration. Grantee shall pay to the City annually on the 13th day of January, 1989 and annually thereafter an amount equivalent to the sum of Two and no/100ths (\$2.00) Dollars per track foot, or fraction thereof.

(c) Periodic Adjustment of Consideration. The annual consideration provided for herein shall be subject to adjustment every two (2) years. The first such adjustment shall be effective on June 14, 1989; subsequent adjustments shall become effective on June 14 of 1991, 1993, 1995, 1997, 1999, 2001, 2003, and 2005 (herein called 'adjustment date').

The basis for computing the adjustment shall be the then current Consumer Price Index for all urban wage earners and clerical workers for San Francisco-Oakland, published by the United States Department of Labor, Bureau of Labor Statistics, in comparison with the Index in effect at the time of the adjustment date two years prior. The first adjustment shall be based on CPIs in effect on June 14, 1987 and June 14, 1989. In no event shall the minimum annual consideration be less than the \$2.00 per track foot as established herein.

If the Index is discontinued or revised during the term of this franchise, 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."

(c) City reserves the right to permit others to construct, install, maintain, repair and renew property of any character in and upon all of the streets covered by said franchise, and to permit others to operate and use, for every lawful purpose, any property, other than property of Grantee, constructed, installed, maintained or renewed in the streets covered by said franchise.

(d) Grantee shall bear the expense of all repairs, reconstruction or support and protection of its franchise property made necessary by the use, operation, maintenance, repair or renewal of any property constructed or installed in the streets prior to the construction of installation therein of Grantee's franchise property.

(e) Indemnification. The grantee shall indemnify, defend, save and hold harmless the City of Modesto and its officers, agents, employees, and volunteers from any and all liability for damages, costs, or expenses in law or equity that may at anytime proximately result from any operations by grantee under the proposed franchise which may be occasioned by any willful or negligent act or omission of the grantee, its officers, agents, employees or volunteers or any subcontractor.

SECTION 4. A description of the centerline of the route and tracks which would be authorized by the proposed franchise is as follows:

(a) Main Track. Beginning at the north city limit line of the City of Modesto, County of Stanislaus, State of California, as said city limit line was located in 1911; said city limit being the center line of Stoddard Avenue; thence southwesterly across the south half of Stoddard Avenue and across private property to a point on the northeast line of College Avenue; thence across College Avenue and into private property to a point on the north line of Needham Avenue, 50 feet, more or less, westerly of the west line of Nellie Street; thence curving to the left across Needham Avenue across private property between Needham Avenue, 9th Street and "P" Street to a point on the northwesterly line of "P" Street; thence continuing on a curve to the left across "P" Street and across 9th Street to a point 33.0 feet, more or less, northeasterly measured at a right angle from the southwest line of 9th Street; thence southeasterly along a line parallel to said southwest line of 9th Street and across the intervening streets to a point 140 feet, more or less, northwesterly from the northwest line of "E" Street; thence southeasterly along a curve to the left across 9th Street and "E" Street to a point on the southeast line of "E" Street; thence across private property to a point on the northwest line of "D" Street, thence across "D" Street and across private property to a point on the northwest line of "C" Street; thence across "C" Street and across private property to a point on the northwest line of "B" Street; thence southerly and southeasterly along a curve to the left across "B" Street and 9th Street to a point 33.0 feet, more or less, northeasterly measured at a right angle from the southwest line of 9th Street; thence southeasterly on a curve to the right along 9th Street and crossing Morton Street to the southerly line of Morton Street; thence across private property to the southerly city limit line of the City of Modesto, as said city limit line existed in 1911 at the Tuolumne River.

(b) Additional Tracks.

(1) Beginning at a point on the center line of the Union Pacific Railroad Company main track as described in Main Track at a point 140 feet, more or less, northwesterly from the northwest line of "E" Street in said City of Modesto; thence southeasterly along a line parallel to the southwest line of 9th Street and 33.0 feet, more or less, northeasterly measured at a right angle therefrom to a point 40.0 feet, more or less, northwesterly of the northwest line of "C" Street produced southwesterly; thence southerly along a curve to the right to the edge of pavement on 9th Street.

(2) Beginning at a point on the northwest line of "D" Street, said point being 150.0 feet, more or less, northeasterly along said northwest line from the northeast line

of 9th Street; thence easterly across "D" Street to a point on the southeast line of "D" Street, said point being 200.0 feet, more or less, northeasterly along said southeast line from the northeast line of 9th Street.

SECTION 5. A copy of the proposed franchise may be obtained by any and all interested persons at the office of the City Clerk, City Hall, Modesto, California.

SECTION 6. The City Clerk is hereby directed to publish this resolution in the official newspaper of the City at least once within ten (10) days after the passage of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 88-761

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND M.E. GROVER FOR HARVESTING OLIVES FROM CITY-OWNED TREES LOCATED IN MELLIS PARK, N. MARTIN LUTHER KING DRIVE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and M.E. Grover to harvest olives in Mellis 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 4th day of October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-762

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MICHAEL P. BILLINGTON, EDWARD E. BILLINGTON, JOHN D. BILLINGTON, CHARLES J. BILLINGTON, III, AND MARGARET M. BILLINGTON FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1405 N. CARPENTER ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Michael P. Billington, Edward E. Billington, John D. Billington Charles J. Billington, III, and Margaret M. Billington for water service to property outside City limits at 1405 N. Carpenter Road between Shaddox Avenue and Woodland 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 4th day of October, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-763

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GERALD G. WILKINSON AND BONITA A. WILKINSON, CO-TRUSTEES OF THE GERALD G. WILKINSON AND BONITA A. WILKINSON TRUST FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1023 N. EMERALD AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Gerald G. Wilkinson and Bonita A. Wilkinson, Co-Trustees of the Gerald G. Wilkinson and Bonita A. Wilkinson Trust for water service to property outside City limits at 1023 N. Emerald Avenue between Kansas Avenue and 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 4th day of October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-764

A RESOLUTION VACATING AND ABANDONING THE SOUTHERLY 5 FOOT PORTION OF THE 10-FOOT PUBLIC UTILITY EASEMENT IN LOT 5 OF BLOCK 13056 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 13056 in the City of Modesto, described in Exhibit "A" attached hereto, which is the southerly 5 foot portion of the 10-foot public utility easement in Lot 5 of Block 13056 along the north property line of 625 Violet Street, 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 the southerly 5 foot portion of the 10-foot public utility easement in Lot 5 of Block 13056 in the City of Modesto, is no longer necessary for public utility easement purposes. 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 southerly 5 foot 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 southerly 5 foot portion of the 10-foot public utility easement located in Block 13056 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 4 day of October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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 K. Christensen
Engineering Services Department

VACATE AND ABANDON A PORTION OF A 10-FOOT PUBLIC UTILITY
EASEMENT IN LOT 5 OF BLOCK 13056

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of the Northeast quarter of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Northwestern corner of Lot 5 in Block 13056 of the GREENWOOD ESTATES NO. 3 Subdivision, as per map filed April 15, 1970 in Volume 22 of Maps, Page 44, Stanislaus County Records; thence along the Western line of said Lot 5, South $00^{\circ} 19' 40''$ West, 5.00 feet, to the true point of beginning of this description; thence continuing along said Western line, South $00^{\circ} 19' 40''$ West, 5.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Southerly from the Northern line of Lot 5; thence along said parallel line, South $89^{\circ} 40' 20''$ East, 76.00 feet, to a point on the Eastern line of said Lot 5; thence along said Eastern line of Lot 5, North $00^{\circ} 19' 40''$ East, 5.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Southerly from said Northern line of Lot 5; thence along said last mentioned parallel line, North $89^{\circ} 40' 20''$ West, 76.00 feet, to the point of beginning.

BLOCK

LOT 19

LOT 18

LOT 17

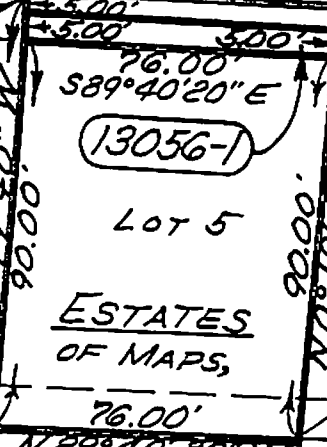
LOT 16

5' M.I.D. Easement

10' P.U.E.

P.O.B.

76.00'



LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

GREENWOOD
Vol. 22

ESTATES
OF MAPS,

No. 3
Pg. 44

13056

76.00'
N 89° 40' 20\" W

10' P.U.E.

25' 25'
VIOLET

25' 25'
ST.

BLOCK

25' 25'

BLOCK

ST.

BIRCH

25' 25'

13053

13055



1" = 50'

RECOMMENDED BY:		DATE	BY
CITY OF MODESTO DEPARTMENT OF ENGINEERING		FLD. BK. & PG.	
ALFRED KAUFMAN, DIRECTOR		W. O. NO.	
By: <i>Jerry H. But</i> R.E. 6743		FILE NUMBER	
DATE Sept. 26, 1988	DRAWN J. Christiansen	4-A-721	
VACATE AND ABANDON A PORTION OF A 10' P.U.E. IN LOT 5 OF BLOCK 13056 ~ L.D. 88-G			

MODESTO CITY COUNCIL
RESOLUTION NO. 88-765

A RESOLUTION APPROVING THE REQUEST OF EXPRESS BUSINESS CARDS FOR REFUND OF \$809.19 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Express Business Cards for refund of \$809.19 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 4th day of October, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-766

A RESOLUTION CHANGING THE NAME OF GRAND STREET TO YOSEMITE BOULEVARD IN THE CITY OF MODESTO.

WHEREAS, Grand Street extends from D Street to approximately 300 feet east of Dry Creek and Yosemite Boulevard extends east from said point, and

WHEREAS, Grand Street and Yosemite Boulevard are part of State Highway 132, and

WHEREAS, the California Department of Transportation is in the process of widening and realigning State Highway 132 from D Street to Las Flores Avenue, and

WHEREAS, the Planning Commission has initiated a street name change as it would be desirable to change that portion of State Highway 132 east of D Street with the street name of Grand Street to Yosemite Boulevard after State Highway 132 is widened and realigned, and

WHEREAS, a portion of Grand Street east of Morton Boulevard will remain after the widening and realignment of State Highway 132 is completed, and

WHEREAS, the City of Modesto plans to accept the remaining portion of Grand Street east of Morton Boulevard as a City street and the Planning Commission has recommended that said street name portion should remain as Grand Street, and

WHEREAS, notice of an informal public hearing by the Planning Commission to consider the proposed street name change was sent to property owners that would be affected by the proposed name change, and said informal hearing was held on July 18, 1988, and

WHEREAS, by Resolution No. 88-87 adopted by the Planning Commission on July 18, 1988, the Planning Commission recommended to the City Council that the portion of State Highway 132 east of D Street with the street name of Grand Street be changed to Yosemite Boulevard after State Highway 132 is widened and realigned to establish a single name for a continuous street alignment, and

WHEREAS, Section 34091.1 of the Government Code of the State of California provides that when the existing name of any street should be changed, the legislative body is authorized to change the name of existing streets, and

WHEREAS, said matter was considered by the City Council on October 4, 1988, 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 name of Grand Street to Yosemite Boulevard in the City of Modesto as recommended by the Planning Commission,

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

1. That the street name of Grand Street be changed to Yosemite Boulevard along new State Highway 132.
2. That the street name change shall be in effect after the completion of the realignment and widening of State Highway 132.
3. That the existing portion of Grand Street east of Morton Boulevard shall retain the street name of Grand Street.
4. That the Parking, Traffic and Transportation Director is directed to order the street name signs for said street.

5. That the City Clerk is directed to record a certified copy of this resolution with the Recorder of Stanislaus County and transmit a copy of this resolution to the Board of Supervisors, the County Clerk, and the County Surveyor of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 88-767

A RESOLUTION REQUESTING THE CITY ATTORNEY DEPARTMENT OF THE LEAGUE OF CALIFORNIA CITIES TO INCLUDE THE CITY OF MODESTO AS A MUNICIPALITY OPPOSED TO PROPOSED RULE OF PROFESSIONAL CONDUCT 2-400.

WHEREAS, on August 27, 1988, the Board of Governors of the State Bar of California adopted proposed Rule of Professional Conduct 2-400 which states:

"A member shall not make or present a settlement offer in any case involving a request by the opposing party for attorneys fees pursuant to private attorney general statutes which is conditioned on opposing counsel waiving all or substantially all fees."

and

WHEREAS, this proposed rule change will now be submitted to the California State Supreme Court for approval, and

WHEREAS, the City Attorney Department of the League of California Cities has recommended opposition to this proposed rule and requests cities to join in filing a legal brief with the Court in opposition to the proposed rule, and

WHEREAS, the proposed rule will discourage settlement of cases to the disadvantage of litigants, taxpayers and the judicial system,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the City Attorney Department of the League of California Cities is requested to include the City of Modesto as a municipality in opposition to proposed Rule of Professional Conduct 2-400.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 88-768

A RESOLUTION GRANTING THE REQUEST OF NORM PETERS ON BEHALF OF LEO PULTORAK TO WAIVE FURTHER FEES ON A TENTATIVE PARCEL MAP FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF WOODLAND AVENUE AND YELLOWSTONE AVENUE. (LEO PULTORAK)

WHEREAS, an application for a tentative parcel map for property located at the southeast corner of Woodland Avenue and Yellowstone Avenue was filed by Norm Peters on behalf of Leo Pultorak in June 1988, and

WHEREAS, the parcel map proposed to divide a 36,500 square foot R-1 zoned property into three parcels, and

WHEREAS, the application was considered by the Planning Commission at a public hearing held on August 1, 1988, which public hearing was thereafter continued to August 15, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, Norm Peters submitted a revised tentative parcel map that had not been approved by Mr. Leo Pultorak, consequently he presented a letter to the Planning Commission requesting withdrawal of the parcel map application, and

WHEREAS, Norm Peters has revised said tentative parcel map and is ready to resubmit the application, and

WHEREAS, the Planning and Community Development staff has informed Norm Peters that additional application fees would be charged, and

WHEREAS, Norm Peters on behalf of Leo Pultorak, by letter dated September 23, 1988, requested a waiver of the additional tentative parcel map fees that are required for resubmittal of a revised map for property located at the southeast corner of Woodland Avenue and Yellowstone Avenue, and

WHEREAS, said request 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 4:00 p.m., on October 4, 1988, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the request of Norm Peters on behalf of Leo Pultorak for a waiver of the additional tentative parcel map fees should be granted as the fee has previously been paid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby grant the request of Norm Peters on behalf of Leo Pultorak for a waiver of additional fees due for the tentative parcel map for property located at the southeast corner of Woodland Avenue and Yellowstone Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson,
Mayor Whiteside

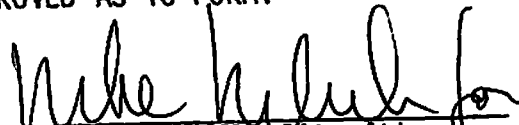
NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, Sutton

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-769

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON APPEAL BY MID-VALLEY ENGINEERING TO A PLANNING COMMISSION DECISION TO DENY DRY CREEK MEADOWS NO. 4 TENTATIVE SUBDIVISION MAP

BE IT HEREBY RESOLVED by the Council of the City of Modesto that October 25, 1988, 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 an appeal by Mid-Valley Engineering to a Planning Commission decision to deny Dry Creek Meadows No. 4 Tentative Subdivision Map.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-770

A RESOLUTION APPOINTING MEMBERS OF THE INTERNATIONAL FRIENDSHIP COMMITTEE
(VERONIKA OPINSKI AND MARGARET SNYDER)

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:

Veronika Opinski - term to expire 1/1/91

Margaret Snyder - term to expire 1/1/92

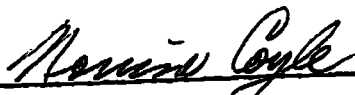
SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the International
Friendship Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 4th day of October , 1988 ,
by Councilmember McGrath , who moved its adoption, which motion being
duly seconded by Councilmember Muratore , was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, Sutton

ATTEST: 
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 88-771

A RESOLUTION APPOINTING MEMBER OF THE LOCAL CABLE PROGRAMMING COMMITTEE
(DOUGLAS HILLBLOM)

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

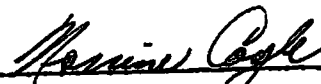
SECTION 1. The following person is hereby appointed to the Local
Cable Programming Committee for the respective term as indicated:

Douglas Hillblom - term to expire 1/1/91

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 4th day of October , 1988 ,
by Councilmember McGrath , who moved its adoption, which motion being
duly seconded by Councilmember Muratore , was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Patterson,
Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Lang, Sutton

ATTEST: 
NORRINE COYLE CITY CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 88-772

A RESOLUTION ACCEPTING THE CITY MANAGER'S REPORT AND FINDING POST-NEWSWEEK CABLE, INC., IN COMPLIANCE WITH THE PROVISIONS OF THE MODESTO MUNICIPAL CODE AND WITH ITS FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE COMMUNICATION SYSTEM WITHIN THE CITY OF MODESTO.

WHEREAS, Section 11-4.13 of the Modesto Municipal Code requires each cable grantee to file an annual report with the City Manager by October 31st of each year, and

WHEREAS, pursuant to said section, on or before December 31st of each year the City Manager shall make a report to the Council on the results of the annual test and the Grantee's report, and

WHEREAS, the annual report received from Post-Newsweek, Inc., dated October 29, 1987, is marked Exhibit A and attached hereto, and

WHEREAS, the City's cable consultant, George L. Page, has tested the new cable system to determine compliance with the franchise and the Consultant reports that the observed system technical performance generally meets or exceeds the minimum technical performance standards set forth in Section 12 of Ordinance No. 2293-C.S., as amended by Ordinance No. 2496-C.S., and said Consultant's report is marked Exhibit B and attached hereto, and

WHEREAS, the Council Cable Committee report dated October 4, 1988, as verified by the City Manager, recommends that the Council find that Post-Newsweek is in compliance with the provisions of Chapter 4 of Title XI and the franchise to construct, operate and maintain a cable communication system within the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the report dated October 4, 1988, as verified by the City Manager, and finds that Post-Newsweek Cable, Inc. is in compliance with the provisions of Chapter 4 of Title XI of the Modesto Municipal Code and Post-Newsweek Cable, Inc.'s nonexclusive franchise.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11 day of October, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CABLE

October 29, 1987

Mike Herrero
Assistant to City Manager
City of Modesto
801 11th Street
Modesto, Ca. 95353

Dear Mike:

The following is the information necessary to fulfill section 11-14.13 of ordinance No. 2292-c.s.

Name and address
of grantee:

Post-Newsweek Cable, Inc.
2621 E. Camelback Rd. Ste.150
Phoenix, Az. 85016

Local address:

1639 Princeton Avenue
Modesto, Ca. 95350

Name and Title of
Officers principally
responsible for
operation:

Ken Berns	Harvey T. Boyd
General Manager	Vice President

Name of System
Engineer:

Jim Blackwell

Names of Current
Officers and Directors:

Directors:

Katharine Graham
Richard D. Simmons
Martin Cohen
Howard E. Wall

Officers:

Howard E. Wall	President
Thomas P. Basinger	V.P.
Harvey T. Boyd	V.P.
Gary R. Dingboom	V.P.
Robert W. Flynn	V.P.&Treasurer
Victor I. Harrison	V.P.
Ted E. Harrison	V.P.
Peter C. Newell	V.P.

Exhibit A

Officers:	William R. Pruitt Alan H. Silverman Robert A. Versace Frank R. Woodback Alan R. Finberg Martin Cohen James W. Keller John F. Hockenberry	V.P. V.P. & Assistant Secretary V.P. V.P. Secretary Assistant Treas. Assistant Treas. Assistant Secretary
-----------	---	---

Change in Corporate Structure: None

Submission of Reports: The following have been submitted to the FCC during the past year:

Form 325 Schedule 2	7/20/87
Schedule 1	7/17/87
Form 395	11/26/86

Proof of Performance: Successful completion of the Proof of Performance was submitted to the FCC 12/01/86.

Types of Services: The following services comprise our basic package:

Modesto Basic Package

- | | |
|---|----------------------------------|
| 2 PNC Local Origination | 23 C-SPAN II |
| 3 KCRA (3) | 24 Arts & Entertainment Network |
| 4 USA Network | 25 Learning Channel |
| 5 Public Access/Community
Bulletin Board | 26 The Discovery Channel |
| 6 KVIE (6) | 27 Home Shopping Network II |
| 7 ESPN | 28 CBN |
| 8 CNN | 29 KTVU (2) |
| 9 TBS (17) | 30 KQED (9) |
| 10 KXTV (10) | 31 KRBK (31) |
| 11 Home Shopping Network I | 32 MTV: Music TV |
| 12 The Nashville Network | 33 Nickelodeon |
| 13 KOVR (13) | 34 Real Estate AD Channel |
| 24 Lifetime | 35 Ad Channel /PNC Info Channel |
| 15 Black Entertainment | 36 Pay-Per-View Preview Channel |
| 16 KTXL (40) | 37 Stanislaus State |
| 17 MJC | 38 American Christian TV Service |
| 18 KSCH (58) | 39 PNC Information Channel |
| 19 KCSO (19) | 40 The Weather Channel |
| 20 Financial News Network | 41 The Travel Channel |
| 21 Headline News | 42 Sky Merchant |
| 22 C-SPAN I | 43 Bulletin Board |
| | 44 PNC Preview Channel |
| | 45 Galavision |

Effective December 1, 1987 we will add VH1, Movietime, The Fashion Channel, and American Movie Classics to the basic package.

Our premium services include:

Premium Services

- 46 Cinemax
- 47 Showtime
- 48 The Movie Channel
- 49 The Disney Channel
- 50 American Movie Classics
- 51 HBO
- 52 Bravo
- 53 Festival

Effective December 1, we will move American Movie Classics to basic and discontinue carriage of Bravo.

We continue to offer three full time pay-per-view movie channels and one special events channel.

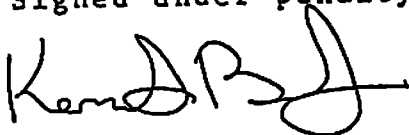
Pay-Per-View-Services

- 54 Zap Movies 1
- 55 Zap Movies 2
- 56 Zap Movies 3
- 57 Special Event Channel

Technical Performance Tests: We are currently in the process of scheduling technical performance tests. We expect these to take place in January 1988.

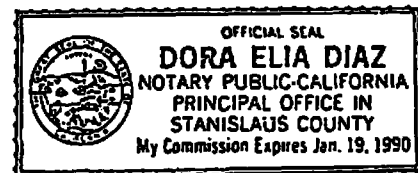
If you have any questions please don't hesitate to call.

Very truly yours,
Signed under penalty of Perjury,



Ken Berns
General Manager

KB/dd



June 17, 1988

Mr. Michael Herrero
Assistant to the City Manager
City of Modesto
801 11th Street
Modesto, CA 95353

Dear Mike:

Section 1. Introduction. This is a report on the post-rebuild technical testing and evaluation of Post-Newsweek Cable's Modesto CATV system conducted for the City of Modesto under the professional services agreement between the City and myself.

This report is presented in five sections, as follows:

Section 1. Introduction.

Section 2. System Architecture:

- A. Primary (Residential) System
- B. Standby Power
- C. Status Monitoring
- D. Secondary (Institutional) Network
- E. General System Installation

Section 3. System Technical Performance:

- A. General
- B. Carrier to Noise (C/N)
- C. Cross Modulation and Intermodulation
- D. Signal Leakage
- E. Hum
- F. Full Band Sweep, and FM Band
- G. System Outages

Section 4. Access and Local Origination

Section 5. Summary

Exhibits:

- A. Technical Tests' Numerical Results
- B. Technical Tests' Pictorial Results
- C. Six Weeks Listing of Access and Local Origination Programming

Sections 2 through 5 of this report, and the three exhibits hereto, set forth the results of a system technical performance assessment conducted by this evaluator. The actual system performance inspection included the review of system proof-of-performance technical tests performed by Post-Newsweek Cable in late 1987, early 1988, for their corporate headquarters, and also included observance by this evaluator of selected technical performance tests performed by Post-Newsweek Cable in February and April, 1988. This system technical inspection was performed in conjunction with the completion of the system rebuild, which system rebuild was a condition of the City's renewal of franchise in late 1984.

Sections 2 through 5, and the three exhibits, contain comments regarding:

- the testing conducted and pertinent results of that testing;
- observations of Post Newsweek's system and facilities, including system plant construction techniques; and,
- other considerations deemed pertinent to the completion of system rebuild and franchise compliance.

Section 2. System Architecture:

A. Primary Network. The system primary (residential) network has been rebuilt to system capacity and performance standards that meet or exceed franchise agreement system design and technical performance specifications. The residential system currently meets the upper bandwidth capability of 450MHz set forth in Section 10 of the City's franchise award ordinance (Ord. No. 2293-C.S.). System channel sixty-one (CH-61), at 445MHz, is the highest programmed channel. The rebuilt system amplifier spacing is for 500MHz which should permit further upgrade of the system channels capacity at some future time, for approximately eight additional 6MHz video channels.

The Modesto system's longest cascade of amplifiers consists of thirty-two trunk amplifiers, one bridger amplifier, and two line extenders, which is in accordance with acceptable industry practice for the technology used. Post-Newsweek Cable states

that their policy is to deliver a signal level of 3dBmV to the back of each subscriber's TV set, and that they accept no less than the Federal Communications Commission (FCC) minimum of 0dBmV. The testing and evaluation results served to verify this claim.

System headend modulators, signal processors, and all plant amplifiers, as well as earth station receivers, are Scientific Atlanta, a long time manufacturer of high quality CATV equipment. The earth station low noise amplifiers (LNA's) are manufactured by Sony.

B. Standby Power. The system has been equipped with some two-hundred and fifty Alpha AP-15 system emergency electrical power supply units, each with three batteries, which are specified by the vendor for two and one-half (2 & 1/2) hours at peak load. Under actual emergency operating conditions it may be that the standby power supplies will support system operations for three hours or more duration due to equipment 'headroom' typically designed in by manufacturers, and the expectancy that it may not be necessary for the emergency power supplies, when activated, to operate at peak load.

C. System Status Monitoring. The City's franchise agreement with Post-Newsweek Cable calls for:

- installation of an automatic system status monitoring capability in conjunction with provision of fully two-way interactive services on the primary (residential) network, and
- installation of an automatic system status monitoring capability on the secondary network (institutional network (I-Net)).

Post-Newsweek Cable is not now offering interactive services upon the residential system and thus no automatic status monitoring capability has been installed thereon. An automatic system status monitoring capability has been incorporated with the I-Net.

D. Secondary (Institutional) Network. The City's franchise agreement with Post-Newsweek Cable indicates a number of institutional sites that the secondary network (I-Net) should be capable of serving. Post-Newsweek Cable advises that all such

sites are passed by the I-Net and all requested service drops have been installed. The I-Net is currently carrying telephone circuits, and thus it was not practicable, without interruption of those circuits, to test other than the input and output of the "A" trunk of the I-Net -- see Exhibit B to this report for those results. The results of those tests would indicate that the I-Net was constructed to franchise agreement specifications, i.e., a mid-split system with an upstream capacity of 5 to 174 MHz and a downstream capacity of 234 to 450 MHz, and is being maintained accordingly as well.

E. General System Installation. The overall cable system installation appeared to be in accordance with the best of industry system construction standards. No violations were noted in pole mounted or underground plant installations. Fittings, connections, sleeves, groundings, closures, clearances, expansion loops, drip loops, etc., all appeared to have been professionally performed.

However, at one of the field test sites, it came to our attention that a nearby subscriber's service drop was mounted on the side of a lengthy stretch of one by four (1" X 4") boards imbedded horizontally in the ground and delineating the property line between two homesites. A check of other installations in that local area turned-up no other such violation. A follow-up check later with Post-Newsweek Cable by this evaluator regarding the cause for the inadequate installation indicated that the installer had found himself at the installation site without the equipment required for the underground installation, and so effected a temporary install, but then forgot to go back and correct the situation. Post-Newsweek Cable advises that the service drop has since been correctly installed underground.

Section 3. System Technical Performance:

A. General. As indicated above, it appears from inspection of the system plant and facilities, and from the system technical performance testing conducted during that inspection, that the Modesto system has been rebuilt using or exceeding accepted industry standards. Further, the observed system technical performance meets or exceeds those minimum system technical performance standards for Class I cable television channels the FCC permits local franchising authorities to enforce.

The observed system technical performance also generally meets or exceeds the minimum technical performance standards set forth in Section 12 of City Ordinance No. 2293-C.S., the City's franchise agreement with Post-Newsweek Cable.

Post-Newsweek Cable provided evidence that the calibration of their Tektronix 7L12 Spectrum Analyzer, with which most of the system technical testing was accomplished, was current, having been last calibrated on July 27, 1987.

B. Carrier to Noise C/N. It should be noted that cable system design engineers typically include sufficient 'headroom' in system architecture to allow for some diminishment of system performance with time due to degradation of system condition from the elements, wear-and-tear, etc. In this regard, the system design information provided this evaluator by Post-Newsweek Cable indicates that the system was designed to a plant and system carrier-to-noise (C/N) specification of 46dB, and the results of a proof-of-performance testing performed by Post-Newsweek's engineer, Mr. Jim Blackwell, in December of 1987 indicates C/N test results of mostly "46+dB" with one test location, 851 Whitmore, at "44+dB." The City's franchise agreement with Post-Newsweek Cable calls for a minimum of 42dB C/N over a four megahertz (4MHz) bandwidth for the provision of interactive services, when offered.

Proof-of-performance system testing for C/N typically calls for the use of a low pass filter with the spectrum analyzer, and for the shutting down of the lower adjacent channel to the channel being tested, both of which procedures result in a somewhat greater C/N reading. The shutting down of a lower adjacent channel precludes the skewing of C/N test results due to induced noise from the adjacent channel's modulated carrier. Such induced noise can skew test results by as much as five (5) or more dB to the detriment of the actual C/N performance of the channel being tested.

Post-Newsweek's low pass filter was unavailable on the days of the tests observed by this evaluator. Also, it was decided to not shut down the lower adjacent channel, for the time it would take to perform the testing would be unduly disruptive to channel viewers. Therefore, a total adjustment factor of 6dB or more can

be applied to the observed spectrum analyzer C/N readings depicted in the photos in Exhibit B to this report. Thus the observed 40dB C/N system performance, after adjustment using Tektronix's 7L12 conversion chart (see figure 6-4 on the Appendix to Exhibit B), equates at least to the 44 or 46 dB C/N system performance noted by Mr. Blackwell in his December, 1987 proof-of-performance tests. Such readings appreciably exceed both the FCC C/N minimum of 36dB and the above mentioned franchise agreement C/N minimum of 42dB, for the dB scale is logarithmic.

C. Cross Modulation and Intermodulation. Intermodulation products can be detected with the system operating normally, i.e., with signal carriers modulated with video signals; however, in order to measure cross modulation products one must use an unmodulated carrier. Cross modulation was checked on several carriers by shutting down the video on certain channels only very briefly. No significant cross modulation products were noted.

On trunk D, the final trunk tested on February 17, 1988, it was noted that there appeared to be an intermod product on Channels 5, 31, 35 and 38. The product was clearly visible, though faint, as a near horizontal washboard effect on channel 31, and less or barely noticable on channels 5, 35, and 38. These signals were rechecked on several of the system plant trunk ends on April 20, 1988, and the same intermod products were noted. A check was then made at the system headend to ensure that the intermod was produced within the cable system plant and not being produced within the headend signal processing equipment or imported from the signal sources being affected.

No intermod products were observed on the input side of the system plant's first amplifiers which are located within the headend. The intermod products appeared to be about 46 dB down from the peak of the visual carrier (see Exhibit B), which is right at FCC minimums but about 4dB outside the franchise agreement specification of 50dB.

Post-Newsweek Cable's attention has been drawn to this discrepancy, and they rechecked channels 5, 31, 35 and 38 on June 10th with the results depicted on pages 17 to 20 of Exhibit B to this report. Their test results would indicate the same intermod

product, or very nearly the same at least, as previously observed on channel 5, however, the results of their tests of channels 31, 35, and 38 indicate little or no intermod products on those channels. In view of the rather stable nature of the intermod product on channel 5, and the earlier indications of intermod on channels 31, 35, and 38, (particularly with the visible interference previously noted on these latter channels), it is believed it would be wise for the City to periodically monitor with Post-Newsweek Cable the performance of all four channels to better assess the exact nature and/or source of the observed intermod.

The previously observed intermod on channels 31, 35, and 38 could possibly have been corrected as a result of normal system maintenance; however, the intermod on those channels might also be related to that observed on channel 5 and may be periodic or intermittent in nature. Unless otherwise advised, this evaluator will plan to visit Modesto in conjunction with one of my trips to the San Francisco Bay Area in August or September, and will recheck with Post-Newsweek Cable the suspect channels.

Even though, as reported above, no intermod spurs were observed on the input side of the first trunk amplifiers located in the headend, it is still conceivable that the source of the intermod may be within the headend. Post-Newsweek Cable may wish to inject a CW carrier from a signal generator and zero beat the injected carrier with the intermod spur on channel 5, count the frequency with a frequency counter tied to the test lash-up, and work out the second order, third order, etc. harmonics to see if they match with the intermod products earlier noted on channels 31, 35, and 38.

Admittedly the thought occurred to this evaluator that the not uncommon practice within the cable industry of relegating the public access channel(s) to a cable system's poorest technically performing channel(s) might throw some light on the channel 5 intermod problem. Post-Newsweek cable has assured this evaluator that this was not the case in their channels assignment process, and in view of their exceptional access and local origination programming efforts, as discussed elsewhere in this report, and in view of their general responsiveness to the City and this evaluator, it would seem that the appearance of the intermod product on channel 5 is merely coincidental.

D. System Signal Leakage. The results of Post-Newsweek's testing for system signal leakage during their December, 1987, proof-of-performance tests have been reviewed and where they came up with a system signal integrity performance factor (system signal leakage index) of 1.02, this evaluator using the same data arrived at a factor of 1.04; however, both figures represent an overall high degree of system integrity. Furthermore, Post-Newsweek Cable's files indicate that those few sites, out of an overall eight hundred and ninety-six (896) tested, where signal leakage was found to exceed FCC maximums, have since been corrected. A signal leakage detector was carried during the field testing observed by this evaluator and no system signal leakage was indicated by the leakage detector.

A visual sweep of all channels was made, both on the spectrum analyzer and on a video picture monitor (TV set), to detect any spurious signals which might indicate signal ingress and none was noted other than possibly that which might account for the intermodulation products discussed on page 6 of this report. It should be noted that where signal ingress is noted, one can also expect signal leakage.

E. System Hum and Low Frequency Disturbance. Exhibits A and B to this report depict the results of the testing for system hum and low frequency disturbance. This test measures the amount of unwanted amplitude modulation of system signals resultant from A.C. power source related harmonics and other low frequency sources. The FCC specified maximum is 5%. The franchise agreement specifies a maximum of 2.5%. The test results were read as less than 2% at three of the test sites, which is the limit of the test equipment, and less than 3% at the fourth site, the end of trunk D, at the corner of Eastwood Court and Spring Oak Drive. The overall hum performance of the cable system was considered to be acceptable to excellent.

F. Full Band Sweep, and FM Band. Review of the results of the proof-of-performance tests conducted by Post-Newsweek in late 1987, early 1988, and the observed sweeps of the full band of system signal carriers, including the FM band, at the headend and at the end of all system trunks, indicated frequency alignments and signal strengths balances within FCC and franchise specifications. The roll-off at the low end of the full band on both trunks B and D appeared close to maximum allowable; however, it is noted that the system design calls for a amplifier output signal levels tilt of seven degrees (9 degrees for line extenders).

G. System Outages. A review was made of Post-Newsweek Cable's system outage log, and for the calendar year 1987 there were one-hundred and thirty seven (137) system outages recorded averaging about one and one-half (1.5) hours each, and occurring on average every 2.5 days. The longest recorded 1987 system outage was five (5) hours in duration and affected about fifteen percent (15%) of the subscribers.

On the first day of 1988 there was a system outage of ten hours duration due to gunshot damage to the cable. The extended repair time is more understandable when it is realized that repairs were commenced shortly after midnight New Years eve, and completed at 10:30 AM. The ten hour outage affected less than one percent of the subscribers.

On average, each outage in 1987 affected about eleven percent (11%) of the total subscribers, with thirteen, or 9.5%, of the outages having affected the entire system. The 13 complete system outages in 1987 averaged 50 minutes each, and the longest complete system outage lasted two hours. Most if not all the total system outages appear to have been planned outages, for 12 out of 13 occurred between 6 and 10 o'clock in the morning, and one at midnight.

Although Post-Newsweek Cable's franchise with the City does not specify limits for service outages, their outage repair record appears excellent; for, most franchises which do so specify require the majority of service outages be corrected within four (4) hours.

Section 4. Access and Local Origination Video & Audio Production Capability. Section 13 of City Ordinance No. 2293-C.S. (the City's franchise agreement with Post-Newsweek Cable), and Exhibit A to that Ordinance, set forth a rather comprehensive set of guide lines for the provision of access {public, educational and government (PEG)} and local origination programming services, facilities and equipment. Review of the Post-Newsweek Cable response to their franchise commitments regarding PEG access and local origination would indicate a concerted effort on the part of the franchisee to meet such commitments.

Post-Newsweek Cable has met or exceeded their commitment for video production equipment. Their current allocation of studio support spaces, including additional space planned for the near future, appears somewhat less than their franchise commitment (see attachment 1 to Exhibit A of Ordinance No. 2293-C.S.) for studio. A review of their access and local origination first run programming for the six weeks period from January 11th through

February 20th, 1988, produced in Modesto and carried on their channels 2 and 5 (see Exhibit C to this report) indicates an average of 15 hours and 35 minutes per week of such programming. Their franchise commitment is to "provide 15 hours per week of original programming."

It is understood that Post-Newsweek Cable interprets their 15 hours per week of original programming commitment to allow credit for programming carried on the system but provided by other local entities such as the Assyrian/American Club. It is believed by this evaluator that such was not exactly the intent of the City at the time of franchise negotiation, unless such programming was produced using the Post-Newsweek Cable studio and/or portable video production field equipment. The City may wish to develop with Post-Newsweek Cable a more definitive understanding regarding the allowance against the franchise commitment for other programming, such as a maximum per month of credit (e.g., 10 hours per any four weeks period), so as to preclude the possibility of future misunderstandings.

Post-Newsweek Cable's indicates their programming production staff consists of seven full time employees and numerous volunteers and trainees. Their franchise commitment is for four (4) full time employees and two interns as needed (see Page 2, Exhibit A to the franchise agreement, City Ordinance No. 2293-C.S.).

Post-Newsweek Cable's access and local origination programming efforts are considered to rank with the top such efforts in the nation. This evaluator subscribes to a news clippings service for CATV related articles published in the western United States, and the number of Modesto Bee articles regarding Post-Newsweek Cable's access and local origination programming efforts over the past several months have been by far greater than the number of clippings regarding such efforts by other cable systems.

The City may wish to discuss with Post-Newsweek Cable how their apparent, though limited, shortfall in allocation of studio support spaces may impact on their effectiveness in meeting their franchise functional commitments regarding access services and local origination programming. It appears to this evaluator that as a result of their attempt to incorporate the studio and

associated support spaces within their offices at 1639 Princeton Avenue, that there were some tradeoffs that had to be made, which may or may not significantly impact on their overall responsiveness to the City's needs and interests regarding PEG access, local origination, and subscriber services in general.

Summary. Post-Newsweek Cable's general manager, Mr. Ken Berns, and their system maintenance officer, Mr. Jim Blackwell, and their production manager, Mr. Michael Monroe, and all other system personnel with whom I came in contact with during my system testing and inspection effort were found to be completely cooperative and forthright. In this regard, it should be noted that a pronounced businesslike, professional, yet positive and warm, working environment seems to exist throughout the Post-Newsweek Cable working spaces, the likes of which are not common within the cable industry. In my opinion it can be attributed to exceptional leadership.

The overall condition and performance of the Modesto system was found to be excellent to outstanding. The following possible variances from those norms were noted, as more fully addressed herein above:

- a subscriber's service drop was found to be mounted on the side of a lengthy stretch of one by four (1"/4") boards imbedded horizontally in the ground and delineating the property line between two homesites. It had been intended by the installer to be a interim type installation, but then was overlooked. The faulty drop installation was later correctly undergrounded.

- intermodulation products were found on channels 5, 31, 35 and 38 about 46dB down from the peak of the visual carriers, which is right at FCC minimums but about 4dB outside the franchise agreement specification of 50dB. Post-Newsweek Cable's

attention was drawn to this discrepancy, and their follow-up tests indicated marginal intermod on channel 5 with some faint indications of possibly the same on the three higher channels. However, in view of the earlier noted visually apparent interference on those higher channels, it is recommended that all four suspect channels be monitored periodically, to possibly better determine the exact nature and extent of the interference.

- the results of the tests for system hum were read as less than 2% at three of the four field test sites, which is the limit of definition of the test equipment, and less than 3% at the fourth site, the end of trunk D, at the corner of Eastwood Court and Spring Oak Drive. The FCC maximum is 5% and the City's franchise specifies a maximum of 2.5%. The overall hum performance of the cable system was considered to be acceptable to excellent.

- signal amplitude roll-off at the low end of the full band of video signals was noted at the ends of both trunks B and D which appeared close to maximum allowable; however, it is noted that the system design calls for a amplifier tilt of seven degrees.

- system service outages averaged about 1.5 hours every 2.5 days which is considered overall excellent. On average, each outage affected about eleven percent (11%) of the total subscribers, with thirteen, or 9.5%, of the outages having affected the entire system. The 13 complete system outages in 1987 averaged 50 minutes each, and the longest complete system outage was two hours. Most, if not all, the 13 total system outages appear to have been planned outages.

- it would seem that as a result of Post-Newsweek Cable's attempt to incorporate the studio and associated support spaces within their offices at 1639 Princeton Avenue, that there were some tradeoffs that had to be made, which resulted in a shortfall in studio support spaces as compared to their franchise commitment for same. This apparent shortfall in studio support spaces may or may not significantly impact on the franchisee's overall responsiveness to the Modesto Community's needs and interests regarding PEG access, local origination, and subscriber services in general. The City may wish to review this subject with Post-Newsweek Cable.

Officers:	William R. Pruitt Alan H. Silverman Robert A. Versace Frank R. Woodback Alan R. Finberg Martin Cohen James W. Keller John F. Hockenberry	V.P. V.P. & Assistant Secretary V.P. V.P. Secretary Assistant Treas. Assistant Treas. Assistant Secretary
-----------	---	---

Change in Corporate Structure: None

Submission of Reports: The following have been submitted to the FCC during the past year:

Form 325 Schedule 2	7/20/87
Schedule 1	7/17/87
Form 395	11/26/86

Proof of Performance: Successful completion of the Proof of Performance was submitted to the FCC 12/01/86.

Types of Services: The following services comprise our basic package:

Modesto Basic Package

2 PNC Local Origination	23 C-SPAN II
3 KCRA (3)	24 Arts & Entertainment Network
4 USA Network	25 Learning Channel
5 Public Access/Community Bulletin Board	26 The Discovery Channel
6 KVIE (6)	27 Home Shopping Network II
7 ESPN	28 CBN
8 CNN	29 KTVU (2)
9 TBS (17)	30 KQED (9)
10 KXTV (10)	31 KRBK (31)
11 Home Shopping Network I	32 MTV: Music TV
12 The Nashville Network	33 Nickelodeon
13 KOVR (13)	34 Real Estate AD Channel
24 Lifetime	35 Ad Channel /PNC Info Channel
15 Black Entertainment	36 Pay-Per-View Preview Channel
16 KTXL (40)	37 Stanislaus State
17 MJC	38 American Christian TV Service
18 KSCH (58)	39 PNC Information Channel
19 KCSO (19)	40 The Weather Channel
20 Financial News Network	41 The Travel Channel
21 Headline News	42 Sky Merchant
22 C-SPAN I	43 Bulletin Board
	44 PNC Preview Channel
	45 Galavision

Effective December 1, 1987 we will add VH1, Movietime, The Fashion Channel, and American Movie Classics to the basic package.

Our premium services include:

Premium Services

- 46 Cinemax
- 47 Showtime
- 48 The Movie Channel
- 49 The Disney Channel
- 50 American Movie Classics
- 51 HBO
- 52 Bravo
- 53 Festival

Effective December 1, we will move American Movie Classics to basic and discontinue carriage of Bravo.

We continue to offer three full time pay-per-view movie channels and one special events channel.

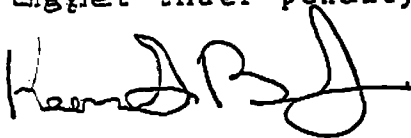
Pay-Per-View-Services

- 54 Zap Movies 1
- 55 Zap Movies 2
- 56 Zap Movies 3
- 57 Special Event Channel

Technical Performance Tests: We are currently in the process of scheduling technical performance tests. We expect these to take place in January 1988.

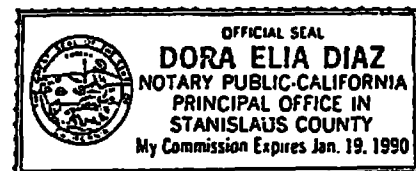
If you have any questions please don't hesitate to call.

Very truly yours,
Signed under penalty of Perjury,



Kern Berres
General Manager

KB/nd



June 17, 1988

Mr. Michael Herrero
Assistant to the City Manager
City of Modesto
801 11th Street
Modesto, CA 95353

Dear Mike:

Section 1. Introduction. This is a report on the post-rebuild technical testing and evaluation of Post-Newsweek Cable's Modesto CATV system conducted for the City of Modesto under the professional services agreement between the City and myself.

This report is presented in five sections, as follows:

Section 1. Introduction.

Section 2. System Architecture:

- A. Primary (Residential) System
- B. Standby Power
- C. Status Monitoring
- D. Secondary (Institutional) Network
- E. General System Installation

Section 3. System Technical Performance:

- A. General
- B. Carrier to Noise (C/N)
- C. Cross Modulation and Intermodulation
- D. Signal Leakage
- E. Hum
- F. Full Band Sweep, and FM Band
- G. System Outages

Section 4. Access and Local Origination

Section 5. Summary

Exhibits:

- A. Technical Tests' Numerical Results
- B. Technical Tests' Pictorial Results
- C. Six Weeks Listing of Access and Local Origination Programming

Sections 2 through 5 of this report, and the three exhibits hereto, set forth the results of a system technical performance assessment conducted by this evaluator. The actual system performance inspection included the review of system proof-of-performance technical tests performed by Post-Newsweek Cable in late 1987, early 1988, for their corporate headquarters, and also included observance by this evaluator of selected technical performance tests performed by Post-Newsweek Cable in February and April, 1988. This system technical inspection was performed in conjunction with the completion of the system rebuild, which system rebuild was a condition of the City's renewal of franchise in late 1984.

Sections 2 through 5, and the three exhibits, contain comments regarding:

- the testing conducted and pertinent results of that testing;
- observations of Post Newsweek's system and facilities, including system plant construction techniques; and,
- other considerations deemed pertinent to the completion of system rebuild and franchise compliance.

Section 2. System Architecture:

A. Primary Network. The system primary (residential) network has been rebuilt to system capacity and performance standards that meet or exceed franchise agreement system design and technical performance specifications. The residential system currently meets the upper bandwidth capability of 450MHz set forth in Section 10 of the City's franchise award ordinance (Ord. No. 2293-C.S.). System channel sixty-one (CH-61), at 445MHz, is the highest programmed channel. The rebuilt system amplifier spacing is for 500MHz which should permit further upgrade of the system channels capacity at some future time, for approximately eight additional 6MHz video channels.

The Modesto system's longest cascade of amplifiers consists of thirty-two trunk amplifiers, one bridger amplifier, and two line extenders, which is in accordance with acceptable industry practice for the technology used. Post-Newsweek Cable states

that their policy is to deliver a signal level of 3dBmV to the back of each subscriber's TV set, and that they accept no less than the Federal Communications Commission (FCC) minimum of 0dBmV. The testing and evaluation results served to verify this claim.

System headend modulators, signal processors, and all plant amplifiers, as well as earth station receivers, are Scientific Atlanta, a long time manufacturer of high quality CATV equipment. The earth station low noise amplifiers (LNA's) are manufactured by Sony.

B. Standby Power. The system has been equipped with some two-hundred and fifty Alpha AP-15 system emergency electrical power supply units, each with three batteries, which are specified by the vendor for two and one-half (2 & 1/2) hours at peak load. Under actual emergency operating conditions it may be that the standby power supplies will support system operations for three hours or more duration due to equipment 'headroom' typically designed in by manufacturers, and the expectancy that it may not be necessary for the emergency power supplies, when activated, to operate at peak load.

C. System Status Monitoring. The City's franchise agreement with Post-Newsweek Cable calls for:

- installation of an automatic system status monitoring capability in conjunction with provision of fully two-way interactive services on the primary (residential) network, and
- installation of an automatic system status monitoring capability on the secondary network {institutional network (I-Net)}.

Post-Newsweek Cable is not now offering interactive services upon the residential system and thus no automatic status monitoring capability has been installed thereon. An automatic system status monitoring capability has been incorporated with the I-Net.

D. Secondary (Institutional) Network. The City's franchise agreement with Post-Newsweek Cable indicates a number of institutional sites that the secondary network (I-Net) should be capable of serving. Post-Newsweek Cable advises that all such

sites are passed by the I-Net and all requested service drops have been installed. The I-Net is currently carrying telephone circuits, and thus it was not practicable, without interruption of those circuits, to test other than the input and output of the "A" trunk of the I-Net -- see Exhibit B to this report for those results. The results of those tests would indicate that the I-Net was constructed to franchise agreement specifications, i.e., a mid-split system with an upstream capacity of 5 to 174 MHz and a downstream capacity of 234 to 450 MHz, and is being maintained accordingly as well.

E. General System Installation. The overall cable system installation appeared to be in accordance with the best of industry system construction standards. No violations were noted in pole mounted or underground plant installations. Fittings, connections, sleeves, groundings, closures, clearances, expansion loops, drip loops, etc., all appeared to have been professionally performed.

However, at one of the field test sites, it came to our attention that a nearby subscriber's service drop was mounted on the side of a lengthy stretch of one by four (1" X 4") boards imbedded horizontally in the ground and delineating the property line between two homesites. A check of other installations in that local area turned-up no other such violation. A follow-up check later with Post-Newsweek Cable by this evaluator regarding the cause for the inadequate installation indicated that the installer had found himself at the installation site without the equipment required for the underground installation, and so effected a temporary install, but then forgot to go back and correct the situation. Post-Newsweek Cable advises that the service drop has since been correctly installed underground.

Section 3. System Technical Performance:

A. General. As indicated above, it appears from inspection of the system plant and facilities, and from the system technical performance testing conducted during that inspection, that the Modesto system has been rebuilt using or exceeding accepted industry standards. Further, the observed system technical performance meets or exceeds those minimum system technical performance standards for Class I cable television channels the FCC permits local franchising authorities to enforce.

The observed system technical performance also generally meets or exceeds the minimum technical performance standards set forth in Section 12 of City Ordinance No. 2293-C.S., the City's franchise agreement with Post-Newsweek Cable.

Post-Newsweek Cable provided evidence that the calibration of their Tektronix 7L12 Spectrum Analyzer, with which most of the system technical testing was accomplished, was current, having been last calibrated on July 27, 1987.

B. Carrier to Noise C/N. It should be noted that cable system design engineers typically include sufficient 'headroom' in system architecture to allow for some diminishment of system performance with time due to degradation of system condition from the elements, wear-and-tear, etc. In this regard, the system design information provided this evaluator by Post-Newsweek Cable indicates that the system was designed to a plant and system carrier-to-noise (C/N) specification of 46dB, and the results of a proof-of-performance testing performed by Post-Newsweek's engineer, Mr. Jim Blackwell, in December of 1987 indicates C/N test results of mostly "46+dB" with one test location, 851 Whitmore, at "44+dB." The City's franchise agreement with Post-Newsweek Cable calls for a minimum of 42dB C/N over a four megahertz (4MHz) bandwidth for the provision of interactive services, when offered.

Proof-of-performance system testing for C/N typically calls for the use of a low pass filter with the spectrum analyzer, and for the shutting down of the lower adjacent channel to the channel being tested, both of which procedures result in a somewhat greater C/N reading. The shutting down of a lower adjacent channel precludes the skewing of C/N test results due to induced noise from the adjacent channel's modulated carrier. Such induced noise can skew test results by as much as five (5) or more dB to the detriment of the actual C/N performance of the channel being tested.

Post-Newsweek's low pass filter was unavailable on the days of the tests observed by this evaluator. Also, it was decided to not shut down the lower adjacent channel, for the time it would take to perform the testing would be unduly disruptive to channel viewers. Therefore, a total adjustment factor of 6dB or more can

be applied to the observed spectrum analyzer C/N readings depicted in the photos in Exhibit B to this report. Thus the observed 40dB C/N system performance, after adjustment using Tektronix's 7L12 conversion chart (see figure 6-4 on the Appendix to Exhibit B), equates at least to the 44 or 46 dB C/N system performance noted by Mr. Blackwell in his December, 1987 proof-of-performance tests. Such readings appreciably exceed both the FCC C/N minimum of 36dB and the above mentioned franchise agreement C/N minimum of 42dB, for the dB scale is logarithmic.

C. Cross Modulation and Intermodulation. Intermodulation products can be detected with the system operating normally, i.e., with signal carriers modulated with video signals; however, in order to measure cross modulation products one must use an unmodulated carrier. Cross modulation was checked on several carriers by shutting down the video on certain channels only very briefly. No significant cross modulation products were noted.

On trunk D, the final trunk tested on February 17, 1988, it was noted that there appeared to be an intermod product on Channels 5, 31, 35 and 38. The product was clearly visible, though faint, as a near horizontal washboard effect on channel 31, and less or barely noticable on channels 5, 35, and 38. These signals were rechecked on several of the system plant trunk ends on April 20, 1988, and the same intermod products were noted. A check was then made at the system headend to ensure that the intermod was produced within the cable system plant and not being produced within the headend signal processing equipment or imported from the signal sources being affected.

No intermod products were observed on the input side of the system plant's first amplifiers which are located within the headend. The intermod products appeared to be about 46 dB down from the peak of the visual carrier (see Exhibit B), which is right at FCC minimums but about 4dB outside the franchise agreement specification of 50dB.

Post-Newsweek Cable's attention has been drawn to this discrepancy, and they rechecked channels 5, 31, 35 and 38 on June 10th with the results depicted on pages 17 to 20 of Exhibit B to this report. Their test results would indicate the same intermod

product, or very nearly the same at least, as previously observed on channel 5, however, the results of their tests of channels 31, 35, and 38 indicate little or no intermod products on those channels. In view of the rather stable nature of the intermod product on channel 5, and the earlier indications of intermod on channels 31, 35, and 38, (particularly with the visible interference previously noted on these latter channels), it is believed it would be wise for the City to periodically monitor with Post-Newsweek Cable the performance of all four channels to better assess the exact nature and/or source of the observed intermod.

The previously observed intermod on channels 31, 35, and 38 could possibly have been corrected as a result of normal system maintenance; however, the intermod on those channels might also be related to that observed on channel 5 and may be periodic or intermittent in nature. Unless otherwise advised, this evaluator will plan to visit Modesto in conjunction with one of my trips to the San Francisco Bay Area in August or September, and will recheck with Post-Newsweek Cable the suspect channels.

Even though, as reported above, no intermod spurs were observed on the input side of the first trunk amplifiers located in the headend, it is still conceivable that the source of the intermod may be within the headend. Post-Newsweek Cable may wish to inject a CW carrier from a signal generator and zero beat the injected carrier with the intermod spur on channel 5, count the frequency with a frequency counter tied to the test lash-up, and work out the second order, third order, etc. harmonics to see if they match with the intermod products earlier noted on channels 31, 35, and 38.

Admittedly the thought occurred to this evaluator that the not uncommon practice within the cable industry of relegating the public access channel(s) to a cable system's poorest technically performing channel(s) might throw some light on the channel 5 intermod problem. Post-Newsweek cable has assured this evaluator that this was not the case in their channels assignment process, and in view of their exceptional access and local origination programming efforts, as discussed elsewhere in this report, and in view of their general responsiveness to the City and this evaluator, it would seem that the appearance of the intermod product on channel 5 is merely coincidental.

D. System Signal Leakage. The results of Post-Newsweek's testing for system signal leakage during their December, 1987, proof-of-performance tests have been reviewed and where they came up with a system signal integrity performance factor (system signal leakage index) of 1.02, this evaluator using the same data arrived at a factor of 1.04; however, both figures represent an overall high degree of system integrity. Furthermore, Post-Newsweek Cable's files indicate that those few sites, out of an overall eight hundred and ninety-six (896) tested, where signal leakage was found to exceed FCC maximums, have since been corrected. A signal leakage detector was carried during the field testing observed by this evaluator and no system signal leakage was indicated by the leakage detector.

A visual sweep of all channels was made, both on the spectrum analyzer and on a video picture monitor (TV set), to detect any spurious signals which might indicate signal ingress and none was noted other than possibly that which might account for the intermodulation products discussed on page 6 of this report. It should be noted that where signal ingress is noted, one can also expect signal leakage.

E. System Hum and Low Frequency Disturbance. Exhibits A and B to this report depict the results of the testing for system hum and low frequency disturbance. This test measures the amount of unwanted amplitude modulation of system signals resultant from A.C. power source related harmonics and other low frequency sources. The FCC specified maximum is 5%. The franchise agreement specifies a maximum of 2.5%. The test results were read as less than 2% at three of the test sites, which is the limit of the test equipment, and less than 3% at the fourth site, the end of trunk D, at the corner of Eastwood Court and Spring Oak Drive. The overall hum performance of the cable system was considered to be acceptable to excellent.

F. Full Band Sweep, and FM Band. Review of the results of the proof-of-performance tests conducted by Post-Newsweek in late 1987, early 1988, and the observed sweeps of the full band of system signal carriers, including the FM band, at the headend and at the end of all system trunks, indicated frequency alignments and signal strengths balances within FCC and franchise specifications. The roll-off at the low end of the full band on both trunks B and D appeared close to maximum allowable; however, it is noted that the system design calls for a amplifier output signal levels tilt of seven degrees (9 degrees for line extenders).

G. System Outages. A review was made of Post-Newsweek Cable's system outage log, and for the calendar year 1987 there were one-hundred and thirty seven (137) system outages recorded averaging about one and one-half (1.5) hours each, and occurring on average every 2.5 days. The longest recorded 1987 system outage was five (5) hours in duration and affected about fifteen percent (15%) of the subscribers.

On the first day of 1988 there was a system outage of ten hours duration due to gunshot damage to the cable. The extended repair time is more understandable when it is realized that repairs were commenced shortly after midnight New Years eve, and completed at 10:30 AM. The ten hour outage affected less than one percent of the subscribers.

On average, each outage in 1987 affected about eleven percent (11%) of the total subscribers, with thirteen, or 9.5%, of the outages having affected the entire system. The 13 complete system outages in 1987 averaged 50 minutes each, and the longest complete system outage lasted two hours. Most if not all the total system outages appear to have been planned outages, for 12 out of 13 occurred between 6 and 10 o'clock in the morning, and one at midnight.

Although Post-Newsweek Cable's franchise with the City does not specify limits for service outages, their outage repair record appears excellent; for, most franchises which do so specify require the majority of service outages be corrected within four (4) hours.

Section 4. Access and Local Origination Video & Audio Production Capability. Section 13 of City Ordinance No. 2293-C.S. (the City's franchise agreement with Post-Newsweek Cable), and Exhibit A to that Ordinance, set forth a rather comprehensive set of guide lines for the provision of access {public, educational and government (PEG)} and local origination programming services, facilities and equipment. Review of the Post-Newsweek Cable response to their franchise commitments regarding PEG access and local origination would indicate a concerted effort on the part of the franchisee to meet such commitments.

Post-Newsweek Cable has met or exceeded their commitment for video production equipment. Their current allocation of studio support spaces, including additional space planned for the near future, appears somewhat less than their franchise commitment (see attachment 1 to Exhibit A of Ordinance No. 2293-C.S.) for studio. A review of their access and local origination first run programming for the six weeks period from January 11th through

February 20th, 1988, produced in Modesto and carried on their channels 2 and 5 (see Exhibit C to this report) indicates an average of 15 hours and 35 minutes per week of such programming. Their franchise commitment is to "provide 15 hours per week of original programming."

It is understood that Post-Newsweek Cable interprets their 15 hours per week of original programming commitment to allow credit for programming carried on the system but provided by other local entities such as the Assyrian/American Club. It is believed by this evaluator that such was not exactly the intent of the City at the time of franchise negotiation, unless such programming was produced using the Post-Newsweek Cable studio and/or portable video production field equipment. The City may wish to develop with Post-Newsweek Cable a more definitive understanding regarding the allowance against the franchise commitment for other programming, such as a maximum per month of credit (e.g., 10 hours per any four weeks period), so as to preclude the possibility of future misunderstandings.

Post-Newsweek Cable's indicates their programming production staff consists of seven full time employees and numerous volunteers and trainees. Their franchise commitment is for four (4) full time employees and two interns as needed (see Page 2, Exhibit A to the franchise agreement, City Ordinance No. 2293-C.S.).

Post-Newsweek Cable's access and local origination programming efforts are considered to rank with the top such efforts in the nation. This evaluator subscribes to a news clippings service for CATV related articles published in the western United States, and the number of Modesto Bee articles regarding Post-Newsweek Cable's access and local origination programming efforts over the past several months have been by far greater than the number of clippings regarding such efforts by other cable systems.

The City may wish to discuss with Post-Newsweek Cable how their apparent, though limited, shortfall in allocation of studio support spaces may impact on their effectiveness in meeting their franchise functional commitments regarding access services and local origination programming. It appears to this evaluator that as a result of their attempt to incorporate the studio and

associated support spaces within their offices at 1639 Princeton Avenue, that there were some tradeoffs that had to be made, which may or may not significantly impact on their overall responsiveness to the City's needs and interests regarding PEG access, local origination, and subscriber services in general.

Summary. Post-Newsweek Cable's general manager, Mr. Ken Berns, and their system maintenance officer, Mr. Jim Blackwell, and their production manager, Mr. Michael Monroe, and all other system personnel with whom I came in contact with during my system testing and inspection effort were found to be completely cooperative and forthright. In this regard, it should be noted that a pronounced businesslike, professional, yet positive and warm, working environment seems to exist throughout the Post-Newsweek Cable working spaces, the likes of which are not common within the cable industry. In my opinion it can be attributed to exceptional leadership.

The overall condition and performance of the Modesto system was found to be excellent to outstanding. The following possible variances from those norms were noted, as more fully addressed herein above:

- a subscriber's service drop was found to be mounted on the side of a lengthy stretch of one by four (1"/4") boards imbedded horizontally in the ground and delineating the property line between two homesites. It had been intended by the installer to be a interim type installation, but then was overlooked. The faulty drop installation was later correctly undergrounded.

- intermodulation products were found on channels 5, 31, 35 and 38 about 46dB down from the peak of the visual carriers, which is right at FCC minimums but about 4dB outside the franchise agreement specification of 50dB. Post-Newsweek Cable's

attention was drawn to this discrepancy, and their follow-up tests indicated marginal intermod on channel 5 with some faint indications of possibly the same on the three higher channels. However, in view of the earlier noted visually apparent interference on those higher channels, it is recommended that all four suspect channels be monitored periodically, to possibly better determine the exact nature and extent of the interference.

- the results of the tests for system hum were read as less than 2% at three of the four field test sites, which is the limit of definition of the test equipment, and less than 3% at the fourth site, the end of trunk D, at the corner of Eastwood Court and Spring Oak Drive. The FCC maximum is 5% and the City's franchise specifies a maximum of 2.5%. The overall hum performance of the cable system was considered to be acceptable to excellent.

- signal amplitude roll-off at the low end of the full band of video signals was noted at the ends of both trunks B and D which appeared close to maximum allowable; however, it is noted that the system design calls for a amplifier tilt of seven degrees.

- system service outages averaged about 1.5 hours every 2.5 days which is considered overall excellent. On average, each outage affected about eleven percent (11%) of the total subscribers, with thirteen, or 9.5%, of the outages having affected the entire system. The 13 complete system outages in 1987 averaged 50 minutes each, and the longest complete system outage was two hours. Most, if not all, the 13 total system outages appear to have been planned outages.

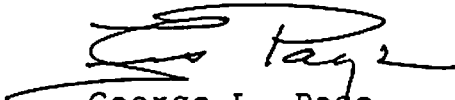
- it would seem that as a result of Post-Newsweek Cable's attempt to incorporate the studio and associated support spaces within their offices at 1639 Princeton Avenue, that there were some tradeoffs that had to be made, which resulted in a shortfall in studio support spaces as compared to their franchise commitment for same. This apparent shortfall in studio support spaces may or may not significantly impact on the franchisee's overall responsiveness to the Modesto Community's needs and interests regarding PEG access, local origination, and subscriber services in general. The City may wish to review this subject with Post-Newsweek Cable.

City of Modesto
June 17, 1988
Page 13

- Post-Newsweek Cable apparently interprets their franchise commitment to provide 15 hours per week of original programming as allowing credit for programming carried on the system but provided by other local entities. It is believed that the City did not so intend at the time of franchise negotiation, unless such programming was produced using the Post-Newsweek Cable's PEG Access facilities and equipment. In order to preclude any possible future misunderstandings regarding this subject, the City may wish to develop with Post-Newsweek Cable a more definitive understanding regarding the allowance against the franchise commitment for such other programming.

In closing, let me state that if you have any questions regarding this report, or the exhibits hereto, please do not hesitate to contact me.

Yours sincerely,



George L. Page

GLP:apg

CITY OF MODESTO
M E M O R A N D U M

Date: October 4, 1988

TO: City Council
FROM: Council Cable Committee
SUBJECT: Final Review of Rebuilt Cable System/Annual System Test

Over the past few months the City's cable consultant, Les Page, has been testing the new cable system to determine compliance with the franchise. Attached is his report.

On the technical side, he has found Post-Newsweek to be in compliance. Some minor initial questions raised in the report have been subsequently resolved in a follow-up trip to Modesto.

Regarding local origination, Les has concluded that Post-Newsweek has made a concerted and successful effort. He indicates that "Post Newsweek Cable's access and local origination programming efforts are considered to rank with the top such efforts in the nation." He did raise two questions on access and on September 1 our Committee met with Ken Berns from Post-Newsweek to discuss these and other items.

One question was whether the 15 hours of required local programming per week could include locally produced programming by other parties. Our review shows that the franchise simply requires the 15 hours to be locally produced and does not state that the franchise has to produce it. Given the success of the operation to date, we see no reason to make any change in this area.

Les also raised one question about studio space. However, prior to construction of their new offices, Post-Newsweek submitted and the City approved the studio plans.

The franchise also provides for review of the franchise in general every three years during its fifteen year term. We are now in the fourth year, but held on this periodic review to coincide with the testing of the new system. The purpose of these reviews is to give each party an opportunity to suggest changes to the franchise. Any changes require approval by both parties.

Two such changes were requested by Post-Newsweek and one is acceptable to the Committee. Section 8 of the franchise requires that franchise fee payments be made within fifteen (15) days after the end of each calendar quarter. We recommend that the period be extended to thirty (30) days as requested by the company.

The company also asked to modify the requirement that every four years the financial statement be certified by an independent certified public accountant. They suggested certification by the Chief Financial Officer of the Post-Newsweek Company. The Committee, though, feels that the requirement as it stands is in the best interest of the public and should remain.

Also attached is the report required to be filed by the grantee as part of the annual test.

In summary, we recommend that the Council by resolution find that Post-Newsweek is in compliance with the provisions of Chapter 4 of Title XI and its franchise. We also recommend that the Council by resolution set a hearing for November 8, 1988 at 7:30 p.m. to amend the franchise to provide 30 days to make franchise fee payments after the end of each quarter.

Patrick McGrath, Chair
Balvino Irizarry

MCH/he
Attachment

MODESTO CITY COUNCIL
RESOLUTION NO. 88-773

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER AN AMENDMENT
TO THE POST-NEWSWEEK CABLE FRANCHISE

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that November 8, 1988, 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 an amendment to the
Post-Newsweek Cable franchise.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 11th day of
October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-774

A RESOLUTION ACCEPTING THE ELECTRICAL MODIFICATIONS TO THE CROCKER BUILDING AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering that the electrical modifications to the Crocker Building been completed by Kirkes Electric, Inc., in accordance with the contract agreement dated April 5, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the electrical modifications to the Crocker Building be accepted from said contractor, Kirkes Electric, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$38,694, 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 October, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-775

A RESOLUTION ACCEPTING THE CONSTRUCTION OF T.B. SCOTT PARK RESTROOM AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering that the construction of T.B. Scott Park restroom has been completed by B & L Builders, Inc., in accordance with the contract agreement dated April 5, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the construction of T.B. Scott Park restroom be accepted from said contractor, B & L Builders, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$28,141, 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 October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-776

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF LADDER REPAIR SERVICES FROM HI TECH EMERGENCY VEHICLE SERVICE FOR ONE FIRE DEPARTMENT EMERGENCY VEHICLE

WHEREAS, the Fire Department is requesting the purchase of ladder repair services for one Fire Department emergency vehicle; and

WHEREAS, Hi Tech Emergency Vehicle Service located in Oakdale, Ca. is the authorized repair dealer for this type of ladder in California.

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

BE IT FURTHER RESOLVED that purchase of ladder repair services from Hi Tech Emergency Vehicle Service for the total price of \$6,505, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-777

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RECHT HAUSRATH AND ASSOCIATES TO ASSIST IN ADJUSTING CAPITAL FACILITIES FEES

WHEREAS, on September 6, 1988, the Council granted preliminary approval for the hiring of a consultant to assist in updating the Capital Facilities Fees and to prepare documentation for compliance with AB 1600.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Recht Hausrath and Associates to assist in adjusting Capital Facilities Fees be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-778**

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$60,000 FROM CONTINGENCY RESERVE TO PROVIDE FUNDS FOR HIRING A CONSULTANT TO ASSIST IN ADJUSTING CAPITAL FACILITIES FEES

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

FROM: Contingency Reserve Fund \$60,000
(010 800 8000 8003)

TO: Services, Professional \$60,000
and Other (010 140 1401 0235)

To provide funds for consultant services of Recht Hausrath and Associates to assist in adjusting Capital Facilities Fees and to prepare documentation for compliance with AB 1600.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-779

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BARBARA E. NELSON FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1418 WATTS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Barbara E. Nelson for water service to property outside City limits at 1418 Watts Avenue, located on the east side of Watts Avenue between Shaddox Avenue and Woodland 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 October, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-780

A RESOLUTION ACCEPTING IMPROVEMENTS IN WESTVIEW ESTATES SUBDIVISION AND
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Westview Estates, subdividers of Westview Estates Subdivision, have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$16,200.00 and \$8,100.00 respectively to guarantee improvements in Westview Estates Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated October 4, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

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

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

1. The improvements in Westview Estates 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 \$16,200.00 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 \$8,100.00 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 October, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-781

A RESOLUTION ACCEPTING IMPROVEMENTS IN WESTVIEW ESTATES NO. 2 SUBDIVISION AND AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Westview Estates, subdividers of Westview Estates No. 2 Subdivision have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$161,300.00 and \$80,650.00 respectively to guarantee improvements in Westview Estates No. 2 Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated October 4, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

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

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

1. The improvements in Westview Estates No. 2 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 \$161,300.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for labor and materials in the amount of \$80,650.00 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 October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Sutton

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-782

A RESOLUTION INCREASING THE AMOUNT IN THE PETTY CASH REVOLVING FUND BY \$45.00 AND AUTHORIZING THE TRANSFER OF \$45.00 FROM THE GENERAL FUND TO THE PETTY CASH REVOLVING FUND, AND SUPERSEDING RESOLUTION NO. 88-265.

WHEREAS, because of the recent move by the Finance Department to the Crocker building, the City Clerk's office no longer has quick access to replenish their small change fund, and

WHEREAS, it is desirable and necessary that the City Clerk's change fund for individuals making small over-the-counter purchases be increased from \$5.00 to \$50.00,

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

1. The Petty Cash Revolving Fund be increased by \$45.00 to provide additional money for the City Clerk's change fund.
2. The amount of \$45.00 be transferred from the General Fund (Fund 010) to the Petty Cash Revolving Fund (Fund 011).

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

BE IT FURTHER RESOLVED that this resolution supersedes Resolution No. 88-265.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 88-783

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR THE FISCAL YEAR 1988-89.

WHEREAS, it has been determined that certain adjustments are
required to the Annual Budget of the City of Modesto for the Fiscal Year
1988-89.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the changes listed in Exhibit A, "Detail of Approved Supplemental Budget
Requests," be made to the Annual Budget of the City of Modesto for the Fiscal
Year 1988-89.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 11th day of October,
1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
1988-89
Detail of Approved Supplemental Budget Requests
Resolution 88-782

Exhibit A

Description	Account Number			Amount
	Agency	Org	Object	
GENERAL FUND - Other				
City Council				
Council Chamber Sound System	1010	1101	5512	11,000
City Manager				
Salaries & Wages	1020	0201	0110	33,928
PERS	1020	0201	0160	3,409
Def Comp	1020	0201	0161	339
Chair, Steno	1020	0201	5513	325
Desk, Del. Rep	1020	0201	5514	610
Brochure	1020	1291	5515	250
Salaries & Wages	1020	0222	0110	23,624
PERS	1020	0222	0160	5,950
Def Comp	1020	0222	0161	236
Chair, Swivel	1020	0222	5516	480
Chair, Fixed	1020	0222	5517	300
Reception Office	1020	0222	5518	4,900
Paper shredder	1020	0232	5519	478
Training	1020	0232	0209	1,170
City Attorney				
Salaries & Wages	1040	0401	0110	7,958
PERS	1040	0401	0160	2,029
Def Comp	1040	0401	0161	90
City Clerk				
Training	1050	0501	0209	1,075
Finance				
Salaries & Wages	1120	1222	0110	60,592
PERS	1120	1222	0160	21,899
Def Comp	1120	1222	0161	606
Clerk related items	1120	1222	5520	1,200
Asst B A related items	1120	1222	5521	2,000
Bud Ana related items	1120	1222	5522	2,000
Planning				
Salaries & Wages	1140	1401	0110	19,880
PERS	1140	1401	0160	5,283
Def Comp	1140	1401	0161	199
Office Supplies	1140	1401	0301	200
Work Table	1140	1401	5523	56
Side Chairs	1140	1401	5524	580
Partition	1140	1401	5525	295
Desk	1140	1401	5526	1,298

CITY OF MODESTO
1988-89

Exhibit A

Detail of Approved Supplemental Budget Requests
Resolution 88-783

Description	Account Number			Amount
	Agency	Org	Object	
Executive Chairs	1140	1401	5527	416
Part Time Planning Assoc	1141	1401	0120	4,402
Parking & Traffic				
Salaries & Wages	150	1501	0110	32,565
PERS	151	1501	0160	8,210
Def Comp	152	1501	0161	326
Planner related items	157	1501	5528	2,000
Portable Paint Equipment	1160	1501	5530	4,900
Stipend Applicator	1161	1501	5531	4,200
Paint Mop Reels	1160	1501	5532	4,900
Pole Department				
Affirmative Action Outreach	1180	1801	5544	17,000
4-Door Sedan	1180	1802	5539	15,986
Equipment Rental	1180	1802	0218	2,284
Maint Contract	1180	1802	0223	72
Passenger Van & Radio	1180	1803	5540	17,564
Equipment Rental	1180	1803	0218	3,980
Rear Protection Screen	1180	1803	5542	652
Transparency Maker	1180	1803	5547	1,052
Salaries & Wages	1180	1832	0110	26,440
PERS	1180	1832	0160	9,585
Def Comp	1180	1832	0161	284
Uniform Allowance	1180	1832	0165	288
Equipment Foot	1180	1832	0218	1,981
Vehicle	1180	1832	5533	10,000
Chair	1180	1832	5534	400
File Cab	1180	1832	5536	300
Radio	1180	1832	5537	2,000
Desk	1180	1832	5538	610
Str. load/shunt elec tester	1180	1832	5541	1,280
Thermocouple	1180	1832	5543	1,750
Portable Radio (59)	1180	1832	5545	4,900
Floating Portable Pump	1180	1832	5546	1,200
Police Department				
Pager Transmitter	1190	1901	5558	1,918
Video Camera & Case	1190	1901	5559	1,555
Salaries & Wages	1190	1921	0110	58,624
PERS	1190	1921	0160	18,112
Def Comp	1190	1921	0161	586
Uniform Allowance	1190	1921	0165	600
Transcriber	1190	1921	5555	657
Maint Contract	1190	1921	0223	53
Transcriber	1190	1941	5556	657
Transcriber	1190	1941	5559	657

CITY OF RODESTO
1988-89

Exhibit A

Detail of Approved Supplemental Budget Requests
Resolution 86-783

Description	Account Number			Amount
	Agency	Org	Object	
Maint Contracts 21	1191	1941	0223	108
Detective Vehicles 13	1190	1941	5549	30,000
Equipment Rental	1190	1941	0218	11,919
Siren & Lights	1190	1941	5551	1,500
Mobile Radios	1190	1941	5552	10,500
Ballistic Helmets 15	1190	1941	5553	4,134
35mm Camera (25) & Accs	1190	1941	5554	1,248
Licenses 115	1190	1941	5557	15,395
Parks & Recreation				
Salaries & Wages	1300	3001	0110	13,064
PERS	1300	3001	0160	3,635
Def Cont	1300	3001	0161	131
Chair	1300	3001	5560	400
Lockable Gates, Park Restrooms	1310	3112	5567	2,000
Restroom Fixture Replacement	1310	3112	5568	2,250
Salaries & Wages	1310	3113	0110	46,736
PERS	1310	3113	0160	13,271
Def Cont	1310	3113	0161	467
Draw Cab Dues Bed Radios	1310	3113	5565	20,000
Equipment Rental	1310	3113	0218	3,000
Mobile Radios (39)	1320	3212	5561	2,717
Pacer Units	1320	3212	5562	1,000
Maint Contract	1320	3212	0223	264
Radio for Claw Loader	1320	3212	5563	905
Equip Pool Bridge/steer Loader	1320	3212	0218	11,003
Salaries & Wages	1320	3213	0110	15,172
Extension Painting of Mansion	1360	3613	5566	4,500
Easter Sports Camp	1370	3712	0235	700
Equipment & Supplies	1370	3712	0315	400
Prices for Parts	1370	3712	0316	1,440
Utilities	1370	3712	0210	490
Stacking chairs (150R)	1380	3812	5569	5,965
Dishwasher	1380	3812	5564	5,400
Supplies	1380	3812	0304	400
Engineering Services				
Training-PW Engineering	1430	4112	0209	1,375
35mm Microfiche Read/print	1430	4112	5570	3,500
Salaries & Wages	1430	4412	0110	13,064
PERS	1430	4412	0160	1,414
Def Cont	1430	4412	0161	131

CITY OF MODESTO
1988-89

Exhibit A

Detail of Approved Supplemental Budget Requests
Resolution 88-783

Description	Account Number			Amount
	Agency	Org	Object	
Utilities Services				
Portable Radios - B	1480	4612	5571	1,550
Maint Contract	1480	4612	0222	120
Utility Phone Line Rental	1480	4612	0210	540
Spray Fog	480	4612	5572	4,700
Equipment Prod Rental	1480	4612	0218	3,432
Portable Radios - B	1480	4612	5573	3,000
Mobile Radios	1480	4612	5571	1,100
Maint Contract	1480	4612	0222	48
Backpack Blower	1480	4612	5575	380
Salaries & Wages	1480	4912	0110	35915
PERS	1480	4912	0160	8650
Def Cont	1480	4912	0161	350
Lubric & Cleaning	1480	4912	0226	364
Power Brake	1480	4912	5576	660
Gen Fund Contingency Reserve	1500	8000	8003	(307,984)
TOTAL GENERAL FUND				5807,984

CITY OF MODESTO
1988-89

Exhibit A

Detail of Approved Supplemental Budget Requests
Resolution 88-793

Description	Account Number			Amount
	Agency	Org	Object	
HOUSING FUND (1111)				
Salaries & Wages	1140	1452	0110	27,400
PERS	1140	1452	0160	7,465
Def Cost	1140	1452	0161	274
Computer Equipment	1140	1452	5577	1,620
Contingency Reserve	800	8000	8005	(36,759)
WATER FUND (1414)				
Salaries & Wages	1480	5012	0110	54,568
PERS	1480	5012	0160	15,652
Def Cost	1480	5012	0161	545
1 1/2 Ton Truck	1480	5012	5579	14,000
Equipment Rental	1480	5012	0218	2,537
Police person-wtr conservation	1480	5012	0120	1,894
Laundry & Cleaning	1480	5012	0226	61
Arrow boards	1480	5012	5579	3,300
Police hydraulic jackhammer (R)	1480	5012	5579	2,400
Contingency Reserve	8000	8000	8005	(94,958)
SEWER FUND (1521)				
Salaries & Wages	1480	5212	0110	21,940
PERS	1480	5212	0160	6,241
Def Cost	1480	5212	0161	219
Equipment Rental	1480	5212	0218	2,030
Laundry & Cleaning	1480	5212	0226	190
Professional Services	1480	5212	0235	55
Tool, Shop & Field Supplies	1480	5212	0308	127
Electric Winches (2)	1480	5212	5585	1,431
Pat-Gards (Manhole Guards)	1480	5212	5584	1,200
Voice-Act 2-Way Radios (4)	1480	5212	5586	1,989
Traced, Obj Reel Winch (2)	1480	5212	5587	2,576
Ritmer Units w/Hoses (R)	1480	5212	5589	1,500
MSA High-Air Assemble	1480	5212	5590	1,650
MSA 5-Min Escape Air Asmbly (4)	1480	5212	5591	1,340
Vehicle-Mnt Arrow Boards (5)	1480	5212	5592	1,670
Ptbl Generator w/Emergency Lts	1480	5212	5593	915
Ptbl Pump w/Hose & Strainer	1480	5212	5594	737
Mobile Govt Radio w/Monitor	1480	5212	5582	1,299
Maint Contract	1480	5212	0223	72
Temp Maintenance Personnel	1480	5213	0120	12,904
Voice-Act 2-Way Radio	1480	5213	5585	1,029
Traced, Obj Reel Winch	1480	5213	5588	1,473
Salaries & Wages	1480	5214	0110	19,392
PERS	1480	5214	0160	5,307
Def Cost	1480	5214	0161	194
Equipment Rental	1480	5214	0218	2,080

CITY OF MODESTO
1989-90

Exhibit A

Detail of Approved Supplemental Budget Requests
Resolution 89-783

Description	Account Number			Amount
	Agency	Ord	Object	
Professional Services	481	5214	1235	55
Tool, Equip & Field Supplies	481	5214	1305	282
Mobile Radio	481	5214	5521	500
Maint. Contract	481	5214	6223	72
Flow Meter	481	5214	5595	16,000
Light Power Source Prot. E	481	5215	5595	4,134
Contingency Reserve	801	8000	8003	(111,553)
AIRPORT FUND (531)				
Fall Chacks on Runways/Taxiway	480	5412	0223	5,000
Control Skiton, Tower-Gate#2	480	5412	5597	1,500
Fueling Device for Fuel Tank	480	5412	5598	1,700
Upgrade Lighting Swa. Taxiway	480	5412	5610	3,300
Fence of Admin Building (R)	480	5412	5601	4,500
Terraza/Janet Cleaner	480	5412	5602	1,200
Contingency Reserve	800	8000	8003	(17,900)
BUS SERVICE FUND (551)				
Reserve Officer-Rth. L.I.	150	1672	0255	19,281
Jose Calif. Transit Assn	151	1672	0401	1,030
Rotary Marker	150	1672	5603	600
Storage Containers-Bus Yard	150	1672	5604	4,500
Contingency Reserve	800	8000	8003	(25,411)
SOLIF FUND (560)				
Garbage Bin Trailer	1330	3312	5605	3,000
Motorized Sand Trap Rave	1330	3313	5607	8,000
Equip Rental	1330	3313	0218	2,570
Carpeting at Clubhouse	1330	3313	5606	7,000
Contingency Reserve	800	8000	8003	(20,570)
CENTRE PLAZA FUND (570)				
Salaries & Wages	1340	3412	0110	27,949
FEES	1340	3412	0160	7,094
Def Cost	1340	3412	0161	280
Events Subv. Related Items	1340	3412	5509	1,000
Primo Asst. Related Items	1340	3412	5514	1,000
Supplies	1340	3412	0360	6,000
Pickup Truck Rental	1340	3412	0219	2,090
Holiday Decorations	1340	3412	5608	2,000
Security	1340	3413	0235	8,100
Contingency Reserve	800	8000	8003	(55,513)

CITY OF MODESTO
1988-89

Exhibit A

Detail of Approved Supplemental Budget Requests
Resolution 88-788

Description	Account Number			Amount
	Agency	Org	Object	
PURCHASING REVOLVING FUND (710)				
Professional Services	1120	1272	0235	400
Contingency Reserve	1800	8000	8003	(400)
SERVICE DIVISION FUND (720)				
Salaries & Wages	480	5812	0110	18,000
RRR	480	5812	0160	5,140
Def. Cont.	480	5812	0151	190
Office Supplies	480	5812	0301	364
Trav. Exp. & Field Supplies	480	5812	0303	63
Fleet Maint.	480	5812	5610	8,975
Fuel Tank Monitoring System	480	5812	5611	13,000
Training	480	5812	0209	725
Comp. Hard Goods (128)	480	5812	5612	10,300
Training	480	5813	0209	1,760
Contingency Reserve	1800	8000	8002	(56,515)
SELF INSURANCE FUND (731)				
Conference Expense	040	0472	0207	3,955
Contingency Reserve	1800	8000	8003	(3,955)
ADDITIONAL FUND (732) FUND (390)				
Charlton Fence Bellanita Park	1310	3912	0235	10,100
Gristle American Legion Hall	1310	3912	5613	3,200
Contingency Reserve	1800	8000	8003	(13,300)
Total Other Funds				436,734
Total General Fund				807,984
TOTAL APPROVED SUPPLEMENTALS				\$1,244,718

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-784**

**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:**

Transportation Planner

**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 October 11, 1988.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11 day of October, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

TRANSPORTATION PLANNER

DEFINITION

To perform professional work in transportation planning and transportation demand management.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level engineering staff.

Exercises functional and technical supervision over assigned staff.

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

Conduct feasibility studies and planning for transportation deficiencies and improvements.

Prepare traffic studies to analyze land use impact on traffic flow and circulation and recommend mitigations.

Collect socio-economic data to append and edit the City Traffic Model data base.

Use City's Traffic Model to forecast future traffic, and traffic impacts, due to proposed developments and changes to City's transportation systems.

Determine impact location and areas for traffic studies, discuss the scope of traffic studies with developers and consultants. Comment on traffic studies prepared by consultants. Prepare both oral and written reports and represent City staff at the Planning Commission and City Council meetings regarding traffic demand, forecast and management issues.

Participate with Planning and Community Development staff in writing and/or amending the Land Use Element and Circulation Element of the General Plan.

Develop most efficient routing for intercity transit buses.

Provide information to the public; respond to and resolve citizen inquiries and complaints.

Ensure compliance with codes and local regulations.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employees terminations.

EXAMPLES OF DUTIES - Continued

Participate in the preparation of the departmental budget.

Coordinate Capital Improvements Program submittals.

Perform related duties as assigned.

QUALIFICATIONSKnowledge of:

Transportation planning process and analytical planning techniques.

Pertinent Federal, State and local rules, regulations, ordinances and policies.

Procedures related to transportation planning and microprocessing applications.

Computer simulation models for developing traffic scenarios.

Modern developments, current literature and sources of information regarding transportation planning and demand forecasting.

Ability to:

Effectively communicate orally and in writing.

Plan, direct, and coordinate work of others.

Conduct comprehensive transportation demand and management-related studies and prepare reports with appropriate recommendations.

Ensure project compliance with State, Federal and local rules, laws and regulations.

Read and understand desk-top computer program instructions, input data and perform interactive operations to obtain desired results.

Prepare and monitor a program budget.

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:

Three years of increasingly responsible professional transportation planning/traffic engineering experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil/transportation engineering, transportation planning or a related field. A master's degree in a similar field is highly desirable.

License

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-785

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 88-490
ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND
FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE."

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 88-490. Exhibit "G"
entitled "City of Modesto Class Range Table Management and Confidential
Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-490,
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 5, 1988", which is attached hereto and made a part hereof as
though set forth in full herein. Said amended Exhibit "G" adds the
classification of Transportation Planner, Range 438.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective
on and after October 11, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11 day of October, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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 5, 1988

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

062788

1752WPMS

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

Effective July 5, 1988

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	
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

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

Effective July 5, 1988

RANGE	TITLE
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Assistant Civil Engineer Senior Accountant Budget Analyst
433	
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supv. Engineering Systems Manager Supv. Housing Rehab. Specialist Public Works Supervisor II Building Maintenance Supervisor Secondary Treatment Site Supv. Parks Maintenance Supervisor II Events Coordinator Golf Course Supervisor 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
436	Senior Planner Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt Chief Electrician Associate Civil Engineer Transportation Planner
439	Deputy City Attorney II

062788

1752WPMS

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

Effective July 5, 1988

E	TITLE
440	Housing Program Officer Principal Accountant Purchasing Officer
441	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 Sr. Deputy City Attorney II
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir.
448	
449	
450	Asst. Utility Services Director
451	Assistant City Attorney

062788

MODESTO CITY COUNCIL
RESOLUTION NO. 88-786

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND VISITING NURSE ASSOCIATION OF STANISLAUS COUNTY FOR FUNDING OF \$10,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FY 1988-89 FOR THE RESPITE CARE PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Visiting Nurse Association of Stanislaus County for funding of \$10,000 under the Community Development Block Grant Program for FY 1988-89 for the Respite Care 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 October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-787

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DEAN PAULSON FROM THE REHABILITATION LOAN POOL SUBCOMMITTEE, EFFECTIVE OCTOBER 11, 1988

WHEREAS, Dean Paulson was appointed a member of the Rehabilitation Loan Pool Subcommittee on July 7, 1987; and

WHEREAS, Dean Paulson has tendered his resignation from the Rehabilitation Loan Pool Subcommittee, effective October 11, 1988; and

WHEREAS, Dean Paulson 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 Dean Paulson from the Rehabilitation Loan Pool Subcommittee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Dean Paulson 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 11th day of October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-788

A RESOLUTION APPOINTING JESSE ALEXANDER TO THE PLANNING COMMISSION

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

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

SECTION 1. Effective November 2, 1988, the following person is hereby appointed to the Planning Commission for the respective term as indicated:

Jesse Alexander
2001 Goldfield Drive
Modesto, Ca. 95351

Term to expire January 1, 1992

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 11th day of October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-789

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(456). (DONALD LAWRIE)

WHEREAS, the City Council, by Ordinance No. 2305-C.S. which was introduced on December 18, 1984, finally adopted on December 26, 1984, and which became effective on January 25, 1985, amended Section 19-3-10 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(364), property located on the southeast corner of Claus Road and Parker Road, to allow a neighborhood shopping center, and

WHEREAS, City Council Resolution No. 84-965 was adopted on December 18, 1984, and approved the development plan containing the conditions of approval and the development schedule specifying construction to be in two phases, and

WHEREAS, a verified application for an amendment to Section 19-3-10 of the Zoning Map was filed by Donald Lawrie on January 29, 1988, to rezone from Low Density Residential Zone, R-1, and Planned Development Zone, P-D(364), to a new Planned Development Zone, to allow a neighborhood shopping center, property located on the southeast corner of Claus Road and Parker Road, described as follows:

R-1 to P-D

All that certain real property situated in a portion of of Parcel 4 recorded on November 15, 1973 in the office of the Recorder of Stanislaus County, California in Book 18 of Parcel Maps, at Page 9 and being a portion of the Northwest 1/4 of the Northwest 1/4 of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, and laying in the City of Modesto, State of California, more particularly described as follows:

Beginning at the southwest corner of said Parcel 4, said point being on the south line of Parcel 3 and Parcel 4; thence North 0°31'18" West along the west line of said Parcel 4, a distance of 537.07 feet to the northwesterly corner of said Parcel 4, said point being on the southerly line of Parker Road; thence North 89°38'36" East, along said southerly line a distance of 25.00 feet; thence parallel with and 25.00 feet east of the west line of Parcel 4 South 0°31'18" East, a distance of 187.01 feet; thence North 89°30'59" East, a distance of 7.00 feet; thence parallel with and 32.00 feet east of the west line of Parcel 4 South 0°31'18" East, 350.58 feet to a point laying on the southerly line of said Parcel 4; thence North 89°27'29" West, 32.01 feet along said line to the POINT OF BEGINNING. Including also all of Parker Road and that portion of Modesto Irrigation Lateral Number 3 located between the north line of said Section 19 and the above described property.

P-D(364) to P-D

ALL that certain real property being Parcels "1, 2, and 3" as shown on the Official Map filed in Book 18 of Parcel Maps, at Page 9, Stanislaus County Records, lying in a portion of the North half of the Northwest quarter of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, City of Modesto, State of California, more particularly described as follows:

COMMENCING at the Southwest corner of said Parcel "2", said corner lying on the East right-of-way line of Claus Road; thence North 0°39'16" West along said East right-of-way line of Claus Road, 447.42 feet to the beginning of a tangent curve, concave to the Southeast, having a radius of 15.00 feet and a central angle of 90°19'14"; thence Northeasterly along the arc of said curve, 23.65 feet to a point of the south right-of-way of Parker Road; thence North 89°39'58" East along said South right-of-way line of Parker Road, 66.19 feet to the beginning of a tangent curve, concave to the Northwest, having a radius of 230.00 feet and a central angle of 27°16'04"; thence Northeasterly along the arc of said curve, 109.46 feet; thence North 62°23'54" East, 34.18 feet to the beginning of a tangent curve, concave to the Southeast, having a radius of 170.00 feet and a central angle of 27°14'42"; thence Northeasterly along the arc of said curve, 80.84 feet; thence North 89°38'36" East, 635.28 feet to the Northeast corner of said Parcel "3"; thence South 0°31'18" East along the East property line of said Parcel "3", 537.07 feet to the Southeast corner of said Parcel "3", thence North 89°27'29" West along the South property line of said parcels "2 & 3", 929.41 feet to the point of beginning. Including also the East 50.00 feet of Claus Road, all of Parker Road and that portion of Modesto Irrigation Lateral Number 3 located between the North line of said Section 19 and said Parcels "1, 2 and 3" and all being immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on September 19, 1988, 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. 88-106, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed neighborhood shopping center is in accordance with the General Plan.
2. The revised site plan, together with the conditions of approval assure that the shopping center will be compatible with adjoining residential developments.
3. The traffic mitigation measures recommended by the applicants traffic engineer will help to mitigate the traffic impacts of the project at this major street/expressway intersection.

and

WHEREAS, after a public hearing held on October 25, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Donald Lawrie 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. 88-106 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2617 -C.S. on the 25 day of October, 1988, reclassifying the above-described property from Low Density Residential Zone, R-1, and Planned Development Zone, P-D(364), to Planned Development Zone, P-D(456).

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

1. All development shall conform to the plot plan titled "The Marketplace" as amended in red, stamped approved by the Planning Commission on September 19, 1988.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the south and east property lines as part of the first phase of development. 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:

Eight-foot decorative masonry wall along the entire south and east property lines and shall be constructed as part of the first phase of development.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. The developer shall dedicate street right-of-way required by the Engineering Services Director to complete Claus Road and Parker Road to expressway and major street standards, respectively. Said dedication, including flattening the curve on Parker Road, 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.
6. The Claus Road and Parker Road frontage shall be improved to major street standards, including traffic impact mitigation measures and flattening the curves on Parker Road, prior to the occupancy of any structures or when 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. Prior to issuance of a building permit, as a traffic mitigation measure, the developer shall pay an amount as determined by the City's Traffic Engineer for the cost of upgrading the existing traffic signal at Parker Road/Briggsmore Avenue and Claus which modifications shall be in accordance with engineered plans and specifications prepared by the applicant's traffic consultant and approved by the City's Traffic Engineer.

9. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Claus Road and Parker Road frontages. The number shall be as determined by the Engineering Services Director.
10. All curbcuts serving two-way driveways shall be 41 feet in width, except that one shall be a curbed approach designed according to the requirements of the Engineering Services Director.
11. 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.
12. 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.
13. Prior to issuance of a building permit, the developer shall pay storm drainage fees established for Claus Road Drainage District.
14. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering Services Director.
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. 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.
17. Sanitary sewer and water service to the various buildings shall be as approved by the Engineering Services Director.
18. Any business may be open to the public only between the hours of 7 a.m. and 10 p.m. seven days a week, unless a use permit for each business seeking additional hours is obtained from the Board of Zoning Adjustment.
19. 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 Engineering Services Director.

20. The loading dock areas on the south and east sides of the shopping center may not be used for outside storage of any type of material.
21. Any activity in the loading dock area, including the parking of trucks, may be conducted only between the hours of 7 a.m. and 10 p.m.
22. The supermarket shall be the first use to open for business in the first phase of the development.
23. Two freestanding shopping center identification signs shall be permitted, one each on the Parker Road and Claus Road frontages. These signs shall not exceed 72 square feet in area and 20 feet in height. All other signs in the shopping center shall comply with the sign requirements of the C-3 Zone.
24. No signs shall be permitted above eight feet in height on the south and east face of the buildings.
25. The existing parcel lines shall be removed in a manner approved by the Engineering Services Director. If a parcel map is to be recorded for the various buildings sites, a reciprocal access agreement in a form approved by the City Attorney shall be recorded along with the map.
26. 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 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(456):

Phase I - To include the supermarket and ancillary shops, construction to begin on or before September 19, 1991, and completion to be not later than September 19, 1992.

Phase II - to include the drugstore and remainder, construction to begin on or before September 19, 1992, and completion to be not later than September 19, 1993.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(456), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25 day of October, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-790

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 19-3-10 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 AND P-D(364) TO P-D(456). (DONALD LAWRIE)

WHEREAS, on Oct. 25, 1988, the City Council introduced Ordinance No. 2617-C.S. giving approval to a project relating to an amendment to Section Map 19-3-10 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, and Planned Development Zone, P-D(364), to Planned Development Zone, P-D(456), property located on the southeast corner of Claus Road and Parker 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 Map 19-3-10 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, and Planned Development Zone, P-D(364), to Planned Development Zone, P-D(456), property located on the southeast corner of Claus Road and Parker Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25 day of October 25, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-791

A RESOLUTION ORDERING THE KANSAS AVENUE NO. 7A
REORGANIZATION TO THE CITY OF MODESTO. (INHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution dated September 21, 1988, approved the proposed Kansas Avenue No. 7A 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 Kansas Avenue No. 7A Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that the territory included in the proposed Kansas Avenue No. 7A Reorganization is inhabited territory, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution ordered that said Reorganization consist of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the Woodland Avenue Fire Protection District; (c) the reorganization boundaries to include only the area east of Rosemore Avenue, north of Kansas Avenue and south of the pipeline comprising an area of 34.7 acres; and (d) the annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus County Local Agency Formation Commission on September 21, 1988, ordered that a Negative Declaration be filed as to the environmental impact of the subject Reorganization, 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:

To allow development of a subdivision, 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 25th day of October, 1988, 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 October 25, 1988, 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 prior to 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 Kansas Avenue No. 7A 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 Woodland Avenue Fire Protection District.

5. Said territory is hereby annexed to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer district.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of this Reorganization has been reviewed and considered.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 John K. Christensen
Engineering Services

April 12, 1988

Approved as to description

KANSAS AVENUE NO. 7A
REORGANIZATION
TO THE CITY OF MODESTO
DESCRIPTION

ON June 28-88
BY H. J. Hall

All that real property in the State of California, County of Stanislaus, lying in Section 25, Township 3 South, Range 8 East, Mount Diablo Base and Meridian described as follows:

BEGINNING at a point on the existing City Limits as established by the Southwest corner of the Kansas Avenue No. 6 Annexation being on the South line of Kansas Avenue; thence along said South line of Kansas Avenue the following five (5) courses:

1. South 88°50' West 408.24 feet to the Northwest Corner of Stanislaus County Assessor's Parcel No. 7-39-4,
2. South 1°17' East 10.00 feet to the Northeast Corner of Stanislaus County Assessor's Parcel 7-39-35,
3. South 88°50' West 88.33 feet to the Northwest Corner of Stanislaus County Assessor's Parcel No 7-39-35,
4. North 1°17' West 10.00 feet to the Northeast Corner of Stanislaus County Assessor's Parcel No. 7-39-30 and
5. South 88°50' West 1129.33 feet

to a point on the existing City Limits as established by the Southeast corner of the Kansas Avenue No. 5 Reorganization being on the East line of Rosemore Avenue; thence along said City Limits line and the East line of Rosemore Avenue the following nine (9) courses:

1. North 1°18'56" West 625.20 feet to the Northwest Corner of Stanislaus County Assessor's Parcel No. 7-35-5,
2. North 88°40'37" East 10.00 feet to the Southwest Corner of Stanislaus County Assessor's Parcel No. 7-35-4,
3. North 1°18'56" West 70.00 feet to the Northwest Corner of Stanislaus County Assessor's Parcel No. 7-35-4,
4. South 88°40'37" West 10.00 feet to the Southwest Corner of Stanislaus County Assessor's Parcel No. 7-35-3,
5. North 1°18'56" West 80.00 feet to the Northwest Corner of Stanislaus County Assessor's Parcel No. 7-35-3,
6. North 88°40'37' East 10.00 feet to the Southwest Corner of Stanislaus County Assessor's Parcel No. 7-35-2,
7. North 1°18'56" West 81.00 feet to the Northwest Corner of Stanislaus County Assessor's Parcel No. 7-35-2,
8. South 88°40'37" West 10.00 feet and,
9. North 1°18'56' West 193.53 feet

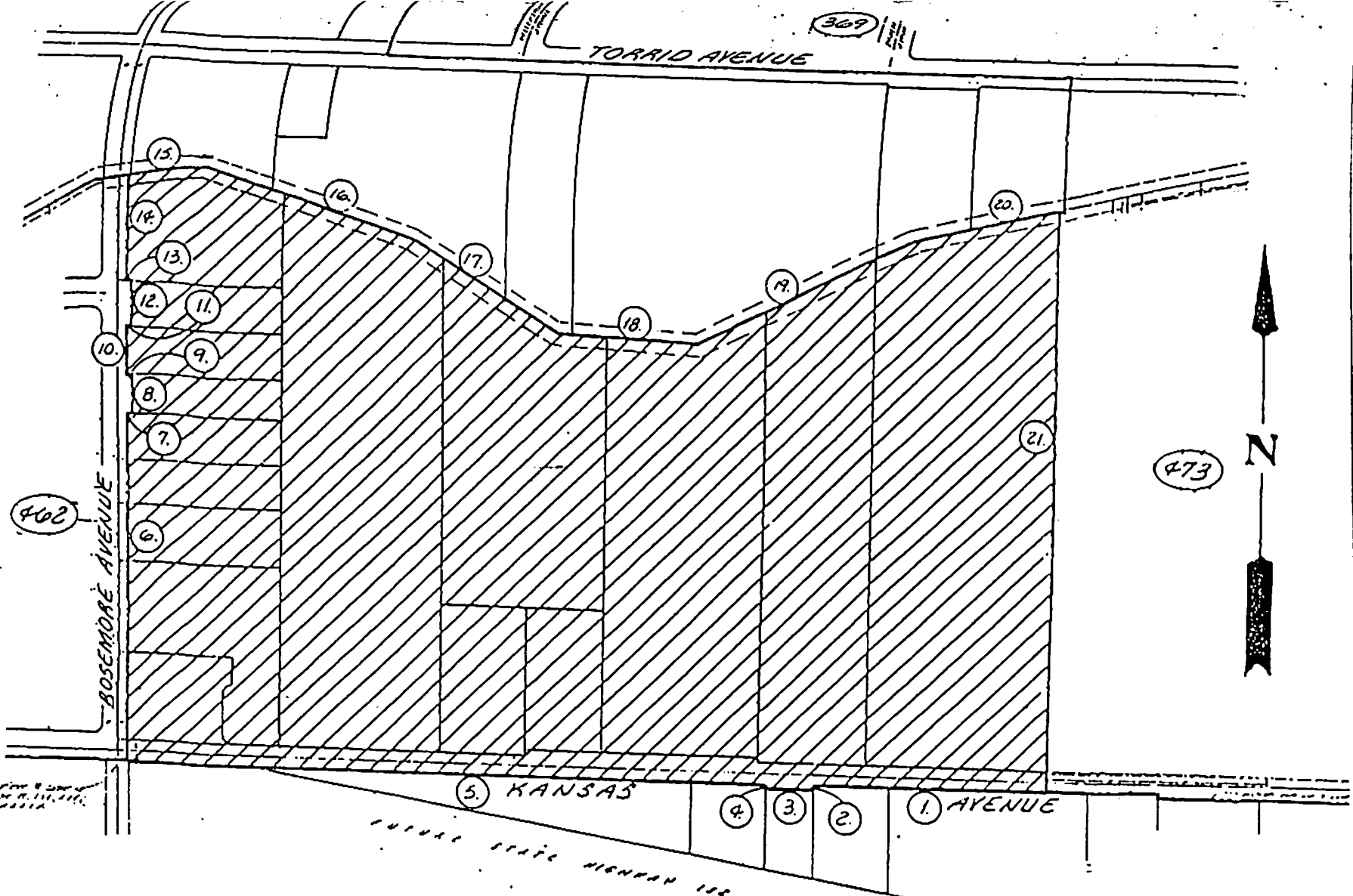
to the centerline of an irrigation pipeline; thence along the centerline of said irrigation pipeline the following six (6) courses:

1. North 73°23'30" East 114 feet,
2. South 72°28' East 373 feet,
3. South 60°01' East 316.80 feet,
4. South 88°35' East 254.10 feet,
5. North 61°59' East 432.96 feet, and
6. North 74°50' East 258.56 feet

to a point on the existing City Limits on the Westerly line of said Kansas Avenue No. 6 Annexation; thence along said Westerly line South 1°21' East 1043.26 feet to the point of beginning.

CONTAINING: 34.7 Acres more or less

Exhibit A



1.	S. 88° 50' W.	400.24'	12.	N. 1° 18' 56" W.	01.00'
2.	S. 1° 17' E.	10.00'	13.	S. 88° 40' 37" W.	10.00'
3.	S. 88° 50' W.	88.33'	14.	N. 1° 18' 56" W.	193.53'
4.	N. 1° 17' W.	10.00'	15.	N. 73° 23' 30" E.	114.00'
5.	S. 88° 50' W.	1129.33'	16.	S. 72° 20' E.	373.00'
6.	N. 1° 18' 56" W.	625.20'	17.	S. 60° 01' E.	316.80'
7.	N. 88° 40' 37" E.	10.00'	18.	S. 80° 35' E.	254.10'
8.	N. 1° 18' 56" W.	70.00'	19.	N. 61° 59' E.	432.96'
9.	S. 88° 40' 37" W.	10.00'	20.	N. 74° 50' E.	250.56'
10.	N. 1° 18' 56" W.	00.00'	21.	S. 1° 21' E.	1043.26'
11.	N. 88° 40' 37" E.	10.00'			

REFERENCES ARE TO STANISLAUS COUNTY RECORDS

--- EXISTING CITY LIMITS

BASIS OF BEARINGS:
 Bearing of S. 88° 50' W. for South Line of Kansas Avenue (1/4 Sec. Lin. As Per Map Filed in Vol. 1 of Maps, Page 03, Stanislaus County Records

- 462 KANSAS AVENUE NO. 5 REORGANIZATION Filed 7-10-06 Inst. #004379
- 369 YELLOWSTONE -TEMPERATE REORGANIZATION Filed 3-29-78 Inst. #61429
- 473 KANSAS AVENUE REORGANIZATION Filed 9-21-07 Inst. #117102

SEC. 25, T3S, R8E.

KANSAS AVENUE NO. 7A

REORGANIZATION

TO THE CITY OF MODESTO

34.7 AC.

Approved as to description

ON FILE BY *[Signature]*

MODESTO CITY COUNCIL
RESOLUTION NO. 88-792

A RESOLUTION ESTABLISHING RATES AND CONDITIONS FOR PLAY ON
THE MODESTO MUNICIPAL GOLF COURSE AND THE DRYDEN PARK
MUNICIPAL GOLF COURSE AND RESCINDING RESOLUTION NO. 86-549.

WHEREAS, the Council of the City of Modesto finds that golf rates
for golfers at its Modesto Municipal Golf Course and the Dryden Park Municipal
Golf Course need to be revised,

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

SECTION 1. RATES. The rates for players upon the Modesto Municipal
Golf Course and the Dryden Park Municipal Golf Course are hereby established
as follows:

Monthly Unlimited Family Ticket (husband and wife)	\$70.00
Monthly Unlimited Individual Ticket	\$47.50
Monthly Senior Citizen Ticket	\$12.50
Monthly Retired Disabled Ticket	\$25.00
Monthly Senior Citizen Ticket	\$25.00
Monthly Student Ticket	\$25.00
Weekdays, for 9 holes	\$ 6.00
Weekdays, for 18 holes	\$ 8.00
Weekends and holidays, for 9 holes	\$ 6.50
Weekends and holidays, for 18 holes	\$ 9.00
Late Afternoon Play	\$ 5.00

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.

(b) Complimentary Tickets. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered, or when in his opinion it will be for the advantage or best interest of the course to issue such complimentary tickets.

(c) Student Tickets. Student tickets are to be issued only upon presentation by holder of a current Modesto Junior College student body card or holder of a current high school student body card, said high school being located within the City of Modesto, and shall be issued only to students who have not yet reached their twenty-first birthday. Student's tickets will not be valid on Saturdays, Sundays, and holidays before noon. Students wishing to play during these periods shall be subject to the regular green fees. Students under the age of eighteen (18) shall not play on a monthly ticket before the hour of 3:00 P.M. during weekdays.

(d) Senior Citizen Tickets. Senior Citizen tickets are to be issued only to persons sixty-five (65) years of age or older. A Medicare card or other proof of age and proof of residency must be displayed to obtain a Senior Citizen ticket. Senior Citizen's tickets will not be valid on Saturdays, Sundays, and holidays. Senior Citizens wishing to play on those days shall be subject to the regular green fees.

(e) Senior Citizen - 65 or Older. Residents of the City of Modesto, sixty-five (65) years of age or older, may play golf at the Municipal Golf Course for a fee of Two and 00/100ths (\$2.00) Dollars if they display their Medicare card or other proof of age and residency to the starters at the Modesto Municipal Golf Course on Wednesdays, between the hours of 9:00 A.M. and 3:00 P.M., except on holidays.

(f) Senior Citizen - 70 or Older. Residents of the City of Modesto, seventy (70) years of age or older, may play golf at the Municipal Golf Course with a special monthly ticket at a fee of Twelve and 50/100ths (\$12.50) Dollars if they display their Medicare card and other proof of age and residency to the starters at the Modesto Municipal Golf course on Mondays through Thursdays before the hour of 2:00 P.M., except on holidays.

(g) Retired Disabled Ticket. Retired Disabled tickets are to be issued only to those who are on disability retirement and who display proof of such disability retirement and proof of residency. These tickets will not be valid on Saturdays, Sundays or holidays. Those on disability retirement wishing to play on weekends and holidays shall be subject to the regular fees.

SECTION 3. CHILDREN. No children shall be permitted on the golf course under the age of eight (8) years. Any child from age eight (8) to eleven (11) desiring to play golf shall be accompanied by the parent or adult.

SECTION 4. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Armistice Day, Thanksgiving Day and Christmas Day.

SECTION 5. SIGNS. The Golf Course Professional be and is hereby authorized and directed to post a sign in a conspicuous place informing all golfers of the established green fees.

SECTION 6. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after November 1, 1988.

SECTION 7. REPEALS. Resolution No. 86-549 adopted on June 10, 1986 is hereby rescinded as of October 31, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 1988, 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: Jrigney, Lang, McKeith, Muratore, Patterson, Sutton, 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. 88-793

A RESOLUTION GRANTING THE APPEAL OF THE TRINITY CHURCH OF THE NAZARENE TO THE DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING AN AMENDMENT TO A CONDITIONAL USE PERMIT TO ALLOW THE EXPANSION OF THE EXISTING DAY CARE SERVICE FOR 100 CHILDREN AT 2200 SUNRISE AVENUE.

WHEREAS, the Board of Zoning Adjustment on February 27, 1964, by Resolution No. 239, granted a conditional use permit to Trinity Church of the Nazarene for a church sanctuary at the southeast corner of Sunrise and Charles Avenues, and

WHEREAS, the Board of Zoning Adjustment approved an amendment to the conditional use permit on February 1, 1988, for a child day care center serving 45 children, and

WHEREAS, an application for a conditional use permit for a new Sunday school/day care building and expansion of day care services for a maximum of 135 children at 2200 Sunrise Avenue, was filed by Trinity Church of the Nazarene on July 29, 1988, and

WHEREAS, Sections 10-1.202(a) and 10-2.2503 of the Municipal Code authorize the Board of Zoning Adjustment to grant conditional use permits, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on September 22, 1988, in the City Council Chambers, City Hall, 801 Eleventh 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. 1366 on September 22, 1988, granting an amendment to the conditional use permit as to the request for a new Sunday

school classroom building which was required by public necessity, convenience and general welfare for the reasons set forth in Board of Zoning Adjustment Resolution No. 1366, and

WHEREAS, the Board of Zoning Adjustment, by Resolution No. 1366 adopted on September 22, 1988, denied that portion of the application for an amendment to the conditional use permit to allow a child day care center to serve 135 children for the reason that the neighborhood streets adjacent to the church property will be directly impacted due to the church's off-street parking design and driveway system which will not efficiently serve an expanded day care use with a maximum enrollment of 135 children, and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment was filed with the City Clerk of the City of Modesto by letter dated September 29, 1988, to appeal the denial of the expansion of the existing day care service for a maximum enrollment of 135 children, and

WHEREAS, said appeal was set for hearing before the City Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on October 25, 1988, at 7:30 p.m., and

WHEREAS, said hearing was held and evidence, both oral and documentary, was presented and considered, and

WHEREAS, after said hearing, the Council of the City of Modesto found and determined that the denial of the amendment to the conditional use permit to allow the expansion of the existing day care services to a maximum enrollment of 135 children should be amended to allow a maximum enrollment of 100 children, and the appeal of Trinity Church of the Nazarene should be

granted for the following reasons:

1. Churches and/or child day care centers are permitted in the R-1 zone subject to approval of a conditional use permit.
2. Day care centers serve a necessary community need and these centers typically make efficient use of church facilities.
3. Conditions of approval of the use permit will tend to ensure a degree of compatibility between this facility and the immediate neighborhood.

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal by Trinity Church of the Nazarene to the Board of Zoning Adjustment's denial of the expansion of the existing day care services to a maximum enrollment of 135 children should be amended to allow a maximum enrollment of 100 children, and the appeal of Trinity Church of the Nazarene is hereby granted.

BE IT FURTHER RESOLVED that all other provisions of the above-referenced Board of Zoning Adjustment Resolution No. 239 not in conflict with this resolution shall remain in full force and effect.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-794

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING TWO BASEBALL DIAMOND DRESSERS

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

SECTION 1. The plans and specifications for the purchase of two
baseball diamond dressers
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 22, 1988, at 3:15 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 25th day of October, 1988,
by Councilmember Lang, who moved its adoption, which motion
being duly seconded by Councilmember McGrath, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-795

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE AERIAL LIFT TOWER

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 aerial
lift tower

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 22, 1988, at 3:00 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 25th day of October, 1988,
by Councilmember Lang, who moved its adoption, which motion
being duly seconded by Councilmember McGrath, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-796

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE HIGH DUMP STREET SWEEPER

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 high
dump street sweeper
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 29, 1988, at 3:00 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 25th day of October, 1988,
by Councilmember Lang, who moved its adoption, which motion
being duly seconded by Councilmember McGrath, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-797

A RESOLUTION ACCEPTING THE BID OF ACE CONCRETE SERVICE FOR PROJECT NO. 17 - REPLACEMENT OF CURBS, DRIVE APRONS AND SIDEWALKS AT VARIOUS LOCATIONS

WHEREAS, Resolution No. 88-707, adopted by the Council of the City of Modesto on September 20, 1988, approved the plans and specifications for Project No. 17 - replacement of curbs, drive aprons and sidewalks at various locations and authorized the calling for bids; and

WHEREAS, the bids received for Project No. 17 - replacement of curbs, drive aprons and sidewalks at various locations were opened at 11:00 a.m. on October 11, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

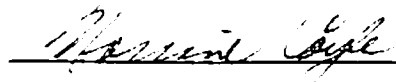
WHEREAS, the Director of Engineering has recommended that the bid of ACE Concrete Service in the amount of \$94,933.23, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of ACE Concrete Service in the amount of \$94,933.23 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 October, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST



NOELINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-798

A RESOLUTION ACCEPTING THE EAST LEVEE ROAD RECONSTRUCTION AT THE REMOTE POND SITE ON JENNINGS ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Utility Services that the East Levee Road reconstruction at the remote pond site on Jennings Road has been completed by Ragsdale and Son, Inc. in accordance with the contract agreement dated June 7, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the East Levee Road reconstruction at the remote pond site on Jennings Road

be accepted from said contractor, Ragsdale and Son, Inc. ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$45,366.38 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-799

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF FOUR POLICE PATROL CARS THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Utility Services - Service Division is requesting the purchase of four Police patrol cars to replace patrol vehicles presently in service; 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 four Police patrol cars, is hereby waived.

BE IT FURTHER RESOLVED that purchase of four Police patrol cars through the State of California Cooperative Purchasing Program for the total price of \$46,138, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-800

A RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS STREET
TREE LEAVES AND RESIDENTIAL LEAVES AND PRUNINGS.

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

WHEREAS, leaves from various species of street trees and leaves and residential prunings from privately owned trees and plant growth are collected by the City's Garden Refuse crews, and

WHEREAS, said street tree leaves and residential leaves and prunings could be sold or disposed of by informal bid proceedings at the best available market price or other means most financially beneficial to the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his authorized representative is hereby authorized and directed to dispose of such surplus street tree leaves and residential leaves and prunings that the City may accumulate and for which there is no use. Said surplus street tree leaves and prunings shall be disposed of by informal bids at the best available market price or in such manner as the City Manager or his authorized representative deems to be most financially beneficial 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 25 day of October, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-801

A RESOLUTION AUTHORIZING CITY MANAGER TO SIGN A WAIVER TO RELINQUISH ALL RIGHTS TO RECEIVE WATER FOR THE MCKINNEY COLONY PARK SITE FROM THE MODESTO IRRIGATION DISTRICT

WHEREAS, in order to proceed with the first phase of the development of the McKinney Colony Neighborhood Park, the City of Modesto must waive all rights to receive water from the Modesto Irrigation District, and

WHEREAS, the proposed park will receive all future water from the City water main and will be irrigated by an automated irrigation system installed in first phase development,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is authorized to sign a waiver to relinquish all rights the City of Modesto may have to receive water for property known as the McKinney Colony Park site from the Modesto Irrigation District through a private branch of the Reichenbach Branch of Lateral No. 6, (I.D. 276) originating on the south side of Lateral No. 6 at Drop 16.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-802

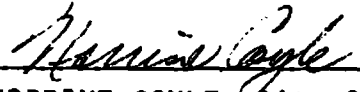
A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT C. ARTHUR FOR DRAFTING SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Robert C. Arthur for drafting services on updating and preparing new subdivision maps 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 25th day of October, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-803

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONFIRM COSTS OF
DEMOLISHING A BUILDING AT 205 OAK STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that November 15, 1988, at 4:00 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 confirming costs of
demolishing a building at 205 Oak Street.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 25th day of
October, 1988, by Councilmember Lang, who
moved its adoption, which motion being duly seconded by Councilmember
McGrath, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-804

A RESOLUTION APPROVING AN AMENDED REIMBURSEMENT AGREEMENT WITH R.J. HILL COMPANY FOR INSTALLATION OF STORM DRAIN TRUNK FACILITIES AT THE PARK VALLEY HOMES SUBDIVISION, PHASE I

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and R.J. Hill Company for reimbursement of construction costs for installation of storm drain trunk facilities at the Park Valley Homes Subdivision, Phase I 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 25th day of October, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-805

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND H.I.L. TECHNOLOGY, INC. FOR THE DESIGN OF A STORM WATER MANAGEMENT CONTROL PROGRAM ON 9TH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and H.I.L. Technology, Inc. for the design of a storm water management control program on 9th 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 25th day of October, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-806

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MEDICAL AMBASSADORS INTERNATIONAL FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 4048 TULLY ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Medical Ambassadors International for water service to property outside City limits at 4048 Tully Road, located on the east side of Tully Road between M.I.D. Lateral No. 6 and Bangs 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 October, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-807

A RESOLUTION APPROVING THE FINAL MAP OF THE EMERALD
TERRACE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, James Horn Construction Company is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 5.737 acres, known as the Emerald Terrace Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 15th day of December, 1986, 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 Emerald Terrace 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 25 day of October, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-808

A RESOLUTION APPROVING THE REQUEST BY THE CHRISTIAN BERETS, INC., FOR DIRECT CITY ASSISTANCE FOR A CHRISTMAS PARADE TO BE HELD ON DECEMBER 3, 1988 IN THE CITY OF MODESTO.

WHEREAS, the Christian Berets, Inc., have filed an application for Direct City Assistance to hold a Christmas Parade on December 3, 1988, in the City of Modesto, and

WHEREAS, the City Council, by Resolution No. 80-1066 as amended by Resolution No. 83-128, adopted a "Policy for Evaluating Requests for Direct City Assistance," and

WHEREAS, the Council deems it appropriate to grant approval for Direct City Assistance to the Christian Berets, Inc., to hold a Christmas Parade to be held on December 3, 1988 in the City of Modesto, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the following, subject to the conditions set forth, relating to the Christian Berets, Inc., Christmas Parade to be held on December 3, 1988:

1. "I" Street, between 11th and 12th Streets will be barricaded between 11:00 a.m. and 4:00 p.m. on Saturday, December 3, 1988, for the parade.
2. The City's personnel will erect City's reviewing stand with canvas top on "I" Street close to the cannon in the Courthouse Park prior to 9:00 a.m. for use for the parade on Saturday, December 3, 1988, and will remove said reviewing stand thereafter.

3. The Christian Berets, Inc., are granted permission to use a public address system at the reviewing stand for the parade. Said public address system to be furnished by the Christian Berets, Inc.

4. The following parade route is approved as the parade route to be used on Saturday, December 3, 1988, subject to approval of the Chief of Police and Parking, Traffic and Transportation Director: starting at 11th and M Streets, south on 11th to I Street; east on I Street to 17th Street; then dismantle.

5. The City Utility Services Department will supply two (2) street sweepers for the parade.

6. The City of Modesto will provide four (4) Equestrian Police Officers and eight (8) Reserve Officers to maintain traffic control along the parade route.

7. The City Utility Services Department will provide eighty-two (82) barricades to be placed during parade activities on corners as designated by the Police Department.

8. The Christian Berets, Inc., shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees, from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Christian Berets, Inc., parade.

9. The Christian Berets, Inc., shall furnish to the City Clerk of City current and valid certificate of insurance evidencing coverages of general liability insurance as shall protect the Christian Berets, Inc., and its agents and employees from claims for damages for bodily injury and

property damage which may arise out of the Christian Berets, Inc., Christmas parade. Said insurance certificate shall be subject to the approval of the Risk Manager and shall designate the City of Modesto as an additional insured.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Modesto Christian Berets, Inc., with a copy of this resolution. The Christian Berets, Inc., shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-809

A RESOLUTION GRANTING APPROVAL TO THE AMERICAN LEGION POST NO. 74 TO CONDUCT A VETERANS' DAY PARADE IN THE CITY OF MODESTO ON FRIDAY, NOVEMBER 11, 1988, 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 Friday, November 11, 1988 for use of Downey Park in connection with the parade in celebration of Veterans' Day, and

WHEREAS, the Council, by Resolution No. 80-1066 as amended by Resolution No. 83-128, adopted a "Policy for Evaluating Requests for Direct City Assistance," and

WHEREAS, the 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 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 the Legion relating to a Veterans' Day Parade to be held on Friday, November 11, 1988, subject to the following conditions:

1. The parade assembly will take place on November 11, 1988, at the Downey High School practice field and at the Downey Park baseball field from approximately 8:30 a.m. to 9:30 a.m. The parade will commence on November 11, 1988, at approximately 9:30 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 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 four (2) Reserve Officers and four (4) Motorcycle Officers to maintain traffic control along the parade route.
4. The Parks and Recreation Department will reserve the Downey Park baseball field for parade assembly on November 11, 1988 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 Park and all streets, within the City for the aforementioned Veterans' Day parade.
7. The Legion agrees to provide and keep in force on November 10 and 11, 1988, a policy 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 25th day of October, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrin Coyle*
NORRING COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

ACCEPTANCE

I do hereby agree with and accept all of the terms and conditions set forth in Resolution No. 88-809 pertaining to the 1988 Veterans Day Parade sponsored by the American Legion Post No. 74.

Dated: _____.

AMERICAN LEGION POST NO. 74,
a non-profit organization

By _____

By _____

MODESTO CITY COUNCIL
RESOLUTION NO. 88-810

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REGARDING AN EXTENSION OF GILTON SOLID WASTE MANAGEMENT, INC.'S FRANCHISE TO COLLECT GARBAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that November 8, 1988, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of a three-year extension of Gilton Solid Waste Management, Inc.'s franchise to collect garbage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-811

A RESOLUTION APPOINTING MEMBERS OF THE DOWNTOWN ACTION COMMITTEE

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

SECTION 1. The following persons are hereby appointed to the Downtown Action Committee:

- Chair Downtown Renaissance Committee and City Council, selected by
 Downtown Renaissance Committee
 Representative John Sutton

- Seat #1 Stanislaus County
 Representative Victor Holanda

- Seat #2 DID
 Representative Frank Boots

- Seat #3 DMA
 Representative Dirk Hoek

- Seat #4 Planning Commission
 Representative Gordon Hart

- Seat #5 American Institute of Architects
 Representative Ken Wolf

- Seat #6 American Society of Landscape Architects
 Representative Ron Smith

- Seat #7 Redevelopment Area property owners and tenants
 Representative Michael Silveira

- Seat #8 Downtown-at-Large, as selected by DID and DMA,
 Representative Susan Hackett

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Downtown Action Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 1988, by

Councilmember Sutton , 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-812

A RESOLUTION APPOINTING MEMBERS OF THE MODESTO YOUTH COMMISSION

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

SECTION 1. The following persons are hereby appointed to the Modesto Youth Commission, terms to expire June, 1989:

Beyer High School

Susie Doxey
3425 Mansfield Lane
Modesto, CA 95350
(209) 529-1231

Shelli Pfeifle
3428 Norton Place
Modesto, CA 95355
(209) 526-1906

Central Catholic High School

Denise Shanahan
2524 E. Orangeburg Avenue
Modesto, CA 95355
(209) 526-3125

Stephanie Gallo
891 S. Hopper Road
Modesto, CA 95351
(209) 521-1476

Davis High School

Jason Kimbrough
445 Myrtle Avenue
Modesto, CA 95354
(209) 526-2368

Tara Dixon
2704 College Avenue
Modesto, CA 95350
(209) 526-0432

Downey High School

Kim Shanks
721 Laytonstone Avenue
Modesto, CA 95356
(209) 526-8145

Susan Rowland
3821 Atwood Drive
Modesto, CA 95356
(209) 577-0815

Modesto Christian High School

Don Jordan
3729 Drago Park Drive
Modesto, CA 95356
(209) 524-9353

Michell Driver
2737 North Avenue
Modesto, CA 95351
(209) 524-7480

Modesto High School

Chris Peterson
222 High Street
Modesto, CA 95351
(209) 545-3561

Khai Tran
203 S. Emerald
Modesto, CA 95353
(209) 523-1460

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the 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 25th day of October, 1988, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-813

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 appointed to the Rehabilitation Loan Pool Subcommittee for the respective term as indicated:

Don Jordan
3729 Dragoo Park Drive
Modesto, Ca. 95356
Term to expire 6/30/91

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly 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 25th day of October, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 88-814

A RESOLUTION REAPPOINTING DOUG MATHES TO THE ECONOMIC DEVELOPMENT LOAN
POOL SUBCOMMITTEE

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

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

Doug Mathes
Term to expire 9/30/92

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the reappointed 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 25th day of October, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-815

A RESOLUTION WAIVING THE ONE YEAR LIMITATION AND FILING FEES FOR 90 DAYS TO ALLOW DENNIS McDONALD TO APPLY FOR A NEW APPLICATION FOR REZONING TO A PLANNED DEVELOPMENT ZONE IN RELATION TO THE DENIAL BY THE PLANNING COMMISSION OF AN AMENDMENT TO SECTION 32-3-9 OF THE ZONING MAP TO REZONE FROM C-2 TO C-M PROPERTY LOCATED AT 630 SIXTH STREET, IN THE CITY OF MODESTO.

WHEREAS, a verified application for an amendment to Section 32-3-9 of the Zoning Map was filed by Dennis McDonald on June 16, 1988, to reclassify from General Commercial Zone, C-2, to Commercial-Industrial Zone, C-M, property located at 630 Sixth Street in the City of Modesto described as follows:

All that certain real property situate in a portion of the Northeast quarter of Section 32, 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:

Lots 25 to 32 inclusive, in Block 31 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.

Including also all of the eastern 40.00 feet of Sixth Street, the southern 40.00 feet of G Street, and the western 10.00 feet of the adjacent alley and all immediately adjacent to the above described property.

and

WHEREAS, a public hearing was held by the Planning Commission on September 6, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 88-104, and the Planning Commission denied the application of Dennis McDonald to amend Section 32-3-9 of the Zoning Map to reclassify from General Commercial Zone, C-2, to Commercial-Industrial Zone, C-M, property located at 630 Sixth Street, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to rezone from General Commercial Zone, C-2, to Commercial-Industrial Zone, C-M, property located at 630 Sixth Street, was filed with the Office of the City Clerk by Normoyle & Newman, on behalf of Dennis McDonald, by letter dated October 4, 1988, and

WHEREAS, said appeal was set for a public hearing to be held on November 1, 1988, at 4:00 p.m., before the City Council at its regular meeting place in the City Council Chambers located in the City Hall, 801 11th Street, Modesto, California, and

WHEREAS, at the time and place above mentioned Mr. Normoyle, on behalf of Dennis McDonald, withdrew said appeal, and

WHEREAS, in accordance with the provisions of Section 10-2.2605 of the Modesto Municipal Code, the Council determined that it would be appropriate to waive the one year limitation and filing fees for ninety (90) days to allow the applicant to file a new application for rezoning said property located at 630 Sixth Street from General Commercial Zone, C-2, to Planned Development Zone, P-D, and that the waiving of the one year limitation and filing fees will not adversely affect the interest of the general public,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby waives the one year limitation and filing fees to Dennis McDonald for filing a new application for an amendment to Section 32-3-9 of the Zoning Map to rezone said property from General Commercial Zone, C-2, to Planned Development Zone, P-D.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1988, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-816

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE REPAIR AND RECOATING OF DIGESTER NO. 1 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 repair and recoating of
Digester No. 1 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 November 29, 1988, at 11:00 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 1st day of November, 1988,
by Councilmember Lang, who moved its adoption, which motion
being duly seconded by Councilmember Sutton, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-817

A RESOLUTION ACCEPTING THE BID OF DOW HAMMOND TRUCKS FOR FURNISHING TWO POLICE MINI VANS

WHEREAS, Resolution No. 88-693, adopted by the Council of the City of Modesto on September 13, 1988, approved the plans and specifications for the purchase of two Police mini vans and authorized the calling for bids; and

WHEREAS, the bids received for furnishing two Police mini vans were opened at 3:10 p.m. on October 11, 1988, 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 in the amount of \$36,649, 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 in the amount of \$36,649 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 November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-818

A RESOLUTION ACCEPTING THE BID OF SILVEIRA CUSTOM FARMING FOR FURNISHING
DISKING SERVICES

WHEREAS, Resolution No. 88-652, adopted by the Council of the City of Modesto on September 6, 1988, approved the plans and specifications for the purchase of disking services and authorized the calling for bids; and

WHEREAS, the bids received for furnishing of disking services were opened at 3:00 p.m. on October 11, 1988, 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 Silveira Custom Farming in the amount of \$14,300, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Silveira Custom Farming in the amount of \$14,300 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:



NORPINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-819

A RESOLUTION ACCEPTING THE BID OF GOLDEN STATE COMMUNICATIONS FOR FURNISHING
POLICE PORTABLE RADIOS

WHEREAS, Resolution No. 88-708, adopted by the Council of the City of Modesto on September 20, 1988, approved the plans and specifications for the purchase of Police portable radios and authorized the calling for bids; and

WHEREAS, the bids received for furnishing Police portable radios were opened at 3:15 p.m. on October 11, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

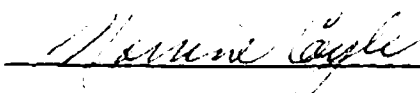
WHEREAS, the Director of Finance has recommended that the bid of Golden State Communications in the amount of \$36,583, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Golden State Communications in the amount of \$36,583 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 November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:



NOPPINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-820

A RESOLUTION ACCEPTING THE BIDS OF EASTMAN, INC. AND DURST OFFICE FURNITURE FOR FURNISHING OFFICE FURNITURE FOR THE FIRST FLOOR REMODELING OF CITY HALL

WHEREAS, Resolution No. 88-735, adopted by the Council of the City of Modesto on September 27, 1988, approved the plans and specifications for the purchase of office furniture for the First Floor remodeling of City Hall and authorized the calling for bids; and


WHEREAS, the bids received for furnishing furniture for the First Floor remodeling of City Hall were opened at 3:00 p.m. on October 18, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of Eastman, Inc. for the total price of \$8,025; and Durst Office Furniture for the total price of \$1,111, be accepted as the lowest responsible bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Eastman, Inc. and Durst Office Furniture be accepted and the execution of contracts for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1988, 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:	Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	McGrath
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-821

A RESOLUTION ACCEPTING THE BID OF CENTRAL PUMP COMPANY TO CONSTRUCT PUMP STATION NO. 47

WHEREAS, Resolution No. 88-750, adopted by the Council of the City of Modesto on October 4, 1988, approved the plans and specifications for the construction of Pump Station No. 47 and authorized the calling for bids; and

WHEREAS, the bids received for the construction of Pump Station No. 47 were opened at 11:00 a.m. on October 25, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Central Pump Company in the amount of \$115,019, 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 \$115,019, 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 November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norpine Coyle*
NORPINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-822

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF COMPUTER EQUIPMENT FROM WANG LABORATORIES

WHEREAS, the Word Processing Center Division of the City Manager's Office is requesting the purchase of Wang computer equipment to provide additional workstations for various City Hall Departments; and

WHEREAS, Wang Laboratories is the sole source of Wang computer equipment.

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

BE IT FURTHER RESOLVED that purchase of computer equipment from Wang Laboratories for the total price of \$48,550 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 November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-823

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND HILL INTERNATIONAL, INC. TO CORRECT A PROCEDURAL DEFICIENCY REGARDING FEDERAL CLEAN WATER GRANT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Hill International, Inc. to correct a procedural deficiency regarding Federal Clean Water Grant Regulations be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-824

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RANDY L. AND DEBBIE K. FONG FOR WATER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 1042 LONE PALM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Randy L. and Debbie K. Fong for water service to property outside the City limits at 1042 Lone Palm, located on the east side of Lone Palm Avenue between North Emerald Avenue and Kansas 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 1st day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-825

A RESOLUTION APPROVING THE FINAL MAP OF THE WINDY MANOR
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Lightning Electric, a California general partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 3.180 acres, known as the Windy Manor Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 6th day of April, 1987, 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 Windy Manor Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson
Sutton, 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. 88-826

A RESOLUTION ACCEPTING IMPROVEMENTS IN NEW ENGLAND SQUARE SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Coldwell Banker Vinson Chase, Inc. , subdividers of New England Square Subdivision have filed Subdivision Bonds for faithful performance and labor and materials in the amount of \$394,500.00 and \$197,250.00 respectively to guarantee improvements in New England Square Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated October 25, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and


WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the 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 New England Square Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$394,500.00 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 \$197,250.00 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 1st day of November , 19 88 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-827

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE UNION PACIFIC RAILROAD COMPANY FOR A GRADE CROSSING AT WEST UNION AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Union Pacific Railroad Company for a grade crossing at West Union 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 1st day of November, 1988, by Councilmember Lang who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-828

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CENTER FOR HUMAN SERVICES FOR MATCHING LOAN OF \$50,000 UNDER THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO BUILD A RESIDENTIAL HOUSE FOR RUNAWAY CHILDREN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Center for Human Services for matching loan of \$50,000 under the City's Community Development Block Grant Program to build a residential house for runaway children

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-829

A RESOLUTION APPROVING THE DISTRIBUTION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS TO THE CITY OF MODESTO DEPARTMENT OF PARKS AND RECREATION FOR HANDICAPPED BARRIER REMOVAL PURPOSES.

WHEREAS, at its meeting of November 1, 1988, the City Council considered the recommendations of the Citizens Housing and Community Development Committee relating to the distribution of Community Development Block Grant Program funds to the City of Modesto Department of Parks and Recreation for handicapped barrier removal purposes under its special populations program, and

WHEREAS, the U. S. Department of Housing and Urban Development has established the requirement that Community Development Block Grant funds provide a minimum of 51% benefit to low to moderate income persons, and

WHEREAS, the U. S. Department of Housing and Urban Development has established that benefit to handicapped persons is considered 100% benefit to low to moderate income persons, and

WHEREAS, this recommended grant of money is consistent with the established program and goals of the Handicapped Barrier Removal Program as previously approved by this Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the distribution of Community Development Block Grant Program funds to the City of Modesto Department of Parks and Recreation, in the amount of \$1,400, for handicapped barrier removal purposes as recommended by the Citizens Housing and Community Development Committee, from funds in the Fiscal Year 1988-89 budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1 day of November , 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-830

A RESOLUTION APPROVING THE DISTRIBUTION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS TO THE CITY OF MODESTO DEPARTMENT OF ENGINEERING SERVICES TO CONSTRUCT TWO HANDICAPPED ACCESSIBLE REST ROOMS IN THE CROCKER OFFICE BUILDING.

WHEREAS, at its meeting of November 1, 1988, the City Council considered the recommendations of the Citizens Housing and Community Development Committee relating to the distribution of Community Development Block Grant Program funds to the City of Modesto Engineering Services Department to construct two handicapped accessible rest rooms for the new offices in the Crocker Building, and

WHEREAS, the U. S. Department of Housing and Urban Development has established the requirement that Community Development Block Grant funds provide a minimum of 51% benefit to low to moderate income persons, and

WHEREAS, the U. S. Department of Housing and Urban Development has established that benefit to handicapped persons is considered 100% benefit to low to moderate income persons, and

WHEREAS, this recommended grant of money is consistent with the established program and goals of the Handicapped Barrier Removal Program as previously approved by this Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the distribution of Community Development Block Grant Program funds to the City of Modesto Engineering Services Department, in the amount of \$20,000, for handicapped barrier removal purposes as recommended by the Citizens Housing and Community Development Committee, from funds in the Fiscal Year 1988-89 budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-831

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS FOR THE SERVICES OF TWO HOUSING ADVISORS TO WORK FOR THE HOUSING PROGRAM OFFICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Housing Authority of the County of Stanislaus for the services of two housing advisors to work for the Housing Program Office.

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-832

A RESOLUTION APPROVING THE SOLICITING OF PROPOSALS FOR A REAL ESTATE BROKER/
SALES AGENT TO LIST FOR SALE PROPERTY LOCATED AT 101A, 101B, 101C, and 101D
"I" STREET, 107-109 "I" STREET, AND 905 SECOND STREET

WHEREAS, at its meeting on December 1, 1987, the City Council approved a
plan to list the property located at 101 A,B,C, and D "I" Street, and 107-109
"I" Street, and 905 Second Street with a Real Estate Multiple Listings Broker,
and pay the sales commission when it sells.

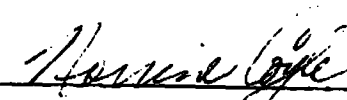
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that
it hereby approves the request for proposals from real estate broker/sales
agents to list for sale property located at 101 A,B,C, and D "I" Street,
107-109 "I" Street, and 905 Second Street.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 1st day of November, 1988, by
Councilmember Lang , who moved its adoption, which motion being duly
seconded by Councilmember Sutton , was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-833

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:

Assistant to the Events Coordinator
Events Supervisor

The specifications for the classifications created, as shown on the attached Exhibit "A" and "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 AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to amend the following classifications:

Airport Manager
Deputy City Clerk
Electrical Technician I/II/Assistant Electrician
Electrician
Equipment Operator
Firefighter/Firefighter Trainee
Instrument Repair Technician
Maintenance Mechanic - Parks
Maintenance Mechanic - Pumps
Maintenance Mechanic Crewleader - Parks
Maintenance Worker I/II
Nursery Propagator
Parking Lot Maintenance Crewleader
Parking Meter Worker
Parks Crewleader
Plant Mechanic
Police Officer/Police Officer Trainee
Senior Wastewater Treatment Plant Operator
Street Trees Crewleader
Traffic Painter
Traffic Painter Crewleader
Traffic Sign Worker
Tree Trimmer
Tree Trimmer Crewleader
Wastewater Treatment Plant Attendant/Operator
Water Lineworker

The specifications for the classifications amended, as shown on the attached Exhibits "C" through "A-2", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after November 1, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 TO THE EVENTS COORDINATOR

DEFINITION

To book uses of the Modesto Centre Plaza and maintain the scheduling process; conduct tours with prospective licensees; maintain the facility scheduling computer system.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Events Coordinator.

May exercise technical supervision over subordinate clerical staff.

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

Maintain Centre scheduling processes, including the calendar, all event detail, use deposits and tentative dates.

Book firm dates into the schedule and initiate the license process; follow-up on scheduling transactions, including tentative dates, outstanding deposits and contracts.

Initiate contact with potential users and conduct facility tours.

Serve as systems coordinator for facility scheduling computer system.

Maintain records and prepare reports and correspondence as necessary related to scheduling and facility use.

Performs other related duties as assigned.

QUALIFICATIONS

Knowledge of:

Computer operations and scheduling coordination.

Principles of event scheduling.

Basic accounting principles.

Principles of public relations.

Ability to:

Communicate clearly and concisely both orally and in writing.

Communicate effectively on the phone.

Organize large amounts of information.

Apply and interpret Centre policy to Centre users.

Establish and maintain positive relationships with Centre users and 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 experience in event scheduling, reservations or other hospitality related field.

Experience in computer operation is highly desirable.

Training

Equivalent to an Associate Degree from an accredited two-year college program.

License or Certificate

Possession of valid Class 3 driver's license issued by the California Department of Motor Vehicles within one month of appointment.

DEFINITION

On evenings and weekends, to supervise activities and personnel and coordinate the needs and services of lessees during events in progress at the Modesto Centre Plaza; and to provide staff assistance to higher management.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Centre Plaza Manager.

Exercises direct supervision over subordinate technical, temporary and contracted staff.

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

Serves as the major Centre liaison with lessees during events on evenings and weekends; coordinates and supervises Centre personnel during events; supervises set-up and tear-down crews during hours on duty.

Responsible for operation of box office functions including ticket ordering, ticket sales, ticket taking, supervision of related personnel and final ticket auditing; prepares event settlements and evaluations.

Assists in budget preparation and administration.

Responds to facility user complaints and inquiries.

Maintains records and prepares reports and correspondence, as necessary, related to events and facility use.

Performs other related work as may be assigned.

QUALIFICATIONS

Knowledge of:

Principles and techniques of servicing and coordinating a variety of theatrical, entertainment, and social events.

Basic accounting as applied to event and box office bookkeeping and settlement.

Fire and safety regulations and emergency procedures related to public assembly facilities.

Security, catering, concessions, equipment, services, and operations needs of convention center events.

QUALIFICATIONS (continued)

Principles of administration, budget and personnel management.

Principles of box office and ticketing operations.

Ability to:

Supervise events in progress.

Supervise, train, and evaluate subordinates.

Communicate clearly and concisely, orally and in writing.

Respond appropriately to Centre lessees within the context of Centre policies and procedures while projecting a service orientation.

Identify and analyze potential problems, situations and needs; accurately and quickly implement solutions.

Lift and carry heavy objects, if and when it becomes necessary.

Establish and maintain cooperative 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 (2) years experience in supervising a variety of events in a conference centre, hotel, recreational, entertainment, or other public facility.

Training:

Equivalent to graduation with a Bachelor's Degree from an accredited college or university.

License or Certificate

Possession of valid Class 3 driver's license issued by California Department of Motor Vehicles within one month of employment.

DEFINITION

To plan, organize, monitor, and direct the use, maintenance and security of the City Airport; to promote the development of airport facilities; and to coordinate airport activities with other City departments.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Utility Services Director.

Exercises direct supervision over technical, maintenance and clerical staff.

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

Manage, direct and organize airport facilities maintenance activities including pavements, drainage and sewer systems, lighting and electrical facilities, buildings, furnishings, landscaping, and grounds.

Direct, oversee and participate in the development of the airport work plan; assign work activities, projects and programs; monitor work flow; implement policies and procedures; review and evaluate work products, methods and procedures.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Establish and insure the carrying out of a proper preventive maintenance program; coordinate maintenance activities with the airlines and Federal Aviation Administration.

Monitor aircraft operations for compliance with local, State and Federal laws.

Issue notams regarding the status of the airport.

Assume responsibility for the security and protection of publicly and privately owned aircraft and property; establish and carry out a passenger screening program mandated by Federal regulations.

Recommend goals and objectives; assist in the development of policies and procedures; evaluate the need for and develop plans for long-range airport programs; conduct studies for improving airport facilities and services.

Handle daily business transactions including answering correspondence, responding to complaints, ordering supplies, and certifying payroll records.

Conduct lease negotiations; assign spaces and keep records of aircraft parking and rentals.

Update security manuals and airport certification manuals.

EXAMPLES OF DUTIES

Prepare the airport budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Promote public relations; meet with the advisory committees, public organization, and representatives of government agencies.

Prepare applications for Federal and State grants.

Maintain records of airport operations; prepare reports.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of municipal airport management.

Federal Aviation Administration rules and regulations affecting airport operations.

Preparation and negotiation of airport leases, contracts, and charges.

Development, practices, and terminology of aviation.

Equipment and supplies used in airport operations.

Proper maintenance of airport facilities.

Airport security and emergency plans.

Budgeting procedures and techniques.

Principles and practices of supervision, training and personnel management.

Ability to:

Plan, organize and direct airport maintenance, security, and operations.

Analyze technical information regarding airport usage and maintenance.

Conduct business negotiations and promote and represent the airport programs, including air service development.

Pilot and operate an airplane.

Monitor airport usage.

Ability to:

Supervise, train and evaluate assigned staff.

Prepare and administer a budget.

Establish and maintain airport security and certification programs.

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 increasingly responsible experience in airport management or operations of an airport served by a certified air carrier.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in aviation management or a related field.

License or Certificate

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

Accreditation by the American Association of Airport Executives is preferred. Successful candidate must obtain this accreditation within two years of appointment to the position.

DEFINITION

To perform a variety of complex and responsible clerical and administrative duties in the conduct of the activities of the City Clerk's Office; and to assist in the maintenance of official City records. In the absence of the Assistant City Clerk, assume all responsibilities as Acting Assistant City Clerk.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the City Clerk.

May exercise technical supervision over clerical staff.

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

Assist the City Clerk/Auditor in performing the day-to-day functions of the City Clerk's office.

Respond to inquiries from the public by letter, telephone and in person regarding Council action and records; research information for public or City staff when necessary; type and edit a variety of documents and files.

Assist the City Clerk in the conduct of elections and other legal requirements of the City Clerk's Office; register citizens to vote and respond to questions on elections.

Compose resolutions, type and edit Council minutes, and maintain subject index records for future reference of Council actions.

Witness signatures on legal documents, certify public documents for public agencies and others; act as Notary Public for the City.

Prepare and distribute updates and revisions of Council Policy, agendas, and special deliveries for Council members.

Maintain calendar for the City Clerk/Auditor including making and confirming reservations, meetings and appointments.

Proofread reports, forms and other typed material for mathematical, grammatical and procedural adequacy.

Maintain Office library and files including resolutions, ordinances, minutes, agreements, card files; and process claims and liens.

In the absence of the Assistant City Clerk, assume all responsibilities of that position.

Assist with the preparation of City Council agenda.

Compose correspondence, gather information and prepare reports.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- English usage, spelling, grammar and punctuation.
- Modern office procedures, methods and computer equipment.
- Business letter writing and basic report preparation.
- Organization and function of City government.

Ability to:

- Enforce municipal laws and procedures.
- Implement election laws and political reform requirements.
- Provide information and organize material in conformance with policies and regulations.
- Maintain complex records.
- Communicate clearly and concisely, both orally and in writing.
- Type at a speed necessary for successful job performance.
- 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 clerical or secretarial experience.

Training:

Equivalent to completion of the twelfth grade supplemented by specialized training in the functions and activities of the City Clerk's office.

No. 1234
No. 4567
No. 6549

ELECTRICAL TECHNICIAN I
ELECTRICAL TECHNICIAN II
ASSISTANT ELECTRICIAN

DEFINITION

This series specification describes three levels of the Electrical Training Program of the City of Modesto. Over a period of four years, those appointed develop increasing knowledge and ability to assist in a wide variety of skilled work in the installation, maintenance, and repair of electrical systems and equipment.

DISTINGUISHING CHARACTERISTICS

Electrical Technician I - This is the entry level class in the Electrical Training Program. Those appointed will be expected to progressively acquire knowledge and skills relating to the electrical trade. Promotion from this level will depend upon the progress made in acquiring such knowledge and upon the demonstrated ability to compatibly work with other employees and to perform tasks as assigned.

Electrical Technician II - This is the second level within the Electrician Training Program. Employees within this class are distinguished from the Electrical Technician I by the performance of a wider range of duties as assigned.

Assistant Electrician - This is the third level class in the Electrician Training Program. This class is distinguished from Electrical Technician II by performance of a full range of duties and learning experiences. Those promoted to this level are expected to continue to progressively acquire knowledge and skills of the electrical trade. Employees in this class will not be assigned to stand-by duties and will not be expected to work alone in areas of great personal danger.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level electrical and electronics staff.

May exercise functional and technical supervision over lower level electrical staff.

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

Assist in electrical maintenance and repair work involving municipal facilities, utilities systems, buildings and lighting systems.

Assist in the repair and replacement of defective or worn electrical parts in motors, generators, pumps, controllers, switches, pneumatic systems, boilers and other facilities and equipment.

Assist in inspecting newly installed electrical equipment and lighting to ensure safe and satisfactory functioning.

Assist in the installation, maintenance and repairs of traffic signals and street lighting, including underground and overhead lines, poles, and control circuits.

Assist in the installation, maintenance and repair of control systems, motors, generators, pumps, traffic signal controllers, telemetering systems and other electromechanical and electronic equipment, electrical and lighting equipment, heating, air conditioning and ventilation systems, intercommunication and computer systems, in the City's buildings, parks, sewage disposal plant and pumping stations.

Learn to test, locate and repair damaged electrical circuitry.

Participate in the design of electrical systems as necessary.

Maintain accurate records of work performed, materials used, and associated costs.

Make routine and emergency purchases as authorized and required.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Basic methods, materials, tools, equipment and procedures used in the repair of electrical and mechanical devices.

Basic principles of electrical and electronic repair.

Basic electronic circuitry.

Safe work practices.

Ability to:

Perform or learn to perform work in the trades area of electrical and electronic maintenance and repair.

Learn to understand and interpret written and oral instructions, including blueprints and wiring diagrams.

Learn to use and care for tools and equipment used in maintaining and repairing electrical and electronic devices.

Learn electrical codes and related ordinances and regulations.

Learn electrical and electronic theory and operations.

Perform mathematical computations as required in electrical and electronic circuits.

Ability to (continued):

Assist others in municipal electrical and electronic maintenance repair.

Learn to work under emergency and hazardous conditions.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Pass an annual physical examination.

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 provide the required knowledge and abilities is qualifying. A typical way would be:

Experience:

Electrical Technician I

No experience is necessary.

Electrical Technician II

Two years of experience performing electrical maintenance duties as an Electrical Technician I in the City of Modesto.

Assistant Electrician

Two years of electrical experience as an Electrical Technician II in the City of Modesto.

Training:

Equivalent to completion of the twelfth grade. Additional specialized training in electrical or electronic maintenance is desirable.

License or Certificate

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

DEFINITION

To perform a wide variety of skilled work in the installation, maintenance, and repair of electrical systems and equipment.

DISTINGUISHING CHARACTERISTICS

This is the full journey level class within the Electrician series. Employees within this class are distinguished from the Assistant Electrician by the performance of the full range of duties as assigned, including maintenance and repair of high voltage systems. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Electrical Supervisor.

Exercises functional and technical supervision over Assistant Electricians and Electrical Technicians.

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

Perform complex electrical maintenance and repair work involving municipal facilities, utilities systems, buildings, and lighting systems including high voltage systems.

Repair and replace defective or work electrical parts in motors, generators, pumps, controllers, switches, pneumatic systems, boilers, and other facilities and equipment.

Test, locate, and repair damaged electrical circuitry.

Inspect electrical equipment and lighting to ensure safe and satisfactory functioning.

Participate in the design of electrical systems as necessary.

Maintain accurate records of work performed, materials used, and associated costs.

Install, maintain, and repair traffic signals and street lighting, including underground and overhead lines, poles, and control circuits.

Install, maintain, and repair control systems, motors, generators, pumps, traffic signal controllers, telemetering systems, and other electromechanical and electronic equipment, electrical and lighting equipment, heating, air conditioning, and ventilation systems, intercommunication and computer systems, in the City's buildings, parks, sewage disposal plant and pumping stations.

EXAMPLES OF DUTIES

Read blueprints, schematics, and electrical diagrams.

May train and have one or more assistants or technicians assigned as helpers.

Perform standby duties as assigned

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Design, construction, installation, and maintenance of electrical and electronic systems.

Basic methods, materials, tools, equipment, and procedures used in the repair of electrical and mechanical devices.

Basic principles of electrical and electronic repair.

Electrical codes and related ordinances and regulations.

Electric motors and control systems.

Basic electronic circuitry.

Safe work practices.

Ability to:

Perform journey level work in the trades area of electrical and electronic maintenance and repair.

Repair electrical signal, lighting, control, and alarm systems.

Understand and interpret written and oral instructions, including blueprints and wiring diagrams.

Use and care for tools and equipment used in maintaining and repairing electrical and electronic devices.

Diagnose causes of electrical malfunction.

Perform mathematical computations as required in electrical and electronic circuits.

Work under emergency and hazardous conditions.

Ability to:

Perform heavy manual labor, including but not limited to fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Pass an annual physical examination.

Assist others in municipal electrical and electronic maintenance repair.

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 would be:

Experience:

One year as an Assistant Electrician for the City of Modesto.

or

Four years of experience in an electrician apprenticeship program and one year of experience as a journey-level electrician.

Training:

Equivalent to completion of the twelfth grade supplemented by additional specialized training in electrical or electronic maintenance.

License or Certificate

Possession of, or ability to obtain, an appropriate and valid California driver's license.

EQUIPMENT OPERATOR

DEFINITION

To operate construction, maintenance and transportation equipment in a variety of maintenance activities including refuse collection, street repair, water and wastewater maintenance and related operations according to required standards; and to perform semi-skilled and skilled maintenance tasks.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

May exercise functional and technical supervision over lower level maintenance staff.

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

Drive and operate construction equipment on routine assignments, including dump trucks, packer trucks, equipment trailers, tractors, vactors, rodders and loaders.

Load and transport heavy construction equipment to and from the work site using a large dump truck and trailer.

Excavate, inspect, flush, vacuum and repair storm and wastewater mains, laterals and catch basins using line rodders, hydra flush systems, any jet rodder/vacuum truck.

Install, repair and replace wastewater lines, catch basins, laterals; remove and apply paint to sewage water facilities and equipment.

Inspect sewer and positive storm drain lines using television inspection equipment.

Clean, repair, reconstruct and maintain rockwell drains and lift stations; drill as required.

Respond to emergencies involving flooding, line breaks, overflows, and spills of wastewater and contaminated materials; repair and restore system as required.

Identify equipment needs for each assigned project.

Pick up and transport refuse to the appropriate dumping site.

Perform minor repairs on equipment and report the need for major repairs; check and adjust fluid level; grease and lubricate moving parts as required.

Perform additional construction and maintenance tasks such as concrete work, truck driving, asphalt spreading, jackhammering and a variety of repair activities when equipment is not in use.

Provide training to lower level staff in the operation of equipment.

Install traffic cones and barricades as necessary.

Clean and care for tools and equipment.

Perform on call duties as required.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Operation and maintenance requirements of trucks and less complex power-driven equipment.

Practices, methods, and materials used in construction, maintenance, and sanitation work.

Traffic laws, ordinances, and rules involved in truck and equipment

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Understand and follow oral and written instructions.

Work independently or in a crew situation, as assigned.

Work in confined work spaces and follow confined space entry procedures.

Handle contaminated materials and equipment.

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 performing maintenance work involving the operation of light and medium size equipment.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate:

Possession of, or ability to obtain, a valid Class 2 California driver's license.

FIREFIGHTER
FIREFIGHTER TRAINEEDEFINITION

To respond to fire alarms, medical emergency and other calls to protect life and property; and to participate in fire prevention, training, and station and equipment maintenance activities.

DISTINGUISHING CHARACTERISTICS

Firefighter Trainee - This is the entry level class in the Firefighter series. Employees at this level are not expected to perform with the same independence of direction and judgment on matters related to established procedures and guidelines as are positions allocated to the journey level. Since this class is typically used as a training class, employees may have only limited or no directly related fire suppression work experience. Employees work under general supervision while learning job tasks and are expected to be performing at the journey level within the prescribed time frame.

Firefighter - This is the full journey level class within the professional Firefighter series. Employees within this class are distinguished from the Firefighter Trainee by the performance of the full range of duties as assigned. Employees at this level receive instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies within the work unit. Positions in this class are flexibly staffed and are normally filled by advancement from the Firefighter Trainee level.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

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

Respond to fire alarms with assigned company; lay and connect hose; maintain pumping apparatus; hold nozzles and direct water streams; raise and climb ladders.

Operate all types of portable fire extinguishers, pike poles, hand lines, smoke ejectors, salvage covers, forcible entry tools, aerial ladder equipment, emergency medical equipment and other rescue equipment.

Provide basic life support while responding to emergency medical incidents, analyzing and initiating patient care until relieved by proper medical personnel.

EXAMPLES OF DUTIES

Administer first aid; assist paramedics at medical emergencies; apply techniques for the control of bleeding; utilize immobilization techniques to stabilize patient.

Respond to hazardous materials incidents.

Participate in fire inspection activities and other fire prevention and public education activities as assigned; ensure that businesses are operating in compliance with the fire code; maintain appropriate records and files.

Participate in the Fire Prevention Program providing various public relation services including facility tours, High School Career Day, Neighborhood Watch programs and public education seminars.

Participate in fire drills; serve as drill instructor as assigned; attend training sessions which include fire fighting techniques, emergency medical care, and the proper use of all equipment and related tools.

Clean apparatus and equipment and perform general custodial duties as required..

Assist in maintaining prefire plans; update maps as required.

Respond to public complaints regarding weed abatement and fire and safety hazards.

Issue bicycle licenses.

Perform related duties as assigned.

QUALIFICATIONS

Firefighter Trainee

Ability to:

Learn to understand and act in accordance with departmental policies, rules, and instructions in the field of fire fighting.

Learn to apply fire fighting and medical techniques and procedures.

Demonstrate mechanical aptitude as required in the operation of fire fighting equipment.

Demonstrate physical aptitude.

Learn the layout of the City's water main system and street numbering system.

Ability to:

Retain presence of mind in emergency situations.

Think and act quickly and effectively in emergencies.

Understand and follow oral and written directions promptly and accurately.

Perform heavy lifting and physical maneuvering.

Perform general office and clerical duties in support of assigned activities.

Communicate effectively, both orally and in writing.

Shall pass all required oral, manipulative and written exams for Firefighter Trainee.

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:

No experience.

Training:

Equivalent to the completion of the twelfth grade.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license prior to appointment.

Possession of, or ability to obtain, an appropriate, valid Advanced First Aid Certificate.

Firefighter

In addition to the qualifications for Firefighter Trainee:

Knowledge of:

Principles, practices and procedures of modern firefighting.

Fire apparatus, equipment, tools, devices, facilities and their proper use.
Basic principles of hydraulics relating to fire equipment.
Safe driving practices.
Advanced first aid, C.P.R. and other medical assistance techniques.

Ability to:

Analyze fire and emergency situations and adopt effective courses of action.
Maintain and test fire sprinkler systems and fire hydrants.
Operate and maintain voice radio equipment.
Safely remove victims from buildings and automobiles.
Shall pass all required oral, manipulative and written exams for Firefighter.

Experience and Training Guidelines

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

Experience and Training::

Successful completion to the City of Modesto Firefighter Trainee Program.

License or Certificate

Possession of an Emergency Medical Training (EMT) I certificate prior to completion of probation. Failure to obtain this certificate shall be grounds for release from Probation. Once the EMT I certification is obtained and probation is completed, recertification shall not be required.

Possession of, or ability to obtain, an appropriate, valid Advanced First Aid Certificate.

Possession of, or ability to obtain, an appropriate, valid C.P.R. Certificate.

Possession of, or ability to obtain, an appropriate, valid California Firefighter I Certificate is desirable.

DEFINITION

To perform difficult and complex technical work in the testing, installation, maintenance and repair of all pneumatic, electronic and electrical control systems relative to the water and wastewater treatment operations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

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

Install, maintain, repair and adjust computer system hardware, digital data multiplexing equipment used for indicating, telemetering, measuring and controlling flow, temperature, motion, force, and chemical composition.

Install, repair and maintain the supervisory and sensory control systems.

Repair, maintain and calibrate the level, pressure and flow telemetry.

Maintain a variety of electronic control instruments used to operate electrical mechanical equipment, record data, indicate equipment status and activate supervisory control.

Maintain and repair automatic control valves and associated control functions.

Modify and install a variety of supervisory controls including switches, relays and control loops.

Operate a variety of electronics testing equipment.

Maintain service records, identify sources and participate in development of specifications for requisitions for parts and electrical equipment.

Perform related duties as assigned.

QUALIFICATIONSKnowledge of:

Installation, repair and maintenance of supervisory, sensory control systems used in water treatment operations.

Principles of electronics as applied to telemetry.

Safe working practices and procedures.

Ability to:

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Pass an annual physical examination.

Operate electronics testing equipment.

Keep records and read electrical drawings.

Install, repair and maintain a variety of supervisory, sensory control systems relative to water treatment operations.

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 technical electronics experience in the maintenance, installation and repair of electronic sensory control systems.

Training:

Equivalent to an Associate of Arts degree from a two-year college with course work in electronic sensory systems diagnosis, maintenance, repair and testing.

License or Certificate

Possession of, or ability to obtain, an appropriate and valid California driver's license.

MAINTENANCE MECHANIC - PARKS

DEFINITION

To perform a variety of skilled maintenance work in parks, golf courses, and a variety of building facilities and structures.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Parks Construction Supervisor.

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

Install, maintain and repair sprinkler systems, repairing pipe, cleaning and repairing sprinkler heads, repairing leaking hand and hydraulic valves.

Inspect, repair and maintain park equipment including benches and playground equipment.

Repair screens, doors, sinks and toilets.

Paint buildings, picnic tables and a variety of other equipment.

Perform rough and finished carpentry work on City facilities.

Install pipes and plumbing fixtures; clear clogged drains.

Mix concrete; prepare forms and pour foundations.

Alter, repair, or construct articles and structures of wood, metal, concrete and other materials.

Install and repair wood, linoleum and tile flooring.

Design, build and install shelves, cabinets and lockers.

Construct, alter and install walls and partitions.

Perform maintenance on heating, air conditioning and ventilation systems.

Repair and install roofs and windows.

Install, test and repair backflow units.

Perform a variety of other building and recreation facility maintenance and repair tasks as required.

Complete forms, requisitions and work status reports.

May supervise helpers as assigned.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, materials, equipment and procedures used in park and golf course maintenance work.

Operation of a wide variety of general construction and maintenance equipment.

Tools, materials, equipment and procedures used in carpentry, painting, plumbing work, masonry, metal work and welding.

Safe work practices.

Ability to:

Repair, install and maintain buildings, play apparatus, and sprinkler systems.

Use hand and power equipment in performing carpentry, concrete, painting and plumbing work.

Perform heavy manual labor, including but not limited to, lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Perform safety checks on playground equipment.

Learn procedures for acquiring supplies.

Understand and carry out oral and written instructions.

Read basic blueprints.

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:

Two years of semi-skilled maintenance experience in one or more of the following: carpentry, concrete, masonry, metal work, welding, painting and/or plumbing work.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance, supplemented by specialized training in one or more trades areas.

License or Certificate

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

MAINTENANCE MECHANIC - PUMPS

DEFINITION

To perform a variety of skilled and semiskilled tasks in the maintenance, repair and service of sewer and storm drain lift stations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Public Works Supervisor I.

Exercises technical supervision over lower level maintenance staff.

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

Inspect, maintain, troubleshoot, repair and service machinery and equipment including pumps, valves, motors, engines, compressors and computerized, pneumatic and odor control systems.

Rebuild and overhaul pumps, pneumatic control systems and ventilation blower units.

Operate and maintain a variety of equipment and tools in the performance of maintenance tasks.

Fabricate parts and equipment including mounts, brackets and shields; operate welding and cutting equipment.

Perform preventive maintenance checks and servicing on equipment; develop maintenance schedules.

Pack, lubricate, clean and paint pumping equipment and motors.

Inspect and calibrate gauges and meters; inspect and test air quality analyzers.

Spray pesticides, herbicides and insecticides as required.

Coordinate activities with other departments and divisions; recommend improvements to design, installation and maintenance of lift stations.

Train maintenance staff in confined space entry procedures and lift station maintenance safety procedures.

Maintain inventory of supplies, parts and equipment used in lift station maintenance.

Perform plumbing, electrical and carpentry duties as required.

Keep detailed maintenance records.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, methods, materials, and tools employed in the repair and maintenance of pumps, motors and related equipment.

Basic plumbing and electrical principles.

Principles and practices of hydraulics related to pumps.

Practices and techniques of metal cutting and welding.

Preventive maintenance and inspection methods.

Appropriate safety practices and regulations.

Ability to:

Independently perform a variety of skilled and complex repair, maintenance, servicing, and cleaning tasks involving pumps, motors and computerized and pneumatic controls.

Read and interpret blueprints.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Troubleshoot and diagnose malfunctions with pumping capacities, pneumatic controls, computerized controls and determine effective course of action for correcting them.

Work in confined work spaces.

Understand and carry out oral and written directions.

Establish and maintain effective working relationships with those contacted in the course of work.

Experience and Training Guidelines

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

Experience:

One year of experience comparable to that of a Public Works Lines Worker.

Training:

Equivalent to the completion of the 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 a Grade I Mechanical Technologist Certification is desirable.

MAINTENANCE MECHANIC CREWLEADER - PARKS

DEFINITION

To serve as lead worker and participate in the work of a crew involved with a variety of skilled maintenance work in parks, golf courses, and a variety of building facilities and structures.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Parks Construction Supervisor.

Exercises functional and technical supervision over parks maintenance mechanic staff.

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

Lead, assign and participate in the work of a crew engaged in a wide variety of diverse small and light maintenance and repair projects.

Install, maintain and repair sprinkler systems, repairing pipe, cleaning and repairing sprinkler heads, repairing leaking hand and hydraulic valves.

Inspect, repair and maintain park equipment including benches and playground equipment.

Repair screens, doors, sinks and toilets.

Paint buildings, picnic tables and a variety of other equipment.

Perform rough and finished carpentry work on City facilities.

Install pipes and plumbing fixtures; clear clogged drains.

Mix concrete; prepare forms and pour foundations.

Alter, repair, or construct articles and structures of wood, metal, concrete and other materials.

Install and repair wood, linoleum and tile flooring.

Design, build and install shelves, cabinets and lockers.

Construct, alter and install walls and partitions.

Perform maintenance on heating, air conditioning and ventilation systems.

Repair and install roofs and windows.

Install, test and repair backflow units.

EXAMPLES OF DUTIES

Perform a variety of other building and recreation facility maintenance and repair tasks as required.

Complete forms, requisitions and work status reports.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, materials, equipment and procedures used in park and golf course maintenance work.

Operation of a wide variety of general construction and maintenance equipment.

Tools, materials, equipment and procedures used in carpentry, painting, plumbing work, masonry, metal work and welding.

City local geography.

Safe work practices.

Ability to:

Lead, assign and review the work of maintenance mechanic staff.

Repair, install and maintain buildings, play apparatus and sprinkler systems.

Use hand and power equipment in performing carpentry, concrete, painting and plumbing work.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, stooping, bending, etc.

Perform safety checks on playground equipment.

Learn procedures for acquiring supplies.

Understand and carry out oral and written instructions.

Read basic blueprints.

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 semi-skilled maintenance experience in one or more of the following: carpentry, concrete, masonry, metal work, welding, painting and/or plumbing work.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance, supplemented by specialized training in one or more trades areas.

License or Certificate

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

MAINTENANCE WORKER I
MAINTENANCE WORKER II

DEFINITION

To perform semi-skilled labor in the maintenance and repair of parks and park facilities, street trees, water distribution systems, sewer systems, parking lots, bus shelters, streets, traffic control markings, fire hydrants, or other public works.

DISTINGUISHING CHARACTERISTICS

Maintenance Worker I - This is the entry level class in the Maintenance Worker series. This class is distinguished from the Maintenance Worker II class 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.

Maintenance Worker II - This is the full journey level class within the Maintenance Worker series. Employees within this class are distinguished from the Maintenance Worker I by the performance of the full range of duties as assigned including the ability to work independently exercising judgment and initiative, and the ability to operate the full range of tools and mechanical equipment related to a specific assignment. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit. Level I/II positions assigned to the Parks & Recreation Department are subject to assignment to weekend work during the summer months, and may not be able to schedule vacation at that time.

SUPERVISION RECEIVED AND EXERCISED

Maintenance Worker I

Receives immediate supervision from higher level supervisory and management staff.

Maintenance Worker II

Receives general supervision from higher level supervisory and management staff.

Exercises functional and technical supervision over lower level maintenance staff.

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

Work as a part of a street maintenance crew; shovel and spread asphalt and asphalt base in patching, repairing and reconstructing streets.

Use concrete cutting and breaking equipment; operate a jackhammer; pour and assist in finishing concrete and masonry work; construct concrete forms and perform rough carpentry work.

Install street barricades and cones prior to the performance of street repair activities; direct and control traffic around work sites.

Clean and maintain City restrooms, pools, picnic areas, buildings and other public facilities.

Clean up debris from parking lots, walkways, ditches, alleys, streets and storm drains.

Trim, prune, plant and maintain City trees; work in a tree trimming crew; operate a chain saw, chipper, stump digger and root cutter.

Mow, edge, fertilize and maintain grass and turf; remove weeds, prune shrubs, maintain plants and flowers; operate a mower, edger, blower and tractor.

Maintain and repair public sprinkler systems.

Inspect and clear obstructions from storm drains; maintain and rebuild rock-wells.

Identify equipment needs for each assigned project.

Pick up and transport refuse to the appropriate dumping site.

Operate construction equipment such as dump trucks, rollers, front loaders, and power tools such as compressors, jack hammers, paint sprayers, sand-blasters, concrete saws.

Perform work in emergency situations as required.

Perform related duties as assigned.

QUALIFICATIONS

Maintenance Worker I

Knowledge of:

Uses and purposes of general construction tools and equipment.

Safe work practices.

Ability to:

Understand and follow oral and written directions.

Learn to perform unskilled and semi-skilled tasks in a variety of construction and maintenance activities.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Work in confined areas.

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:

No experience is required.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

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

Maintenance Worker II

In addition to the qualifications for Maintenance Worker I:

Knowledge of: (Depending upon assignment)

Methods, techniques and tools and the operational characteristics of mechanical equipment used in the construction and maintenance of asphalt and/or concrete facilities.

Methods, techniques and tools and the operational characteristics of mechanical equipment used in maintenance of buildings, park areas, trees and golf courses.

Ability to:

Perform semi-skilled maintenance, construction and repair work in the area of work assigned.

Operate a variety of vehicular and stationary mechanical equipment in a safe and effective manner in routine situations.

Work independently in the absence of supervision.

Use and operate hand tools, mechanical equipment, and power tools and equipment required for the work in a safe and efficient manner.

Read and interpret basic maps and blueprints.

Experience:

One (1) year of increasingly responsible experience performing field maintenance duties comparable to those performed by a Maintenance Worker I.

DEFINITION

To perform a variety of skilled work in the propagation of plants and trees in the City's nursery; to ensure proper operation and maintenance of nursery facilities; and to lead and participate in the work of a crew planting and maintaining street trees or trees on City property.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises functional and technical supervision over maintenance and nursery staff.

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

Develop and follow a schedule for the propagation and cultivation of plants, trees and shrubs in the nursery and arboretum.

Propagate and grow plants, flowers, trees and shrubs which will be transplanted to City parks and garden areas; prune, remove and thin existing trees, plants, flowers, and shrubs.

Plant new materials by soil texture, water needs, and growing characteristics; transplant and ensure the proper care of newly transplanted plants; fertilize greenery and control insects, fungi, and weeds as needed.

Maintain proper humidity and heat requirements in the nursery; maintain watering schedules for all plants.

Supervise and participate in the work of the crew engaged in the planting of trees in subdivisions and the replanting of trees in all areas where necessary during the planting season; train and oversee the work of staff in the nursery.

Perform required tree maintenance; make tree supporting stakes; spray and inject pesticides for the management of pests and disease; perform selective pruning of young trees to establish permanent branching structures.

Perform preventive maintenance on tools and equipment utilized in nursery operations and tree planting.

Operate and care for stump digger and root cutter.

Recommend purchase of needed supplies and materials.

Keep necessary records; prepare reports.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of botany, horticulture, pest and diseases control, chemicals and nutrients applications.

Methods and techniques of propagating, landscaping, gardening, cultivating and caring for new trees, plants, flowers, and shrubs.

Trees, plants, flowers, and shrubs appropriate for the area.

Planting practices, pruning techniques, and proper watering and humidity conditions for a nursery.

Tools and materials used in nursery operations.

Plant diseases, insect pests and approved methods and materials used in controlling them.

Tools, materials, equipment and procedures used in street tree maintenance work.

Operation of a variety of street tree maintenance equipment.

Tools, materials, and equipment used in pruning, pest and disease management, and tree planting.

Safe work practices.

Common and generic names, native habitats and growing conditions of a variety of plants.

Ability to:

Plan and carry out schedules for the propagation and cultivation of plants, flowers, trees and shrubs.

Ensure the proper operation and cultivating practices of a nursery.

Properly use tools and equipment required for nursery operation.

Train and oversee the work of other employees assigned to the nursery.

Repair, construct and maintain tree supporting stakes.

Use hand and power tools in performing the repairs and building of tree stakes, pesticides, and chemical injecting.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Meet the public and answer questions asked related to their work.

Ability to:

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:

Three years of experience in plant propagating and nurturing, preferably including one year of lead responsibility.

Training:

Equivalent to the completion of the twelfth grade, supplemented by specialized training in horticulture or a related field.

License or Certificate

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

PARKING LOT MAINTENANCE CREWLEADER

DEFINITION

To maintain the City parking lots, sprinkler systems, parking garage equipment, and bus shelter in a safe, clean and operational manner; and to act as lead worker to a crew involved in parking lot maintenance.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Parking and Traffic Superintendent.

Exercises direct supervision over assigned maintenance staff.

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

Plan, prioritize, assign, supervise and review the work of the crew involved in City parking lot, bus shelter, parking garage equipment and sprinkler system activities.

Inspect, clean, service and maintain parking lots, ticket dispensers, bus shelters, sprinkler systems, lighting systems and fire sprinkler systems.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Repair damage due to vandalism and accidents; supervise and participate in necessary maintenance including painting and operating parking lot sweeper.

Prune and replace vegetation and hedges.

Perform cement work and asphalt paving; replace edge of curb and patch pot holes.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of supervision, training and performance evaluation.

Principles and procedures of record keeping.

Procedures and equipment used in maintaining parking lots, sprinkler systems, and garages.

Basic gardening.

Knowledge of:

Concrete and asphalt.

Safe work practices.

Ability to:

Supervise, train and evaluate assigned staff.

Understand and follow oral and written instructions.

Perform necessary maintenance on parking lots, bus shelters, sprinkler equipment and equipment used.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Work in confined areas.

Operate necessary equipment.

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:

Equivalent to the completion of the twelfth grade. Additional specialized training in construction or a related field is desirable.

Training:

Two years of construction experience.

PARKING METER WORKER

DEFINITION

To perform a variety of semiskilled repair work in the maintenance of City parking meters ticket dispensers, traffic counters and associated equipment; to collect parking meter and ticket dispenser money; and to perform traffic counts.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Parking and Traffic Superintendent.

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

Participate in the maintenance and repair of parking meters, ticket dispensers, traffic counters and related equipment.

Set up traffic counter; count traffic as per master sheet and special projects.

Collect parking meter and ticket dispenser money; deposit in bank.

Run traffic counter tapes through tape counting machine; calculate total vehicles and hourly totals.

Order and maintain inventory of parts for parking meters, ticket dispensers and traffic counters.

Maintain service truck, office and shop area in clean condition.

Prepare daily activity report and time sheet.

Report and record any vandalism or damage to meters, ticket dispensers, and counters.

Maintain records related to meter repair and maintenance.

Use and operate hand and power tools.

Perform related duties as assigned.

QUALIFICATIONSKnowledge of:

Materials, methods, practices and equipment used in parking meter, ticket dispenser and traffic counters maintenance and repair activities.

Use of traffic counters.

Knowledge of:

Basic mathematical principles.

Safe work practices.

Basic mechanics and electronics.

Safe work practices.

Ability to:

Perform semi-skilled maintenance and repair on parking meters, ticket dispensers and traffic counters.

Operate necessary equipment.

Evaluate problems and correct.

Keep records and make reports.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Work in confined areas.

Make accurate arithmetic computations.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

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

Experience:

One year of responsible maintenance and repair experience.

Training:

Completion of formal or informal training at a level which provides the ability to read and write at a level required by the job.

License or Certificate

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

PARKS CREWLEADER

DEFINITION

To assist in supervising and participate in the City's landscape maintenance services within the Parks and Recreation Department.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Park Maintenance Supervisor I.

Exercises functional and technical supervision over assigned maintenance personnel.

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

Provide lead supervision to park maintenance staff involved in landscape maintenance activities.

Identify landscape areas needing repair and maintenance and take corrective action.

Lead and assist others in a variety of park maintenance, repair and reconstruction related work.

Maintain accurate records of work performed, materials used, and associated work.

Assist in maintaining time, material and equipment use records.

Requisition supplies and materials.

Assist in coordinating park maintenance services activities with other City departments, divisions, and sections and with outside agencies.

Perform a variety of duties in the maintenance and repair of the City's irrigation system; change and adjust heads; maintain controllers and assist in large irrigation system installation and maintenance projects.

Operate park maintenance equipment such as dump trucks, front loaders, and power tools such as mowers, edgers and blowers.

Respond to requests and inquiries from the general public.

Identify equipment needs for each assigned project.

Provide recommendations for performance evaluations of assigned staff.

Utilize proper safety precautions related to all work performed.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, practices and equipment used in park maintenance services and activities.

Landscape construction techniques.

Principles of supervision and training.

Safe work practices.

Ability to:

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Assist in supervising park maintenance services and activities.

Perform a full range of park maintenance work.

Work independently in the absence of supervision.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Estimate necessary materials and supplies with a reasonable degree of accuracy.

Understand and follow oral and written instructions.

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 park maintenance and construction experience.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

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

PLANT MECHANIC

DEFINITION

To perform major and minor maintenance repair of wastewater treatment plant or secondary treatment plant engines, pumps, and related equipment; to check, maintain and repair equipment in lift stations; and to oversee and participate in the work of a crew engaged in plant repair and maintenance.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the plant mechanic supervisor.

Exercises functional and technical supervision over technical and maintenance staff.

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

Lead, assign work to, and participate in the work of a crew that performs major and minor repair work and overhauls on treatment plant engines, pumps, and lift stations; tune engines, set valve clearance, clean and adjust regulators, clean and inspect magnetic points, clean and adjust engine timing, and check gas and other controls and devices.

Check pumping station on a regular basis; perform routine maintenance and other work as necessary; maintain and repair pumps, replace bearings, valves, seals and sleeves, and repack pumps.

Repair and replace chains and sprockets; check and maintain meters and controllers.

Build pump mounts, brackets; weld, drill, mill, and tape as necessary.

Replace electrical motors and lay conduits.

Perform regularly scheduled preventive maintenance work on plant and pumping station equipment; maintain comprehensive logs of all maintenance work done on equipment.

Perform a variety of shop work incidental to assigned maintenance activity; paint equipment; maintain an adequate inventory of supplies necessary for maintenance work; keep work area in a clean and orderly condition.

Operate a crane for removing pumps, machinery and equipment for overhaul and repair.

Operate, maintain, and repair equipment including crane, tractor with front loader, disc, mower, spray rig, scraper, dump truck, generator, compressor, chain saw, jack hammer, arc welder, and various power tools.

Operate, maintain and diagnose the City's methane recovery system, including the transmission line, according to applicable codes.

EXAMPLES OF DUTIES

Maintain and repair equipment used for disinfection of wastewater using gas chlorine; connect and disconnect cylinders; maintain and use self contained breathing apparatus.

Test, repair, maintain and calibrate disinfection and dechlorination equipment including chlorinators, sulfonators, valves, piping, residual analyzer, amperometric titrators, pumps, motors and evaporators.

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for plant maintenance; implement policies and procedures.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

Provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Spray and oversee spraying of pesticides, herbicides, and insecticides.

Repair and maintain floating motors; operate boat in wastewater channels and ponds.

Train and update employees on technical, maintenance and safety procedures at the plant.

When required, participate in all phases of reclamation plant activities and operations.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and techniques of repairing and maintaining wastewater treatment plant engines, pumps, and other equipment.

Operation of internal combustion engines and electrical pump motors.

Basic electrical knowledge involved in working on pumps, motors, and other equipment.

Equipment, tools, and materials used in maintaining and repairing wastewater treatment plant and related equipment.

Knowledge of:

Principles of training and supervision.

Basic methods used in carpentry, painting, plumbing and electrical work.

Safe work practices and procedures.

Ability to:

Use and maintain self-contained breathing apparatus (safety mask), per annual physical examination.

Lead, assign work to and participate in the work of a crew assigned to perform plant repair and maintenance.

Perform skilled mechanical repair work on wastewater treatment plant engines, pumps, and other equipment.

Diagnose malfunctions and determine effective course of action for correcting them.

Perform a variety of semiskilled work in electrical, plumbing and heating areas.

Provide training to less experienced staff.

Maintain work records and prepare reports.

Order supplies and materials necessary for repair work.

Perform heavy manual labor, such as lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Work in confined areas.

Understand and carry out oral and written reports.

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 responsible experience in the operation and maintenance of pumps, compressors, engines, and related equipment.

Training:

Equivalent to the completion of the twelfth grade.

License or Certificate

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

Possession of a valid Grade II Mechanical Technologist Certificate issued by the California Water Pollution Control Association is desirable.

DEFINITION

To perform law enforcement and crime prevention work; to control traffic flow and enforce State and local municipal codes, violations and traffic regulations; to perform investigative work; to participate in and provide support and assistance to special crime prevention and enforcement programs; and to perform a variety of technical and administrative tasks in support of the department.

DISTINGUISHING CHARACTERISTICS

Police Officer Trainee - This is the entry level class in the Police Officer series. This class is distinguished from the Police Officer 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.

Police Officer - This is the full journey level class within the Police Officer series. Employees within this class are distinguished from the Police Officer Trainee by the performance of the full range of duties as assigned including the full range of law enforcement work. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises technical supervision over nonsworn personnel.

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

Patrol a designated area of the City to preserve law and order, discover and prevent the commission of crimes, and enforce traffic and other laws and ordinances; assist stranded motorists.

Answer calls and complaints involving automobile accidents, robberies, and related misdemeanors and felonies; render first aid as required.

Respond to general public service calls including animal complaints, domestic disturbances, civil complaints, property control, and related incidents.

Collect, process, photograph and present evidence using scientific techniques including fingerprints, fibers, blood, and related physical evidence.

Check buildings for physical security.

EXAMPLES OF DUTIES

Serve as Field Training Officer as assigned; train new officers on departmental policies, procedures and activities.

Enforce traffic laws and ordinances; check speed with radar; issue warnings and citations.

Direct traffic at fire, special events, and other emergency or congested situations.

Conduct investigations of serious injury and fatality traffic accidents.

Conduct traffic accident analyses and general traffic surveys.

Conduct a variety of criminal investigations involving crimes against persons and property, auto theft, white collar crime, and narcotics; gather evidence and prepare cases for prosecution.

Identify suspects; conduct interviews and interrogations; apprehend and arrest offenders.

Teach bicycle safety in accordance with State agencies.

Contact and interview victims and witnesses; preserve and investigate crime scenes.

Conduct covert, undercover investigations as assigned.

Contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses.

Maintain contact with citizens regarding potential law enforcement problems and preserve good relationships with the general public; take an active role in areas of public education relative to crime and crime prevention.

Assist in the performance of special investigative and crime prevention duties as required.

Prepare reports on arrests made, activities performed and unusual incidents observed.

Make arrests as necessary; interview victims, complainants and witnesses; interrogate suspects; administer polygraph tests; gather and preserve evidence; testify and present evidence in court.

Serve warrants within the department and with outside agencies; remain current on laws and procedures required for processing warrants.

Serve as Assistant Squad Leader performing the duties of a Police Sergeant as assigned; act as Watch Commander; review and approve the reports of other Police Officers.



EXAMPLES OF DUTIES

Perform a wide variety of laboratory tests and procedures including those related to narcotics testing; act as Department photographer; testify in court as an expert witness.

Serve as Department Training Manager; review and assess training needs and available programs; oversee and coordinate the attendance of Departmental staff at training programs and seminars; research policies and procedures related to training activities.

Serve as Crime Prevention Officer; oversee and coordinate crime prevention activities; make presentations to local citizens and community groups.

Serve as Intelligence Officer or Gang Officer; gather crime related intelligence information and conduct background investigations; coordinate information and activities with outside agencies and jurisdictions.

Investigate juvenile related crimes including child abuse and juvenile narcotics; coordinate youth services with outside agencies and organizations including local school districts; conduct community presentations and instruct assigned classes.

Participate in recruiting sworn staff; conduct background investigations; interview potential job candidates and references; administer voice stress analysis tests.

Give oral presentations at schools, clubs and other community organizations.

Act as Department court liaison.

Perform related duties as assigned.

QUALIFICATIONS

Police Officer Trainee

Ability to:

Learn proper Police procedures and methods.

Analyze situations quickly and objectively, and determine and take emergency and/or appropriate action.

Understand and carry out oral and written instructions.

Communicate effectively, both orally and in writing.

Learn the operation of standard equipment and facilities required in the performance of assigned tasks including a computer.

Ability to:

Learn standard broadcasting procedures of a police radio system including mobile dispatch terminals.

Meet the physical requirements established by the Department.

Prepare accurate and grammatically correct written reports.

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:

None required.

Training:

Equivalent to the completion of the twelfth grade. An Associate of Arts degree is desirable.

License or Certificate

Possession of an appropriate, valid California driver's license.

Police Officer

In addition to the qualifications for Police Officer Trainee

Knowledge of:

Police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques.

Criminal law and criminal procedure with particular reference to the apprehension, arrest and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the seizure and preservation of evidence.

Offensive and defensive weapons nomenclature and theory.

Self defense tactics.

First aid and CPR procedures and practices.

Interviewing and interrogation techniques.

Ability to:

Use and care for firearms.

Use maps and learn City geography.

Handle multiple assignments.

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:

None required.

Training:

Equivalent to the completion of the twelfth grade. An Associate of Arts degree is desirable.

Completion of a California P.O.S.T. certified Basic Law Enforcement Academy.

License or Certificate

Possession of an appropriate, valid California driver's license.

SENIOR WASTEWATER TREATMENT PLANT OPERATOR

DEFINITION

To operate, monitor and otherwise maintain the facilities of a wastewater treatment plant to ensure effective treatment of domestic and industrial wastewater; and to maintain discharge quality in accordance with State and Federal requirements.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Wastewater Treatment Plant Operator Supervisor.

Exercises technical supervision over plant operators and attendants.

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

Monitor the operation of wastewater treatment plant pumps, motors, and other equipment; read gauges, dials and other instruments that record data; maintain and update accurate logs of plant operations.

Make calculations to determine if plant is operating correctly and effectively; make necessary adjustments to maintain chemical balances and flow requirements; adjust treatment plant equipment to obtain maximum efficiency and treatment results.

Service and otherwise maintain a variety of plant equipment including pumps, valves, motors, filters, meter, and related plant equipment.

Collect various water and sewage samples for laboratory tests; on occasion may perform some of the more routine laboratory analyses.

Inspect wastewater treatment plant equipment and facilities to locate needed repairs to various plant equipment; perform general plant maintenance work.

Inspect and maintain wastewater collection facilities; report all suspected problems; prepare maintenance requests.

Prepare daily treatment plant log sheets; identify equipment status and lab sampling schedules; submit daily log sheets for evaluation by City, State, and monitory agencies.

Conduct tours of the treatment plant to visitors, civic organizations and other interested parties.

May assign work and provide training to other wastewater treatment plant staff.

Monitor pump lift station and water computer for alarms; notify response team to correct problem; operate two-way radio to coordinate with lift stations.

May be required to work irregular shifts.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of wastewater treatment plant operations.

Operating principles of valves, pumps, and motors.

Principles and methods of bacteriological and chemical sewage analyses.

Wastewater discharge requirements.

Grit disposal unit.

Safe work practices.

Ability to:

Use and maintain self-contained breathing apparatus (safety mask) per annual physical examination.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Operate, repair, and maintain wastewater treatment plant equipment.

Read and interpret gauges and other recording devices reflecting wastewater treatment plant operations.

Take wastewater and sludge samples and perform some routine laboratory tests.

Diagnose operating problems and take effective courses of action.

Make independent technical decisions to maintain proper treatment process.

Keep records and maintain reports.

Understand and carry out oral and written instructions.

Train and supervise assigned staff.

Work irregular work shifts.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

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

Experience:

Two years experience in wastewater treatment plant operations.

Training:

Equivalent to the completion of the twelfth grade.

License or Certificate

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

Possession of a valid Grade I certificate from the California State Water Resources Control Board.

After no later than one year from date of appointment, possession of a valid Grade II certificate from the California State Water Resources Control Board, as issued through procedures established by the Board.

STREET TREES CREWLEADER

DEFINITION

To assist in supervising and participate in the City's street tree maintenance services within the Parks and Recreation Department.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a Park Maintenance Supervisor I.

Exercises functional and technical supervision over assigned maintenance personnel.

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

Provide lead supervision to street tree maintenance maintenance staff involved in tree maintenance and trimming activities.

Trim and prune trees to provide clearance of streets, sidewalks, buildings, signs and lights as well as to ensure the continued health of the tree.

Perform ground trimming using pole saws and hydraulic loppers.

Remove standing and fallen trees, stumps, limbs and related debris.

Plant, stake and maintain trees on City owned property and in the public right-of-way.

Operate tree trimming and maintenance equipment such as chippers, stump grinders, dump trucks, and power tools such as chain saws and hydraulic loppers.

Apply pesticides to trees by spray or injection.

Respond to requests and inquiries from the general public.

Identify equipment needs for each assigned project.

Utilize proper safety precautions related to all work performed.

Maintain accurate records of work performed, materials used, and associated costs.

Assist in coordinating tree maintenance services activities with other City departments, divisions, and sections and with outside agencies.

May operate an aerial boom truck in performance of tree trimming activities.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, practices and equipment used in tree trimming and maintenance services and activities.

Operational, maintenance and repair characteristics of tree maintenance and trimming.

Principles of supervision and training.

Safe work practices.

Ability to:

Assist in supervising tree maintenance and trimming services and activities.

Perform a full range of tree maintenance and trimming work.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing bending, stooping, etc.

Work independently in the absence of supervision.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Estimate necessary materials and supplies with a reasonable degree of accuracy.

Understand and follow oral and written instructions.

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 tree maintenance and trimming.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

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

TRAFFIC PAINTER

DEFINITION

To perform semiskilled and skilled work involved with pavement marking and related traffic painting; to operate moderately heavy paint trucks, pavement marking and related equipment; and to perform heavy manual labor related to pavement marking and traffic painting.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Traffic Painter Crewleader.

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

Participate in the work of a crew involved in the installation of paints and maintenance of traffic control pavement markings working in and around major thoroughfares, city streets, parking lots, and cross walks.

Paint traffic control markings such as crosswalks, lane stripes and parking zones on City streets and curbs; install raised pavement markers on City streets.

Operate equipment related to the assigned duties including strippers, spray guns, sand blasters and air compressors.

Complete forms and work status reports.

Operate and perform routine maintenance on sprayers, compressors, stripping machines and other equipment.

Clean and maintain traffic islands; report needed repairs to supervisor.

Direct and control traffic around work sites as required.

May assist in the training of new employees.

May work irregular shifts as required.

Perform related work as assigned.

QUALIFICATIONS

Knowledge of:

Methods, materials, practices and equipment used in installing, painting and maintenance of traffic control markings.

Laws, ordinances and codes as they pertain to the painting and marking of traffic control markings.

Knowledge of:

Tools, materials and equipment used in general maintenance work.

Local geography of the City.

Safe work practices and procedures.

Ability to:

Participate in the work of a crew engaged in pavement marking activities.

Operate assigned equipment with skill and safety in the vicinity of automobile and truck traffic conditions.

Perform centerline marking, striping, and other pavement marking operations.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Read and interpret work plans and blueprints.

Wear a respirator while painting.

Perform a full range of traffic painting and maintenance work.

Work safely around traffic.

Work independently in the absence of supervision.

Work with toxic substances.

Understand and follow oral and written instructions.

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 maintenance or construction experience.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

TRAFFIC PAINTER CREWLEADER

DEFINITION

To assist in supervising and participate in the work of a crew involved with painting and maintaining of traffic control markings.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Parking and Traffic Superintendent.

Exercises functional and technical supervision over assigned maintenance personnel.

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

Participate in the work of and lead a crew involved in the installation of paints and maintenance of traffic control pavement markings working in and around major thoroughfares, city streets, parking lots, and cross walks.

Paint traffic control markings such as crosswalks, lane stripes and parking zones on City streets and curbs; install raised pavement markers on City streets; direct and control traffic around immediate work area.

Operate equipment related to the assigned duties including strippers, spray guns, sand blasters and air compressors.

Lead and assist others in a variety of painting and related work.

Maintain accurate records of work performed, materials used, and associated work.

Operate and perform routine maintenance on sprayers, compressors, stripping machines and other equipment.

Clean and maintain traffic islands.

Patrol and inspect City streets to determine needs for new pavement markings and maintenance of existing pavement markings.

Participate in the selection of staff; provide or coordinate staff

Assist in maintaining time, material and equipment use records.

Determine equipment and material needs; requisition supplies and materials.

Supervise and train assigned staff.

May require irregular shifts as required.

Prepare and submit time, equipment and progress reports.

EXAMPLES OF DUTIES

Assist in coordinating traffic painting services activities with other City departments, divisions, and sections and with outside agencies.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, materials, practices and equipment used in installing, painting and maintenance of traffic control markings.

Laws, ordinances and codes as they pertain to the painting and marking of traffic control markings.

Tools, materials and equipment used in general maintenance work.

Methods and techniques used in estimating time and materials for assigned projects.

Local geography of the City.

Principles of supervision and training.

Safe work practices.

Ability to:

Lead, assign work to and participate in the work of a crew engaged in pavement marking activities.

Operate assigned equipment with skill and safety in the vicinity of automobile and truck traffic conditions.

Perform centerline marking, striping, and other pavement marking operations.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Direct traffic and control around work sites.

Read and interpret work plans and blueprints.

Wear a respirator while painting.

Work with toxic substances.

Keep records and prepare reports.

Perform a full range of traffic painting and maintenance work.

Ability to:

Work independently in the absence of supervision.

Estimate necessary materials and supplies with a reasonable degree of accuracy.

Understand and follow oral and written instructions.

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 traffic painting experience.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

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

TRAFFIC SIGN WORKER

DEFINITION

To provide public safety by installing and maintaining traffic signs including stop, yield and school crossing signs; and to look for and correct possible traffic safety hazards.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Parking and Traffic Superintendent.

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

Install and maintain all regulating, warning, and guide signs in the City including stop, yield, school crossing, street names, Neighborhood Crime Watch, Rapid Transit System, and City parking lot signs.

Purchase, install and maintain street name signs; prepare and install sign posts in new subdivisions.

Purchase needed tools, special signs and street name signs; submit purchase order forms and receipts to finance department and supervisor.

Keep daily records of job performance for work done.

Survey area of responsibility daily for sign damage; repair or replace when needed to ensure public safety; inspect traffic signs at night to ensure visibility.

Conduct sign inventory; prepare outdated signs for refacing or sale.

Install and maintain bike route and bike lane.

Cut galvanized pipe for new installations and removals.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Traffic Safety.

Procedures for mixing concrete.

Procedures used in plumbing.

Knowledge of:

Blueprints and diagrams.

City streets.

Principles and procedures of record keeping.

Basic report preparation.

Ability to:

Respond to requests and inquiries from the general public.

Work independently in the absence of supervision.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Understand and follow oral and written instructions.

Work in confined areas.

Operate welding equipment.

Read diagrams and blue prints.

Operate drills and drill press.

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:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

Training:

One year of construction experience is desirable.

License or Certificate

Possession of, or ability to obtain, an appropriate and valid California driver's license.

TREE TRIMMER

DEFINITION

To perform skilled work in the trimming, maintenance, and planting of City trees within the Parks and Recreation Department.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a higher level supervisory and management staff.

Exercises functional and technical supervision over lower level maintenance staff.

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

Using an aerial lift, trim and prune trees to provide clearance of streets, sidewalks, buildings, signs and lights as well as to ensure the continued health of the tree.

Perform ground trimming using pole saws and hydraulic loppers.

Remove standing and fallen trees, stumps, limbs and related debris.

Plant, stake and maintain trees on City owned property and in the public right-of-way.

Operate tree trimming and maintenance equipment such as aerial boom trucks, chippers, stump grinders, dump trucks, and power tools such as chain saws and hydraulic loppers.

Spray and inject pesticides; bolt and cable tree limbs.

Respond to requests and inquiries from the general public.

Identify equipment needs for each assigned project.

Utilize proper safety precautions related to all work performed.

May supervise a work crew.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods and techniques used in the tree trimming and maintenance.

Knowledge of:

Uses and purposes of tools and equipment related to tree trimming and maintenance.

Uses and purposes of knots and ropes.

Safe work practices.

Ability to:

Perform skilled tree trimming and maintenance work.

Operate a variety of vehicular and stationary mechanical equipment in a safe and effective manner in routine situations.

Work independently in the absence of supervision.

Use and operate hand tools, mechanical equipment, and power tools and equipment required for the work in a safe and efficient manner.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

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 performing tree trimming and maintenance duties.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

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

TREE TRIMMER CREWLEADER

DEFINITION

To assist in supervising and to participate in skilled work in the trimming, maintenance, and planting of City trees within the Parks and Recreation Department.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a higher level supervisory and management staff.

Exercises functional and technical supervision over assigned maintenance personnel.

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

Provide lead supervision to tree maintenance staff involved in tree trimming activities; assign work activities; train maintenance staff.

Using an aerial lift, trim and prune trees to provide clearance of streets, sidewalks, buildings, signs and lights as well as to ensure the continued health of the tree.

Perform ground trimming using pole saws and hydraulic loppers.

Remove standing and fallen trees, stumps, limbs and related debris.

Plant, stake and maintain trees on City owned property and in the public right-of-way.

Operate tree trimming and maintenance equipment such as aerial boom trucks, chippers, stump grinders, dump trucks, and power tools such as chain saws and hydraulic loppers.

Spray and inject pesticides; bolt and cable tree limbs.

Respond to requests and inquiries from the general public.

Identify equipment needs for each assigned project.

Utilize proper safety precautions related to all work performed.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Methods and techniques used in the tree trimming and maintenance.
- Uses and purposes of tools and equipment related to tree trimming and maintenance.
- Uses and purposes of knots and ropes.
- Principles of supervision and training
- Safe work practices.

Ability to:

- Lead and train tree maintenance personnel.
- Perform skilled tree trimming and maintenance work.
- Operate a variety of vehicular and stationary mechanical equipment in a safe and effective manner.
- Work independently in the absence of supervision.
- Use and operate hand tools, mechanical equipment, and power tools and equipment required for the work in a safe and efficient manner.
- Establish and maintain cooperative working relationships with those contacted in the course of work.
- Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc. ✓

Experience and Training Guidelines

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

Experience:

Three years of increasingly responsible experience performing tree trimming and maintenance duties.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

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

WASTEWATER TREATMENT PLANT ATTENDANT
WASTEWATER TREATMENT PLANT OPERATOR

DEFINITION

To learn the operation, maintenance and repair function of the Water Quality Control Division; to perform a variety of maintenance services on an assigned shift.

DISTINGUISHING CHARACTERISTICS

Wastewater Treatment Plant Attendant - This is the entry level class in the Wastewater Treatment Plant Operator series. This class is distinguished from the Wastewater Treatment Plant Operator 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.

Wastewater Treatment Plant Operator - This is the full journey level class within the Wastewater Treatment Plant Operator series. Employees within this class are distinguished from the Wastewater Treatment Plant Attendant by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Wastewater Treatment Plant Attendant

Receives immediate supervision from higher level staff.

Wastewater Treatment Plant Operator

Receives general supervision from higher level staff.

May exercise technical supervision over Wastewater Treatment Plant Attendant.

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

Assist in the monitoring of the operation of wastewater treatment plant pumps, motors, and other equipment; read gauges, dials and other instruments that record data; maintain and update accurate logs of plant operations.

Service and otherwise maintain a variety of plant equipment including pumps, valves, motors, filters, meter, and related plant equipment; grease, lubricate, pack, and change belts on engines and pumps.

Paint plant equipment and building; hose down and clean various areas of the plant; maintain plant grounds; mow grass and weeds.

EXAMPLES OF DUTIES

- Serve as relief operator of the treatment plant as required to insure continued operation.
- Load and unload chlorine cylinders; hook up and test; repair cylinder if necessary.
- Check equipment such as generators, chlorinators, air and gas circulators, screens, and grinders for proper operation.
- Change chlorine tanks; clean plugged lines.
- Maintain and repair sprinkler systems.
- Keep records on maintenance performed.
- Load and unload equipment and material; use forklift if necessary.
- Remove sludge from drying beds; dispose of properly.
- Dig ditches for laying conduit, pipe, airlines; assist in the plumbing and pipe fitting.
- Assist in the general operation of a plant's facilities; learn how to make necessary operating changes and adjustments; learn all phases of plant operations.
- Participate in carpentry and cement work.
- Take weather station readings; record information.
- May provide training to other wastewater treatment plant staff.
- May collect various water and sewage samples for laboratory tests; may perform laboratory analyses.
- Use and maintain self-contained breathing apparatus as required.
- Perform related duties as assigned.

QUALIFICATIONS

Wastewater Treatment Plant Attendant

Knowledge of:

Principles, methods and tools employed in the general operation and maintenance of engines, pumps and related equipment.

Knowledge of:

General maintenance work.

Safe work practices.

Ability to:

Perform general maintenance and servicing work in the City's wastewater treatment plant facilities.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Understand and carry out oral and written directions.

Learn principles and practices of wastewater treatment plant operations.

Learn to operate, repair, and maintain wastewater treatment plant equipment.

Use and maintain self-contained breathing apparatus (safety mask), per annual physical examination.

Learn to read and interpret gauges and other recording devices reflecting wastewater treatment plant operations.

Learn to take wastewater and sludge samples and perform some routine laboratory tests.

Keep records and maintain reports.

Work irregular work shifts.

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:

Any combination of education and experience equivalent to achievement of the knowledge and abilities listed.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

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

License or Certificate

An Operator-in-Training certificate from the California State Water Resources Control Board, as issued through procedures established by the Board, must be obtained upon appointment. In addition, a Grade I certificate from the Board must be obtained no later than two years from the date of appointment.

Wastewater Treatment Plant Operator

In addition to the qualifications for Wastewater Treatment Plant Attendant:

Knowledge of:

Principles and practices of wastewater treatment plant operations.

Operating principles of valves, pumps, and motors.

Wastewater discharge requirements.

Ability to:

Operate, repair, and maintain wastewater treatment plant equipment.

Use and maintain self-contained breathing apparatus.

Read and interpret gauges and other recording devices reflecting wastewater treatment plant operations.

Take wastewater and sludge samples and perform some routine laboratory tests.

Learn to diagnose operating problems and take effective courses of action.

Learn to train assigned staff.

Experience and Training Guidelines

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

Experience:

One year of experience in wastewater treatment plant operations.

License or Certificate

Possession of a valid Grade I certificate from the California State Water Resources Control Board.

Possession of a valid Grade II certificate from the California State Water Resources Control Board within 2-1/2 years of appointment.

WATER LINEWORKER

DEFINITION

To perform skilled and semi-skilled labor in the construction, maintenance, and repair activities related to the City's water system; and to perform semi-skilled and skilled maintenance tasks.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

May exercise technical and functional supervision over lower level staff.

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

Install, repair, and replace water lines, laterals, meters, fire hydrants, valves, vaults, and boxes; exercise valves according to prescribed schedules.

Respond to emergencies including flooding, line breaks, and overflows; repair and restore system as required.

Perform minor repairs on equipment and report need for major repairs; check and adjust fluid levels; grease and lubricate moving parts as required.

Construct and set wood frames; pour and finish concrete.

Remove and apply paint to water facilities and equipment.

Operate construction equipment such as dump trucks and front end loaders, and power tools such as compressors, jack hammers, sand blasters and concrete saws.

Install street barricades and cones prior to the performance of construction and repair activities; direct and control traffic around work sites.

Respond to requests and inquiries from customers of the water utility and from the general public.

Identify equipment needs for each assigned project.

Utilize proper safety precautions related to all work performed.

Perform work in emergency situations as required.

Perform on-call duties as required.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, techniques and tools, and the operational characteristics of mechanical equipment used in the construction and maintenance of water utility facilities.

Safe work practices.

Ability to:

Perform skilled and semi-skilled maintenance, construction, and repair work in the area of work assigned.

Operate a variety of vehicular and stationary mechanical equipment in a safe and effective manner in routine situations.

Handle contaminated materials and equipment.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Understand and follow oral and written instructions.

Work in confined areas.

Work in deep trenches and follow trenching and shoring safety standards.

Use and operate hand tools, mechanical equipment, power tools, and other equipment required for the work in a safe and efficient manner.

Read and interpret basic maps and blueprints.

Establish and maintain cooperative relationships with those contacted during the course of work.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-834

A RESOLUTION AMENDING EXHIBITS "A" AND "G" OF RESOLUTION NO. 88-490 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE."

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 88-490. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-490, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective July 5, 1988", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds the classification of Assistant to the Events Coordinator, Range 115.

SECTION 2. AMENDMENT TO RESOLUTION NO. 88-490. Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-490, 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 5, 1988", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adds the classification of Events Supervisor, Range 427.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 1, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective July 5, 1988

RANGE	TITLE
103	Administrative Clerk I Printing Services Op 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 July 5, 1988

RANGE	TITLE
115	Accounting Technician Planning Technician I Police Administrative Technician Wastewater Treatment Plant Att. 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 Opr. Civil Engineering Technician I Building Maintenance Mechanic
120	Welder/Fabricator Senior Equipment Operator Fire Prevention Technician II Equipment Mechanic Assistant Electrician Traffic Painter Crewleader Accountant I Assistant Lab Technician

EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective July 5, 1988

RANGE	TITLE
121	
122	Coach Mechanic Fire Equipment Mechanic Nursery Propagator Tree Trimmer Crewleader Housing Program Specialist Programmer Analyst I
123	Sr. Wastewtr Trtmnt Plt Opr Maint. Mech. Crewleader-Pumps Civil Engineering Technician II Maint. Mech. Crewleader-Parks
124	Plant Mechanic Laboratory Technician Equipment Mechanic Crewleader Planning Assistant Equipment Crewleader
125	Crime Analyst
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector Senior Fire Equipment Mechanic
127	Civil Engineering Assistant
128	Instrument Repair Technician Programmer Analyst II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II

EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective July 5, 1988

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 July 5, 1988

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

102588

1359/WPPER

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

Effective July 5, 1988

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

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

Effective July 5, 1988

RANGE	TITLE
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Assistant Civil Engineer Senior Accountant Budget Analyst
433	
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supv. Engineering Systems Manager Supv. Housing Rehab. Specialist Public Works Supervisor II Building Maintenance Supervisor Secondary Treatment Site Supv. Parks Maintenance Supervisor II Events Coordinator Golf Course Supervisor 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
436	Senior Planner Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt Chief Electrician Associate Civil Engineer Transportation Planner
439	Deputy City Attorney II

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

Effective July 5, 1988

RANGE	TITLE
440	Housing Program Officer Principal Accountant Purchasing Officer
441	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 Sr. Deputy City Attorney II
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir.
448	
449	
450	Asst. Utility Services Director
451	Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 88-835

A RESOLUTION APPROVING THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR ASSISTANCE IN PROVIDING BONDING OF MINORITY CONTRACTORS FOR THE HOUSING AUTHORITY OF STANISLAUS COUNTY MODERNIZATION PROJECTS.

WHEREAS, at its meeting on May 3, 1988, the City Council approved the 1988-89 Community Development Block Grant Application and Final Statement of Community Development Objectives, and

WHEREAS, this Council has approved in principle funding for modernization at the Housing Authority apartments in Modesto, in coordination with other Federal funds, and

WHEREAS, Federal regulations governing Housing Authority projects require a minimum of twenty (20%) percent of the contracted work be done by Minority, Women-owned and Disadvantaged Business Enterprises (MBE/WBE/DBE), and bid and performance bonding, and

WHEREAS, MBE/WBE/DBE contractors often have difficulty securing bonds and are therefore unable to bid on contracts, and

WHEREAS, The City of Modesto has determined that special efforts be made to enable MBE/WBE/DBE contractors to bid on City-funded construction projects, and

WHEREAS, The Citizens Housing and Community Development Committee, at its meeting on October 21, 1988, voted to recommend approval of this proposal to the City Council.

NOW, THEREFORE, BE IT RESOLVED that this Council does hereby approve the use of Community Development Block Grant funds to be used to assist eligible MBE/WBE/DBE contractors to secure bonding to bid on and accept a contract to do modernization work at the Housing Authority of Stanislaus County projects in Modesto being co-funded with City Community Development Block Grant funds.

BE IT FURTHER RESOLVED that the City Council does hereby authorize the Housing Program Office, in coordination with the City Attorney and the Finance Department, to draft proposed guidelines regulating bonding assistance to MBE/WBE/DBE contractors and present this proposal back to this Council for adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-836

A RESOLUTION APPROVING THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR ASSISTANCE IN PROVIDING BONDING FOR THE WESTSIDE ECONOMIC AND MINORITY ALLIANCE TO MOVE A BUILDING ONTO THEIR LOT ON FIFTH AND K STREETS.

WHEREAS, at its meeting on May 3, 1988, the City Council approved the 1988-89 Community Development Block Grant Application and Final Statement of Community Development Objectives, and

WHEREAS, this Council has approved in principle funding a matching loan to the Westside Economic and Minority Alliance to establish a daycare center, and

WHEREAS, the Westside Economic and Minority Alliance has obtained the gift of a building to be used as a daycare and offices and which must be moved onto a new site, and

WHEREAS, City regulations governing moving of buildings requires that the property owner post a bond for moving the building and installing a foundation and utilities on the new location, and a clean-up bond for the former site of the building, and

WHEREAS, the Westside Economic and Minority Alliance has purchased a property at Fifth and K Streets, Modesto, and requested City assistance in providing these bonds, and

WHEREAS, the Citizens Housing and Community Development Committee, at its meeting on October 21, 1988, voted to recommend approval of this request to the City Council.

NOW, THEREFORE, BE IT RESOLVED that this Council does hereby approve the use of Community Development Block Grant funds to be used to assist the Westside Economic and Minority Alliance to secure bonding to move their building onto their lot at Fifth and K Streets, Modesto, and to clean up the former site.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1 day of November 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-837

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SEIDLER-FITZGERALD AS FINANCIAL ADVISOR FOR THE ANTICIPATED DRY CREEK GOLF COURSE FINANCING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Seidler-Fitzgerald to assist in putting together a financing package that will be presented to an underwriter to obtain the best possible terms in accordance with market conditions and to insure that the Dry Creek Golf Course project can be successfully completed financially be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 November, 1988, by Councilmember Sutton who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-838

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
JONES, HALL, HILL AND WHITE TO ACT AS BOND COUNSEL FOR THE ANTICIPATED DRY
CREEK GOLF COURSE**

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Jones, Hall, Hill
and White to act as Bond Counsel for the anticipated Dry Creek 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 1st day of
November, 1988, by Councilmember Sutton,
who moved its adoption, which motion being duly seconded by Council-
member McGrath, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-839

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

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 loader/
forklift as requested by the Parks and Recreation Trees Division
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on December 6, 1988, at 3:00 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 8th day of November, 1988,
by Councilmember Lang, who moved its adoption, which motion
being duly seconded by Councilmember Sutton, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-840

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE ANIMAL CONTROL TRUCK

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 animal control truck requested by the Service Division copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 6, 1988, at 3:10 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-841

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE MINI VAN

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 mini van requested 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 December 20, 1988, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-842

A RESOLUTION ACCEPTING THE MCHENRY AVENUE WATER STRENGTHENING FROM STANDIFORD AVENUE TO MID LATERAL NO. 6 AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering that the McHenry Avenue water strengthening from Standiford Avenue to MID Lateral No. 6 has been completed by Scheidt, Haydon & Hall, Inc., in accordance with the contract agreement dated April 26, 1988.

NOW, THEREFORE, BE IT RESOLVED that the McHenry Avenue water strengthening from Standiford Avenue to MID Lateral No. 6, be accepted from said contractor, Scheidt, Haydon & Hall, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$230,324.54 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-843

A RESOLUTION ACCEPTING THE MCHENRY AVENUE AND MORTON BOULEVARD WATERLINE
ENCASEMENT AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering that the McHenry Avenue and Morton Boulevard waterline encasement has been completed by Scheidt, Haydon & Hall, Inc., in accordance with the contract agreement dated June 28, 1988.

NOW, THEREFORE, BE IT RESOLVED that the McHenry Avenue and Morton Boulevard waterline encasement, be accepted from said contractor, Scheidt, Haydon & Hall, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$33,789.14 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 8th day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-844

A RESOLUTION AUTHORIZING INTRACITY TRANSIT AND THE CITY BUS SHOP TO PROVIDE BUS TRANSPORTATION SERVICE ON THANKSGIVING DAY IN RELATION TO THE VELVET FOODS THANKSGIVING DINNER.

WHEREAS, on Thursday, November 24, 1988, Velvet Foods is providing complimentary Thanksgiving dinner, for those in need, at the Modesto Centre Plaza, and

WHEREAS, in keeping with the spirit of Thanksgiving, the Council of the City of Modesto desires to provide complimentary bus transportation service on Thanksgiving Day in relation to the Velvet Foods Thanksgiving dinner,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes Intracity Transit and the City Bus Shop to provide complimentary bus transportation service to passengers on Thanksgiving Day in relation to the Velvet Foods Thanksgiving dinner.

BE IT FURTHER RESOLVED that Intracity Transit shall provide said bus service as outlined in the report to the City Manager from the Transit Manager dated November 2, 1988, a copy of which report is marked Exhibit A, attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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
M E M O R A N D U M

DATE: November 2, 1988

TO: City Manager
FROM: Transit Manager
SUBJECT: Thanksgiving Bus Service

I received a request from Councilmember McGrath to determine the cost of providing bus service to and from the Thanksgiving dinner provided by Velvet Foods.

The dinner will be served at 12:00 noon, 2 p.m., and 4 p.m. The request is for Intracity Transit to provide transportation between the Velvet Foods location at 7th & L Streets and pickup points located at King-Kennedy Center, Ralston Towers, and New Deal supermarket on Crows Landing Road for each of the dinner sittings.

It's been suggested that three buses be used to provide this service. The cost of operating three buses for the day would be approximately \$490. Sufficient funds are budgeted to cover this cost.

TRIPS and the Bus Shop are prepared to provide the service if authorized by the City Council. If the service is provided, I suggest that passengers ride for free. That eliminates the negative effect charging a fare would have on those travelling to and from the dinner. The effect of the fare-free service on IT's fare box recovery ratio would be negligible.

If the City Council wishes to provide the service, a motion would be needed directing staff to do so.

Fred Cavanah

Fred Cavanah

FC:wd
429

cc: City Attorney
City Clerk
Finance Director
TRIPS
Dan Costa, Velvet Foods

Exhibit A

MODESTO CITY COUNCIL
RESOLUTION NO. 88-845

A RESOLUTION SUPPORTING THE SAN JOAQUIN VALLEY-WIDE AIR POLLUTION STUDY.

WHEREAS, the San Joaquin Valley Air Basin incurs unique and difficult air pollution control problems due to a combination of meteorological, topographical and economic factors, and

WHEREAS, the San Joaquin Valley Air Basin is designated a non-attainment area for the National Ambient Air Quality Standards (NAAQS) for ozone by the Environmental Protection Agency, in accordance with the 1977 Clean Air Act, and

WHEREAS, the Clean Air Act requires the implementation of reasonably available control measures in order to obtain the NAAQS for ozone, and

WHEREAS, knowledge is incomplete concerning the relationship between ozone concentrations and the unique meteorology and topography of the San Joaquin Valley, and

WHEREAS the effect of transport of pollutants from the San Francisco Bay area into the valley has not been well defined, and

WHEREAS, the State of California Air Resources Board has determined that the ozone and particulate matter problems in the San Joaquin Valley are of national significance due to the region's economic importance, and that because of the significance of the problems, have resolved to support a regional air quality study, and

WHEREAS, the San Joaquin Valley-wide Study would involve obtaining funding to identify the chemical components and contributions of each of the pollution sources to the total air pollution problem in the San Joaquin Valley, and

WHEREAS, local funding for the San Joaquin Valley-wide Pollution Study has not as yet been determined,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto supports a San Joaquin Valley-wide Air Pollution Study in order to provide scientific data concerning the sources, transport, chemistry, and meteorology of air pollution in the San Joaquin Valley basin.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-846

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MOTOR CITY FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 325 MOTOR CITY COURT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Motor City for water service to property outside City limits at 325 Motor City Court, located on the west side of McHenry Avenue between Pelandale Avenue and MID Lateral No. 6 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-847

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MOTOR CITY FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 319 MOTOR CITY COURT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Motor City for water service to property outside City limits at 319 Motor City Court, located on the west side of McHenry Avenue between Pelandale Avenue and MID Lateral No. 6 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-848

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MOTOR CITY
FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 313 MOTOR CITY COURT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Motor City for water service to property outside City limits at 313 Motor City Court, located on the west side of McHenry Avenue between Pelandale Avenue and MID Lateral No. 6 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-849

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MOTOR CITY FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 300 MOTOR CITY COURT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Motor City for water service to property outside City limits at 300 Motor City Court, located on the west side of McHenry Avenue between Pelandale Avenue and MID Lateral No. 6 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-850

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM N. & CATHY A. ZOSLOCKI FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT LAVERTY INDUSTRIAL PARK SUBDIVISION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and William N. & Cathy A. Zoslocki for water service to property outside City limits at Laverty Industrial Park Sub-division, located on the west side of McHenry Avenue between Pelandale Avenue and MID Lateral No. 6.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 November, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-851

A RESOLUTION ACCEPTING IMPROVEMENTS IN CALIFORNIA SUNRISE NO. 3 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Kaurman and Broad of Northern California, subdividers of California Sunrise No. 3 Subdivision have filed Subdivision Bonds for faithful performance and labor and materials in the amount of \$ 281,600.00 and \$ 140,800.00 respectively to guarantee improvements in California Sunrise No. 3 and;

WHEREAS, the Director of Engineering in a memorandum dated November 2, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

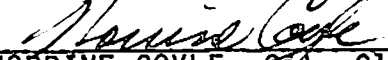
WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the Subdivision Bonds upon expiration of the statutory period.

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

1. The improvements in California Sunrise No. 3 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$ 281,600.00 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 \$ 140,800.00 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 8th day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-852

A RESOLUTION APPROVING THE REQUEST OF MODESTO LUMBER COMPANY FOR REFUND OF \$525.55 FOR OVERPAYMENT OF BUSINESS AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Modesto Lumber Company for refund of \$525.55 for overpayment of Business 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 8th day of November, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-853

A RESOLUTION ACCEPTING DEDICATION OF PARKLAND IN LIEU OF PAYMENT OF THE PARK PORTION OF THE CAPITAL FACILITIES FEES FOR THE RIVER TERRACE VESTING TENTATIVE SUBDIVISION MAP (MAP C, MODIFIED).

WHEREAS, the vesting tentative subdivision map for River Terrace (Map C, Modified) was approved by the Planning Commission on October 3, 1988, and

WHEREAS, the approved subdivision divided approximately 31 acres into R-1 lots, and

WHEREAS, approximately 2,625 feet of the subdivision borders land along Tuolumne River which the Tuolumne River Regional Park Committee has recommended acquisition for implementation of the Tuolumne River Regional Park Master Plan, and

WHEREAS, Government Code Section 66478.5 requires dedication of an easement along public waterways for use of the public, and

WHEREAS, pursuant to that section said subdivision has been required to dedicate right-of-way for a length of approximately 2,625 feet along the river, for a total of approximately 3.8 acres to be used for the installation of trails for the Tuolumne River Regional Park, and

WHEREAS, the developer has dedicated approximately 3.8 acres of park land and, therefore, the Planning Commission by Resolution No. 88-109 has stated that by said dedication the developer has adequately contributed to parks and the developer should be excused from further contribution through the park portion of the Capital Facilities Fee, and

WHEREAS, the Planning Commission by Resolution No. 88-109 adopted on October 3, 1988, recommended that the City Council waive the park portion of the Capital Facilities relating to the River Terrace Vesting Tentative Subdivision Map (Map C, Modified),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts parkland dedication in lieu of payment of the park portion of the Capital Facilities Fees for the River Terrace Vesting Tentative Subdivision Map (Map C, Modified)

BE IT FURTHER RESOLVED that said dedicated land may be sold, transferred, exchanged or given in any other manner and to any extent by the City of Modesto for the benefit of the Tuolumne River Regional Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8 day of November, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-854

A RESOLUTION CHANGING THE GUIDELINES FOR GRANTS IN THE HOUSING MAINTENANCE PROGRAM TO SPECIAL PURPOSE GRANTS ONLY, BY AMENDING ITEM 5 OF COUNCIL RESOLUTION NO. 86-377

WHEREAS, the Citizens Housing and Community Development Committee has reviewed and requested changes in the loan eligibility guidelines for all of the programs through the Housing Program Office, enabling the City to assist more very-low income homeowners, and bringing the Housing Rehabilitation Programs more into conformance with Federal guidelines, and to reflect changes that make Deferred Payment Loans in lieu of grants available to very-low income owner-occupants as set forth in Item 5 of Exhibit A. All other terms and conditions of Exhibit A shall remain the same.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby amend the loan guidelines for the Housing Maintenance Program by adopting the amended policy attached hereto as Exhibit A.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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
HOUSING PROGRAM OFFICE

Program Policy Changes
Recommended by Rehabilitation Loan Pool Subcommittee
3/17/86

1. Should TOTAL Household Income Be Adopted As The Fundamental Eligibility Guideline?

Approval of this policy would remove the age requirement from all CDBG loan programs and make total household income the main eligibility guideline within the parameters of each loan program. This would allow very-low income (less than 50% Median Area Income) owner-occupants living in the mandatory Target Area of the Housing Maintenance Program to qualify for a 3% Deferred Payment Loan (DPL), rather than a required payment loan which they may be denied if they can't afford monthly payments.

It would allow very-low income handicapped owner-occupants to qualify for a 3% Deferred Payment Loan City-wide, rather than a required payment loan, under the Handicapped Barrier Removal Program.

It would also change the Senior Citizen Emergency Home Repair Program into a City-wide Emergency Home Repair Program that would enable very-low income owner-occupants only to qualify for a 3% Deferred Payment Loan with a maximum cap of \$5000, plus permit and loan settlement fees, for correcting health and safety items only.

These Deferred Payment Loans would not be assumable and would have a 20-year term. The owner-occupants would still have to have enough equity in the property to adequately secure the loan with a maximum loan-to-value ratio of 100%.

All Emergency Home Repair Loans are reviewed and approved by the Housing Program Officer on behalf of the Rehabilitation Loan Pool Subcommittee in order to minimize delay in correcting the hazardous conditions. All other loans will be submitted to the Rehabilitation Loan Pool Subcommittee in accordance with standard program guidelines.

Removal of the age requirement would move the City's guidelines closer to the Federal requirements and reporting data that rely on total household income, and will enable the City to assist the very-low income families who are presently ineligible for any assistance.

2. Should Loans Be Made Assumable?

Approval of this policy would make loans assumable for payment required loans only:

- a) 3% payment required loan
- b) 5% payment required loan
- c) 7% payment required loan (new interest tier)

The 3% - 5% payment required loans would be assumable by an owner-occupant who fulfills loan guidelines of low-to-moderate income (80% of Median Area Income), ability to make the payments, and a favorable equity position to secure the loan to a maximum of 90% loan-to-value ratio.

Non-occupant owners (Investors) and any qualified buyer above the 80% M.A.I. would be eligible to assume rehabilitation loans at 7% interest with an 80% maximum loan-to-value ratio.

An investor who meets the 50% - 80% M.A.I. guidelines would be eligible to assume a loan at 5% with a maximum loan-to-value ratio of 80%.

All requests to assume a CDBG loan will be sent to the Rehabilitation Loan Pool Subcommittee for their approval.

3. Should There Be A Higher Tier of Interest For Investors And A Maximum Loan-To-Value Ratio of 80%?

Approval of this policy would raise the average investor (non-occupant -owner) from the current 5% level to 7%. A low income investor (50% - 80% M.A.I.) would still qualify at 5% interest. All investor loans would be at a maximum of 80% loan-to-value ratio, and be subject to Rehabilitation Loan Pool Subcommittee approval as a "bankable" loan.

4. Should Property In Current And Former Target Areas Remain Continuously Eligible For A Loan, Provided That The Owner Meets Underwriting Criteria?

Approval of this policy would enable homes previously rehabbed and now requiring more repairs to be brought up to standard again, and homes that had never received financing under the Program to remain eligible for financing, within these guidelines:

- a) Only health and safety items are eligible for loans.
- b) Property owner meets income guidelines and has sufficient equity to secure the total debt against the property.

All loans made under this policy would require Rehabilitation Loan Pool Subcommittee approval.

5. Should Grants Under The Housing Maintenance Program Be Changed To Special Purpose Grants Only?

Approval of this policy would change grants under the Housing Maintenance Program to Special Purpose Grants only, for correction of items that arise beyond the control of the very-low income owner-occupant(s) during the rehabilitation of their home, and upon the approval of the Rehabilitation Loan Pool Subcommittee and the Citizens Housing and Community Development Committee.

Revised Income Guidelines As Approved
By Citizens Housing and Community Development Committee

Type of Financial AssistanceWho's EligibleGrant

Correction of items that arise beyond the control of the owner-occupant(s) during the rehabilitation of their home, subject to approval of RLPS and CH&CDC.

Owner-Occupant Only

Household income does not exceed 50% of the Median Area Income.

3% Deferred Payment Loan

Loan-to-value ratio not to exceed 100% of after-rehab market value.

50 year term.

Loan is not assumable.

Owner-Occupant

Household income does not exceed 50% of the Median Area Income.

3% Payment Required Loan

Loan-to-value ratio not to exceed 100% of after-rehab market value.

15 year term.

Loan assumable by low/moderate income buyer, subject to RLPS approval and nominal fees

Owner-Occupant

Household income does not exceed 80% of the Median Area Income.

5% Payment Required Loan

Loan-to-value ratio not to exceed 100% of the after-rehab market value.

15 year term.

Loan assumable by a low/moderate income buyer, subject to RLPS approval and nominal fees.

Owner-Occupant

Household income exceeds 80% of the Median Area Income.

5% Payment Required Loan

Loan-to-value ratio not to exceed 80% of the after-rehab market value.

15 year term.

Loan assumable by any qualified buyer, subject to RLPS approval and nominal fees.

Non-Occupant Owner (Investor)

Income used for credit qualifying purposes only.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-855

A RESOLUTION APPROVING THE FISCAL YEAR 1989-90 CITIZENS
PARTICIPATION PLAN AND COMMUNITY DEVELOPMENT BLOCK GRANT
APPLICATION PROCESS.

WHEREAS, the U. S. Department of Housing and Urban Development (HUD) has established the Community Development Block Grant Program to allow local communities to decide which eligible activities are best suited to their local needs, and

WHEREAS, the regulations governing the Community Development Block Grant Program require that citizens of the local communities be informed of the amount of money available and the range of activities that may be undertaken, and

WHEREAS, the Citizens Housing and Community Development Committee, at its meeting on October 21, 1988, voted to recommend to the City Council that the Citizens Participation Plan begin earlier in the year in order to allow local organizations more time to prepare a proposal for funding from Community Development Block Grant, and

WHEREAS, the proposed Citizens Participation Plan of the Community Development Block Grant Application for Fiscal Year 1989-90 is set forth on Exhibit A and attached hereto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the Citizen Participation Plan of the Community Development Block Grant Application process for Fiscal Year 1989-90 as set forth on Exhibit A attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-856

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE DISABILITY RESOURCES AGENCY FOR INDEPENDENT LIVING FOR A MATCHING GRANT OF \$25,000 UNDER THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO ESTABLISH AN AGENCY TO ASSIST HANDICAPPED/DISABLED PERSONS TO LIVE INDEPENDENTLY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Disability Resources Agency for Independent Living for funding of \$25,000 under the Community Development Block Grant Program for FY 1988-89 for securing a State of California grant of \$167,000 to establish a non-residential independent skills training center be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-857

A RESOLUTION APPROVING THE EXPANSION OF THE EMERGENCY HOME REPAIR PROGRAM AND THE HOME EMERGENCY LOAN PROGRAM TO REMOVE THE PRESENT \$10,000 CAP AND ALLOW FULL REHABILITATION TO THE AVAILABLE EQUITY IN THE HOME.

WHEREAS, at its meeting on May 19, 1987, the City Council approved the 1987-88 Community Development Block Grant Application and Final Statement of Community Development Objectives, and

WHEREAS, this Council approved the creation of the Home Emergency Loan Program with a cap of \$10,000 to repair only health and safety hazards for low income owner-occupants within the City limits in this adoption of the FY 1987-88 Final Statement of Community Development Objectives, and

WHEREAS, this Council also approved raising the cap on the Emergency Home Repair Program, which is restricted to repair only health and safety hazards for very-low income owner-occupants within the City, in this adoption of the FY 1987-88 Final Statement of Community Development Objectives, and

WHEREAS, very-low and low income citizens of Modesto requested additional help in rehabilitating their homes beyond strict health and safety hazard repairs, which cannot be done under the established terms and caps established for these programs, and

WHEREAS, The Citizens Housing and Community Development Committee, at its meeting on October 21, 1988, discussed these requested changes in the light of continued expansion of these two programs into a city-wide housing rehabilitation program, and in conformance with the U.S. Department of Housing and Urban Development's guidelines on housing rehabilitation, voted to recommend approval of these requests to the City Council.

NOW, THEREFORE, BE IT RESOLVED that this Council does hereby approve the expansion of the Emergency Home Repair Program and the Home Emergency Loan Program by the removal of financial caps for these two programs and allow for full rehabilitation to the limit of the very-low income and low income owner-occupant's equity in their homes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8 day of November 1988, by Councilmember McGrath, 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: Lang, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: 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. 88-858

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:

Deputy Director Public Works-Engineering
Deputy Director Public Works-Operations
Deputy Director Public Works-Transportation

The specifications for the classifications created, as shown on the
attached Exhibit "A" and "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. EFFECTIVE DATE. This resolution shall become effective on and after November 8, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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

DEFINITION

To assist the Director of Public Works in the planning, directing, supervising, and coordinating of departmental functions and engineering activities; to assist in the preparation of operating and capital improvement budgets; and to provide highly complex staff assistance to the Director of Public Works.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Public Works.

Exercises direct supervision over professional, technical and clerical staff.

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

Assist in planning, directing, supervising, and coordinating departmental operations; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Appear before the City Council, boards, commissions and numerous civic organizations representing the Department.

Assist with the preparation of operating and capital improvement budgets and control of expenditures.

Supervise and assist subordinate supervisors in the planning, design, and maintenance of City street, traffic, water, waste water and drainage systems; establish long-range plans and goals.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Director of Public Works; prepare and present staff reports and other necessary correspondence.

Establish performance standards and evaluate performance of subordinate personnel.

May be assigned tasks requiring engineering design calculations and using the judgment of a registered professional engineer.

Prepare a variety of correspondence and general and special reports.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Engineering principles and practices as applied to the field of municipal public works, including planning, development, design, and construction.

Technical, legal, and financial problems involved in the conduct of a municipal public works program.

Methods of preparing designs, plans, specifications, estimates, reports and recommendations relating to proposed public works projects.

Procedures, materials, equipment and methods used in all areas of public works activities.

Principles of budget preparation and expenditure control.

Principles of supervision, training, management and public works administration.

Ability to:

Oversee and coordinate the activities of a number of divisions within the Department.

Assist with the preparation of departmental operating and capital improvement budgets and control budget expenditures.

Perform a variety of technical and engineering research and prepare reports of findings.

Review and interpret cost estimates.

Effectively represent the Department before the Council, boards, commissions, public agencies and private groups.

Prepare written reports.

Effectively manage assigned areas of the departmental program.

Establish and maintain cooperative relationships with those contacted during the course of work.

Experience and Training Guidelines

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

Experience:

Four years of responsible professional municipal program administration experience including one year of supervisory responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business administration, public administration or a related field.

License

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

Possession of a valid Certificate of Registration as a Civil Engineer issued by the California State Board of Registration for Professional Engineers. If licensed in another state, incumbants will have six (6) months to obtain California Registration.

DEFINITION

To assist the Director of Public Works in the planning, directing, supervising, and coordinating of departmental administration and transportation activities; to assist in the preparation of operating and capital improvement budgets; and to provide highly complex staff assistance to the Director of Public Works.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Public Works.

Exercises direct supervision over professional, technical and clerical staff.

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

Assist in planning, directing, supervising, and coordinating departmental operations; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Appear before the City Council, boards, commissions and numerous civic organizations representing the Department.

Assist with the preparation of operating and capital improvement budgets and control of expenditures.

Supervise and assist subordinate supervisors in the planning, design, and maintenance of City transportation systems, equipment maintenance, and building maintenance; establish long-range plans and goals.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Director of Public Works; prepare and present staff reports and other necessary correspondence.

Establish performance standards and evaluate performance of subordinate personnel.

Prepare a variety of correspondence and general and special reports.

Perform related duties as assigned.

Deputy Director, Public and Transportation Services

QUALIFICATIONS

Knowledge of:

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Advanced principles, practices and techniques of public program administration.

Principles and techniques of budget development and administration.

Principles and practices of organization, administration and personnel management.

Principles of supervision, training and performance evaluation.

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

Modern office procedures, methods and computer equipment.

Ability to:

Oversee and coordinate the activities of a number of divisions within the Department.

Assist with the preparation of departmental operating and capital improvement budgets and control budget expenditures.

Review and interpret cost estimates.

Effectively represent the Department before the Council, boards, commissions, public agencies and private groups.

Prepare clear and precise reports and develop appropriate recommendations.

Effectively manage assigned areas of the departmental program.

Establish and maintain cooperative relationships with those contacted during the course of work.

Experience and Training Guidelines

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

Experience:

Four years of responsible professional municipal program administration experience including one year of supervisory responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business administration, public administration or a related field.

License

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

MODESTO CITY COUNCIL
RESOLUTION NO. 88-859

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 88-490
ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND
FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE."

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 88-490. Exhibit "G"

entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-490, 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 5, 1988", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adds the classifications of Deputy Director Public Works-Engineering, Range 450; Deputy Director Public Works-Operations, Range 450; and Deputy Director Public Works-Transportation, Range 447.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 8, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 "G"
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 5, 1988

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

110388

1359/WPPER

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

Effective July 5, 1988

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

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

Effective July 5, 1988

RANGE	TITLE
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Assistant Civil Engineer Senior Accountant Budget Analyst
433	
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supv. Engineering Systems Manager Supv. Housing Rehab. Specialist Public Works Supervisor II Building Maintenance Supervisor Secondary Treatment Site Supv. Parks Maintenance Supervisor II Events Coordinator Golf Course Supervisor 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
436	Senior Planner Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt Chief Electrician Associate Civil Engineer Transportation Planner
439	Deputy City Attorney II

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

Effective July 5, 1988

RANGE	TITLE
440	Housing Program Officer Principal Accountant Purchasing Officer
441	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 Sr. Deputy City Attorney II
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir. Deputy Director Public Works - Transportation
448	
449	
450	Asst. Utility Services Director Deputy Director Public Works - Engineering Deputy Director Public Works - Operations
451	Assistant City Attorney

110388

MODESTO CITY COUNCIL
RESOLUTION NO. 88-860

A RESOLUTION ORDERING REORGANIZATION OF INHABITED
TERRITORY AND CALLING A SPECIAL ELECTION PERTAINING TO
CALIFORNIA-MARSHALL REVISED REORGANIZATION.

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution dated September 21, 1988, approved the proposed California-Marshall Revised 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 California-Marshall Revised Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that the territory included in the proposed California-Marshall Revised Reorganization is inhabited territory, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution ordered that said Reorganization consist of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the Burbank-Paradise Avenue 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:

To allow development of a subdivision, and

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

WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and

WHEREAS, the 8th day of November, 1988, 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 November 8, 1988, and continued to November 15, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, County of Stanislaus, State of California, and

WHEREAS, written protests were filed by owners of land or registered voters within the affected territory prior to said hearing, and

WHEREAS, on the 15th day of November, 1988, at the hour of 4:00 o'clock P.M., in the Council Chambers at the City Hall, 801 11th Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed reorganization, and

WHEREAS, written protests have been filed and not withdrawn by less than twenty-five (25%) percent of registered voters residing in the affected territory, and

WHEREAS, written protests have been filed and not withdrawn by at least twenty-five (25%) percent of owners of land who own at least twenty-five

(25%) percent of the total assessed value of land within the territory prior to said hearing, and

WHEREAS, all proceedings have been held in accordance with said resolution and the Cortese Knox Local Government Reorganization Act of 1985, reference thereto hereby being made for further particulars, and

WHEREAS, the Stanislaus County Local Agency Formation Commission on September 21, 1988, ordered that a negative declaration be filed as to the environmental effect of the subject reorganization.

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

SECTION 1. REORGANIZATION ORDERED. The territory hereinafter described is ordered reorganized, said reorganization consisting of (a) the annexation of said territory to the City of Modesto, (b) the detachment of said territory from the Burbank-Paradise Fire Protection District, and (c) the annexation of said territory to the Modesto Municipal Sewer District No. 1, subject to submission to the qualified electors residing in said territory the question whether or not they confirm said reorganization and the property in said territory shall be subjected to taxation after reorganization equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for the acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election.

Said territory is described on Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. ELECTION CALLED. A special election by mail ballot is hereby called to be held on the 31st day of January, 1989, within said territory.

SECTION 3. FORM OF BALLOT. On the ballots to be used at said special election, in addition to all other matters required by law to be printed thereon, shall be printed the statement: "Shall the order adopted on November 15, 1988, by the City of Modesto ordering the California-Marshall Revised Reorganization consisting of (a) the annexation of said territory to the City of Modesto, (b) the detachment of said territory from the Burbank-Paradise Fire Protection District, and (c) the annexation of said territory to the Modesto Municipal Sewer District No. 1, and in addition the requirement that the property owner has until five years from the date sewer becomes available to their property before they are required to connect, all as more particularly described and set forth in the order be confirmed?"

On the ballots, opposite the above-mentioned statement there shall be printed the words, "Yes" and "No", and to the right of each of these last two (2) words, there shall be a voting square.

SECTION 4. VOTING. Ballots shall be sent out only to the qualified voters of the territory designated as the California-Marshall Revised Reorganization. On the ballots, in addition to all other matters required by law to be printed thereon, shall appear the question set forth in Section 4 hereof.

If an elector shall write a cross (+) in the voting square after the printed word "Yes", the vote of such elector shall be counted in favor of the reorganization of said territory to the City of Modesto; and if an elector

shall write a cross (+) in the voting square after the printed word "No", the vote of such elector shall be counted against such reorganization.

In all particulars not herein recited, said election shall be held in conformity, as near as may be, with the laws of the State of California concerning mail ballot elections, pursuant to Sections 1340 et seq. of the California State Elections Code and the said Cortese Knox Local Government Reorganization Act of 1985.

SECTION 5. CONDUCT OF ELECTION. Said special election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars said special election shall be held as provided for in said Cortese Knox Local Government Reorganization Act of 1985, and otherwise in accordance with the Election Code of the State of California.

The clerk shall not commence to mail the sample ballot and mail ballot prior to the 29th day before the election and shall complete the mailing by the 10th day before the election. The clerk shall include in the mailing a printed notice to the voters informing the voters that they may return the voted ballot by certified or registered mail. The ballots shall be received by the County Elections Clerk no later than 12 o'clock midnight on January 31, 1989.

That portion of the county election precinct designated by said Board of Supervisors as the Paradise 8 Precinct, lying within the territory described on Exhibit A attached hereto and incorporated herein by reference, is hereby established as Special Election Precinct No. 1.

SECTION 6. CANVASS OF BALLOTS. The returns of the election shall be made out and signed by the election officers and shall be by them deposited with the City Clerk, together with the ballots cast at the election; and the City Clerk or a canvassing board appointed by the City Clerk is hereby ordered to and shall canvass said returns pursuant to the Elections Code of the State of California, Section 22930.5. Upon completion of the canvass, the City Clerk shall certify the results of the election to the Council and at the next regular meeting of the City Council occurring after the City Clerk's certification the Council shall cause to be included in its minutes a statement of the results of said special election as ascertained by said canvass. A majority of the votes cast at the special election shall be required to confirm the reorganization of said territory.

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

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of this Reorganization has been reviewed and considered.

BE IT FURTHER RESOLVED that the City Clerk shall transmit a certified copy of this resolution by registered mail to the executive officer of the Stanislaus County Local Agency Formation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1988, by Councilmember Sutton, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
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

APPROVED AS TO DESCRIPTION:

By John K. Chetani
Engineering Services Department

CALIFORNIA - MARSHALL
GOVERNMENTAL REORGANIZATION
TO THE CITY OF MODESTO
DESCRIPTION

All that portion of the East half of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, Stanislaus County, California, described as follows:

Beginning at the Northeast corner of the Southeast quarter of said Section 31, thence South $0^{\circ}17'10''$ East along the centerline of Martin Luther King Drive, 964.42 feet to the easterly extension of the North line of Briggs Avenue; thence North $89^{\circ}35'00''$ West along said easterly extension and said North line, 963.51 feet to the Southwest corner of Lot 2 of RE-SURVEY OF BRICHMAN'S ADDITION TO THE CITY OF MODESTO as shown in Volume 2 of Maps at Page 1, Stanislaus County Records; thence North $0^{\circ}17'24''$ West, 466.92 feet to the Northwest corner of said Lot 2; thence North $89^{\circ}36'02''$ West along the South line of Lot 13 of said RE-SURVEY OF BRICHMAN'S ADDITION TO THE CITY OF MODESTO, 20.00 feet; thence North $0^{\circ}17'24''$ West parallel to the East line of said Lot 13, 276.92 feet; thence North $89^{\circ}37'03''$ West parallel to the North line of said Lot 13, 95.00 feet; thence North $0^{\circ}17'24''$ West parallel to the East line of said Lot 13, 190.00 feet to the North line of said Lot 13 also being the South line of California Avenue; thence North $89^{\circ}37'03''$ West along the South line of said California Avenue, 252.31 feet to the southerly extension of the centerline of Spencer Avenue; thence North $0^{\circ}22'57''$ East along said southerly extension and the centerline of said Spencer Avenue, 60.00 feet to the westerly extension of the North line of said California Avenue; thence South $89^{\circ}37'03''$ East along said westerly extension and the North line of said California Avenue, 416.74 feet to the West line of Marshall Avenue; thence North $0^{\circ}36'57''$ East along the West line of said Marshall Avenue, 25.29 feet; thence South $89^{\circ}23'03''$ East, 55.00 feet to a point on the East line of said Marshall Avenue and the beginning of a non-tangent curve from which a radial line bears South $89^{\circ}23'03''$ East; thence southeasterly along said non-tangent curve, concave to the northeast, having a radius of 15.00 feet, through a central angle of $90^{\circ}14'00''$ an arc distance of 23.62 feet to a point on the North line of said California Avenue;

[Handwritten signature and date]
BY _____
DATE _____

thence South 89° 37' 03" East along the North line of said California Avenue, 152.95 feet to a point on the West line of the Briggs Ditch right-of-way; thence South 0° 36' 27" West along the West line of said Briggs Ditch right-of-way, 30.00 feet to a point on the North line of said California Avenue; thence South 89° 37' 03" East along the North line of said California Avenue also being the existing City Limit line, 690.74 feet to the centerline of said Martin Luther King Drive; thence South 0° 17' 10" East, 10.00 feet to the point of beginning.

Containing 22.88 acres, more or less.

Dated : 9/29/88
Job No.: 7216

Approved as to description

ON REVISION
BY City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-861

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FISHER GRAPHICS, A MARKETING AGENCY, TO CONDUCT A THREE-MONTH PROMOTIONAL CAMPAIGN ON RECYCLING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Fisher Graphics, a marketing agency, to conduct a three-month promotional campaign on recycling, be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 November, 1988, by Councilmember Sutton , 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: Irizarry, Lang, Patterson, Sutton,
Whiteside

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-862

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 AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY FOR THE INSTALLATION OF AUTOMATIC GATE-TYPE WARNING DEVICES AT WEST UNION AVENUE.

WHEREAS, on November 1, 1988 the City Council, by Resolution No. 88-827, approved an agreement with Union Pacific Railroad Company for the installation of automatic gate-type warning devices at West Union Avenue, and

WHEREAS, the City Council certifies that at its meeting of November 15, 1988, 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 the installation of automatic gate-type warning devices at West Union Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1988, by Councilmember Sutton, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
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. 88-863

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(457). (NIGHTINGALE DEVELOPMENT COMPANY)

WHEREAS, a verified application for an amendment to Section 8-4-9 of the Zoning Map was filed by Nightingale Development Company on August 3, 1988, to reclassify from Medium Density Residential Zone, R-2, and Highway Commercial Zone, C-3, to Planned Development Zone, P-D, to allow a nine-lot single-family subdivision with 4,800-square foot lots with 40-foot widths, property located on the south side of Algen Avenue west of Crows Landing Road, described as follows:

R-2 to P-D

All that certain real property situate in the southeast quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, California, described as follows:

BEGINNING at the southeast corner of Parcel 3 as shown on the map filed in Book 30 of Parcel Maps, at page 84, Stanislaus County Records; thence North 0°02'00" East on the east line of said Parcel 3, a distance of 120.00 feet to the present south line of 60 foot wide Algen Avenue; thence continuing on said east line North 0°06'24" East, 30.00 feet to the centerline of said Algen Avenue; thence South 89°19'05" East on the centerline of Algen Avenue 228.70 feet; thence South 0°02'00" West, 150.00 feet to the south line of the northeast quarter of the southeast quarter of said Section 8; thence North 89°19'05" West, on said south line 228.74 feet to the point of beginning of this description.

C-3 to P-D

Commencing at the southeast corner of Parcel 3 as shown on the map filed in Book 30 of Parcel Maps at Page 84, Stanislaus County Records, said point being on the south line of the northeast quarter of the southeast quarter of said Section 8; thence South 89°19'05" East on said south line 228.74 feet to the POINT OF BEGINNING; thence North 0°02'00" East, parallel with the east line of said Parcel 3, a distance of 150.00 feet to the centerline of present 60 foot wide Algen Avenue; thence South 89°19'05" East, on said

centerline 131.26 feet; thence South 0°02'00" West, 150.00 feet to the south line of the northeast quarter of the southeast quarter of said Section 8; thence North 89°19'05" West, on said south line 131.26 feet to the point of beginning of this description.

and

WHEREAS, after a public hearing held on October 24, 1988, 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. 88-111, 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 density falls just below the R-1 density maximum of the General Plan and five dwellings below maximum R-2 density for this site.
2. Due to the extra depth of the lots, there are very generous rear yards for each dwelling.
3. The proposed P-D zone conforms with the General Plan provision which calls for a variety of housing types in all neighborhoods.

and

WHEREAS, after a public hearing held on November 15, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Nightingale Development 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. 88-111 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2622 -C.S. on the 15 day of November, 1988, reclassifying the above-described

property from Medium Density Residential Zone, R-2, and Highway Commercial Zone, C-3, to Planned Development Zone, P-D(457).

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

1. All development shall conform to the plot plan and floor plans titled "Proposed Single-Family Residential Rezone R-2 and C-3 to P-D" as amended in red, stamped approved by the Planning Commission on October 24, 1988.
2. Fences or walls shall be constructed prior to occupancy and shall be as follows:

Six-foot standard board fence around side and rear setbacks as allowed in the R-1 Zone.
3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. The Algen Avenue frontage shall be improved to collector street standards prior to the occupancy of any structures or when requested by the Engineering Services 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 Engineering Services 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 Engineering Services Director.
7. 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.
8. Drainage shall be provided as required by the Engineering Services Director. The developer shall pay fees as established for the Crows Landing Drainage Area.

9. Trash cans shall be screened from view from any public street.
10. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
11. 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 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(457):

The entire construction program be accomplished in one phase, construction to begin on or before October 24, 1990, and completion to be not later than October 24, 1991.

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(457), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15 day of November, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Patterson, Sutton, 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

APPROVED AS TO DESCRIPTION:

By William Nichols
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-8 64

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 AND C-3 TO P-D(457). (NIGHTINGALE DEVELOPMENT COMPANY)

WHEREAS, on November 15, 1988, the City Council introduced Ordinance No. 2622 -C.S. giving approval to a project relating to an amendment to Section Map 8-4-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, and Highway Commercial Zone, C-3, to Planned Development Zone, P-D(457), property located on the south side of Algen Avenue west of Crows Landing 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 Map 8-4-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, and Highway Commercial Zone, C-3, to Planned Development Zone, P-D(457), property located on the south side of Algen Avenue west of Crows Landing Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15 day of November, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
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. 88-865

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 24-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO R-2. (KEN DOWDY)

WHEREAS, on November 15, 1988, the City Council introduced Ordinance No. 2623 -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 Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, 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 Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 24-3-9 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 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 15 day of November, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
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. 88-866

A RESOLUTION CONFIRMING EXPENSES INCURRED FOR DEMOLITION OF A BUILDING LOCATED AT 205 OAK STREET IN THE CITY OF MODESTO.

WHEREAS, the Chief Building Official of the City of Modesto, as authorized by the Uniform Housing Code and Modesto Municipal Code Section 9-9.01, ordered the demolition of the substandard and hazardous structures at 205 Oak Street, Modesto, California, and described as Lots 11 and 12, Block 413, County of Stanislaus, State of California, and

WHEREAS, the owners of record of said property are Barbara Habeeba and Sergio Surey Martinez for Ebonikkia Martinez, a minor, and

WHEREAS, the Chief Building Official, as stated in the Notice and Order to repair or demolish the substandard structures located at 205 Oak Street, dated April 7, 1988, incurred expenses in the amount of \$2,997.16 by causing the removal of said substandard structures by failure of the owners of record to comply with the Notice and Order, and

WHEREAS, Chapter 16 of the Uniform Housing Code requires that the City Council shall set a public hearing for the purpose of receiving protests or objections relating to payment of the expenses incurred, and

WHEREAS, to recover expenses incurred by the City of Modesto a special assessment may be placed against the property as a lien, and

WHEREAS, an itemized report relating to the expenses incurred was submitted by the Engineering Services Director, a copy of which report is marked Exhibit A attached hereto and incorporated herein by reference, and

WHEREAS, a public hearing was held by the Council of the City of Modesto at 4:00 p.m. on November 15, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time the Council reviewed and considered said report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the itemized report relating to the expenses incurred by the City of Modesto in the amount of \$2,997.16 as submitted by the Engineering Services Director, a copy of which report is marked Exhibit A attached hereto and incorporated herein by reference, is accepted as being accurate and complete as stated, and said expenses incurred for said demolition are hereby confirmed.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to forward a certified copy of this notice of assessment to the Director of Finance who shall cause the amount of this special assessment to be added to the next regular bill of taxes levied against said property for municipal purposes, which said amount shall be collected at the time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedures under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to record a certified copy of this resolution with the Stanislaus County Recorder.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
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

Itemized account of expenses incurred by the City of Modesto regarding the abatement of the structures located at 205 Oak Street, Lots 11 and 12 in Block 413 of the City of Modesto, as per map filed December 21, 1942 in Volume 15 of maps, Stanislaus County records and owned by Barbara Hebeeba and Sergio Surez Martinez for Ebonikka Martinez, a minor.

History:

- January 24, 1984: Notice to repair dwellings issued by County Health Department. Dwellings posted "Do not occupy."
- October 13, 1987: Notice to repair issued by County Health Department
- October 30, 1987: Ordered pirt: to establish ownership of property
- November 10, 1987: Gas and electric meters ordered disconnected by the Health Department
- November 19, 1987: Notice to repair issued by the Health Department
- December 8, 1987: Notice to repair issued by the Health Department
- March 31, 1988: Arson fire to center structure
- April 4, 1988: Health Department requested assistance of Modesto Building Inspection as the property owners were unreachable
- April 7, 1988: Modesto Building Inspection issued notice and order to repair.
- April 7, 1988: Letter by City of Modesto Building Inspection Division to Postmaster attempting to locate property owners.
- August 22, 1988: Arson fire destroys rear dwelling
- August 24, 1988: Structure demolished and lot cleared as outlined in the uniform housing code by order of the building official

The following is an itemized and total list of expenses incurred by the City of Modesto regarding the property located at 205 Oak Street, Modesto, CA.

Demolition of structures and debris removal and lot grading	\$2,600.00
Total staff time: report preparation, photo documentation, preparation of bid documents for demolition, interviewing contractors for demolition, - 16 manhours (including overhead)	\$ 358.88
Recordation of the certificate of compliance	\$ 9.00
Film - two rolls	\$ 8.42
Film processing	\$ 20.86
Total	\$2,997.16

Staff recommends that the City Council make the following findings:

1. A special lien of assessment be made against the property as a lien to recover the costs incurred by the City of Modesto, and cause the same to be recorded on the assessment bill against the property.
2. That the costs incurred by the City of Modesto are accurate and complete as stated.

Exhibit A

MODESTO CITY COUNCIL
RESOLUTION NO. 88-267

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR WATERLINE EXTENSION AT FLOYD AND ROSELLE

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

SECTION 1. The plans and specifications for the waterline extension
at Floyd and Roselle

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive
sealed bids for the above named project, to be opened in the office of the City
Clerk, 801 11th Street, in the City of Modesto, on December 6, 1988, at 11:00 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 15th day of November, 1988,
by Councilmember Sutton, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-868

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR ALTERATIONS TO THE COMMUNITY SERVICE CENTER AT
800 E. MORRIS AVENUE

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

SECTION 1. The plans and specifications for alterations to the Community Service Center at 800 E. Morris 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 December 6, 1988, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1988, by Councilmember Sutton, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-859

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE MICROFILM PROCESSOR

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

SECTION 1. The plans and specifications for furnishing one microfilm processor

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 6, 1988, at 3:15 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1988, by Councilmember Sutton, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-270

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR A TRAFFIC SIGNAL AT DALE AND SNYDER

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

SECTION 1. The plans and specifications for a traffic signal at

Dale and Snyder

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 13, 1988, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1988, by Councilmember Sutton, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-271

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE INSTALLATION OF TRAFFIC SIGNALS AT OAKDALE
AND MERLE

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

SECTION 1. The plans and specifications for the installation of traffic
signals at Oakdale and Merle
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 13, 1988, at 11:05 a.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 15th day of November, 1988,
by Councilmember Sutton, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-872

A RESOLUTION ACCEPTING THE BID OF ALTA PACIFIC CONSTRUCTORS, INC. FOR CONSTRUCTION OF THE STORAGE POND WAVE PROTECTION PROJECT AT THE CITY'S SECONDARY WASTE TREATMENT PLANT

WHEREAS, Resolution No. 88-692, adopted by the Council of the City of Modesto on September 13, 1988, approved the plans and specifications for the construction of the storage pond wave protection project at the remote pond site and authorized the calling for bids; and

WHEREAS, the bids received for the construction of the storage pond wave protection project at the remote pond site

were opened at 2:00 p.m. on October 18, 1988, and later tabulated by the

Director of Utility / ^{Services} for the consideration of the Council; and

WHEREAS, the Director of Utility / ^{Services} has recommended that the bid of Alta Pacific Constructors, Inc. in the amount of \$1,865,805 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Alta Pacific Constructors, Inc. in the amount of \$1,865,805 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

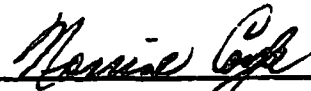
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1988, by Councilmember Sutton, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton,
Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-873

A RESOLUTION ACCEPTING THE BIDS OF MODESTO FORD TRACTOR FOR FURNISHING ONE BACKHOE/LOADER AND CASE POWER AND EQUIPMENT FOR FURNISHING ONE TRAILER

WHEREAS, Resolution No. 88-734, adopted by the Council of the City of Modesto on September 27, 1988, approved the plans and specifications for the purchase of one backhoe/loader and trailer and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one backhoe/loader and trailer were opened at 3:00 p.m. on October 25, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of Modesto Ford Tractor for one backhoe/loader and Case Power and Equipment for one trailer be accepted as the lowest responsible bids.

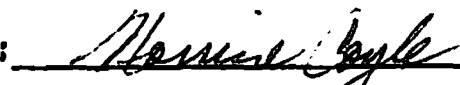
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Modesto Ford Tractor and Case Power and Equipment be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1988, by Councilmember Sutton, 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: Irizarry, Lang, McGrath, Patterson, Sutton, Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-874

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF A LASER PRINTER FOR THE POLICE DEPARTMENT FROM WANG LABORATORIES

WHEREAS, the Police Department is requesting the purchase of a Wang LCS-15 Laser Printer to integrate with the Wang VS mainframe located at the Police Department; and

WHEREAS, Wang Laboratories is currently the sole source of the sale, installation and support of Wang equipment.

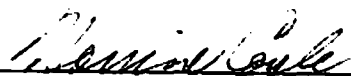
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for purchase of a laser printer is hereby waived.

BE IT FURTHER RESOLVED that purchase of a laser printer for the Police Department from Wang Laboratories for the total price of \$10,791, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1988, by Councilmember Sutton, 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:	Irizarry, Lang, McGrath, Patterson, Sutton, Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-875

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF REPAIR SERVICES FOR A VACTOR MODEL SEWER VACUUM TRUCK FROM GSC, INC.

WHEREAS, the Utility Services Department is requesting the purchase of repair services for a Vactor Model sewer vacuum truck; and


WHEREAS, GCS, Inc. located in West Sacramento, Ca., is the authorized Northern California repair facility for Vactor Trucks.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of repair services for a Vactor Model sewer vacuum truck is hereby waived.

BE IT FURTHER RESOLVED that purchase of repair services for a Vactor model sewer vacuum truck from GCS, Inc. for the total price of \$9,829, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1988, by Councilmember Sutton, 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: Irizarry, Lang, McGrath, Patterson, Sutton,
Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-876

A RESOLUTION ADOPTING REVISED CRITERIA FOR TRAFFIC IMPACT STUDIES.

WHEREAS, the Institute of Transportation Engineers (ITE) has published a summary report on proposed recommended practice for Traffic Access and Impact Studies for Site Development in its August 1988 issue of the Institute of Transportation Engineers Journal (extract attached in Appendix A), and

WHEREAS, the Institute of Transportation Engineers' recommended procedure and the Federal Highway Administration (FHWA) Site Impact Traffic Evaluation Methodology both recommend that a complete Traffic Access/Impact Study should be conducted whenever a proposed development and/or addition or extension of an existing development generates one hundred (100) or more peak hour trips to or from the site during the adjacent roadway's peak hour or the development's peak hour, and

WHEREAS, the present criteria that the City of Modesto Environmental Assessment Committee uses requires a Traffic Study for proposed developments generating three hundred (300) or more vehicle trips during the p.m. peak hour, and

WHEREAS, the proposed criteria has been discussed with the Construction Industry Liaison Committee and the Modesto Chamber of Commerce Transportation Committee, and

WHEREAS, the Requirement for Traffic Access and Impact Studies shall not be applicable to any neighborhood which is annexed in its entirety subsequent to this resolution. The term neighborhood includes each area

depicted and individually named on the map of the Modesto Urban Area General Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Criteria for a Traffic Impact Study is hereby adopted as attached hereto marked Exhibit A and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Patterson, Sutton, 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

CRITERIA FOR A TRAFFIC IMPACT STUDY

A Traffic Study shall be performed when:

1. The proposed development and/or addition or extension of an existing development produces 100 or more peak hour trips, and/or,
2. The proposed development and/or addition or extension of an existing development's traffic is 5% or more of the service volume of an intersection approach in the study area.

The Site Impact Issues and Analysis Methodology for a Traffic Impact Study shall include but not be limited to the following elements, and shall be as approved by the Traffic Engineer/Transportation Planner prior to commencing the Traffic Study.

SITE IMPACT ISSUES

a) SIZE OF STUDY AREA

The size of the study area shall be dependent on the size of the development. All intersections where the site traffic is 5% or more of the service volume on any approach shall be included in the study area.

b) MAGNITUDE OF TRAFFIC GROWTH FACTORS

Growth rate shall be computed by using historical growth rate and exponential projection.

c) TRIP GENERATION RATES

The ITE Trip Generation Manual current edition shall be used to estimate trips generated by the proposed project.

d) RATE OF BUILDOUT

The Traffic Study shall identify the proposed project's buildout rate. The buildout rate for other proposed projects in the study area shall be estimated from the information provided by the City Planning and Community Development Department.

e) PASS-BY TRIPS

Rate of pass-by trips shall be as per the lower limits of the range stipulated by the ITE Trip Generation Manual.

:

ANALYSIS METHODOLOGY

The analysis methodology shall be as per the following flow chart (Figure 1) in phases described below.

PHASE I

Establish existing traffic conditions without the site. Calculate existing Level of Service (LOS) and capacity* for existing traffic flow conditions.

PHASE II

Forecast future traffic conditions (Study Horizon) without the site. The selection of year for which the study results are to be analyzed will be dependent on the size of proposed development. Table 1 suggests the study horizons that may be appropriate for development of various sizes.

PHASE III

Forecast future Site-Only traffic conditions.

PHASE IV

Determine Total future traffic condition (II+III).

PHASE V

Evaluate alternative improvements/mitigations.

PHASE VI

Prepare cost estimates for implementing mitigations and discuss project participation in funding the mitigations.

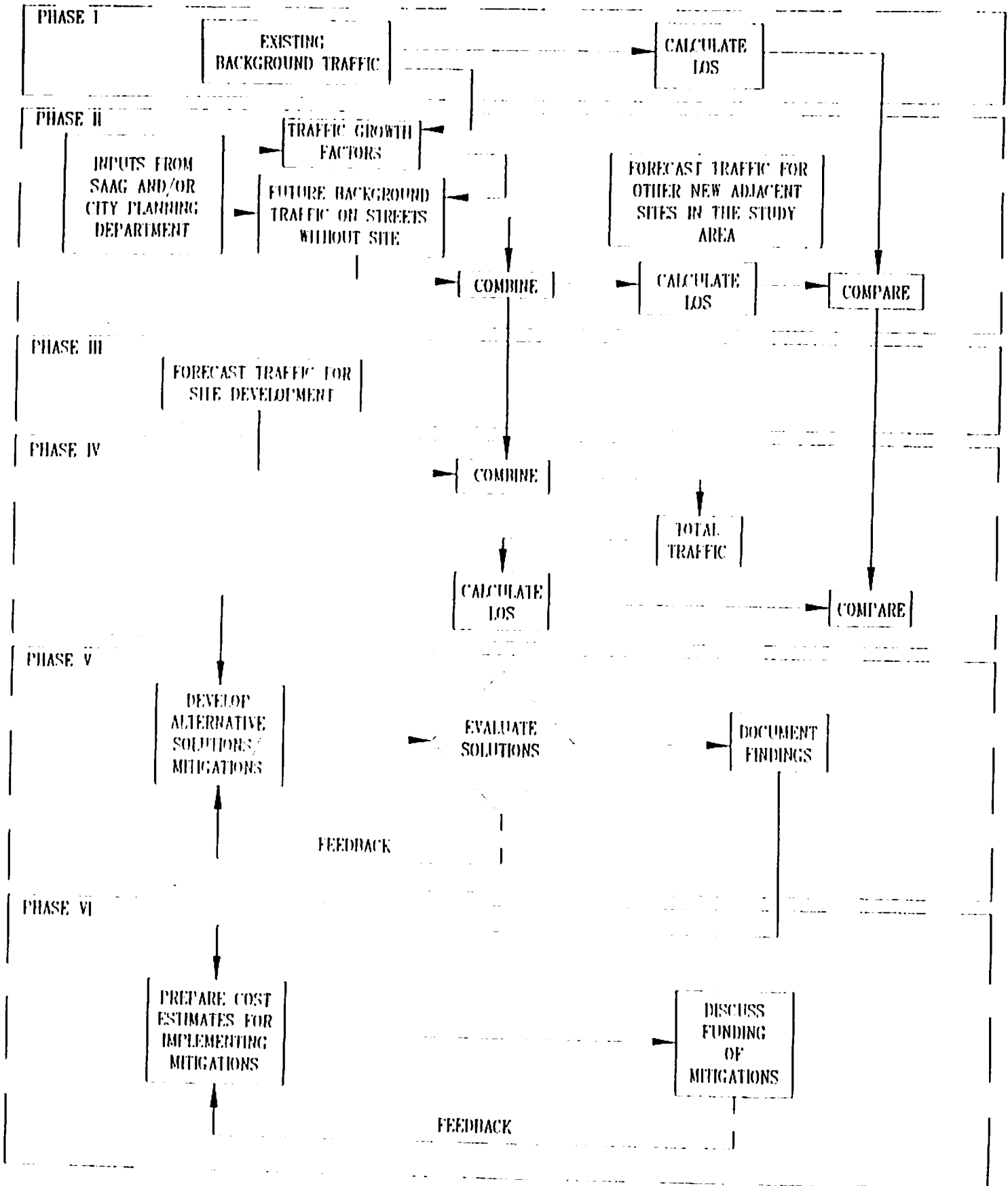
* The Highway Capacity Manual (HCM), as published by the National Research Council, shall be used to analyze intersection capacity and LOS. Intersections that are currently signalized shall be analyzed using the HCM operational method.

Table:1 Appropriate Study Horizons

Development Size	Suggested Horizon(s)
Small (generating less than 500 peak hour trips)	Anticipated opening year, assuming full buildout and occupancy or 5 years, whichever is more.
Moderate, single phase (500-1000 peak hour trips)	<ol style="list-style-type: none"> 1. Anticipated opening year, assuming full buildout and occupancy or 5 years, whichever is more. 2. Adopted transportation plan horizon year if the development is significantly larger than that included in the adopted plan or in forecasts for the area.
Large, single phase (over 1000 peak hour trips)	<ol style="list-style-type: none"> 1. Anticipated opening year, assuming full buildout and occupancy or 5 years, which ever is more. 2. Adopted transportation plan horizon year.
Moderate or large, multiple phase	<ol style="list-style-type: none"> 1. Anticipated opening years, of each, major phase, assuming buildout and full occupancy of each phase. 2. Anticipated year of complete buildout and occupancy or 5 years, whichever is more. 3. Adopted transportation plan horizon year. 4. Additional years when major area transportation improvement is completed.

Note: Trips generated based on rates in ITE Trip Generation Manual

**FIGURE 1
FLOWCHART OF TRAFFIC IMPACT STUDY PROCESS**



APPENDIX A

CITIES VIEW TIA'S IN POSITIVE LIGHT

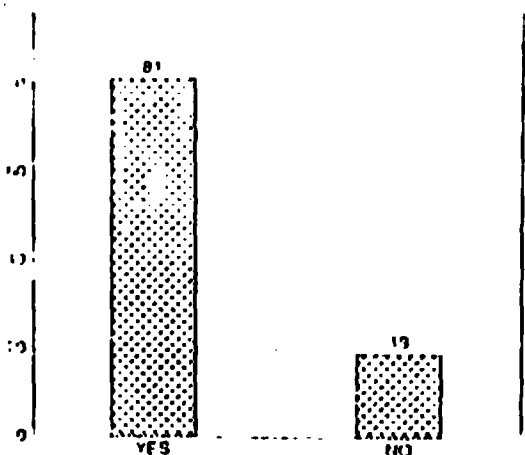
Over 80% of city traffic engineers surveyed last week indicated that the traffic impact analysis (TIA) process does achieve a balance between transportation demand and supply. Over 70% indicated that the TIA process is generally fair to developers. These and other results were obtained in a nationwide survey conducted by the URBAN TRANSPORTATION MONITOR last week. It is interesting to note that all respondents indicated that different consultants will obtain different results for the same TIA.

As can be expected, over 90% of the respondents said that they require the ITE rates to be used for trip generation and over 80% required the Highway Capacity Manual procedures to be used. The results were more mixed when respondents were asked which reductions to trips generated by a developer were acceptable.

Detailed results of the survey are shown on pages 8 and 9 of this issue.

DEMAND SUPPLY BALANCE ACHIEVED BY TIA

PERCENTAGE OF CITY ENGINEERS



INSIDE

Intelligence	Page 5
Statistics	Page 6
Requests for Proposals	Page 7
Survey Results	Page 8
Editorial	Page 8
Conferences	Page 10
New Publications	Page 12
Directory	Page 13

TOLL BY CREDIT CARD NEARING IMPLEMENTATION

Some commuters in Dallas may be paying their toll by credit card soon.

After successful preliminary tests on the Dallas North Tollway, the Texas Turnpike Authority (TTA) is optimistic that they will soon be able to go into full scale implementation of an automatic vehicle identification (AVI) system.

A spokesman for the TTA said last week that although other AVI systems exist, this system will be the first in the world which combines identification with a credit card method of payment. This system has been developed by AM-TECH Corporation of Dallas.

Motorists signing up for the system will have a tag fitted to their dashboards. The tag contains a computer chip programmed with the name, license plate number and credit card number. An amount of \$50 will be authorized on

the credit card for toll deductions. This amount will be automatically supplemented by a further \$50 once the balance is reduced to \$10.

The present fee is \$0.50 for about nine miles of travel on the tollway. The TTA is contemplating increasing the toll for the users of the system to \$0.55, to pay for administration and equipment costs.

The AVI system is expected to speed up toll paying dramatically and at the same time reduce congestion at toll booths. A final test of the system will be run from the beginning of next month with the system being installed at 17 locations on the tollway.

If everything goes according to plan, the system will be ready for full implementation in six months.

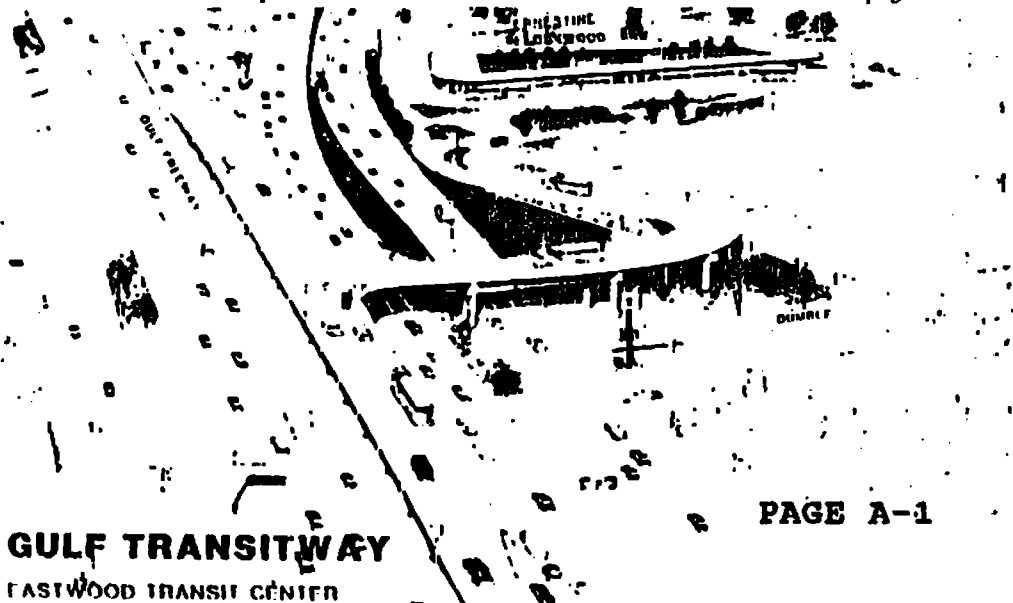
HOUSTON OPENS ANOTHER TRANSITWAY

Another transitway - the first 6.5 mile section of the Gulf Transitway - was opened by METRO and the Texas State Department of Highways and Public Transportation last week. A major transit center being serviced by the Transitway, the Eastwood Transit Center, was also opened.

METRO General Manager Alan Kiepper said "Houston has become nationally recognized as a leader in transitway development. These barrier-protected lanes - usually in the median

of the freeway - are designed for peak period use by buses, vanpools and carpools. Transitways are particularly suited to Houston's spread out nature because they are a cost-effective way to provide meaningful transit service to the suburbs. In fact, the two Houston transitways with some established track record, the North and Katy transitways, carry as many people during the peak hour as the adjacent three freeway lanes combined".

Please turn to page 2



GULF TRANSITWAY
EASTWOOD TRANSIT CENTER

EDITORIAL

This week's survey highlights the high level of subjectivity that is inherent in traffic and transportation engineering procedures as they are generally applied today. All the traffic engineers who participated in the survey indicated that different consultants will produce different results for the same problem.

Anybody with a rudimentary understanding of traffic engineering and transportation planning will recognize that there are many input assumptions to analysis procedures which can be used to swing an analysis to produce "preferred" results.

In traffic impact studies this might be to produce results which would minimize road improvement costs to a developer. In transportation planning it could be to show that capital-intensive expenditures are justified (which might not be the most cost-effective solution), in order to obtain state or federal funding.

Where does this leave the traffic engineer or transportation planner? Should they serve their client's or employer's preferences to the best of their ability or should they take a more objective stance, recognizing that they are also members of a larger community who will ultimately be affected by the consequences of such decisions?

As more and more politicians are recognizing that the results from a traffic or transportation analysis may not be as objective as they might appear at first sight, the temptation is there to use them to further their political objectives or to dismiss them as being biased if they do not suit their purpose.

In the long run this situation will seriously dilute the integrity of the profession, even to the point where decision makers might decide not to have a transportation and traffic analysis done "because it might be biased." The choice that practicing traffic and transportation engineers have to make seems obvious. Or is it?

The URBAN TRANSPORTATION MONITOR is published bi-weekly, (25 issues per year), by Lawley Publications, 2701-C West 15th Street, Suite 501, Plano, Texas 75075, Tel. (214) 596-6680. Subscriptions \$125 per year in the USA, Canada, and Mexico, and elsewhere \$150. The URBAN TRANSPORTATION MONITOR publishes current news on all modes and aspects related to urban transportation. Lawley Publications is an independent and privately owned organization. Copyright 1988, Lawley Publications. All Rights reserved. Reproduction in whole or in part without written permission from the editor is prohibited. Lawley Publications assume no responsibility or liability of any kind for the accuracy or completeness of the information herein or for additional or changed information subsequent to the date the material was submitted for publication.

Publisher/Editor: Daniel B. Rathbone PhD
 Production Manager: Clarissa Reeves
 Technical Assistants: Barbara Leftwich, Melanie Todes

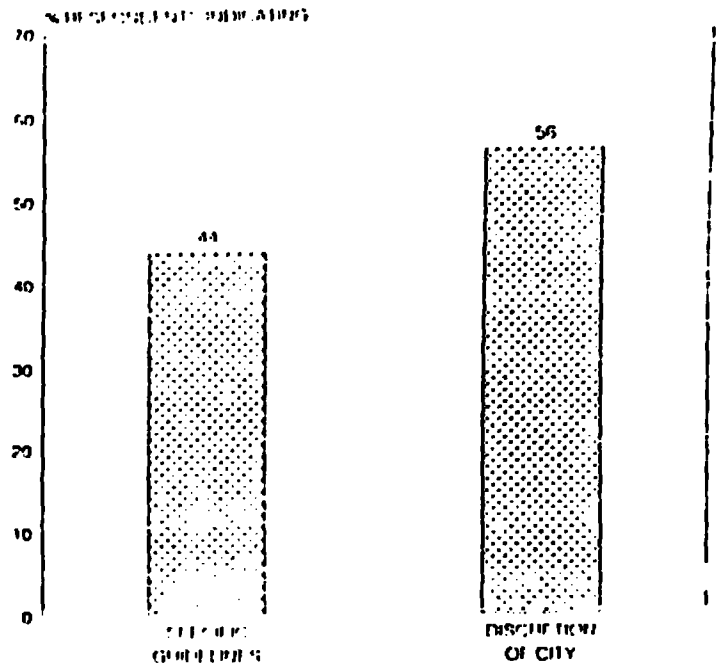
THIS WEEK'S SURVEY RESULTS

Traffic Impact Studies

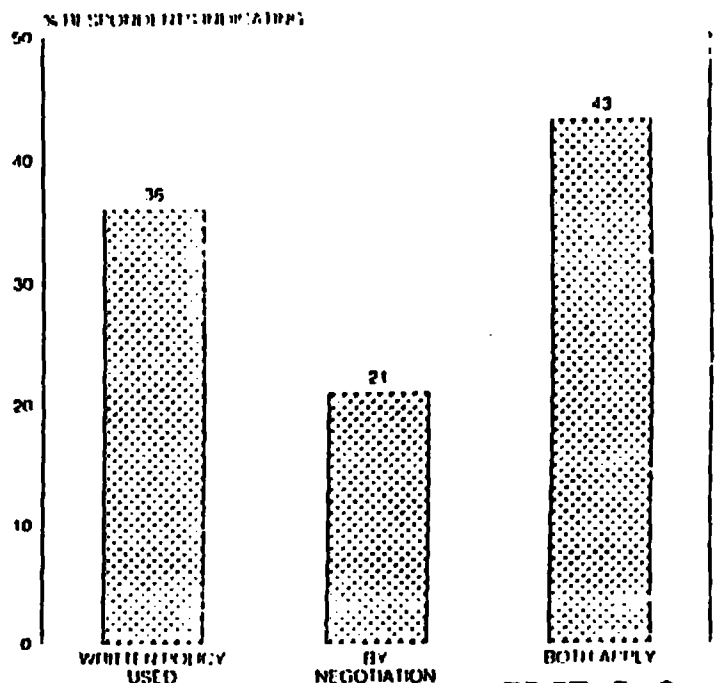
A nationwide survey was conducted last week by the URBAN TRANSPORTATION MONITOR to obtain information and gauge the attitudes of city traffic engineers regarding traffic impact studies.

A random sample of cities of all sizes was selected for this survey. Results of the survey are summarized below and on the adjoining page.

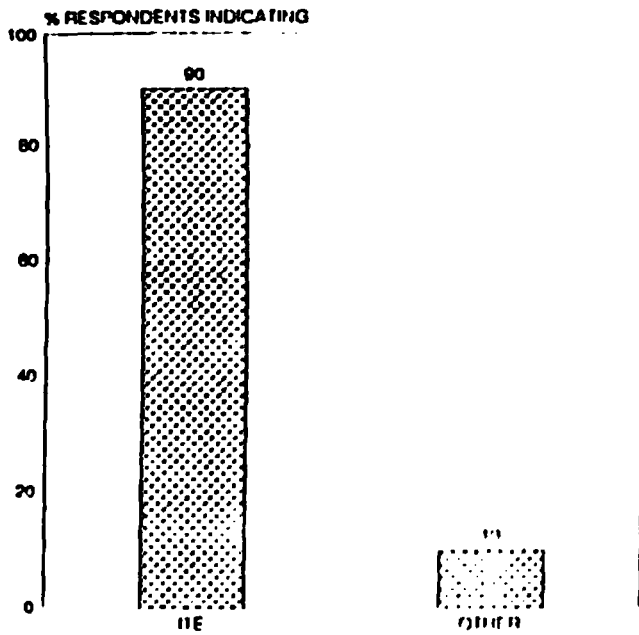
WHEN ARE TIA'S REQUIRED?
 (# OF WHAT SIZE DEVELOPMENT)



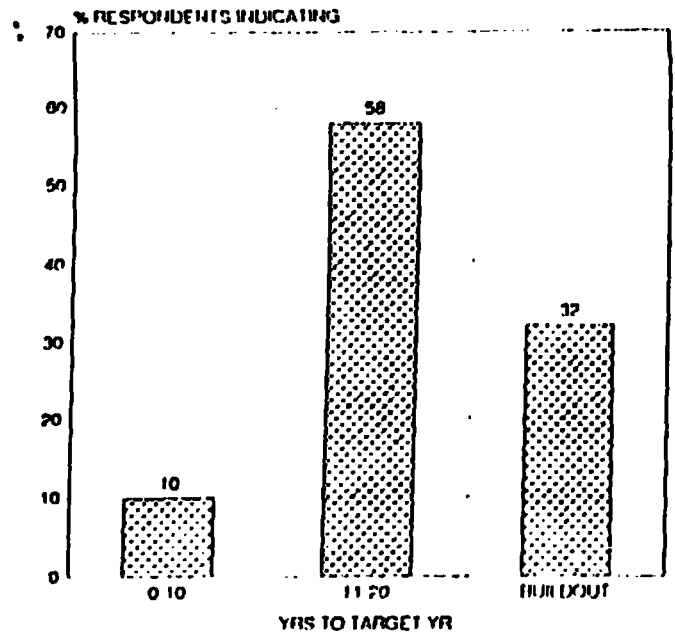
HOW ARE TIA REQUIREMENTS DETERMINED?



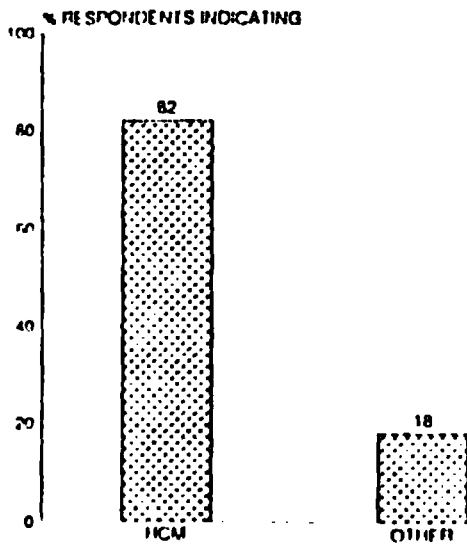
REFERENCE FOR TRIP GENERATION RATES



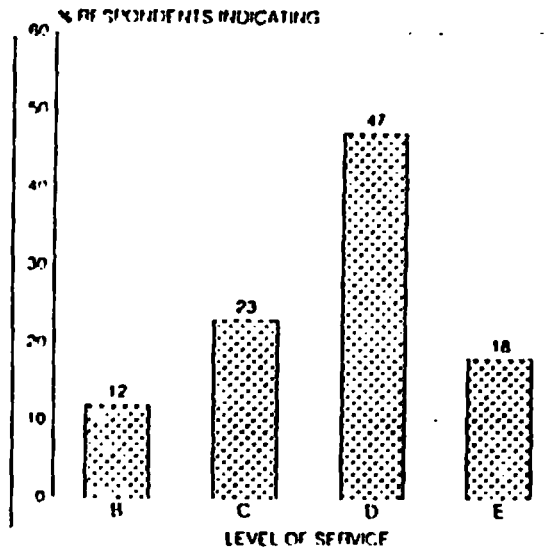
TARGET YR. USED FOR ANALYSES



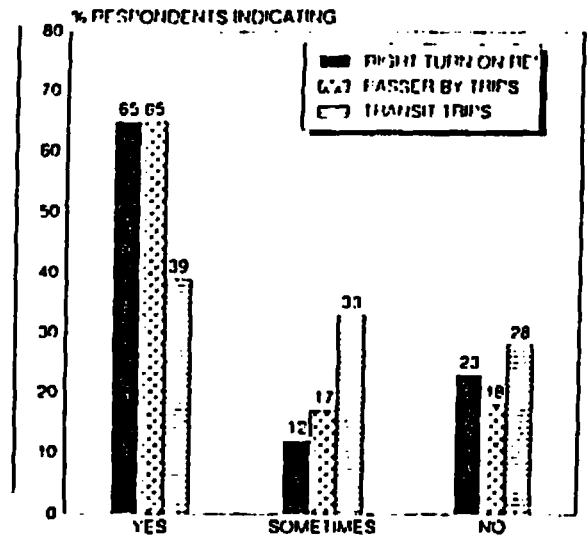
REQUIRED CAPACITY ANALYSIS TECHNIQUE



MINIMUM LEVEL OF SERVICE



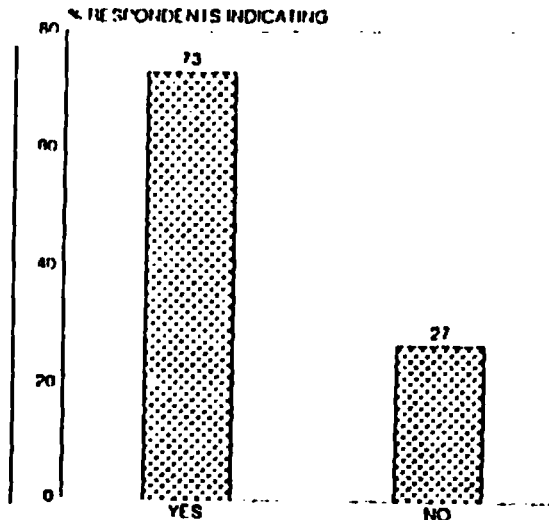
REDUCTIONS TO TRIPS ALLOWED



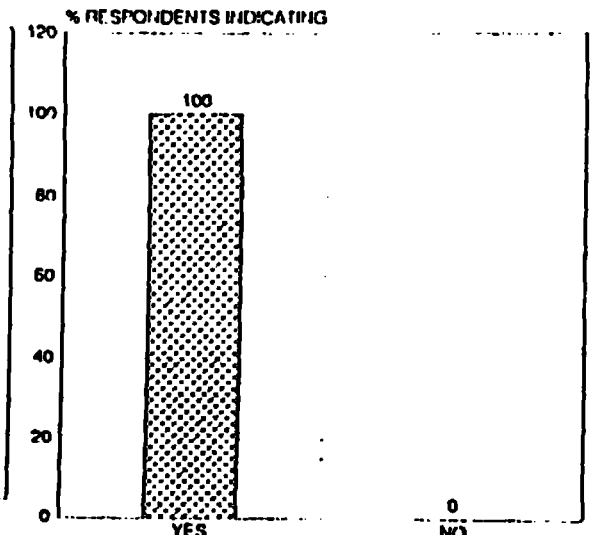
IS DEMAND-SUPPLY BALANCE ACHIEVED BY TIA (TRANSPORTATION DEMAND AND SUPPLY)



IS TIA PROCESS FAIR TO DEVELOPERS?



WILL CONSULTANTS GET DIFFERENT RESULTS? (FOR THE SAME TIA)



OBJECTIVES OF "SITE"

- Determine traffic demand
- Identify system deficiencies
- Evaluate system improvements

• Note: System = proposed site +

+ surrounding land use +

+ transportation network

APPROPRIATE USE OF "SITE"

Conduct a SITE when:

• Site produces 100 or more peak hour trips.

• Site traffic is 5% or more of the service volume of an intersection approach.

SOURCE: FEDERAL HIGHWAY ADMINISTRATION

SITE IMPACT TRAFFIC EVALUATION [S.I.T.E].

A Summary of a Proposed Recommended Practice

Traffic Access and Impact Studies for Site Development

BY THE TRANSPORTATION PLANNERS COUNCIL OF THE INSTITUTE OF TRANSPORTATION ENGINEERS

A broad range of local agency requirements and technical procedures for conducting site traffic access and impact studies has evolved over a

period of time. This has led to inconsistencies and even disagreements on how such studies should be performed and reviewed and what elements should be

addressed. The Institute of Transportation Engineers (ITE) has sponsored the development of this recommended practice to provide a basis for consistency in these studies. It is hoped that this consistency will lead to greater technical credibility and fuller use of the conclusions and recommendations of such studies.

This report describes the key elements required for preparing and reviewing traffic access and impact studies for new and expanding land developments. This recommended practice has been prepared for use by practicing traffic/transportation engineers and planners, including public agency reviewers involved in the development approval process.

This is the summary of a report that is being proposed as a Recommended Practice of the Institute of Transportation Engineers.

This Proposed Recommended Practice has been developed in accordance with formally adopted Institute procedures designed to help ensure that a representative cross section of parties are given opportunities to provide input. It should be noted that the recommendations are guidelines, not an exclusive set of acceptable procedures. They are not necessarily intended to supersede specific local, regional, or state requirements, although those agencies may wish to modify their requirements as a result. It will, however, assist developers, study preparers, and reviewers to understand what constitutes a complete traffic access/impact study and report.

It is important that there be latitude for addressing unique case-by-case situations. Valid new procedures for predicting traffic needs and impacts should also be considered as they are developed. All input received to date was considered by the task force so that this report would represent the best consensus obtainable on the state-of-the-art at the time of approval.

The report was prepared by the ITE Transportation Planners Council Task Force on Traffic Access/Impact Studies. Members of the Steering Commit-

tee of this task force were Brian S. Bochner, (chairperson), P.E., (F); Lee F. Billingsley, P.E., (F); T. Douglas Hess, P.E., (A); Mark R. Norman, P.E., (F); John L. Simon (M); and C. Michael Walton, P.E., (M). Members of the review committee included Marsha D. Anderson (M); John W. Barr, P.E., (F); Richard F. Beaubien, P.E., (F); LeRoy A. Chimini (A); William Fager; R. Marshall Elizer, Jr., P.E., (M); Peter Flotz, P.E., (A); Richard C. Gern, P.E., (F); Roger B. Henderson, P.E., (A); Gary D. Jost (A); Robert P. Jurasin, P.E., (M); Chris D. Kinzel, P.E., (F); Harry Kochler, P.E., Frank J. Koepke, P.E., (F); George J. Scheuenstuhl, P.E., (M); Les Smith; Gary H. Sokolow (A); Sandra Stinson-Stout (A); Vergil G. Stover (F); T.C. Sutaria, P.E., (M); Raymond S. Trout, P.E., (M); Kenneth O. Vothies, P.E., (M); Gary J. Wolff, P.E., (A).

Certain individual volunteer members of the Institute standards-developing bodies are employed by federal agencies, governmental offices, private enterprise, or other organizations. Their participation in the Institute standards-developing activities does not constitute government agency or other organization endorsement of any of the Institute standards-developing bodies or any Institute standards that are developed by such bodies.

Review Process

The local agency review process should encourage and ensure:

- A realistic awareness of other developments that are committed, planned, proposed, and/or permitted under existing zoning.
- A thorough and objective review of the material presented in the traffic access/impact study report.
- Recommendations regarding development of a comprehensive site access system, including complementary and effective off-site improvements and/or developer participation (if needed), to achieve an efficient and safe transportation system within and adjacent to the development site.
- Open discussions between the agency

- and the developer regarding transportation aspects of site development.
- Fair assessment of impacts and need for improvements.

Preparation, Review, and Timing of Study

Site traffic access/impact studies should be prepared under the supervision of qualified, experienced, and registered transportation engineers with specific training in traffic and transportation engineering and several years of experience related to preparing traffic studies for existing or proposed developments. The ability to forecast and analyze traffic needs for both developments and roadway systems is essential.

Traffic access and impact study reviews should be conducted by transportation engineers in agencies that are responsible for development review and approval. In some cases, adjacent jurisdictions that may be impacted by the development should also be offered an opportunity to review the studies. The review process should include detailed analyses by the traffic and transportation professionals who are responsible for operating roadways and for planning and implementing roadway improvements (for example, municipal, county, state, or regional planning agencies). Regardless of the reviewing agency or department, the reviews should be carried out by individuals with adequate applicable training and experience in traffic/transportation engineering.

Under normal circumstances there are several stages in the development process for which traffic access/impact studies may be appropriate:

- Land subdivision application

- Project platting request
- Environmental assessment
- Site plan approval
- Building permit application
- Formation of special-purpose district
- Development agreements (phased agreement, pro-offers, etc.)
- Amendments to comprehensive plans
- Permits for major driveways
- Annexations

Such studies should be completed for proposed developments in accordance with local criteria, but should include at a minimum the rezoning (or zoning variance) and site plan review stages.

Recommended Threshold for Study

In considering transportation aspects of land development, an important question encountered early in the process is: "Under what conditions is a traffic access/impact study needed?"

In general, a complete traffic access/impact study should be conducted whenever a proposed development will generate 100 or more additional (new) peak direction (inbound or outbound) trips to or from the site during the adjacent roadway's peak hour or the development's peak hour. This site trip generation is an appropriate threshold for the following reasons:

1. One hundred vehicles per hour represents approximately 15% of the capacity of a curb travel lane under signalized control.
2. One hundred additional vehicles per hour can change the level of service of an intersection approach.
3. Left- or right-turn lanes may be needed to satisfactorily accommo-

date site traffic without adversely impacting through traffic.

Judgment must also enter into the process. In some cases, although a development will generate fewer trips than the peak hour, peak direction threshold of 100 trips, a study may be necessary because of a localized safety or capacity deficiency, such as:

1. Current traffic problems in the local area, such as a high-accident location, confusing intersection, or an intersection in need of a traffic signal.
2. The current or projected level of service of the roadway system adjacent to the development, which will be significantly affected.
3. The sensitivity of the adjacent neighborhoods or other areas that may be perceived as being impacted.
4. The proximity of existing or proposed site driveways to other driveways or intersections.
5. The ability of the adjacent, existing, or planned roadway system to handle increased traffic, or the feasibility of improving the roadway system to handle increased traffic.
6. Other specific problems or deficiencies that may be affected by the proposed development or affect the ability of the development to be satisfactorily accommodated.

Table 1 contains suggested baseline criteria for site traffic access/impact studies. These can be used as a starting point in deciding when and how such a study should be performed. These criteria should be adjusted for each study area, depending on the above-listed considerations.

Study Area

In large part, the contents and extent of a traffic impact study depend on the location and size of the proposed development and the conditions prevailing in the surrounding area.

An inappropriately large analysis area will unnecessarily increase costs and time for the developer, the study preparer, and the reviewer. In determining how large the study area should be, a general rule of thumb is to include in the analysis those roadways on which at least 5% of peak hour capacity at an intersection approach will be composed of trips predicted to be generated by the new development (see Table 1). Traffic that

Table 1. Recommended Baseline Criteria for Site Traffic Access/Impact Studies

	Criteria
Trip Generation Threshold	100 newly generated vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour.
Analysis Area	All roads, ramps, and intersections through which peak hour site traffic composes at least 5% of the existing capacity on an intersection approach, or roadway sections on which accident potential or residential traffic character is expected to be significantly impacted.

Notes: Additional criteria are discussed in other sections of the report. Criteria are starting point for deciding when and how a study should be performed (criteria should be adjusted based on recommendations discussed in "Recommended Threshold for Study" section).

composes more than 5% of a roadway's capacity can represent a noticeable impact to most drivers. In areas where site traffic composes less than 5% of roadway capacity, at a minimum the intersections adjacent to the site should be analyzed.

Care should be taken to include in the study all known congested locations that may be impacted by the proposed development.

Study Horizon

The selection of years for which the study results are to be characterized (the study horizon) may be directly related to local plan horizons, development phasing (for this and other projects), or major transportation system changes.

Table 2 suggests horizons that may be appropriate for developments of various sizes.

Peak Traffic Hour(s)

The overall purpose of most studies is to show how traffic generated by the development project will impact the transportation system. In general, the critical time period for traffic generated by a given project is directly associated with

the peaking characteristics of both the project-related travel and the area's transportation system.

The peaking characteristics of the adjacent street and highway system can be determined through analyses of traffic count data. In many cases, the data are available from secondary sources; in other cases, such data need to be collected. However, care should be taken to consider potential changes in peaking characteristics over time, particularly in growing areas.

Consideration should also be given to weekend and other typically off-peak traffic. Some land uses generate their peak traffic on evenings or weekends, while some uses are relatively inactive during the normal weekday. It is therefore recommended that weekend and other typically off-peak conditions be reviewed to determine if a more detailed analysis is required.

Field Reconnaissance and Data Collection

After defining the study area with local transportation and/or other reviewing officials, one should review any major land use or transportation system

changes that have occurred or are expected in the study area during the study period. Traffic generated by all approved and reasonably expected development in the study area should be included in the analyses; appropriate information should be obtained.

The collecting of available data should be accompanied by a detailed reconnaissance of the project site, area roadways, and the surrounding vicinity. This should include recording all relevant characteristics needed for the analysis plus observations of existing traffic conditions.

Current data should also be collected to supplement available information as necessary. New data should be obtained in surveys consistent with procedures described in the current edition of the *Manual of Traffic Engineering Studies*.¹

Non-Site Traffic Forecast

Estimates of non-site traffic (traffic that is not generated by the site in question) are required to complete the analysis of horizon year conditions. These estimates characterize the estimated "base" conditions without development of the subject site.

Non-site traffic consists of two components:

- through traffic, consisting of all movements through the study area without origin or destination in the study area, and
- traffic generated by all other developments in the study area (trips having an origin or destination in the study area).

There are three principal methods of projecting non-site traffic: "build-up," area transportation plan data or modeled volumes, and trends or growth rates. Each has its own appropriate use and is based on different data, which may be available or generated as part of the site traffic access/impact study.

The "build-up" technique will normally provide the most accurate and most easily traced results, especially for analysis of developments in areas of moderate growth over a period of 10 years or less. Use of transportation plan data, if locally credible and adaptable to the study year, is generally the second best method, but it is particularly useful for large developments that will be built over a long period in an area of high growth. It should be noted, however,

Table 2. Appropriate Study Horizons

Development Size	Suggested Horizon(s)
Small (generating less than 500 peak hour trips)	Anticipated opening year, assuming full buildout and occupancy.
Moderate, single phase (500-1000 peak hour trips)	<ol style="list-style-type: none"> 1. Anticipated opening year, assuming full buildout and occupancy. 2. Adopted transportation plan horizon year if the development is significantly larger than that included in the adopted plan or in forecasts for the area.
Large, single phase (over 1000 peak hour trips)	<ol style="list-style-type: none"> 1. Anticipated opening year, assuming full buildout and occupancy. 2. Adopted transportation plan horizon year.
Moderate or large, multiple phase	<ol style="list-style-type: none"> 1. Anticipated opening years of each major phase, assuming buildout and full occupancy of each phase. 2. Anticipated year of complete buildout and occupancy. 3. Adopted transportation plan horizon year. 4. Additional years when major area transportation improvement is completed.

Note: Trips generated based on rates in *Trip Generation*?

that 20-year forecasts may be too distant to be applicable in some cases or accurate enough for operational analyses. If neither of the first two methods can be used, then the growth rate method is appropriate.

These methods should be carefully considered based on the study issues and objectives, available data, and reviewing agency preferences or requirements. The final selection should be made only after discussions with the reviewing agency.

Changes to the present or assumed transportation network should be determined from local and state capital improvement programs and plans that have approved funding schedules for implementation. A realistic assessment of timing and certainty should be made. It is critical not to assume improvements that *might or might not* be made in the future. On the other hand, omission of a likely improvement may result in inaccurate traffic estimates and a distorted analysis. The credibility of the entire study may hinge on whether the base transportation system assumptions are credible. The review agency should concur with assumptions of improvements.

The impacts of transportation system changes must be estimated. Diversion of volumes from other facilities to new or improved facilities should be estimated. These changes, whether they are relatively minor or major, can raise or lower traffic volumes at a particular location by enough to affect levels of service.

In areas with significant transit service, changes in modal split should be considered. Only areas with existing or committed frequent service should be identified as having significant impact potential.

It is critical to make sure that corridor volumes are consistent both before and after the reassignment. This can be done by using a screenline technique to compare corridor volumes crossing strategically selected lines drawn perpendicular to the corridor.

Site Traffic Forecast

One of the most critical elements of site impact studies is estimating the amount of traffic to be generated by a proposed development. This is usually done by using trip generation rates, which are commonly expressed in trips per unit of development.

Trip generation rates are often the most critical factor in assessing impacts and needs for a proposed development. A small difference in a forecasted trip generation rate may result in a significant change in the resulting transportation decisions and financial commitments. The outcome of the entire site impact study can depend solely on the question of appropriate trip generation rates. Trip generation rates must therefore be determined carefully and must be defensible using a combination of available data and professional judgment.

The following basic steps should be followed in determining the appropriate trip generation rate:

- Check availability of local trip generation rates for comparable sites.
- If time and funding permit and local data for similar developments are not available, conduct trip generation studies at sites with characteristics similar to those of the proposed development. Characteristics of land uses surveyed and the statistical validity of the sample must be considered in determining their validity.
- Check national sources for an applicable range in trip rates.²
- Determine the design level of traffic to be utilized for the analysis and select appropriate rates.
- Determine any adjustments that may be applied to trip rates to account for the specific characteristics of the development in question (e.g., high transit usage, true mixed-use development). Account for internal or multiple-purpose trips within large developments.
- Select the most appropriate trip generation rates.
- Document the reasons for any variation from normally recognized generation rates and for assumptions unique to the development being studied.

A table should be provided in the study report showing the categories and quantities of land uses, with the corresponding appropriate trip generation rates or equations (with justification for selection of one or the other), and resulting number of trips. For large developments that will be phased in over time, the table should also provide expected trip generation for each significant phase.

Sources

The source(s) of trip generation estimates to be utilized should be agreed upon by the preparer of the traffic study and the agencies that have study review and approval authority. These sources should be referenced in the study report.

If existing data samples are very limited, additional local data should be collected at a credible number of similar sites to provide a trip generation estimate.

The user of trip generation data should take into account where the data were collected. For example, national data bases contain data that were collected almost exclusively at suburban locations or outlying areas within the central cities. Adjustments to these rates may have to be considered to reflect the study site, including the availability of public transportation and paratransit, the number of walk-ins, and the proximity of other developments.

Rate Variations

Trip rates or equations for an average weekday are appropriate for most, but not all, land uses. Uses such as shopping centers, banks, and restaurants exhibit different daily patterns that should be taken into account. For some land uses, Friday or Saturday trips are greater than average weekday trips; since Friday (or Saturday) occurs 52 times a year, that day, rather than the average weekday, may be the design or analysis period for those uses. Seasonal variations are also important for some land uses.

Pass-by Trips

It is usually assumed that all trips entering and exiting a new development are new trips, which were not made to or through the area prior to the development being completed. However, a portion of these trips may be "captured" from trips already being made to other existing developments on the adjacent street system or merely passing by on the way from one place to another. This is particularly true for non-residential developments. The driveway volume for a new development may therefore be significantly different from the amount of traffic the development adds to adjacent street systems. Retail establishments, restaurants, banks, service stations, and convenience markets attract people from the passing stream of traffic; hence, such trips are called pass-by trips.

Only limited data are available to adjust the trip generation rates for pass-by trips. The information on pass-by trips included in the ITE trip generation report should be reviewed.² Because of the limited data available, adjustments should be applied carefully. If pass-by trips are a major consideration for the land use in question, studies and interviews at similar land uses should be conducted or referenced.

Mixed-Use Developments

Most of the trip generation rate data available have been developed from measurements at isolated single-use developments. When different land uses are combined at a site, simply adding the single-use rates together can result in a total trip generation estimate that is too high because it has not accounted for internal trip making among on-site land uses. The latest edition of *Trip Generation* provides some information on this subject.³ Any significant differences between sums of single-use rates and proposed mixed-use estimates should be justified in the study report.

Unusual Land Uses

From time to time, it will be necessary to estimate the trips expected to be generated by a special or unusual land use type. In those cases, it will be difficult to obtain information from existing databases or to collect data at sites with such land uses. In these cases, judgment must be used to identify another land use or combination of land uses that may exhibit similar trip generation characteristics to the land use in question, and for which data are available or can be collected. The reasoning and data used in developing a trip generation rate for special/unusual generators should be justified and explained in the report.

Site Traffic Distribution and Assignment

The distribution and assignment of site traffic to the roadway system is necessary to analyze the impacts of the proposed project on roadway links and intersections within the study area. After an estimate of the total traffic into and out of the site has been made, the next step is to distribute and assign that traffic (including captured trips) to the roadway system. The trip distribution step produces origin-destination trip estimates.

The assignment step produces estimates of how much of the site traffic will use each access route between the origins and destinations.

The directions from which traffic will access the site can vary depending on many factors, including:

- Type of proposed development and area from which it will attract traffic,
- Competing developments (if applicable),
- Size of proposed development,
- Surrounding land uses and population, and
- Conditions on surrounding street system.

Influence Area

Prior to trip distribution of site-generated trips, an influence area should be defined. The influence area should contain a high percentage (approximately 80% or more) of the trip ends that will be attracted to the site. If a market study has been done, it should be used in establishing the influence area. If no market study is available, an influence area should be established based on a reasonable documented estimate. There are various other methodologies that can be used to estimate site traffic distribution. Two of the most common involve establishing an influence area based on a reasonable maximum convenient travel time to the site or delineating area boundaries based on locations of competing developments. The former is more typically utilized; selection of either of these last two methods should be based on characteristics of the development.

Distribution Methods

The three most common acceptable methods for estimating trip distribution are analogy, trip distribution model, and surrogate data. (These methods are described more fully in the complete report.)

Whichever method is used, trip distribution should be estimated and analyzed for each horizon year. A multi-use development may require more than one distribution and coinciding assignment for each phase (for example, residential and retail phases on the same site). Consideration should also be given to whether inbound and outbound trips will have similar distributions. In some cases, these distributions will be different because of tripmaker or roadway system characteristics.

Assignments

Trip assignment should be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates rather than assigning all of the trips to the route with the shortest travel time. The assignments should be carried through the external site access points and in large projects through the internal roadways. When the site has more than one access driveway, logical routing and possibly multiple paths should be used to obtain realistic driveway volumes. The assignment should reflect conditions at the time of the analysis.

Assignments can be accomplished either manually or with applicable computer models.

If a thorough analysis is required to account for pass-by trips, the following procedure should be used:

1. Determine the percentage of pass-by trips in the total trips generated.
2. Estimate a trip distribution for the pass-by trips.
3. Perform two separate trip assignments, based on the new and pass-by trip distributions.
4. Combine the pass-by and new trip assignments.

Upon completion of the initial site traffic assignment, the results should be reviewed to see if the volumes appear logical given characteristics of the road system and trip distribution. Adjustments should be made if the initial results do not appear to be logical or reasonable.

Redevelopment Projects

Traffic estimates for any site with current traffic activity should reflect not only new traffic associated with the site's redevelopment, but also the trips subtracted from the traffic stream because of the removal of a land use.

The traffic impact report should clearly depict the total traffic estimate and its components.

Analysis

Level of Service

Capacity analyses should be performed

at each of the major street and project site access intersection locations (signalized and unsignalized) within the study area. In addition, analyses should be completed for roadway segments deemed sensitive to site traffic. These may include such segments as weaving sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing off site and on site. Other locations may be deemed appropriate depending on the situation.

The recommended level-of-service analysis procedures are detailed in the most recent edition of the *Highway Capacity Manual*.⁴ The definition and procedures for calculating the levels of service are different from those used in other methods. In most urban areas, the overall level-of-service ratings A, B, C, and D are normally considered acceptable for signalized intersections (levels C or better are considered desirable); level-of-service E or F is normally undesirable.

The operational analyses in the *Highway Capacity Manual* should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric, and control parameters can be established.

Several other factors should also be analyzed. These include:

- Safety,
- Circulation patterns,
- Traffic control needs,
- Transit needs or impacts,
- Transportation system management,
- Neighborhood impacts,
- Adequacy of on-site parking facilities (and off-site parking facilities, if any are to be used for site-generated parking),
- Pedestrian and bicycle movements, and
- Service and delivery vehicle access.

Identification of Impacts, Needs, and Common Deficiencies

Analysis and plan development are conducted in an iterative process that is required for each time horizon and key location. The analysis is intended to show the relationship between operations and geometry and to assess deficiencies, as well as identify alternatives for further consideration.

For example, an assessment of inter-

nal circulation will show the relationship between external access points and building access locations, drop-off points, delivery points, and parking locations.

The analyses described above plus the planning principles described later in the report provide the basis for identifying transportation deficiencies and needs related to the proposed developments. These analyses should be conducted for base conditions (without the proposed project) and again with the proposed project to ascertain the incremental impact of the project and the incremental needs it generates.

When the analyses indicate that a particular location is projected to operate at a desirable level of service, then no improvements are required. If, however, deficiencies are recognized, then improvements in access, geometry, or operations must be investigated. When reasonable improvements cannot sufficiently accommodate projected traffic, more detailed assessments of project size, land use, or development phasing may be required. It is important to assess a range of alternatives to provide options that are viable, efficient, economical, and potentially acceptable to the community.

Phasing of major projects is often required in areas where the existing infrastructure may be limited and extensive improvements are needed. Many major projects require improvements to the area roadway infrastructure, both internally and externally. The nature of these improvements and their timing can be related to the phasing of the development, as well as the changes within the region as a whole.

Site Access and Off-Site Improvements

Before any recommendations can be reached, a set of objectives must be established. The recommendations should provide safe and efficient movement of traffic to and from and within and past the proposed development, while minimizing the impact to non-site trips. Other objectives may also be identified; route continuity, circulation system comprehensibility, and progression of traffic flow are all important.

In general, the target level of service should be established in municipal guidelines or in discussions with repre-

sentatives of the review agency. Within urban areas it is recommended that either of the following two levels of service be adopted as the goal of the analysis:

1. All intersections should operate at level-of-service D (or better) during the peak traffic (design) hour of the roadway system, or
2. In areas where current levels of service are D or worse, this baseline level of service must be maintained or improved after development. For example, if the level of service prior to the development is E, then once the development is in place, the level of service must be at least E. Where the level of service is F, the project must result in estimated delay being no worse than the "non-site" condition. Cost-effective improvements may, of course, boost the level of service above F or E. Such factors as safety may also warrant these improvements.

The subsequent qualitative determinations and judgments concern site access locations and capacities and off-site roadway improvements.

Recommendations for improvements should include both off-site and on-site locations. Recommendations should reflect scheduled and recommended roadway network improvements and additional developments in and near the site. The timing of these elements is important.

Resulting recommendations may be classified into four major categories:

1. Regional or subregional network improvements serving the development site.
2. Local improvements adjacent to the development site.
3. Site specific access improvements.
4. Program changes.

Physical roadway improvements should be described in terms of traffic lanes, intersection improvements, traffic control, general right-of-way needs, and other significant characteristics. Operational or policy actions should be clearly defined.

A detailed discussion regarding development of each type of recommendation is included in the complete report.

It is important to view recommendations for improvements within appropriate time perspectives. Recommenda-

tions should be sensitive to the following issues and questions:

- Timing of short-term and long-term network improvements that are already planned, scheduled, and/or funded.
- Time schedules of adjacent developments
- Size and timing of individual phases of development.
- Right-of-way needs and availability of additional right-of-way within appropriate time frames
- Local priorities for both transportation improvements and funding
- Cost effectiveness of implementing improvements at a given stage of development
- Necessary lead time for additional design and construction

Very often a series of improvements needed for a major development may be implemented in more than one order. In such cases, the improvements should be implemented to achieve maximum compatibility with the overall roadway system configuration needed for network effectiveness.

On-Site Planning Principles

An integral part of an overall traffic impact study relates to basic site planning principles: It is extremely important to fully integrate off-site roadway improvements with on-site recommendations.

Internal design will have a direct bearing upon the adequacy of site access points. The identification of access points to the external roadway systems and subsequent recommendations related to the design of those access points are directly related to both the directional distribution of site traffic and the internal circulation system configuration.

In principle, the site plan should include the following:

- Entrance and exit locations, required lanes, and required queuing distances
- Internal roadway circulation systems to carry vehicles between the access points and parking areas, pick-up/drop-off points, and drive-through lanes.
- On site truck service bays, routes, turning points, and roadway access points (separate from those of patron or employee vehicles, where possible)

- Optimal building locations developed in conjunction with site planners.
- Appropriate building entrance locations, major parking areas, and pedestrian routes.

It must be understood that simply providing access to a site by means of curb cuts does not necessarily mean that access to the development has been *adequately* addressed. The quality of access as it relates to the internal site circulation and design will have a direct relationship on the quality of traffic flow in and around the site development and a direct impact on public safety.

Access Points

The number of access lanes, adequate vehicle storage, appropriate signing and striping, and provision for pedestrian interaction are all elements that should be fully consistent with requirements of the local jurisdiction for off-site roadway intersection links.

Joint access (the sharing of a driveway access point by two or more properties) is desirable, particularly where property frontages are short and driveway volumes will be low. Such driveways should be located on joint property lines or be accessible via cross access easements on the private property being served by the joint driveway.

Site access points should be located and designed in accordance with the following guidelines:

1. Adequate spacing should be maintained from adjacent street and driveway intersections.
2. If the driveway is proposed to be signalized, it should be located to facilitate traffic progression past the site.
3. Access driveways should intercept approaching traffic as efficiently as possible
4. Adequate inbound and outbound capacity should be provided in proportion to the distribution of site traffic. The number of driveways should be compatible with site access capacity needs and should minimize adverse impacts on adjacent roads.
5. Two-way driveways should generally intersect adjacent roadways at 75- to 90 degree angles.
6. The capacity of on-site intersections should be sufficient so traffic entering the site does not back up onto the adjacent street.

Vehicular Queuing Storage

Provision for appropriate vehicular exit queuing should be made at all access drives to a development. High-volume entrances should provide sufficient queuing capacity between the street and the internal circulation road or aisle so as to accommodate inbound traffic surges without forcing traffic to queue back onto the external roadway system.

Analyses should be performed to provide usable estimates of necessary queue lengths to be accommodated at signalized intersections. The same procedures should be used for on-site queuing reservoirs and for off-site left- and right-turn lanes.

Drive-in and drive-through developments, such as banks, car washes, and fast-food restaurants, should be provided with adequate queue storage capacity to accommodate normal peak queues.

Internal Vehicular Circulation

Internal circulation roads should be striped and signed in a manner consistent with the *Manual on Uniform Traffic Control Devices*⁶ and be designed to safely and efficiently deliver vehicles to their respective destinations.

The design, alignment, and location of internal circulation roads should be carefully reviewed. Close adherence to the principles used in off-site roadway systems should be maintained.

Service and Delivery Vehicles

Service and delivery vehicles require separate criteria for movement to and from the site.

Vehicle turning paths should be sufficient to accommodate the largest vehicles anticipated to travel on the site, or should accommodate a locally required design vehicle (often an emergency vehicle)

Access points expected to be used by service vehicles should have turning paths sufficient to allow service vehicles to enter and exit the site without encroaching upon opposing lanes or curbed areas.

There should be sufficient separation between external and internal circulation roads to allow service vehicles to be fully stored on the premises without blocking access to parking spaces or internal roadway circulation systems.

Service vehicle routes should be designated and signed between access

points and loading facilities to (a) ensure adequate turning paths for service vehicles moving through the site, (b) identify those areas on site that need heavy duty pavement, and (c) ensure the most direct route for the service vehicle to reach the loading dock.

A sufficient number of loading berths should be provided to accommodate anticipated service and delivery activity.

Building Service Drives

Building service drives are those roadways immediately adjacent to the building and its entrances. They usually serve one or all of four purposes:

1. Fire and/or emergency vehicle access.
2. Pedestrian pick-up/drop-off adjacent to buildings
3. Internal circulation.
4. Recirculation in parking areas.

These roadways should be designed with sufficient width to accommodate these functional needs.

When reviewing and developing site plans, one overall basic criterion should be applied: the access drives, internal circulation drives, service drives, and parking areas act together as one system and should function and be signed as one system.

As part of the overall site planning, public transportation, pedestrians, and bicyclists should also be considered.

Parking

Parking is addressed in numerous documents. Discussions about specific dimensions, parking angles, and parking ratio requirements are all issues addressed in detail in other publications. In addition to affecting convenience, the

number of parking spaces and the design of parking facilities provided may have bearing upon the efficiency and safety of the project.

The Study Report

The purpose of a site traffic access/impact study report is to document the purpose, procedures, findings, conclusions, and recommendations of the study. The most common uses for these reports are to (a) provide developers or designers with recommendations on site selection, site transportation planning, and traffic impacts, (b) aid public agencies in reviewing the attributes of proposed developments in conjunction with requests for annexation, subdivision, zoning, building permits, or other development reviews, and (c) establish or negotiate mitigation requirements where off-site impacts require improvements beyond those otherwise needed. In recent years, such reports have also been used by public agencies to levy impact fees or assess developer contributions to roadway facility improvements.

The documentation for a traffic access and impact study should include, at a minimum:

- Study purpose and objectives.
- Description of the site and study area.
- Existing conditions in the area of the development.
- Anticipated nearby development.
- Trip generation, trip distribution, and modal split.
- Projected future traffic volumes.
- An assessment of the change in roadway operating conditions resulting from the development traffic.

- Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.

The analysis should be presented in a straightforward and logical sequence. It should lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.

The recommendations should specify the time period within which the improvements should be made (particularly if the improvements are associated with various phases of the development construction), the estimated cost of the improvements, and any monitoring of operating conditions and improvements that may be required.

Data should be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.

To facilitate examination by reviewing agencies, an executive summary of one or two pages should be provided, concisely summarizing the purpose, conclusions, and recommendations.

The report documentation outlined above provides a framework for site traffic access/impact study reports. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements, and the study results may warrant additional sections.

References

1. Box, Paul C., and Joseph C. Oppenlander. *Manual of Traffic Engineering Studies*. Washington, D.C.: Institute of Transportation Engineers, 1976.
2. *Trip Generation*, 4th ed. Washington, D.C.: Institute of Transportation Engineers, 1987.
3. Sosslau, A. B., et al. *Quick Response Urban Travel Estimation Techniques and Transferable Parameters: Users' Guide*. NCHRP Report 187. Washington, D.C.: National Cooperative Highway Research Program, Transportation Research Board, 1978.
4. Mehra, Joe, and C. Richard Keller. *Development and Application of Trip Generation Rates*. Washington, D.C.: Federal Highway Administration, 1985.
5. Transportation Research Board. *Highway Capacity Manual*, Special Report 209. Washington, D.C.: TRB, 1985.
6. National Committee on Uniform Traffic Control Devices. *Manual on Uniform Traffic Control Devices*. Washington, D.C.: U.S. Department of Transportation, Federal Highway Administration, 1978. ■

Comments are being sought to assist the consideration for adoption of the report as an ITE recommended practice. Comments should be submitted by October 15, 1988. Comments, questions, and any requests for a

public hearing should be directed to: Professional Programs Department, Institute of Transportation Engineers, 525 School Street, S.W., Suite 410, Washington, D.C. 20014-2729 USA; phone 202/554-8050.

LAND USE TYPE	GENERATION UNITS	P.M. GENERATION FACTOR	GENERATION UNITS NEEDED FOR 100 VEHICLE TRIPS IN PM PEAK HOUR
ALL SUITES HOTEL	ROOM	0.432	231.00
APARTMENT	UNIT	0.673	149.00
APARTMENT-HIGH RISE	UNIT	0.358	279.00
APARTMENT-LOW RISE	UNIT	0.628	159.00
APPAREL STORE	1,000 SF	3.333	30.00
BANK, DRIVE-IN	1,000 SF	27.278	3.67
BANK, WALK IN	1,000 SF	20.195	4.95
BUILDING MATERIALS AND LUMBER STORE	1,000 SF	2.795	35.78
BUSINESS PARK	1,000 SF	1.350	74.07
CAR WASH	STALL	8.000	13.00
CHURCH/SYNAGOGUE	1,000 SF	0.641	156.01
CLINIC	1,000 SF	2.484	40.26
CONDOMINIUM RESIDENTIAL	UNIT	0.561	178.00
CONDOMINIUM RESIDENTIAL HIGH-RISE	UNIT	0.375	267.00
CONDOMINIUM RESIDENTIAL LOW-RISE	UNIT	0.827	121.00
CONGREGATE CARE FACILITY	UNIT	0.173	578.00
CONVENIENCE MARKET	1,000 SF	71.125	1.41
DAY CARE CENTER	1,000 SF	12.302	8.13
DISCOUNT STORE	1,000 SF	6.109	16.37
DRIVE-IN SAVINGS AND LOAN	1,000 SF	6.833	14.63
ELEMENTARY SCHOOL	STUDENT	0.015	6,667.00
FURNITURE STORE	1,000 SF	0.391	255.75
GENERAL HEAVY INDUSTRIAL	1,000 SF	0.193	518.13
GENERAL LIGHT INDUSTRIAL	1,000 SF	1.037	96.43
GENERAL OFFICE BUILDING	1,000 SF	2.910	34.36
GOLF COURSE	ACRE	0.386	259.07
HARDWARE/PAINT STORE	1,000 SF	4.867	20.55
HIGH SCHOOL	STUDENT	0.237	422.00
HOSPITAL	1,000 SF	2.102	47.57
HOTEL	ROOM	0.664	151.00
INDUSTRIAL PARK	1,000 SF	0.971	102.99
INSURANCE BUILDING	1,000 SF	2.368	42.23
MANUFACTURING	1,000 SF	0.749	133.51
MEDICAL OFFICE BUILDING	1,000 SF	3.626	27.58
MINI-WAREHOUSE	1,000 SF	0.258	387.60
MOBILE HOME PARK	UNIT	0.559	179.00
HOTEL	ROOM	0.625	127.00
NEW CAR SALES	1,000 SF	4.579	21.84
NURSING HOME	BED	0.208	481.00
OFFICE BUILDING GENERAL	1,000 SF	2.910	34.36
OFFICE PARK	1,000 SF	1.471	67.98
RESIDENTIAL PLANNED UNIT DEVELOPMENT	UNIT	0.619	162.00
RESTAURANT-FAST FOOD-WITH DRIVE-THRU	1,000 SF	33.257	3.01
RESTAURANT-FAST FOOD-WITHOUT DRIVE-THRU	1,000 SF	52.000	1.92
RESTAURANT-HIGH TURNOVER	1,000 SF	19.929	5.02
RESTAURANT-QUALITY	1,000 SF	7.250	13.79
RETAIL, GENERAL MERCHANDISE	1,000 SF	4.804	20.82
SAVINGS AND LOAN, WALK-IN	1,000 SF	2.667	37.50
SAVINGS AND LOAN, DRIVE-IN	1,000 SF	4.556	21.95
SERVICE STATION	PER PUMP	3.630	28.00
SHOPPING CENTER	1,000 SF	18.820	5.31

:

LAND USE TYPE	GENERATION UNITS	P.M. GENERATION FACTOR	GENERATION UNITS NEEDED FOR 100 VEHICLE TRIPS IN PM PEAK HOUR
SINGLE-FAMILY DETACHED HOUSING	UNIT	1.005	100.00
SPECIALTY RETAIL CENTER	1,000 SF	4.068	24.58
SUPERMARKET	1,000 SF	8.821	11.34
UTILITIES	1,000 SF	0.400	250.00
VIDEO ARCADE	1,000 SF	9.600	10.42
WHOLESALE MARKET	1,000 SF	0.213	469.48

MODESTO CITY COUNCIL
RESOLUTION NO. 88-877

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA FIRE FIGHTER JOINT APPRENTICESHIP COMMITTEE TO RECRUIT AND TEST FOR FIRE FIGHTER TRAINEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the California Fire Fighter Joint Apprenticeship Committee to recruit and test for Fire Fighter Trainees

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 November, 1988, by Councilmember Sutton 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:	Irizarry, Lang, McGrath, Patterson, Sutton, Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-878

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND AVIS RENT A CAR SYSTEM, INC. FOR THEIR OPERATION 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 Avis Rent A Car System, Inc. for their operation 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 15th day of November, 1988, by Councilmember Sutton 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:	Irizarry, Lang, McGrath, Patterson, Sutton, Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-879

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND
JAMES E. AND SUSANN A. COLEMAN FOR THE LEASE OF PROPERTY ALONG DRY CREEK

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and James E. and
Susann A. Coleman for the lease of property along Dry Creek

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 15th day of
November, 19⁸⁸, by Councilmember Sutton,
who moved its adoption, which motion being duly seconded by Council-
member Lang, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Patterson, Sutton, Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-880

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SANTIAGO AND ERNESTINA ALVAREZ FOR THEIR LEASE OF 308 LOCUST STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Santiago and Ernestina Alvarez for their lease of 308 Locust 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 November, 1988, by Councilmember Sutton 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:	Irizarry, Lang, McGrath, Patterson, Sutton, Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-881

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
CONFIRMING CANVASS BY CITY CLERK OF A SPECIAL MUNICIPAL
ELECTION HELD IN THE CITY OF MODESTO ON NOVEMBER 8, 1988,
AND DECLARING RESULTS OF SAID ELECTION.

WHEREAS, the Council of the City of Modesto (herein called the
"Council") duly called and ordered held in the City of Modesto (herein called
"City") a special municipal election (herein called the "election") for the
purpose of submitting to the qualified electors thereof:

1. Measure B - An Advisory Measure to advise the Council
on whether the Yosemite Boulevard sanitary sewer
trunk line should be extended into the Empire West
Neighborhood for two elementary schools and two
neighborhood parks, and to provide service to a
future public high school and a community park to
serve the Empire West Neighborhood between the
Yosemite Neighborhood and the Santa Fe Railroad
tracks and not within the Empire Sanitary District
boundaries.

and

WHEREAS, the election was consolidated with the General Election
held on Tuesday, November 8, 1988, and

WHEREAS, the election was held on Tuesday, November 8, 1988, 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 returns of said election have been canvassed in
accordance with law and said proceedings and the City Clerk has certified the
results of the election to the Council,

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

1. Said canvass as shown by said certification by the City Clerk and the results of the election are hereby ratified, confirmed and approved.

2. At the election Measure B, was submitted to the electors of the City and the number of votes given in the City for and against said Measure B was as follows:

<u>Measure B</u>	<u>Total Votes For</u>	<u>Total Votes Against</u>
Sewer Trunk Extension Advisory Measure	28,123	17,087

More than a majority of all of the votes cast at the election on Measure B were in favor of said Advisory Measure and said Advisory Measure did carry and was approved by a majority of the qualified voters voting on said Advisory Measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-882

A RESOLUTION GRANTING THE APPEAL OF PAYNTER-WILLSEY PROPERTIES ON BEHALF OF ARNOLD-PACIFIC PROPERTIES TO REZONE PROPERTY FROM LOW DENSITY RESIDENTIAL ZONE, R-1, HIGHWAY COMMERCIAL ZONE, C-3, AND PLANNED DEVELOPMENT ZONE, P-D(164), TO PLANNED DEVELOPMENT ZONE, P-D(459), PROPERTY LOCATED AT THE SOUTHEAST CORNER OF MCHENRY AVENUE AND SYLVAN AVENUE, AND OVERRULING THE DECISION OF THE PLANNING COMMISSION. (ARNOLD PACIFIC PROPERTIES)

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Arnold Pacific Properties on August 18, 1988, to reclassify from Low Density Residential Zone, R-1, Highway Commercial Zone, C-3, and Planned Development Zone, P-D(164), to Planned Development Zone, P-D, to allow a commercial development, property located on the south side of Sylvan Avenue and on the east side of McHenry Avenue, described as follows:

All that certain real property situate in a portion of the northwest quarter of the southeast quarter of Section 9, 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:

C-3 to P-D(459)

Beginning at quarter corner common to Sections 8 and 9, Township and Range aforesaid. Said point of beginning also being the point of intersection of 110.00 foot wide McHenry Avenue and 100.00 foot wide Sylvan Avenue; thence easterly along said centerline of Sylvan Avenue also being the East, West quarter section line through said Section 9, a distance of 398.50 feet; thence southerly 137.00 feet; thence easterly 20.60 feet, thence southerly 198.00 feet. Thence westerly 19.1 feet; thence southerly 198.00 feet; thence westerly 400.00 feet to the west section line of said Section 9 and centerline of said McHenry Avenue; thence northerly 532.60 feet to the point of beginning.

P-D(164) to P-D(459)

Beginning at quarter corner common to Sections 8 and 9, Township and Range aforesaid. Said point of beginning also being the point of

intersection of 110.00 foot wide McHenry Avenue and 100.00 foot wide Sylvan Avenue; thence easterly along said centerline of Sylvan Avenue also being the East, West quarter section line through said Section 9, a distance of 398.50 feet to the true point of beginning of the description; thence continuing along said centerline easterly 65.00 feet; thence leaving said centerline southerly 137.00 feet; thence easterly 135.00 feet; thence northerly 137.00 feet to the centerline of said Sylvan Avenue; thence easterly along said centerline 61.50 feet to the northerly prolongation of the west line of a 14.00 foot wide alley; thence southerly along said west alley line prolongation and west alley line 533.00 feet; thence leaving said west alley line westerly 260.00 feet; thence northerly 198.00 feet; thence easterly 19.10 feet; thence northerly 198.00 feet; thence westerly 20.60 feet; thence northerly 137.00 feet to the point of beginning.

R-1 to P-D(459)

Beginning at quarter corner common to Sections 8 and 9, Township and Range aforesaid. Said point of beginning also being the point of intersection of 110.00 foot wide McHenry Avenue and 100.00 foot wide Sylvan Avenue; thence easterly along said centerline of Sylvan Avenue also being the East, West quarter section line through said Section 9, a distance of 463.50 feet to the true point of beginning of this description; thence leaving said centerline south 137.00 feet; thence easterly 90.00 feet; thence northerly 137.00 feet to the centerline of said Sylvan Avenue; thence westerly 90.00 feet to the point of beginning.

and

WHEREAS, a public hearing was held by the Planning Commission on October 24, 1988 in the City Council Chambers City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 88-115, and

WHEREAS, an appeal of the Planning Commission's denial of the request to rezone the property was filed with the Office of the City Clerk by

Paynter-Willsey Properties on behalf of Arnold Pacific Properties by letter dated October 25, 1988, 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 November 22, 1988, at 7:30 p.m., for consideration, and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1, Highway Commercial Zone, C-3, and Planned Development Zone, P-D(164), to Planned Development Zone, P-D(459), should be granted for the following reasons:

1. The proposed commercial development is in conformance with the General Plan.
2. The proposed commercial development is compatible with existing and potential residential developments to the east and south, respectively, by virtue of adequate building setbacks, screen landscaping, and an eight-foot high solid masonry wall.
3. The proposed P-D zone provides for some traffic mitigation for this very important major/major street intersection.

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

SECTION 1. APPEAL GRANTED. The appeal of Paynter-Willsey Properties on behalf of Arnold Pacific Properties to reclassify the property described above from Low Density Residential Zone, R-1, Highway Commercial Zone, C-3, and Planned Development Zone, P-D(164), to Planned Development Zone, P-D(459), is hereby granted and the decision of the Planning Commission is overruled for the reasons set forth above.

SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(459), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan titled "Plot Plan" as amended in red, stamped approved by the City Council on November 22, 1988.
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 entire east and a portion of the south property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan as part of the first phase of construction.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

Eight-foot decorative masonry wall measured from adjoining grades along the entire east and portion of south property lines, to be constructed prior to occupancy of the first phase of construction.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. The developer shall dedicate street right-of-way required by the Engineering Services Director to complete Sylvan Avenue to major 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.
6. The Sylvan Avenue frontage shall be improved to major street standards prior to the occupancy of any structures or when requested by the Engineering Services Director to alleviate a health, safety, or traffic problem in the area.
7. The alley along the east side of the development shall be dedicated and improved to City standards prior to occupancy of the first phase of construction.
8. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Engineering Services Director. Improvements shall be constructed in accordance with the approved plans.

9. The developer shall pay the cost of providing additional travel lanes on McHenry Avenue as set forth in the traffic mitigation package recommended by the applicant's traffic consultant, subject to approval of Caltrans.
10. Unused driveway approaches shall be removed and replaced with curb, gutter, and sidewalk to City standards.
11. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Sylvan Avenue frontage. The number shall be as determined by the Engineering Services Director.
12. All curbcuts serving two-way driveways shall be at least 41 feet in width except that the curb cut on McHenry Avenue shall be according to the requirements of Caltrans.
13. 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.
14. 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.
15. Drainage shall be provided as required by the Engineering Services Director.
16. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering Services Director.
17. 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.
18. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the south, substantially as shown in red on the plot plan.
19. 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.

20. 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 Engineering Services Director.
21. The loading dock areas on the east and south sides of the shopping center may not be used for outside storage of any type of material.
22. No signs shall be permitted above eight feet in height on the east and south face of buildings identified as A, B, C, D, and Major I.
23. Prior to the issuance of a building permit for any structure, a final parcel map shall be recorded.
24. At such times as additional traffic lanes are established along Sylvan Avenue, the property owner shall pay, upon demand by the City, such costs of providing additional lanes including striping as determined by the City Traffic Engineer.
25. 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(459):

Construction to begin on or before October 24, 1990, and to be completed on or before October 24, 1991.

SECTION 4. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 5. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 6. EFFECTIVE DATE. The development plan and development schedule for Planned Development Zone, P-D(459), set forth in Sections 1 and 2 above, shall not become effective unless and until Ordinance No. 2624-C.S., introduced on the 22nd day of November, 1988, reclassifying the property to Planned Development Zone, P-D(459), 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 November, 1988, 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: Lang, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: Irizarry, McGrath, 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

APPROVED AS TO DESCRIPTION:

By *William J. Smith*
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-883

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1, C-3 AND P-D(164) TO P-D(459). (ARNOLD PACIFIC PROPERTIES)

WHEREAS, on November 22, 1988, the City Council introduced Ordinance No. 2624-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, Highway Commercial Zone, C-3, and Planned Development Zone, P-D(164), to Planned Development Zone, P-D(459), property located on the south side of Sylvan Avenue and on the east side 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 focussed traffic impact study in lieu of an environmental impact report in regard to the environmental impact of the subject project, and

WHEREAS, the City Council has determined that all identified significant impacts have been mitigated to some degree by imposition of road widening and restriping conditions set forth in Modesto City Council Resolution No. 88-882 so that the effects of the project are not significant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County

Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 9-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, Highway Commercial Zone, C-3, and Planned Development Zone, P-D(164), to Planned Development Zone, P-D(459), property located on the south side of Sylvan Avenue and on the east side 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 November, 1988, 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: Lang, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: Irizarry, McGrath, 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. 88-884A

A RESOLUTION ESTABLISHING FILING FEES FOR APPLICATIONS FOR ABANDONMENT OR VACATION OF PUBLIC RIGHTS-OF-WAY OR EASEMENTS AND RESCINDING RESOLUTION NO. 87-1218.

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

1. A filing fee of \$595.00 for each application filed with the City of Modesto for vacation and abandonment of a public right-of-way or easement except public walkways is hereby established.
2. A filing fee of \$100.00 for each application filed with the City of Modesto for vacation and abandonment of a public walkway is hereby established.
3. Said filing fee shall be paid at the same time as the application for vacation or abandonment is filed, except that public agencies shall be exempt from such fees.
4. All requests for abandonment shall be made to the Council, which will refer the request to the Planning Commission. Following a public hearing, the Planning Commission will make a recommendation to the Council which will also hold a public hearing and consider the request.
5. In the event staff determines that a title report is required, it shall be furnished by the applicant prior to consideration by the Planning Commission.
6. A filing fee of \$300.00 is hereby established for each application filed with the City of Modesto for vacation and abandonment of a public right-of-way or easement where such application is a rehearing of a previous application and it is determined by the Director of Planning and

Community Development that the application will not require further Planning Commission action or other substantial staff work as required for the original application.

BE IT FURTHER RESOLVED that Resolution No. 87-1218 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, 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. 88-884B

A RESOLUTION ESTABLISHING FILING FEES FOR ZONE BOUNDARY CHANGES, USE PERMITS, VARIANCES, ENVIRONMENTAL REVIEW, SUBDIVISIONS, AND OTHER APPLICATIONS, AND RESCINDING RESOLUTION NO. 88-277.

WHEREAS, Sections 10-2.1704, 10-2.2506, 10-2.2605, 10-2.2703 and 10-2.2803 of the Modesto Municipal Code provides 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,

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

SECTION 1. FEES. The following filing fees and environmental review fees are hereby established:

(a) P-D Zoning	\$750.00
(b) Amend P-D Zone pursuant to Sec. 10-2.1709(b)	750.00
(c) Amend P-D Zone pursuant to Sec. 10-2.1709(a)	570.00
(d) Rezoning	675.00
(e) Plot Plan Review	
- for a satellite antenna	
for a single-family house	95.00
- for a second-story addition to a	
single-family house	210.00
- all other plot plan reviews	375.00
(f) Conditional Use Permit	570.00
(g) Variance	
- on a lot with a single	
family house in the R-A,	
R-1, R-2 or R-3 zone	\$145.00
- all others	570.00

(h) Administrative Approval of Revised Plans	20% of applicable filing fee
(i) Letter of Verification - Zoning	15.00
(j) Tentative Subdivision Map	475.00
(k) Tentative Parcel Map	435.00
(l) Reversion to Acreage	420.00
(m) Parcel Map Waiver	420.00
(n) Lot Line Adjustment	95.00
(o) Time Extension	95.00
(p) Environmental Assessment	
- initial study	315.00
- staff evaluation of special studies	340.00
- 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	80.00
- of administrative decisions	80.00
(r) Home Business Permit	
- initial and renewals	free
(s) Outdoor Sales and Display Permit	free
(t) Annexation	\$355.00 plus State Board of Equalization fee
(u) 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	

SECTION 2. EXEMPTIONS. Public agencies shall be exempt from all the above fees except those fees required for the preparation of Environmental Impact Reports; provided, however, that public agencies do not have to make an advance deposit for Environmental Impact Report preparation.

SECTION 3. REPEALS. Resolution No. 88-277 is rescinded effective January 31, 1989.

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after February 1, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, 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. 88-884C

A RESOLUTION ESTABLISHING CRITERIA FOR ISSUANCE OF HEALTH
CARE FACILITY BONDS AND RESCINDING RESOLUTIONS 87-1176.

WHEREAS, the City of Modesto is authorized pursuant to its Charter and Ordinance No. 2552-C.S. 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, the City of Modesto desires to encourage all applicants for bonds to adopt and follow a plan of Affirmative Action both in employment and in use of women- and minority-owned outside contractors, and

WHEREAS, the Council has determined that there is a need to establish criteria to be used to review specific Bond requests,

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

1. The proposed facility or project shall be on a site:
 - a. Owned or under option by the applicant
 - b. Within the Modesto City Limits
 - c. With appropriate zoning and an approved conditional use permit or other land use approval if required.
2. The proposed project shall create a significant number of new jobs for local residents. The applicant shall present a plan to the City to show linkage with established local training programs, and how and in what numbers it will train and/or hire local unemployed residents, particularly those who are displaced by plant closures or automation. Preference will be given to those applicants whose plans most effectively addresses the problem of local unemployment.
3. The applicant shall be encouraged to adopt and follow a plan of Affirmative Action in employment and in use of women- and minority-owned outside contractors.

4. The applicant shall present a plan to show that the project will provide services of direct benefit to the public, in particular additional patient capacity and related diagnostic, therapeutic and direct support facilities.
5. Prior to any authorization of bond sales, the applicant shall obtain all necessary approvals for the project including Certificates of Need if required, from the North San Joaquin Health Systems Agency and the Office of Statewide Health Planning and Development of the State of California or their successor organizations.
6. The applicant shall agree to accept any and all Medi-Cal patients on an equal basis with private pay patients, subject to applicable state law.
7. The applicant shall agree to provide emergency medical service without regard to ability to pay.
8. The use of bonds for the refinancing of existing debt shall be limited to (a) existing tax exempt financing, or (b) a small residual taxable loan where such refinancing is required in order for the bonds to be issued.
9. The applicant shall file an application on a form prescribed by the City which shall include a nonrefundable application fee of \$2,625. The fee is established to cover the City's indirect costs (staff time). The applicant shall also advance, as required, any third party fees, charges and other costs. In addition, contingent upon sale of the Bonds, the City may require a fee of up to 1/4 of one percent of the issue amount.
10. The applicant shall pay for a financial advisor to be hired by the City to review the proposal. The advisor will be selected by the City and will work on a time and materials basis. An advance deposit to cover the cost of this review shall be paid by the applicant based on the City's estimated cost. The applicant will be refunded any deposited funds in excess of the costs.
11. If the Bonds are publicly offered, they must be A rated or better by Standard and Poor's or Moody's rating service or a third-party security and/or guarantee must be provided in a form(s) acceptable to the City.
12. If the Bonds are privately placed with one or more institutional investors, said investors must submit a letter certifying that they performed their own credit rating analysis and, as professional investors, are satisfied with the credit worthiness of the applicant and the Bonds.

13. The Bonds shall be sold within one year of approval, or the City Council reserves the right to revoke approval.

BE IT FURTHER RESOLVED that Resolution No. 87-1176 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, 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. 88-884D

A RESOLUTION ESTABLISHING CRITERIA FOR ISSUANCE OF
INDUSTRIAL REVENUE BONDS AND RESCINDING RESOLUTIONS 82-496
AND 87-149.

WHEREAS, the City of Modesto is authorized pursuant to its Charter
and Ordinance No. 2551-C.S. to issue and sell its bonds for the purpose of
providing financing for economic development purposes, and

WHEREAS, the Council has determined that there is a need to
establish criteria to be used to review specific Bond requests,

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

1. The proposed facility or project shall be on a site:
 - a. Owned or under option by the applicant
 - b. Within the Modesto City Limits
 - c. With appropriate zoning and an approved conditional use permit or other land use approval if required.
2. The proposed project shall create a significant number of new jobs for local residents. The applicant shall present a plan to the City to show linkage with established local training programs, and how and in what numbers it will train and/or hire local unemployed residents, particularly those who are displaced by plant closures or automation. Preference will be given to those applicants whose plans most effectively addresses the problem of local unemployment.
3. The applicant shall be encouraged to adopt and follow a plan of Affirmative Action in employment and in use of women- and minority-owned outside contractors.
4. Bonds shall not be used for refinancing loans on existing facilities except in cases where there is a small residual loan and its financing is required in order for the Bonds to be issued.
5. The applicant shall file an application on a form prescribed by the City which shall include a nonrefundable application fee of \$2,625. The fee is established to cover the City's indirect

costs (staff time). The applicant shall also advance, as required, any third party fees, charges and other costs. In addition, contingent upon sale of the Bonds, the City may require a fee of up to 1/4 of one percent of the issue amount.

6. The applicant shall pay for a financial advisor to be hired by the City to review the proposal. The advisor will be selected by the City and will work on a time and materials basis. An advance deposit to cover the cost of this review shall be paid by the applicant based on the City's estimated cost. The applicant will be refunded any deposited funds in excess of the costs.
7. If the Bonds are publicly offered, they must be A rated or better by Standard and Poor's or Moody's rating service or a third-party security and/or guarantee must be provided in a form(s) acceptable to the City.
8. If the Bonds are privately placed with one or more institutional investors, said investors must submit a letter certifying that they performed their own credit rating analysis and, as professional investors, are satisfied with the credit worthiness of the applicant and the Bonds.
9. The Bonds shall be sold within one year of approval, or the City Council reserves the right to revoke approval.

BE IT FURTHER RESOLVED that Resolution Nos. 82-496 and 87-149 are hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, 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. 88-885

A RESOLUTION ESTABLISHING TRANSITIONAL AND SUBSEQUENT GARBAGE RATES FOR AUTOMATED GARBAGE SERVICE, ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE, AND RESCINDING RESOLUTION NO. 87-219.

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, and

WHEREAS, the City Council has previously, by Resolution No. 87-219, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the Council desires to establish rates for automated garbage service for the new automated garbage collection system, which system includes garbage and garden refuse, and to adopt an updated schedule of rates and charges for garbage service, and

WHEREAS, the Council desires to encourage recycling of garbage and a rate of 10¢ per month per household recycling surcharge shall be included in said garbage rates, and

WHEREAS, a public hearing was set to be held on November 15, 1988 at 4:00 p.m., in the Council Chambers located at City Hall, 801 11th Street, Modesto, California, at which time the Council continued said public hearing to November 22, 1988, to consider establishing garbage rates for automated garbage service for the new automated garbage collection system, which system includes garbage and garden refuse, and to consider adopting an updated schedule of rates and charges for garbage service, and

WHEREAS, said public hearing was held on November 22, 1988 at 7:30 p.m., in the Council Chambers located at City Hall, 801 11th Street, Modesto, California, to consider establishing said garbage rates as mentioned above,

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

SECTION 1. TRANSITIONAL AUTOMATED SERVICE RATES. Effective December 1, 1988 through January 31, 1989 only, automated service rates are hereby established as follows:

Transitional billing rate for "Modesto Disposal Service" customers covering December 1, 1988 through January 31, 1989 will be at the rate of \$11.00 for a 60-gallon container for two months and \$15.00 for a 90-gallon container for two months:

The City of Modesto shall subsidize each household \$2.00 on the initial garbage container to set rates for the first year of operation.

Therefore, each customer shall be charged for two months as follows:

60-gallon container for two months	\$ 9.00
90-gallon container for two months	\$13.00

(Said above rates include the \$2.00 subsidized rate paid by the City of Modesto as mentioned above.)

Should any household order more than one container, the charge for each additional container shall be \$5.00.

SECTION 2. SUBSEQUENT AUTOMATED SERVICE RATES. Effective

February 1, 1989, automated service rates are hereby established as follows:

For the billing period beginning February 1, 1989, all households in the city who are supplied with a 60 or 90-gallon container for automated service shall pay \$7.28 per month for a 60-gallon container and \$9.35 per month for a 90-gallon container:

The City of Modesto shall subsidize each household \$2.00 on the initial garbage container to set rates for the first year of operation.

Therefore, each customer shall be charged as follows:

60-gallon container per month	\$ 5.28
90-gallon container per month	\$ 7.35

(Said above rates include the \$2.00 subsidized rate paid by the City of Modesto as mentioned above.)

Should any household order more than one container, the charge for each additional container shall be \$5.00.

SECTION 3. SCHEDULE OF RATES AND CHARGES. Schedule I, which is attached hereto, is hereby adopted as the charges for standard containers to be charged by all licensed collectors of garbage in the City of Modesto to residents who have standard container service, December 1, 1988, until February 1, 1989 or until such time as the customers receive a 60- or 90-gallon container.

SECTION 4. SCHEDULE OF RATES AND CHARGES. Schedule II, 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 to residents who have been supplied with 60- or 90-gallon containers for automated garbage service, effective February 1, 1989, until revised by the City Council.

SECTION 5. REPEALS. Effective November 30, 1988, Resolution No. 87-219 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1988, 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: Irizarry, Lang, Muratore, Patterson, Sutton,

NOES: Councilmembers: McGrath, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

February 1, 1988

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS
Monthly Rates

No. of Containers	Residential		Commercial				
	1	1	2	3	4	5	6
1	4.85	4.75	9.50	14.25	19.00	23.75	28.50
2	7.55	7.45	14.90	22.35	29.80	37.25	44.70
3	10.25	10.15	20.30	30.45	40.60	50.75	60.90
4	12.95	12.85	25.70	38.55	51.40	64.25	77.10
5	15.65	15.55	31.10	46.65	62.20	77.75	93.30
6	18.35	18.25	36.50	54.75	73.00	91.25	109.50

The standard container rates shall apply for service when containers are placed in a location set forth in Section 5-5.10 Container Locations (a.1) (a.2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50) feet from the property line but less than one hundred (100) feet from the property line to reach a container there shall be added to the regular monthly collection charge an additional charge of one dollar (1.00) per month. When containers are located at a distance greater than one hundred (100) feet from the property line or there are three (3) or more containers within a fenced yard or more than fifty (50) feet from the property line which requires additional trips by the garbage collector, this shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS
Number of Collections Per Week

Container Size	1	2	3	4	5	6
1 CY	10.90	21.80	32.70	43.60	54.50	65.40
1 1/2 CY	16.35	32.70	49.05	65.40	81.75	98.10
2 CY	21.80	43.60	65.40	87.20	109.00	130.80
3 CY	32.70	65.40	98.10	130.80	163.50	196.20
4 CY	43.60	87.20	130.80	174.40	218.00	261.60
5 CY	54.50	109.00	163.50	218.00	272.50	327.00
6 CY	65.40	130.80	196.20	261.60	327.00	392.40

DETACHABLE CONTAINER RENTAL RATES
NOT INCLUDED IN ABOVE SCHEDULE

Detachable container size 1 CY to 6 CY
Monthly rental rate 10.00

SCHEDULE I

DROP BOX CONTAINERS

Pickup charge \$68.25 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	36.20	72.40	108.60	144.80	181.00	217.20
4 CY	46.60	93.20	139.80	186.40	233.00	279.60

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.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

<u>1 CY</u>	<u>1 1/2 CY</u>	<u>2 CY</u>	<u>3 CY</u>	<u>4 CY</u>
9.20	10.00	11.00	14.00	18.40

NOTATIONS

1. Where the landlord pays for all cans in one location, it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
2. Where tenant pays for can collection, regardless of location, it shall be regarded as one service.

February 1, 1989

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

Monthly Rates

(Once a Week Pickup Service)

One 60 gallon container \$5.28
 One 90 gallon container 7.35
 Each additional container 5.00

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	10.90	21.80	32.70	43.60	54.50	65.40
1 1/2 CY	16.35	32.70	49.05	65.40	81.75	98.10
2 CY	21.80	43.60	65.40	87.20	109.00	130.80
3 CY	32.70	65.40	98.10	130.80	163.50	196.20
4 CY	43.60	87.20	130.80	174.40	218.00	261.60
5 CY	54.50	109.00	163.50	218.00	272.50	327.00
6 CY	65.40	130.80	196.20	261.60	327.00	392.40

DETACHABLE CONTAINER RENTAL RATES
NOT INCLUDED IN ABOVE SCHEDULE

Detachable container size 1 CY to 6 CY
 Monthly rental rate 10.00

DROP BOX CONTAINERS

Pickup charge \$68.25 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.

SCHEDULE II

COMPACTORS
Number of collections per week

Front Loader Type Size	1	2	3	4	5	6
3 CY	36.20	72.40	108.60	144.80	181.00	217.20
4 CY	46.60	93.20	139.80	186.40	233.00	279.60

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 Director of Public Works shall make a determination and his decision shall be final.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

<u>1 CY</u>	<u>1 1/2 CY</u>	<u>2 CY</u>	<u>3 CY</u>	<u>4 CY</u>
9.20	10.00	11.00	14.00	18.40

NOTATIONS

1. The above residential rates are effective February 1, 1989 to residents who have been supplied a 60 gallon or 90 gallon container for automated service.
2. The above residential rates include the 10¢ per month per household recycling surcharge.
3. The above residential rates include the \$2.00 subsidized rate paid by the City of Modesto as mentioned above.
4. The existing garbage rates for residential customers as set forth on Schedule I shall remain in effect until February 1, 1989 or until the customers receive a 60 gallon or 90 gallon container.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-887

A RESOLUTION REJECTING THE LOW BID AND ISSUING A PURCHASE ORDER TO ACME GLASS COMPANY FOR CONSTRUCTION AND INSTALLATION OF AUTOMATIC DOOR SYSTEM TO KING-KENNEDY CENTER, UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR HANDICAPPED BARRIER REMOVAL

WHEREAS, informal bids were solicited for the construction and installation of an automatic door system to King-Kennedy Center, under the Community Development Block Grant funds for Handicapped Barrier Removal; and

WHEREAS, the bid was held on October 17, 1988, at 4:00 p.m., and of the five bids received, the low bidder submitted a different door than the door specified in the bid specifications.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the low bid submitted by J.H. and Sons Glass in the amount of \$9,725.00, be rejected; and

BE IT FURTHER RESOLVED that the second low bid of Acme Glass Company in the amount of \$9,985.00 be accepted and a purchase order issued to them for the construction and installation of an automatic door system at the King-Kennedy Center, under the Community Development Block Grant for Handicapped Barrier Removal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-888

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF
FOUR USED DETECTIVE CARS FROM A WHOLESALE DEALERS AUCTION

WHEREAS, the Modesto Police Department is requesting the purchase of four used cars for use by Detectives; and

WHEREAS, by using a wholesale auto dealer's auction, we can select vehicles of good quality and condition and of a type not readily identified with law enforcement agencies.

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

BE IT FURTHER RESOLVED that purchase of four used detective cars from a wholesale auto dealer's auction for an estimated cost of \$39,630, 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 November, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-889

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO DELTA SOUND & TELEPHONE, INC., FOR IMPROVEMENTS TO THE COUNCIL CHAMBERS SOUND SYSTEM

WHEREAS, major improvements are needed on the sound system in the City Council Chambers; and

WHEREAS, it is recommended that Delta Sound & Telephone, Inc. so the work since they installed the original equipment and are familiar with the system.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the improvements to the Council Chambers sound system is hereby waived.

BE IT FURTHER RESOLVED that issuance of a purchase order to Delta Sound & Telephone, Inc. in the amount of \$10,961, for improvements to the Council Chambers sound system, 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 November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-890

A RESOLUTION APPROVING SUPPLEMENTAL AGREEMENT NO. 27 TO THE STATE LOCAL AGENCY AGREEMENT NO. 10-5059 FOR THE CARVER ROAD BRIDGE REPLACEMENT AT MID LATERAL NO. 6

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Supplemental Agreement No. 27 to the State Local Agency Agreement No. 10-5059 for the Carver Road bridge replacement at MID Lateral No. 6 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said supplemental agreement by the designated 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 November, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-891

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1988-89 TO REVISE THE CAPITAL IMPROVEMENT PROGRAM TO PROVIDE FUNDING FOR CARVER ROAD BRIDGE REPLACEMENT AT MID LATERAL NO. 6.

WHEREAS, it has been determined that adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1988-89 in order to provide funding for a new project, the Carver Road Bridge replacement at Modesto Irrigation District Lateral Number 6, and

WHEREAS, funding for this project is being provided by a federal grant and by City funds based on an 80/20 split, respectively,

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 1988-89.

SPECIAL GAS TAX FUND (070)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
070/510/9510/3504	Federal Share Revenue	\$130,167
070/430/G746/6000	Carver Road Bridge	\$162,767
070/430/P660/6000	Miscellaneous Resurfacing	\$(32,600)

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-892

A RESOLUTION ACCEPTING THE BID OF GENTZ CONSTRUCTION FOR THE CARVER ROAD BRIDGE REPLACEMENT AT MID LATERAL NO. 6

WHEREAS, Resolution No. 88-733, adopted by the Council of the City of Modesto on September 27, 1988, approved the plans and specifications for the Carver Road bridge replacement at MID Lateral No. 6 and authorized the calling for bids; and

WHEREAS, the bids received for the Carver Road bridge replacement at MID Lateral No. 6

were opened at 11:05 a.m. on October 25, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of Gentz Construction Company in the amount of \$162,767 be accepted as the lowest responsible bid.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Gentz Construction Company in the amount of \$162,767 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 November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-893

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF MINUTP SOFTWARE FROM COMSIS CORP.

WHEREAS, the Parking & Traffic Department is requesting the purchase of MunutP software, to be used in conjunction with the Computerized Citywide Traffic Demand Model project; and

WHEREAS, Comsis Corp., is the only company that markets this transportation planning software.

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

BE IT FURTHER RESOLVED that issuance of a purchase order to Comsis Corp. in the amount of \$6,000 for the purchase of MunitP software, 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 November, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-894**

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$6,000 FROM CONTINGENCY RESERVE TO FUND THE PURCHASE OF MINUTP SOFTWARE

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

FROM:	Contingency Reserve (136 800 8000 8003)	\$6,000
TO:	Traffic Model Project (136 160 P748 6000)	\$6,000

This amount is for the purchase of MinutP software, full package including Max Zones 2000, 15,000 modes, 32,000 links from Comis Corp., the sole distributor of this program. It is to be used in conjunction with the Computerized Citywide Traffic Model.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 19 88, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-895

A RESOLUTION SUPPORTING THE U.C. CAMPUS TASK FORCE IN THEIR EFFORTS TO LOCATE A CAMPUS OF THE UNIVERSITY OF CALIFORNIA WITHIN THE GREATER MODESTO AREA.

WHEREAS, the University of California system is contemplating the construction of their ninth, tenth and eleventh campuses, and

WHEREAS, the University of California system presently has no campuses in close proximity to Modesto, and

WHEREAS, a University of California campus would add to the cultural opportunities of the Modesto area, and

WHEREAS, the University of California would have a favorable economic impact on the Modesto area, and

WHEREAS, a University of California campus would improve the quality of life for Modesto area citizens, and

WHEREAS, the Modesto area has the support services to support a new campus, and

WHEREAS, students from Stanislaus, San Joaquin, Merced, Mariposa and Tuolumne counties are under-represented on University of California campuses,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto supports the University of California Task Force in their community effort to locate a campus in the Modesto area.

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 to the University of California Board of Regents their interest in working with them to site a campus of the University of California in the Modesto area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1988, by Councilmember Sutton, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-896

A RESOLUTION DESIGNATING COUNCILMEMBER BALVINO IRIZARRY 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 Balvino Irizarry 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 22nd day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-897

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER AMENDMENTS TO THE ZONING REGULATIONS PERTAINING TO THE DEVELOPMENT OF PARKING LOTS IN THE P-0 ZONE TO SERVE COMMERCIAL USES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that December 20, 1988, 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 amendments to the Zoning Regulations pertaining to the development of parking lots in the P-0 Zone to serve commercial uses.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-898

A RESOLUTION STATING THE INTENTION OF THE CITY OF MODESTO NOT TO SUCCEED TO THE CALIFORNIA LAND CONSERVATION ACT CONTRACT IN THE KANSAS AVENUE NO. 7A REORGANIZATION TO THE CITY OF MODESTO.

WHEREAS, the Council of the City of Modesto on October 25, 1988, adopted City Council Resolution No. 88-791 annexing territory known as the Kansas Avenue No. 7A Reorganization to the City of Modesto, and

WHEREAS, property located east of Rosemore Avenue, north of Kansas Avenue owned by Phyllis Adams and consisting of 5.73 acres of land included in said reorganization, is subject to the California Land Conservation Act Contract which was approved by the County of Stanislaus, being more fully described in Contract No. 78-3567, recorded on February 23, 1978, in Volume 3023, Page 845, of the Official Records of Stanislaus County, and

WHEREAS, the City of Modesto by City Council Resolution No. 77-1350, adopted on December 27, 1977, duly filed its protest to the said contract with the Local Agency Formation Commission, and

WHEREAS, the Local Agency Formation Commission upheld said protest by resolution entitled "In Re: California Land Conservation Act Contract No. 77-1350" adopted on January 25, 1978.

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto, pursuant to the provisions of Government Code Section 51243, hereby states its intention not to succeed and does not succeed to the above described California Land Conservation Act Contract No. 78-3567 pertaining to property in the Kansas Avenue No. 7A Reorganization 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 22nd day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-898A

A RESOLUTION STATING THE INTENTION OF THE CITY OF MODESTO NOT TO SUCCEED TO THE CALIFORNIA LAND CONSERVATION ACT CONTRACT IN THE KANSAS AVENUE NO. 7A REORGANIZATION TO THE CITY OF MODESTO.

WHEREAS, the Council of the City of Modesto on October 25, 1988, adopted City Council Resolution No. 88-791 annexing territory known as the Kansas Avenue No. 7A Reorganization to the City of Modesto, and

WHEREAS, property located east of Rosemore Avenue, north of Kansas Avenue owned by John Stephens and consisting of 5.14 acres of land included in said reorganization, is subject to the California Land Conservation Act Contract which was approved by the County of Stanislaus, being more fully described in Contract No. 86-4063, recorded on March 5, 1986, in Volume 100, Page 308, of the Official Records of Stanislaus County, and

WHEREAS, the City of Modesto by City Council Resolution No. 86-147, adopted on January 21, 1986, duly filed its protest to the said contract with the Local Agency Formation Commission, and

WHEREAS, the Local Agency Formation Commission upheld said protest by resolution entitled "In Re: California Land Conservation Act Contract No. 86-4063" adopted on February 19, 1986.

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto, pursuant to the provisions of Government Code Section 51243, hereby states its intention not to succeed and does not succeed to the above described California Land Conservation Act Contract No. 86-4063 pertaining to property in the Kansas Avenue No. 7A Reorganization 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 22nd day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-899

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
NANCY M. YOUNG, TO SERVE AS EXECUTIVE DIRECTOR, DOWNTOWN IMPROVEMENT DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Nancy M. Young,
to serve as Executive Director, Downtown Improvement 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 22nd day of
November, 1988, by Councilmember Lang
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-900

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT WITH BROTHERS COMMUNITY SERVICES TO INCREASE THEIR GRANT BY \$75,000 TO REPAIR AND IMPROVE THE HEATING, VENTILATING AND AIR CONDITIONING SYSTEM, FIRE ALARM SYSTEM, AND FLOOR COVERINGS IN THEIR BUILDING AT 918 SIERRA DRIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Brethren Community Services to increase their grant by \$75,000 to repair and improve the heating, ventilating and air conditioning system, fire alarm system, and floor coverings in their building at 918 Sierra 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 22nd day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-901

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE HOUSING ASSISTANCE PLAN FOR SUBMISSION TO HUD FOR THE PERIOD OF OCTOBER 1, 1988, TO SEPTEMBER 30, 1991

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires all Community Development Block Grant grantees to submit a three-year Housing Assistance Plan, and single-year increments.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the submission to the Department of Housing and Urban Development (HUD) of the Housing Assistance Plan for the period of October 1, 1988, to September 30, 1991, be and hereby is, approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-902

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
DOWLING TRANSPORTATION ENGINEERING TO DESIGN AND CALIBRATE A COMPUTERIZED
CITYWIDE TRAFFIC MODEL**

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Dowling Transporta-
tion Engineering to design and calibrate a computerized citywide traffic model

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
November, 1988, by Councilmember Lang
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-903

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$56,680 FROM CONTINGENCY RESERVE TO PROVIDE FUNDING FOR CONSULTING SERVICES OF DOWLING TRANSPORTATION ENGINEERING

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

FROM:	Contingency Reserve: (136 800 8000 8003)	\$56,680
TO:	Traffic Model Consulting Services (136 160 P748 6000)	\$56,680

Funds are needed to provide funding for consulting services of Dowling Transportation Engineering to design and calibrate a computerized citywide traffic demand model.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-904

A RESOLUTION APPROVING THE APPLICATION AND THE PROJECT AGREEMENT FOR HISTORY AND ARCHAEOLOGY GRANT FUNDS FOR MC HENRY MANSION RESTORATION PROJECT FROM THE CALIFORNIA WILDLIFE, COASTAL, AND PARK LAND CONSERVATION ACT OF 1988.

WHEREAS, the people of California under the California Wildlife, Coastal, and Park Land Conservation Act of 1988 has authorized the establishment of a History and Archaeology Grant Program, providing funds to the political subdivisions of the State and to non-profit organizations for the preservation of significant historical and archaeological resources, and

WHEREAS, the Office of Historic Preservation is responsible for the administration of the program within the State, setting up necessary rules and procedures governing application by local agencies under the program, and

WHEREAS, said adopted procedures established by the Office of Historic Preservation require the applicant to certify by resolution the approval of applications prior to submission of said applications to the State,

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

1. Approves the filing of an application for the History and Archaeology Grant assistance for project, and
2. Appoints the City Manager or his authorized designee as agent of the City of Modesto to coordinate, process and execute all contracts, agreements, amendments and ancillary documents within the scope of the attached application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson
Sutton, 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. 88-905

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE TRAIL GRANT PROGRAM UNDER THE CALIFORNIA WILDLIFE, COASTAL, AND PARK LAND CONSERVATION ACT OF 1988 FOR THE DRY CREEK PARK TRAIL 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 acquiring and/or developing facilities for public recreational and open space purposes, and

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

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

WHEREAS, said application contains assurances that the applicant must comply with, and

WHEREAS, the applicant will enter into an agreement with the State of California for acquisition or development of the project,

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

1. Approves the filing of an application for the Trails Grant Program under the California Wildlife, Coastal, and Park Land

Conservation Act of 1988 state grant assistance for the above project, and

2. Certifies that said applicant understands the assurances and certification in the application form, and
3. Certifies that said applicant has or will have sufficient funds to operate and maintain the project, and
4. Appoints the City Manager or his authorized designee as agent of the City of Modesto to conduct all negotiations, execute and submit all documents, including but not limited to 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 22 day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-906

A RESOLUTION ACCEPTING THE FEDERAL LAND AND WATER
CONSERVATION FUND GRANT FOR MELLIS COMMUNITY PARK
DEVELOPMENT.

WHEREAS, at its meeting of May 10, 1988, the City Council adopted
Resolution No. 88-383 approving an application for a grant funded by the
Federal Land and Water Conservation Fund for development of Mellis Community
Park, and

WHEREAS, the City of Modesto has been notified that its grant
application for the development of Mellis Community Park has been approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it does hereby accept the Federal Land and Water Conservation Fund grant
in the amount of \$31,992 for the development of Mellis Community Park.

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

BE IT FURTHER RESOLVED that the City Manager is 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 22nd day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-907

A RESOLUTION ACCEPTING IMPROVEMENTS IN COBBLESTONE SUBDIVISION AS COMPLETE

WHEREAS, the Director of Engineering in a memorandum dated November 15, 1988, indicates that all work required by the subdivision agreement has been completed by Grant Construction to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete.

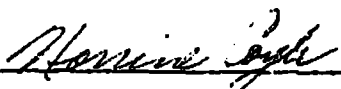
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the improvements in Cobblestone Subdivision are hereby accepted as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-908

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
EVANS TELECOMMUNICATIONS, INC. FOR MAINTENANCE OF THE CITY'S TELEPHONES

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that the agreement between the City of Modesto and Evans Tele-
communications, Inc. for maintenance of the City's telephones

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement
by the designated 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
November, 1988, by Councilmember Lang,
who moved its adoption, which motion being duly seconded by Council-
member Sutton, was upon roll call carried and the resolu-
tion adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-910

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE SNYDER-ST. NICHOLAS REORGANIZATION TO THE CITY OF MODESTO.

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 Snyder-St. Nicholas Reorganization to the City of Modesto, and

WHEREAS, the territory proposed to be included in the Snyder-St. Nicholas Reorganization to the City of Modesto is uninhabited, and

WHEREAS, the territory of the proposed reorganization includes Parcels 2 and 3 of Book 31 of Parcel Maps, at Page 2, Stanislaus County Records, and a description of the boundaries of the territory is set forth in Exhibit "A" attached hereto and by this reference incorporated herein, 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 Salida Fire Protection District; and (c) annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, this proposal is consistent with the sphere of influence of the City of Modesto, and

WHEREAS, on November 29, 1980, the City of Modesto acquired Parcel 2 for a school site and Parcel 3 for a City park site, and

WHEREAS, pursuant to Government Code Section 51295, Williamson Act Open Space Contract No. 71-411 affecting Parcels 2 and 3 is deemed null and void for only the reorganization site acquired for public improvement purposes, and

WHEREAS, all owners of land within the territory proposed to be reorganized have signed petitions requesting the reorganization, and

WHEREAS, the reason for this proposed Snyder-St. Nicholas Reorganization to the City of Modesto is to make the full range of urban services available to allow urbanization of the territory in accordance with the Modesto Urban Area General Plan.

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 it hereby requests that the Local Agency Formation Commission of Stanislaus County authorize the Council to conduct proceedings for the reorganization without notice, hearing, or an election in accordance with Section 56837 of the California Government Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1988, 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: Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

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 Smith
Planning and Community Development

SNYDER - ST. NICHOLAS REORGANIZATION

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Northern line of the SNYDER AVENUE NO. 2 ANNEXATION (406), as per description filed July 3, 1979, as Instrument 585, Stanislaus County Records, said point being the intersection of the South line of said Section 1, said line also being the centerline of Snyder Avenue, with the Southerly extension of the Western line of Parcel "2", as per map filed November 13, 1980, in Book 31 of Parcel Maps, Page 2, Stanislaus County Records:

1. thence leaving the existing City Limits and along said Southerly extension of and said Western line of Parcel "2", North $00^{\circ} 35' 27''$ West, 709.96 feet, to the Northwestern corner of said Parcel "2";
2. thence along the Northern line of Parcel "2" and Parcel "3" of said Parcel Map, filed in Book 31 of Parcel Maps, Page 2, Stanislaus County Records, North $89^{\circ} 07' 00''$ East, 1,069.17 feet, to the Northeastern corner of said Parcel 3;
3. thence along the Eastern line of Parcel 3 and its Southerly extension, South $00^{\circ} 42' 27''$ East, 709.95 feet, to a point on said Northern line of ANNEXATION (406);
4. thence along the existing City Limits and the Northern line of ANNEXATION (406), said line being said South line of Section 1 and centerline of Snyder Avenue, South $89^{\circ} 07' 00''$ West, 1070.62 feet, to the point of beginning, containing 17.437 Acres, more or less.

Exhibit "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 88-911

A RESOLUTION AMENDING THE FINAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1988-89 TO PROVIDE FOR TWO ACCOUNT CLERKS, THE PURCHASE OF TELEPHONE EQUIPMENT, AND ANSWERING SERVICE.

WHEREAS, it is necessary to amend the Annual Budget of the City of Modesto for fiscal year 1988-89 in the amount of \$49,396 to provide for the hiring of two additional account clerks with related equipment in the Finance Department, authorize the use of a telephone answering service for after-hours emergency service calls, and the purchase of telephone equipment to handle overflow calls with a prerecorded message,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Annual Budget of the City of Modesto for fiscal year 1988-89 be amended as follows:

GENERAL FUND (FUND NO. 010)

<u>Appropriation Adjustments</u> <u>Agy/Org/Object</u>	<u>Description</u>	<u>Increase</u> <u>(Decrease)</u>
120/1222/0110	Salaries & Wages	\$ 25,242
120/1222/0160	PERS	8,579
120/1222/0161	Deferred Comp.	255
120/1222/5621	Acct Clerk Related Equip.	8,320
120/1222/5622	Telephone Answering Equip.	5,000
120/1222/9990	Service Credits	(34,076)
 <u>Revenue Adjustments</u>		
<u>Agy/Org/Source</u>		
700/7000/9610	Transfer in from Water Fund	7,992
700/7000/9621	Transfer in from Sewer Fund	5,328

WATER FUND (FUND NO. 610)

<u>Appropriation Adjustments</u> <u>Agy/Org/Object</u>	<u>Description</u>	<u>Increase</u> <u>(Decrease)</u>
480/5012/0255	Services by City Forces	20,446
480/5012/0301	Office Supplies	360
480/5012/0235	Professional Services	840
700/7000/7010	Transfer out to General Fund	7,992
800/8000/8003	Water Fund Contingency Reserve	(29,638)

SEWER FUND (FUND NO. 621)

<u>Appropriation Adjustments</u> <u>Agy/Org/Object</u>	<u>Description</u>	<u>Increase</u> <u>(Decrease)</u>
480/5212/0255	Services by City Forces	13,630
480/5212/0301	Office Supplies	240
480/5212/0235	Professional Services	560
700/7000/7010	Transfer out to General Fund	5,328
800/8000/8003	Sewer Fund Contingency Reserve	(19,758)

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-912

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER ESTABLISHING LATE CHARGES FOR DELINQUENT CUSTOMERS AND INCREASE OTHER LATE CHARGES NOW IN EFFECT REGARDING UTILITY BILLING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that December 13, 1988, 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 establishing late charges for delinquent customers and increase other late charges now in effect in relation to utility billing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-913

A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY LOAN DOCUMENTS REQUIRED FOR LOAN CLOSING OF THE PROPOSED RED LION HOTEL INCLUDING THE ASSIGNMENT OF CATERING AND CONCESSION AGREEMENT AND ENVIRONMENTAL INDEMNITY AGREEMENT WITH U.S. BANCORP.

BE IT HEREBY RESOLVED by the City of Modesto that the necessary loan documents required for loan closing of the proposed Red Lion Hotel, including the Assignment Of Catering And Concession Agreement by Modesto Centre Plaza Associates, L.P., a California limited partnership, and the City of Modesto; and the Environmental Indemnity Agreement with U. S. Bancorp and the City of Modesto, be, and they are hereby approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto or his designated official is hereby authorized to execute any and all other necessary loan documents including those set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1988, 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:	Irizarry, Lang, Muratore, Patterson, Sutton, Chairperson Whiteside
NOES:	Councilmembers:	McGrath
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. 88-914

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 88-628 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(451). (ERNEST P. GRAHAM DEVELOPMENT CO.)".

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, by letter dated November 15, 1988, Mid-Valley Engineering on behalf of Ernest P. Graham Development Company requested a modification to Condition No. 14 of Resolution No. 88-628 relating to the development plan for P-D(451) to allow Ernest P. Graham Development Company to place a deposit in the amount of \$100,000 until completion of the final traffic signal design and approval by the City Traffic Engineer, and

WHEREAS, the Parking, Traffic & Transportation Director recommends that the Council approve the request filed by Mid-Valley Engineering on behalf of Ernest P. Graham Development Company, that a \$100,000 deposit be placed with the City until final traffic signal design and approval of the design by the City Traffic Engineer and should the actual cost of the signal to be borne

by the developer be less than \$100,000, then the balance shall be refunded to the developer, and

WHEREAS, after a public hearing held on November 22, 1988, 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 deposit in the amount of \$100,000 until completion of the final traffic signal design, cost estimates are prepared by developer's traffic consultants and approval of the design by the City Traffic Engineer, should be granted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 88-628 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(415). (Ernest P. Graham Development Co.)" is hereby amended to modify Condition No. 14 to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(451), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Standiford Plaza" as amended in red, stamped approved by the Planning Commission on August 1, 1988.
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, including minimum 15 gallon evergreen trees, shall be installed along the entire south property line as an early part of the first phase. 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:

eight-foot solid decorative masonry wall as an early part of the first phase along the entire south property line.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. The Standiford Avenue and Carver Road frontages shall be improved to major and collector street standards respectively prior to the occupancy of any structures or when requested by the Engineering Services Director to alleviate a health, safety, or traffic problem in the area.
6. The developer shall dedicate to the City of Modesto a street tree planting easement along the Standiford and Carver Road frontages as required by the Parks and Recreation Director.
7. All curbcuts serving two-way driveways shall be 41 feet in width.
8. 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.
9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering Services Director.
10. Trash bins shall be kept in enclosures in accordance with the approved plan, and shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
11. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the west, substantially as shown in red on the plot plan.
12. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
13. All signs for the office uses shall comply with the sign requirements of the P-0 Zone. Signs for the restaurant and financial use shall comply with the requirements for the C-3 zone.

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.

15. 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."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-915

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF KENNETH SAVAGE, JR., FROM THE MODESTO CULTURE COMMISSION, EFFECTIVE JANUARY 1, 1989

WHEREAS, Kenneth Savage, Jr. was appointed a member of the Modesto Culture Commission on January 11, 1983; and

WHEREAS, Kenneth Savage, Jr. has tendered his resignation from the Modesto Culture Commission effective January 1, 1989; and

WHEREAS, Kenneth Savage, Jr. has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Kenneth Savage, Jr., from the Modesto 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 Kenneth Savage, Jr. 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 22nd day of November, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-916

A RESOLUTION APPOINTING MEMBERS OF THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

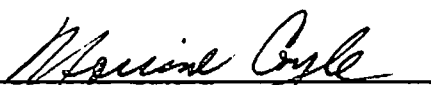
BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following persons are hereby appointed to the Citizens Advisory Committee on Recycling: Randi Huff, Lynn Darpinian and Jean T. Smith.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members 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 22nd day of November 1988, 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:	Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside
NOES:	Councilmembers:	Patterson
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

RESCINDED

1993-236

MODESTO CITY COUNCIL
RESOLUTION NO. 88-917

A RESOLUTION ESTABLISHING FEES FOR FIRE PREVENTION INSPECTIONS RELATING TO INSPECTIONS OF FIREWORKS SALES STANDS, FIELD FIRE FLOW TESTING, MOBILE/PORTABLE FOOD VENDING EQUIPMENT AND TENT AND AIR SUPPORTED STRUCTURES. THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION

WHEREAS, Section 3-1.113 of the Modesto Municipal Code provides that a permit shall be required for the storage and sale of fireworks, and

WHEREAS, Section 11-1.14 (d) of the Modesto Municipal Code provides for testing of water supply devices for watertightness and reliability, and

WHEREAS, Section 3-1.123 (c) and (e) of the Modesto Municipal Code provides that the use of liquefied petroleum gas for cooking, lighting or heating shall be prohibited in the City of Modesto, subject to certain exceptions, and

WHEREAS, Section 3-1.114 of the Modesto Municipal Code provides that a person shall not use within a building or structure any heating, lighting, or cooking appliance which uses certain flammable or combustible liquids, and

WHEREAS, in accordance with provisions of the 1982 Uniform Fire Code and the Modesto Municipal Code, each of the aforementioned items requires the Fire Prevention Bureau to make an inspection and issue a fire permit, and

WHEREAS, the Fire Marshal has recommended the implementation of certain service fees for said inspection and issuance of permits, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following service fees be, and hereby are, established and shall be

implemented effective January 1, 1989 for the following Fire Prevention Bureau inspections:

1. FIREWORKS: Fire safety inspection of fireworks sales stands.
 - a. Fire Inspector hourly pay \$23.49 For 45 min. \$17.62
 - b. Administrative Clerk \$ 8.94 For 10 min. \$ 1.49
 - c. Indirect cost @ 12.3% \$ 2.35
 - d. Fringe Benefit @ 53.1% \$10.56
 - e. Vehicle Cost per hour \$ 1.31 For 45 min. \$.98

TOTAL \$32.59

Fee per stand for inspection and permit \$33.00

2. FIELD FIRE FLOW TESTS: Securing fire flow test results of water supply systems.
 - a. Fire Inspector hourly pay \$23.49 x 2 for 30 min. \$23.49
 - b. Indirect Cost @ 12.3% \$ 2.89
 - c. Fringe Benefit @ 53.1% \$12.47
 - d. Vehicle Cost per hour \$ 1.31 For 30 min. \$.66

TOTAL \$39.51

Fee per test performed \$40.00

3. MOBILE/PORTABLE FOOD VENDING EQUIPMENT: Fire safety inspection of mobile/portable food vending equipment which utilizes liquefied petroleum gas for food preparation.
 - a. Fire Inspector hourly pay \$23.49 For 15 min. \$ 5.87
 - b. Indirect Cost @ 12.3% \$ 1.45
 - c. Fringe Benefit @ 50% \$ 6.24

TOTAL \$19.44

Fee per inspection and permit \$20.00

4. TENT AND AIR SUPPORTED STRUCTURE: Review of plot plan, Municipal Code requirements and State of California Administrative Code requirements including on-site compliance inspection.

1. Tents less than 1,500 square feet of floor area.

(a) Fire Inspector hourly pay	\$23.49	For 45 min.	<u>\$17.72</u>
(b) Indirect Cost @	12.3%		<u>\$ 2.18</u>
(c) Fringe Benefit @	53.1%		<u>\$ 9.41</u>
(d) Vehicle Cost per hour	\$ 1.31	For 45 min.	<u>\$.98</u>
		TOTAL	<u>\$30.29</u>

Fee per tent including permit \$31.00

2. Tents in excess of 1,500 square feet and less than 15,000 square feet of floor area.

(a) Fire Inspector hourly pay	\$23.49	For 1.5 hrs.	<u>\$35.24</u>
(b) Indirect Cost @	12.3%		<u>\$ 4.33</u>
(c) Fringe Benefit @	53.1%		<u>\$18.71</u>
(d) Vehicle Cost per hour	\$ 1.31	For 1.5 hrs.	<u>\$ 1.97</u>
		TOTAL	<u>\$60.25</u>

Fee per tent including permit \$61.00

3. Tents in excess of 15,000 square feet of floor area.

(a) Fire Inspector hourly pay	\$23.49	For 2.5 hrs.	<u>\$58.73</u>
(b) Indirect Cost @	12.3%		<u>\$ 7.22</u>
(c) Fringe Benefit @	53.1%		<u>\$31.19</u>
(d) Vehicle Cost per hour	\$ 1.31	For 2.5 hrs.	<u>\$ 3.28</u>
		TOTAL	<u>\$100.42</u>

Fee per tent including permit \$101.00

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13 day of December, 1988, 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: Irizarry, Lang, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: McGrath, 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. 88-918

A RESOLUTION ADOPTING A SCHEDULE OF FEES AND CHARGES FOR WATER SERVICE IN THE CITY OF MODESTO AND SUPERSEDING RESOLUTION NO. 87-1263.

WHEREAS, Sections 11-1.04, 11-1.05, 11-1.06, 11-1.09, and 11-1.14 of the Modesto Municipal Code, provide that a schedule of fees and charges to be charged to consumers for water services are to be established and set by the Council from time to time by resolution, and

WHEREAS, the Council has previously adopted such a schedule of fees and charges for water service, and

WHEREAS, the City staff has recommended a change in said schedule of fees and charges to be charged to consumers for water services in the City of Modesto to reflect eliminating the City installation hydrant meter fee and imposing a construction water use charge which would be billed according to usage, and

WHEREAS, the City Council held a public hearing at its regular meeting on December 13, 1988, 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	\$ 525.00
	1-1/2" service	535.00
	2" service	590.00
	4"-6" service	1,660.00
	8" service	2,000.00
	10" or larger service	COST
	Taps for main extension	1,180.00
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. (This fee shall be effective on and after August 25, 1986.)	.025*
	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. (This fee shall be effective on and after August 25, 1986.)	.025
11-1.05(a)	Water main connection charges in territory within City limits for each square foot of net lot area for property served by future City extended 8" or smaller mains, appurtenances and fire hydrants.	.10
	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 square foot of net lot area for property served by future City extended 8" or smaller mains.	.10
	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	\$1,210.00
	Fire hydrant line to main per lineal foot	33.00
	Additional charge for each hydrant installation involving pavement removal and/or replacement.	275.00
11-1.06 (e)	Meter installation cost	
	Each 1" meter	\$ 170.00
	Each 1" meter with traffic lid	205.00
	Each 1-1/2" meter	365.00
	Each 1-1/2" meter with traffic lid	405.00
	Each 2" meter	425.00
	Each 2" meter with traffic lid	465.00
	Each 4" meter	3,500.00
	Each 6" meter	4,820.00
	Each 8" meter	5,720.00
	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)	3.00
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 January 1, 1989.

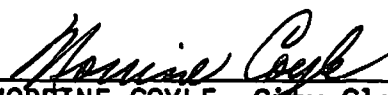
BE IT FURTHER RESOLVED that Resolution No. 87-1263, adopted by the Council December 8, 1987, is hereby superseded on the effective dates of the various fees and charges as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1988, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-919

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(458). (ROBERT M. WEEKS)

WHEREAS, the City Council, by Ordinance No. 2437-C.S. which was introduced on July 1, 1986, finally adopted on July 15, 1986, and which became effective on August 14, 1986, amended Section 10-3-9 of the Zoning Map to reclassify from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(406), property located on the east side of Coffee Road, south of Sylvan Avenue on the north side of Princewood Lane, to allow a two and three-story senior citizens retirement center, and

WHEREAS, City Council Resolution No. 86-618 was adopted on July 1, 1986, 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 Section 10-3-9 of the Zoning Map was filed by Robert M. Weeks on September 19, 1988, to rezone from Planned Development Zone, P-D(406), to a new Planned Development Zone, to allow a two- and three-story residential condominium project, property located on the northeast corner of Coffee Road and Princewood Drive, south of Sylvan Avenue, described as follows:

P-D(406) to P-D

All that certain real property shown as Parcel B on the map filed in Book 40 of Parcel Maps, at page 98, Stanislaus County Records, and lying in the Southwest quarter of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, California.

Including also the east 50.00 feet of Coffee Road, north 30.00 feet of Princewood Lane, and West 30.00 feet of Kingswood Drive, and all immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on November 7, 1988, 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. 88-124, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed zone change is in accordance with community objectives as set forth in the General Plan, which provides for a variety of housing types in all neighborhoods.
2. The proposed P-D zone conforms to the long-standing zoning and development policies of the City.

and

WHEREAS, after a public hearing held on December 13, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Robert M. Weeks 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. 88-124 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2625-C.S. on the 13 day of December, 1988, reclassifying the above-described property from Planned Development Zone, P-D(406), to Planned Development Zone, P-D(458).

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

1. All development shall conform to the plot plan and floor plans titled "Willow Grove - Site Plan" as amended in red, stamped approved by the Planning Commission on November 7, 1988.
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 property 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. The Coffee Road frontage shall be improved to major street standards prior to the occupancy of any structures or when requested by the Engineering Services Director to alleviate a health, safety, or traffic problem in the area.
5. 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.
6. All curbcuts serving two-way driveways shall be 41 feet in width.
7. 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.
8. Drainage shall be provided as required by the Engineering Services Director.
9. 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.
10. Trash enclosures shall be of a size and design to permit the storage and removal of required recyclable material receptacles, or a separate enclosure for the collection for recyclable materials shall be provided as approved by the Utility Services Director.
11. All utilities shall be underground and cable television service shall be stubbed into all units.

12. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
13. All signs shall comply with the sign requirements of the R-3 Zone.
14. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
15. 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 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(458):

The entire construction program be accomplished in one phase, construction to begin on or before November 7, 1990, and completion to be not later than November 7, 1991.

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(458), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13 day of December, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 J. ...*
Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 88-920

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 10-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-D(406) TO P-D(458). (ROBERT M. WEEKS)

WHEREAS, on December 13, 1988, the City Council introduced Ordinance No. 2625-C.S. giving approval to a project relating to an amendment to Section Map 10-3-9 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(406), to Planned Development Zone, P-D(458), property located on the northeast corner of Coffee Road and Princewood Drive, south of Sylvan 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 Section Map 10-3-9 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(406), to Planned Development Zone, P-D(458), property located on the northeast corner of Coffee Road and Princewood Drive, south of Sylvan Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13 day of December, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
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. 88-921

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR FURNISHING ONE TRUCK CAB AND CHASSIS WITH DUMP
BODY

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 truck
cab and chassis with dump body

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 17, 1989, at 3:10 p.m.
and the City Clerk is hereby directed to give notice inviting such sealed bids
in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 13th day of December, 1988,
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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-922

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE FURNISHING OF THREE POLICE TRAFFIC SCOOTERS

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

SECTION 1. The plans and specifications for the purchase of three
Police traffic scooters

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 17, 1989, at 3:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-923

A RESOLUTION ACCEPTING THE BID OF CLYDE WHEELER PIPELINE, INC. FOR THE FLOYD AVENUE AND ROSELLE AVENUE WATERLINE EXTENSION

WHEREAS, Resolution No.88-867, adopted by the Council of the City of Modesto on November 15, 1988 , approved the plans and specifications for the Floyd Avenue and Roselle Avenue waterline extension and authorized the calling for bids; and

WHEREAS, the bids received for the Floyd Avenue and Roselle Avenue waterline extension

were opened at 11:00 a.m. on December 6, 1988 , and later tabulated by the Director of Engineering for the consideration of the Council; and

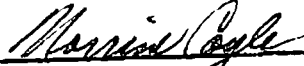
WHEREAS, the Director of Engineering has recommended that the bid of Clyde Wheeler Pipeline, Inc. in the amount of \$36,357.50

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Clyde Wheeler Pipeline, Inc. in the amount of \$36,357.50 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 13th day of December, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-924

A RESOLUTION ACCEPTING THE LAKEWOOD AND SIPHERD PARKS WADING POOLS AND RESTROOMS AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering that the Lakewood and Sipherd Parks wading pools and restrooms has been completed by B & L Builders, in accordance with the contract agreement dated March 1, 1988.

NOW, THEREFORE, BE IT RESOLVED that the Lakewood and Sipherd Parks wading pools and restrooms 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 \$277,549.25 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-925

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWO-WAY RADIOS AND MOBILE DATA TERMINALS FROM MOTOROLA, INC.

WHEREAS, the Police Department is requesting the purchase of four mobile radios, four mobile data terminals, and one repeater; and

WHEREAS, any new equipment must be Motorola to be compatible with the Police Department's existing equipment.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of two-way radios and mobile data terminals is hereby waived.

BE IT FURTHER RESOLVED that purchase of two-way radios and mobile data terminals from Motorola, Inc. for \$23,752, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-926

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF
PUMP REPAIR SERVICES FROM JOHNSTON PUMP COMPANY

WHEREAS, the Utility Services Sewerage Division is requesting the purchase of pump repair services for a Johnston pump used to transfer treated sewage from the Sutter Street plant to the remote ponds site on Jennings Road; and

WHEREAS, Johnston Pump Company, located in Benicia, California, is the authorized Northern California repair facility for Johnston pumps.

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

BE IT FURTHER RESOLVED that purchase of pump repair services from Johnston Pump Company for \$9,928 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-927

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA ENVIRONMENTAL TRUST TO REEVALUATE THE CITY'S URBAN GROWTH POLICY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the California Environmental Trust to reevaluate the City's Urban Growth 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 13th day of December, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-928**

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$10,000 FROM CONTINGENCY RESERVE TO COVER CONTRACT WITH CALIFORNIA ENVIRONMENTAL TRUST

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

FROM: Contingency Reserve \$10,000
(010 800 8000 8003)

TO: Services, Professional and Other \$10,000
(010 140 1401 0235)

Transfer of funds needed to cover contract with Joseph Bodovitz, President of the California Environmental Trust for a study to reevaluate the City's Urban Growth Policy during January-March, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-929**

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$47,052.20 FOR COSTS INCURRED BY THE DEPARTMENT OF HEALTH SERVICES DURING THE STODDARD SOLVENT CLEANUP

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

FROM:	Water Exigency Fund (610-800-8000-8004)	\$47,052.20
TO:	Solvent Clean-Up Block 58 account (510-480-P846-6000)	\$47,052.20

Funds needed to cover costs incurred by Department of Health Services during the Stoddard Solvent Cleanup.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 19 88, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-930

A RESOLUTION ACCEPTING IMPROVEMENTS IN SPENCER PLAZA SUBDIVISION AND
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Jaed Enterprises, subdividers of Spencer Plaza Subdivision, have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$86,500.00 and \$ 43,250.00 respectively to guarantee improvements in Spencer Plaza Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated November 22, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

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

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

1. The improvements in Spencer Plaza 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 \$86,500.00 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 \$ 43,250.00 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 December, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-931

A RESOLUTION ACCEPTING IMPROVEMENTS IN CAPE COD ESTATES NO. 3 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Pan Capital, Inc. , subdividers of Cape Cod Estates No. 3 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 32,900.00 and \$ 16,450.00 respectively to guarantee improvements in Cape Cod Estates No.3 Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated November 21, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the 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. 3 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bonds for faithful performance in the amount of \$ 32,900.00 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 \$ 16,450.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December , 19 88 , 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-932

A RESOLUTION ACCEPTING IMPROVEMENTS IN HONEY CREEK WEST SUBDIVISION AND
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Douglas Highiet, subdividers of Honey Creek West Subdivision have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$52,500.00 and \$26,250.00 respectively to guarantee improvements in Honey Creek West Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated November 30, 1988, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

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

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

1. The improvements in Honey Creek West 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 \$52,500.00 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 \$26,250.00 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 December, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-933

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND OHIO CASUALTY INSURANCE COMPANY THROUGH GIDDINGS, CORBY, HYNES, INC. FOR RENEWAL OF INDIVIDUAL PUBLIC OFFICIALS BONDS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ohio Casualty Insurance Company through Giddings, Corby, Hynes, Inc. for renewal of individual public officials bonds for September 10, 1988, to September 10, 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 13th day of December, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-934

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND OHIO CASUALTY INSURANCE COMPANY THROUGH GIDDINGS, CORBY, HYNES, INC. FOR RENEWAL OF PUBLIC EMPLOYEES BLANKET BONDS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ohio Casualty Insurance Company through Giddings, Corby, Hynes, Inc. for renewal of public employees blanket bonds for September 10, 1988, to September 10, 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 13th day of December, 1988, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-935

A RESOLUTION INITIATING PROCEEDINGS FOR THE FORMATION OF A LANDSCAPE MAINTENANCE DISTRICT DESIGNATED AS ASSESSMENT DISTRICT NO. 1 (PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972).

WHEREAS, a vesting tentative map of the Dry Creek Meadows No. 2 Subdivision was approved by Modesto Planning Commission Resolution No. 87-52, and a vesting tentative map of Dry Creek Meadows No. 3 Subdivision was approved by Modesto Planning Commission Resolution No. 87-128, and

WHEREAS, condition no. 16 of Resolution No. 87-52 provides:

That prior to recordation of a final map the subdivider shall do all acts necessary to establish a "Special Assessment Benefit District for Landscaping (SABDL) in accordance with the provisions of Modesto City Council Resolution No. 86-488. 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."

and

WHEREAS, the subdivider, The William Lyon Company, is now prepared to record its final map for Dry Creek Meadows No. 2 and No. 3 as above-described, and

WHEREAS, subdivider has requested City assistance to expedite the creation of a landscape maintenance district, and

WHEREAS, a summary proceeding for the establishment of a landscape maintenance district exists pursuant to the Landscaping and Lighting Act of 1972 (Section 22500 and following, California Streets and Highways Code), and

WHEREAS, the creation of a landscape maintenance district which would encompass a portion of Dry Creek Meadows No. 2 and the entirety of No. 3 can be accomplished by either City's local ordinance or State law, and

WHEREAS, the subdivider has requested and consented to proceeding under the Landscaping and Lighting Act of 1972 as opposed to City's local ordinance,

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

1. The public interest, convenience and necessity require, and that it hereby initiates proceedings for the formation of a landscape maintenance district, Assessment District No. 1, pursuant to the Landscaping and Lighting Act of 1972 (Section 22500 and following, Streets and Highways Code) for the purpose of the following:

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

2. All of said landscape maintenance work shall be performed upon the improvements 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 hereinafter provided. Whenever any public way is herein 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 said plans to be done therein. Said streets and highways are or will be more particularly shown in the

records in the office of the City Clerk of the City of Modesto, and shall be shown upon said plans.

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

4. Said contemplated landscape maintenance work upon said improvements, in the opinion of this Council, are of more than local or ordinary benefit, and the costs and expenses thereof are made chargeable upon an assessment district, the exterior boundaries of which are shown on a map thereof on file in the office of the City Clerk, to which reference is hereby made for further particulars. Said 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.

5. This Council declares that all public streets, highways, lanes and alleys within said assessment district in use in the performance of a public function and all lands owned by any public entity, including any federal or state governmental agency or another public agency thereof, shall be omitted from the assessment hereafter to be made to cover the costs and expenses of said landscape maintenance work.

6. Said landscape maintenance work is hereby referred to Alfred Kaufman, City Engineer of the City of Modesto or any successor to said office,

as Engineer of Work for this landscape maintenance district and said Engineer of Work is hereby directed to make and file with said Clerk a report in writing, presenting at least the following:

A. Plans and specifications for the landscape maintenance work and improvements are filed with the City Clerk. Although they may be separately bound, the plans and specifications shall be a part of the Engineer of Work's report and are to be included in it by reference.

B. An estimate of the costs and expenses of the landscape maintenance work.

C. An assessment of the estimated cost of the landscape maintenance work on each benefitted parcel of land within the landscape maintenance district.

D. A statement of the method by which the Engineer of Work has determined the amount proposed to be assessed against each parcel.

E. A list of the names and addresses of the owners of real property within the proposed landscape maintenance district, as shown on the last equalized assessment roll for taxes, or as known to the clerk.

F. A diagram showing all of the parcels of real property within the proposed landscape maintenance district.

7. If any surplus or deficit in the landscape maintenance work fund of the landscape maintenance district at the end of any fiscal year is realized, the surplus or deficit shall be carried forward to the next annual assessment to be levied within said district and applied as a credit or a debit, as the case may be, against such assessment.

If a deficit in the landscape maintenance work fund of the landscape maintenance district at the end of any fiscal year is realized, the

Council, from any available and unencumbered funds of the City may provide for a temporary advance to the landscape maintenance work fund and direct that the advance be repaid from the next annual assessments levied and collected within the landscape maintenance district.

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 and 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 if 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13 day of December, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-936

A RESOLUTION ORDERING THE FORMATION OF A LANDSCAPE MAINTENANCE DISTRICT DESIGNATED AS ASSESSMENT DISTRICT NO. 1 (PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972).

WHEREAS, on this 13 day of December, 1988, the Council adopted its Resolution Initiating Proceedings for the formation of a Maintenance District, Assessment District No. 1, City of Modesto, Stanislaus County, California, and directed the preparation and filing of an Engineer's Report on the proposed formation, and

WHEREAS, the Engineer of Work for the proceedings has filed an Engineer's Report with the City Clerk, and

WHEREAS, the owner of all land within the boundaries of the proposed landscape maintenance district, being the William Lyon Company, has filed his consent to the formation of the proposed district without notice or hearing, and to the adoption of the Engineer's Report and the levy of assessments stated therein,

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

1. The Council hereby orders the formation of the landscape maintenance district, Assessment District No. 1 described in the Resolution Initiating Proceedings and in the Engineer's Report.

2. The Council hereby confirms the diagram and assessments contained in the Engineer's Report and levies the assessment for the fiscal year 1989-1990.

3. The City Clerk shall file with the County Auditor of the County of Stanislaus a certified copy of the Engineer's Report, including assessment and assessment diagram, for Assessment District No. 1, City of Modesto, pursuant to Section 22641 of the Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13 day of December, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-937

A RESOLUTION APPROVING THE FINAL MAP OF DRY CREEK MEADOWS
NO. 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, the William Lyon Company, a corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 21.683 acres, known as the Dry Creek Meadows No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 20th day of July, 1987, 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 Dry Creek Meadows 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, and

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 13 day of December, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-938

A RESOLUTION APPROVING THE FINAL MAP OF DRY CREEK MEADOWS
NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, the William Lyon Company, a corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 25.778 acres, known as the Dry Creek Meadows No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 6th day of April, 1987, 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 Dry Creek Meadows No. 2 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

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 13 day of December, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-939

A RESOLUTION APPROVING THE FINAL MAP OF DRY CREEK MEADOWS
NO. 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, the William Lyon Company, a corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 18.661 acres, known as the Dry Creek Meadows No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 6th day of April, 1987, 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 Dry Creek Meadows No. 3 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

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 13 day of December, 1988, 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: Irizzry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-940

A RESOLUTION APPROVING A GRANT AMENDMENT FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO DECREASE THE STEP 1 GRANT ON THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the grant from the U.S. Environmental Protection Agency to decrease the Step 1 grant on the Wastewater Treatment Plant Expansion Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant amendment by the designated 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 December, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-941

A RESOLUTION APPROVING AN AGREEMENT ACCEPTING UP TO \$200,000 GRANT FOR PRELIMINARY ENGINEERING TO RELOCATE THE UNION PACIFIC RAILROAD FROM 9TH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and State of California Department of Transportation accepting up to \$200,000 grant for preliminary engineering to relocate the Union Pacific Railroad from 9th 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 December, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-942

A RESOLUTION APPROVING THE REQUEST OF SPRING CREST DRAPERY FOR REFUND OF \$690.55 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Spring Crest Drapery for refund of \$690.55 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 13th day of December, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-943

A RESOLUTION APPROVING THE REQUEST OF DEL DOTTO ENTERPRISE, INC. FOR REFUND OF \$3,293.91 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Del Dotto Enterprise, Inc. for refund of \$3,293.91 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 13th day of December, 1988, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-944

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$462,500 FROM THE CONTINGENCY RESERVE FOR PURCHASE OF LAND FOR THE MERLE NEIGHBORHOOD PARK

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


FROM:	Contingency Reserve (135 800 8000 8003)	\$462,500
TO:	Merle Neighborhood Park (135 310 P041 6000)	\$462,500

Money is needed in the Merle Neighborhood Park account to enable the City to purchase land jointly with Sylvan Union School District in the Merle Neighborhood for a future school and park site.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 19 88, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-944A

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 10-2.903 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING REGULATIONS PERTAINING TO THE DEVELOPMENT OF PARKING LOTS IN THE P-O ZONE TO SERVE COMMERCIAL USES - PLOT PLAN USES BY BOARD.

WHEREAS, on December 20, 1988, the City Council introduced Ordinance No. 2628 - C.S. giving approval to an amendment to Section 10-2.903 of Chapter 2 of Title X of the Modesto Municipal Code relating to zoning regulations pertaining to the development of parking lots in the P-O Zone to serve commercial uses - plot plan uses by the Board, 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 10-2.903 of Chapter 2 of Title X of the Modesto Municipal Code relating to zoning regulations pertaining to the development of parking lots in the P-O Zone to serve commercial uses - plot plan uses by the Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1988, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-945

A RESOLUTION ACCEPTING THE BID OF MCDONALD GLENN COMPANY FOR ALTERATIONS TO THE COMMUNITY SERVICE CENTER ON MORRIS AVENUE

WHEREAS, Resolution No. 88-868, adopted by the Council of the City of Modesto on November 15, 1988, approved the plans and specifications for the alterations to the Community Service Center on Morris Avenue and authorized the calling for bids; and

WHEREAS, the bids received for the alterations to the Community Service Center on Morris Avenue

were opened at 11:05 a.m. on December 6, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and

WHEREAS, the Director of Engineering has recommended that the bid of McDonald Glenn Company in the amount of \$46,649 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of McDonald Glenn Company in the amount of \$46,649 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

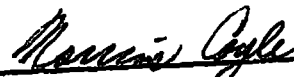
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-946

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET IMPROVEMENTS AT OAKDALE ROAD AND MERLE AVENUE

WHEREAS, Resolution No. 88-871, adopted by the Council of the City of Modesto on November 15, 1988, approved the plans and specifications for the construction of traffic signals and street improvements at Oakdale Road and Merle and authorized the calling for bids; and

WHEREAS, the bids received for the construction of traffic signals and street improvements at Oakdale Road and Merle Avenue

were opened at 11:05 a.m. on December 13, 1988, and later tabulated by the Director of Parking and/ ^{Traffic} for the consideration of the Council; and

WHEREAS, the Director of Parking and/ ^{Traffic} has recommended that the bid of Collins Electrical Company in the amount of \$65,990

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical Company in the amount of \$65,990 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 20th day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-947

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET IMPROVEMENTS AT DALE ROAD AND SNYDER AVENUE

WHEREAS, Resolution No. 88-870, adopted by the Council of the City of Modesto on November 15, 1988, approved the plans and specifications for the construction of traffic signals and street improvements at Dale and Snyder and authorized the calling for bids; and

WHEREAS, the bids received for the construction of traffic signals and street improvements at Dale Road and Snyder Avenue

were opened at 11:00 a.m. on December 13, 1988, and later tabulated by the Director of Parking and/ ^{Traffic} for the consideration of the Council; and

WHEREAS, the Director of Parking and/ ^{Traffic} has recommended that the bid of Collins Electrical Company in the amount of \$112,750 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical Company in the amount of \$112,750 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-948**

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$25,000 TO FUND CONSTRUCTION OF TRAFFIC SIGNALS AND STREET IMPROVEMENTS AT DALE ROAD AND SNYDER AVENUE

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


FROM:	Contingency Reserve (079 070 800 8000)	\$25,000
TO:	Dale/Snyder Traffic Signal (070 160 G152 6000)	\$25,000

To help fund construction of traffic signals and street improvements at Dale Road and Snyder Avenue. Project has expanded significantly since originally budgeted due to unanticipated dedication of right-of-way.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-949

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF
AERIAL LIFT REPAIR SERVICES FROM HY-TEC COMPANY

WHEREAS, the Utility Services Department is requesting the purchase of
aerial lift repair services for one Hi-Ranger used for tree trimming; and

WHEREAS, Hy-Tec Company, located in Dixon, California, is the authorized
repair dealer for Hi-Ranger in Northern California.

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

BE IT FURTHER RESOLVED that issuance of a purchase order to Hi-Tec Company
for the total price of \$12,948 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 20th day of December, 1988, by
Councilmember Lang , who moved its adoption, which motion being duly
seconded by Councilmember McGrath , was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-950

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE REPLACEMENT OF THE GLASS WALL AT THE CENTRE PLAZA AND AUTHORIZING REPAIRS TO BE PERFORMED BY SAN JOAQUIN GLASS COMPANY

WHEREAS, repairs are needed at the Modesto Centre Plaza because of damage caused by a car driving into the glass wall in front of the building; and

WHEREAS, two reputable contractors were contacted for estimates for repair of the wall, with San Joaquin Glass Company being recommended to perform the required repairs.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the repair of the glass wall at the Modesto Centre Plaza is hereby waived.

BE IT FURTHER RESOLVED that issuance of a purchase order to San Joaquin Glass Company in the amount of \$6,488 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-951

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA
DEPARTMENT OF MOTOR VEHICLES RELATING TO CERTIFICATES OF TRAINING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the California Department of Motor Vehicles relating to Certificates of Training be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 December, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-952

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE FREDERICKSON AND PHILIP BRAVARD FOR THE LEASE OF A PORTION OF FIRE STATION NO. 5 PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and George Frederickson and Philip Bravard for the lease of a portion of Fire Station No. 5 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-953

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE CALIFORNIA WILDLIFE, COASTAL, AND PARK LAND CONSERVATION ACT OF 1988 FOR THE FOLLOWING PROJECT(S): PHASE I DEVELOPMENT OF FLOYD NEIGHBORHOOD PARK.

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 acquiring and/or developing facilities for public recreational and open space purposes, and

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

WHEREAS, said procedures established by the State Department of 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 acquisition or development of the project(s),

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

1. Approves the filing of an application for the Per Capita Grant Program under the California Wildlife, Coastal, and Park Land Conservation Act of 1988 state grant assistance for the above project(s), and

2. Certifies that said applicant understands the assurances and certification in the application form, and

3. Certifies that said applicant has or will have sufficient funds to operate and maintain the project(s), and

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20 day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-954

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND THE DEPARTMENT OF TRANSPORTATION REGARDING UTILITY AGREEMENTS NO. 10U1911 AND 10U1911-1, COVERING THE ADJUSTMENT TO GRADE OF THE CITY'S SANITARY SEWER MANHOLE COVERS AND WATER VALVE COVERS ON ROUTE 132 (9TH STREET) IN MODESTO BETWEEN D AND L STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and the Department of Transportation regarding Utility Agreements No. 10U1911 and 10U1911-1, covering the adjustment to grade of the City's sanitary sewer manhole covers and water valve covers on Route 132 (9th Street) in Modesto between D and L Streets be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-955

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CENTER FOR SENIOR EMPLOYMENT FOR A GRANT OF \$12,000 UNDER THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Center for Senior Employment for a grant of \$12,000 under the City's Community Development Block Grant 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 20th day of December, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-956

A RESOLUTION REJECTING A REQUEST FOR A WAIVER OF THE GUIDELINES ADOPTED FOR THE ECONOMIC DEVELOPMENT REVOLVING LOAN FUND AND DISAPPROVING THE EXECUTION OF A LOAN TO THE LOCKER ROOM.

WHEREAS, the City of Modesto has established an Economic Development Revolving Loan Fund under the Community Development Block Grant Program, and

WHEREAS, this Council has approved guidelines for business loans under the Economic Development Revolving Loan Fund at the Council meeting of December 1, 1987, and

WHEREAS, the guidelines for business loans specify that the business must be located in the City of Modesto, and

WHEREAS, the Locker Room has selected a business site that is located within an unincorporated area of Stanislaus County that is completely surrounded by the City of Modesto, and

WHEREAS, there are not enough property owners to initiate annexation proceedings to bring the property into the City, and

WHEREAS, creating jobs for low/moderate income residents within the City of Modesto is an important criterion for obtaining funding under the Economic Development Revolving Loan Fund, and an important benefit to the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED that this Council does not hereby waive the guideline requiring the Locker Room to be located within the City of

Modesto at this time for the reasons outlined above, and does not approve the execution of a loan to the Locker Room until they are located within the City limits.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1988, 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: Lang, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: Irizarry, McGrath, 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. 88-956

Request
A RESOLUTION REQUESTING A WAIVER OF THE GUIDELINES ADOPTED FOR THE ECONOMIC DEVELOPMENT REVOLVING LOAN FUND AND DISAPPROVING THE EXECUTION OF A LOAN TO THE LOCKER ROOM.

WHEREAS, the City of Modesto has established an Economic Development Revolving Loan Fund under the Community Development Block Grant Program, and

WHEREAS, this Council has approved guidelines for business loans under the Economic Development Revolving Loan Fund at the Council meeting of December 1, 1987, and

WHEREAS, the guidelines for business loans specify that the business must be located in the City of Modesto, and

WHEREAS, the Locker Room has selected a business site that is located within an unincorporated area of Stanislaus County that is completely surrounded by the City of Modesto, and

WHEREAS, there are not enough property owners to initiate annexation proceedings to bring the property into the City, and

WHEREAS, creating jobs for low/moderate income residents within the City of Modesto is an important criterion for obtaining funding under the Economic Development Revolving Loan Fund, and an important benefit to the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED that this Council does not hereby waive the guideline requiring the Locker Room to be located within the City of

Modesto at this time for the reasons outlined above, and does not approve the execution of a loan to the Locker Room until they are located within the City limits.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20 day of December, 1988, 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: Lang, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: Irizarry, McGrath, 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. 88-957

A RESOLUTION APPROVING THE SOLICITING OF PROPOSALS FOR A REAL ESTATE BROKER/
SALES AGENT TO LIST FOR SALE PROPERTY LOCATED AT 101A, 101B, 101C, and 101D
"I" STREET, 107-109 "I" STREET, AND 905 SECOND STREET

WHEREAS, at its meeting on December 1, 1987, the City Council approved
a plan to list the property located at 101 A,B,C, and D "I" Street, 107-109
"I" Street, and 905 Second Street with a Real Estate Multiple Listings Broker,
and pay the sales commission when it sells; and

WHEREAS, on November 1, 1988, by Resolution No. 88-832, the City Council
approved the soliciting of proposals for a real estate broker/sales agent, but
no proposals were received.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that
it hereby approves the request for proposals from real estate broker/sales
agents to list for sale property located at 101 A,B,C, and D "I" Street,
107-109 "I" Street, and 905 Second Street, bid due date January 20, 1989.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 20th day of December, 1988, by
Councilmember Lang , who moved its adoption, which motion being duly
seconded by Councilmember McGrath , was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-958

A RESOLUTION APPROVING THE FINAL MAP OF THE AZEVEDO
ESTATES SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Summerplace Partners is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 3.499 acres, known as the Azevedo Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 4th day of January, 1988, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Azevedo 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 20 day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-959

A RESOLUTION APPROVING THE FINAL MAP OF THE NEW BRIGHTON
CIRCLE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Rolland D. Young and Robert L. Young, husband and wife are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 3.721 acres, known as the New Brighton Circle Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 14th day of September, 1987, 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 New Brighton Circle 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20 day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-960

A RESOLUTION ACCEPTING IMPROVEMENTS IN DRY CREEK MEADOWS NO. 2 SUBD. AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, The William Lyon Company, subdividers of
Dry Creek Meadows No. 2 Subdivision have filed subdivision bonds
for faithful performance and labor and materials in the amount of \$ 775,300.00
and \$ 387,650.00 respectively to guarantee improvements in Dry Creek Meadows No.2
Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated December 14, 1988,
indicates that all work required by the subdivision agreement has been completed
to the satisfaction of the Engineering Department; and

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

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

1. The improvements in Dry Creek Meadows No. 2 Subdivision are hereby
accepted.
2. The City Clerk is hereby authorized to release the subdivision bond
for faithful performance in the amount of \$ 775,300.00 upon recordation
of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond
for labor and materials in the amount of \$ 387,650.00 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 20th day of December, 1988, by Council-
member Lang, who moved its adoption, which motion being duly seconded by
Councilmember McGrath, was upon roll call carried and the resolution adopted
by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor, Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-961

A RESOLUTION ACCEPTING IMPROVEMENTS IN DRY CREEK MEADOWS NO. 3 SUBD. AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, The William Lyon Company, subdividers of
Dry Creek Meadows No. 3 Subdivisionn have filed subdivision bonds
for faithful performance and labor and materials in the amount of \$ 547,600.00
and \$273,800.00 respectively to guarantee improvements in Dry Creek Meadows No. 3
Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated December 14, 1988,
indicates that all work required by the subdivision agreement has been completed
to the satisfaction of the Engineering Department; and

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

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

1. The improvements in Dry Creek Meadows No. 3 Subdivision are hereby
accepted.
2. The City Clerk is hereby authorized to release the subdivision bond
for faithful performance in the amount of \$ 547,600.00 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 \$ 273,800.00 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 20th day of December , 1988 , by Council-
member Lang , who moved its adoption, which motion being duly seconded by
Councilmember McGrath , was upon roll call carried and the resolution adopted
by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-962

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GOLDEN FUEL COMPANY FOR THE REMOVAL OF STUMPS, TREE TRIMMINGS, AND LARGE SHRUBBERY FROM THE WASTEWATER TREATMENT PLANT ON A MONTHLY BASIS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Golden Fuel Company for the removal of stumps, tree trimmings, and large shrubbery from the Wastewater Treatment Plant on a monthly basis be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-963

A RESOLUTION AMENDING THE 1988-89 ANNUAL BUDGET OF THE CITY OF MODESTO TO REVISE THE CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, it has been determined that two projects are eligible for Capital Facility Funding, namely, the Oakdale/Merle Traffic Signal (070/160/P153/6000) and the Oakdale/Floyd Traffic Signal (070/160/P736/6000), and

WHEREAS, these projects are now appropriated in the Gas Tax Fund (070), and

WHEREAS, the following adjustments are required in order to associate these projects with the proper funding source,

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 1988-89:

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
<u>Expenditures</u>		
136/160/P153/6000	Oakdale/Merle Traffic Signal	\$ 80,000
136/700/7000/7070	Transfer out to Fund 070 (to reimburse 070/160/P736/6000)	120,000
136/800/8000/8003	Contingency Reserve	(200,000)
070/160/P153/6000	Oakdale/Merle Traffic Signal	(80,000)
070/800/8000/8003	Contingency Reserve	200,000
<u>Revenues</u>		
070/700/7000/9136	Transfer in from Fund 136 (to reimburse 070/160/P736/6000)	120,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-964

A RESOLUTION APPROVING THE REQUEST OF THE AUTO GALLERY FOR REFUND OF \$606.55 FOR OVERPAYMENT OF BUSINESS LICENSE AND BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of the Auto Gallery for refund of \$606.55 for overpayment of Business License 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 20th day of December, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-965

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON AN APPEAL BY DAVID H. PAYNTER, PAYNTER-WILLSEY PROPERTIES, TO A PLANNING COMMISSION DECISION CONCERNING A CONDITION IMPOSED ON A TENTATIVE PARCEL MAP, PROPERTY AT THE SOUTHEAST CORNER OF MCHENRY AND SYLVAN AVENUES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that January 10, 1989, 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 an appeal by David H. Paynter, Paynter-Willsey Properties, to a Planning Commission decision concerning a condition imposed on a Tentative Parcel Map, property at the southeast corner of McHenry and Sylvan Avenues.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-966

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 minority business enterprise be utilized to the fullest extent possible in connection with these projects, and that definite procedures shall be established and administered to ensure that minority 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 minority 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of December, 1988, 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: Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: McGrath

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 1988/89
SECTION 9
PROGRAM OF PROJECTS

Urbanized Area: City of Modesto
Designated Recipient: California
Department of Transportation
Grantee: City of Modesto

Apportionment for FY 1988/89: \$1,230,840
Carryover Funds: \$2,072,346(1)
Transfer Funds: -0-
Total Federal Funds Available: \$3,303,186

<u>Project Description</u>	<u>local</u>	<u>federal</u>	<u>total</u>
I. <u>CAPITAL PROJECTS:</u>			
(1) Rebuild 2 buses	\$ 27,800 (80%)	\$ 111,200 (20%)	\$ 139,000
(2) Purchase and install bus stop signs	\$ 4,600 (80%)	\$ 18,400 (20%)	\$ 23,000
(3) Additional funding for Transportation Center	\$ 156,290(2)	\$ 757,330(2)	\$ 913,620
II. <u>OPERATING ASSISTANCE</u> for period from 7/1/88 to 6/30/89			
	\$1,419,763	\$1,419,762	\$2,839,525
<u>TOTALS:</u>	\$1,608,453	\$2,306,692	\$3,915,145

- (1) The amount of carryover funds does not include funds which have been set aside to cover CA-90-X265.
- (2) The exact split of funds is dependent upon UMTA's review of the functional/cost allocation plan for this project.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-967

A RESOLUTION ACCEPTING THE BID OF DOW-HAMMOND TRUCKS COMPANY FOR FURNISHING ONE ANIMAL CONTROL TRUCK

WHEREAS, Resolution No. 88-840, adopted by the Council of the City of Modesto on November 8, 1988, approved the plans and specifications for the purchase of one animal control truck

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one animal control truck were opened at 3:10 p.m. on December 6, 1988, 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 Company in the amount of \$20,880 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 Company in the amount of \$20,880 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: None

**ATTEST: Morrine Coyle
NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL
RESOLUTION NO. 88-968

A RESOLUTION ACCEPTING THE BID OF DOW-HAMMOND TRUCKS COMPANY FOR FURNISHING ONE AERIAL LIFT TOWER

WHEREAS, Resolution No. 88-795, adopted by the Council of the City of Modesto on October 25, 1988, approved the plans and specifications for the purchase of one aerial lift tower

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one aerial lift tower were opened at 3:00 p.m. on November 22, 1988, 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 Company in the amount of \$74,084 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 Company in the amount of \$74,084 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-969

A RESOLUTION ACCEPTING THE BEYER COMMUNITY PARK AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the Beyer Community Park

has been completed by Western Stone Products, Inc.

in accordance with the contract agreement dated September 15, 1987 .

NOW, THEREFORE, BE IT RESOLVED that the Beyer Community Park

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 \$454,370.72 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 27th day of December,
1988, by Councilmember Lang, who moved its adoption, which
motion being duly seconded by Councilmember Sutton, was upon
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-970

A RESOLUTION ACCEPTING THE MODIFICATION OF TRAFFIC SIGNALS AT OAKDALE
AND ORANGEBURG AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering ,
that the modification of traffic signals at Oakdale and Orangeburg

has been completed by Richard A. Heaps, Inc.

in accordance with the contract agreement dated July 11, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the modification of traffic
signals at Oakdale and Orangeburg

be accepted from said contractor, Richard A. Heaps, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$38,777.40 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 27th day of December,
1988, by Councilmember Lang, who moved its adoption, which
motion being duly seconded by Councilmember Sutton, was upon
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-971

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER AMENDMENTS, ADDITIONS, AND DELETIONS TO THE ZONING REGULATIONS PERTAINING TO TEMPORARY BANNERS FOR SPECIAL OCCASIONS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that January 17, 1989, 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 amendments, additions, and deletions to the Zoning Regulations pertaining to temporary banners for special occasions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Mayor Whiteside
NOES: Councilmembers: McGrath
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-972

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DKS ASSOCIATES TO HELP THE CITY STAFF IN RETIMING TRAFFIC SIGNALS AT 23 INTERSECTIONS UNDER THE FUEL EFFICIENT TRAFFIC SIGNAL MANAGEMENT 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 the City staff in retiming traffic signals at 23 intersections under the Fuel Efficient Traffic Signal Management Program be, and it is hereby approved.


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 1988, by Councilmember Sutton, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 88-973**

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$100,000 FROM CONTINGENCY RESERVE TO PROVIDE FUNDS FOR THE TRAFFIC SIGNAL SYNCHRONIZATION UNDER THE FUEL EFFICIENT TRAFFIC SIGNAL MANAGEMENT PROGRAM

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)	\$100,000
TO:	Fuel Efficient Traffic Signal Management (070 160 G285 6000)	\$100,000

A Fuel Efficient Traffic Signal Management grant for up to \$100,000 to synchronize 23 intersections has been awarded to the City of Modesto. This transfer is needed to provide the funds to start the work. The grant money will reimburse the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	McGrath
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-974

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA SPECIALIZED TRAINING INSTITUTE TO CONDUCT A THREE-DAY SEMINAR AND EXERCISE ON EMERGENCY PREPAREDNESS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the California Specialized Training Institute to conduct a three-day seminar and exercise on emergency preparedness be, and it is hereby approved.

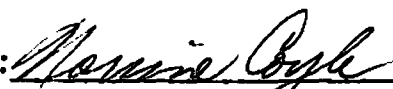
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-975

A RESOLUTION APPROVING AN EASEMENT DEED ACROSS MCHENRY MANSION PROPERTY
FOR MODESTO IRRIGATION DISTRICT ELECTRICAL FACILITIES

WHEREAS, when electrical facilities and transformer serving the McHenry Mansion were installed, no easement was granted to M.I.D., and Modesto Irrigation District is now requesting that we grant them a formal easement for the electrical facilities and transformer serving the McHenry Mansion property.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the City Manager and City Clerk are authorized to execute an easement deed to Modesto Irrigation District for electrical facilities across the McHenry Mansion property.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 1988, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-976

A RESOLUTION CHANGING THE NAME OF A PORTION OF EAST ROSEBURG AVENUE TO DUNDEE LANE IN THE CITY OF MODESTO.

WHEREAS, the portion of East Roseburg Avenue recommended to be changed is a short dead end street intersecting with Edinburgh Drive and is isolated from the thru-way portion of East Roseburg Avenue by the M.I.D. Lateral No. 4 Canal, and for all intent and purposes constitutes a separate street, and a street name change is in order, and

WHEREAS, this matter was brought to staff's attention by a resident of this portion of East Roseburg Avenue who is experiencing problems with mail delivery due to the isolation of this dead end street from the thru-way portion of East Roseburg Avenue, and

WHEREAS, there are currently no addresses fronting on this street; however, the resident who brought this matter to staff's attention will be issued a new address on this street and wishes to have this change effected as soon as possible, and

WHEREAS, this change in street name will facilitate emergency services response to the adjacent properties on this dead end street by eliminating any possible confusion with the thru-way portion of East Roseburg Avenue, 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 has been referred to all affected City departments, as well as the U.S. Postal Service and utility companies,

and none have expressed objection, and

WHEREAS, the current City policy calls for street name changes to take effect 180 days from City Council action to allow residents enough time to make the necessary changes, such as notifying banks, friends, etc.; and staff is recommending that the street name change become effective 60 days from City Council action, as this change effects only one property owner who wishes to have the change made as soon as possible, and as this is the minimum time needed by the Parking and Traffic Division to order and install new street name signs, and

WHEREAS, said matter was considered by the City Council on December 27, 1988, 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 name of a portion of East Roseburg Avenue to Dundee Lane in the City of Modesto,

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

1. That the Director of Parking and Traffic is directed to order the street name sign for Dundee Lane.
2. That the City Clerk is directed to record a certified copy of this resolution with the Recorder of Stanislaus County and transmit a copy of this resolution to the Board of Supervisors, the County Clerk, and the County Surveyor of Stanislaus County.
3. That this street name change shall become effective 60 days from City Council action.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath

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. 88-977

A RESOLUTION ESTABLISHING FILING FEES AND RULES AND REGULATIONS RELATING TO SIDEWALK FOOD VENDORS AND RESCINDING RESOLUTION NO. 86-1286.

WHEREAS, Ordinance No. 2439-C.S., which became effective on August 21, 1986, added Article 12 to Chapter 1 of Title IV of the Modesto Municipal Code relating to Sidewalk Food Vendors, and

WHEREAS, Section 4-1.1203 of the Modesto Municipal Code states that the amount of the filing fee relating to permits for Sidewalk Food Vendors shall be established by the City Council by resolution adopted from time to time, and

WHEREAS, Section 4-1.1207 of the Modesto Municipal Code states that rules and regulations governing the use of vending carts and the issuance of permits shall be established by the City Council by resolution adopted from time to time, and

WHEREAS, City staff has recommended amendments to the Rules and Regulations for Sidewalk Food Vendors, and

WHEREAS, at its meeting of December 27, 1988, the Council considered the amendments to the Rules and Regulations for Sidewalk Food Vendors,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes filing fees and rules and regulations governing Sidewalk Food Vendors as attached hereto marked Exhibit A and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution No. 86-1286 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

RULES AND REGULATIONS
SIDEWALK FOOD VENDORS

(Established by the Modesto City Council on December 27, 1988
Pursuant to the Modesto Municipal Code, Section 4-1.1207
Resolution No. 8 -)

A. FILING FEE, CASH DEPOSIT, USE OF PUBLIC PROPERTY FEE.

1. The Filing Fee shall be \$120.00.
2. The Cash Deposit shall be \$100.00
3. Effective January 1, 1989 and continuing thereafter, the Public Property Use Fee shall be six percent (6%) for each calendar quarter.

B. PERMIT.

1. Permits may be issued by the Public Services Supervisor, as the designee of the City Manager.
2. A Permit shall be issued only in the name of a natural person who shall be the sole proprietor of a Vending Cart Operation and who shall have absolute and exclusive control of the management of that Vending Cart Operation.
3. Permittee shall not be issued more than three (3) Permits at any time.
4. Applications (except renewal applications) for Permits may be filed at any time during the year.
5. All Permits, without exception, shall expire not later than the end of the operating day on December 31 of each year.
6. A new or renewed Permit shall not be issued to any Permittee if there are any delinquent fees or taxes due for any Vending Cart Operation of Permittee.
7. A Permit application (except a renewal application) may be cancelled if the Permit is not issued within ninety (90) days after the Permit application is obtained from the Finance Department.

C. VENDING CART.

1. A Vending Cart shall not be wider than four (4) feet at its widest point (exclusive of waste containers) nor longer than six (6) feet at its longest point (exclusive of waste containers). A canopy or other similar overhead cover may be used but no portion of this cover (exclusive of vertical support poles or struts) shall be lower than seven (7) feet above the sidewalk. Any and all vertical supports for this cover shall be totally confined within the horizontal dimensions (width and length) of the Vending Cart.

2. The Operator shall provide sufficient litter receptacles to hold all litter generated by that Vending Cart Operation.
3. Any power used in a Vending Cart shall be contained wholly within the Cart. No cords, hoses, pipes, bottles, canisters, or other conductors or containers of power or fuel shall extend from any source external to or detached from the Vending Cart while the Vending Cart is in operation upon a City sidewalk.

D. LOCATION AND SAFETY.

1. Vending Cart Operations shall be prohibited in the City of Modesto except for the area northwest from the middle of F Street to southeast from the middle of K Street and northeast from the middle of 9th Street to southwest from the middle of 13th Street.
2. A Vending Cart Operation shall not be conducted in such a manner as to obstruct the free passage of any street, alley, or sidewalk nor shall it at any time obstruct the free passage into or from any business or office or other establishment.
3. Each Operator shall maintain a clear, unobstructed passage of at least five (5) feet at all times on the sidewalk in front of and to each side of the Vending Cart.
4. Public safety shall be the principal factor considered when determining allowable Designated Locations. Therefore, a Designated Location shall not be:
 - a. within ten (10) feet of a perpendicular line drawn from the curb to a doorway or entry opening of a building;
 - b. within ten (10) feet of any white, green, red, or blue painted curb;
 - c. within twenty (20) feet of any driveway approach commonly used;
 - d. within twenty (20) feet of any marked crosswalk;
 - e. within twenty-five (25) feet of the intersection of the outer property lines of a property on a street corner;
 - f. within twenty-five (25) feet of any alley approach;
 - g. within thirty (30) feet of another Vending Cart Designated Location;
5. a. Vending Carts shall not be located within fifty (50) feet of any usual public entrance to any business which has as its primary enterprise the sale of prepared food products unless the owner, by written notice to the Public Services Supervisor, allows the Vending Cart to be closer.

- b. Should the primary enterprise or the owner of any business in the area of a Designated Location change, a valid Permit shall have precedence and shall not be nullified by reason of the proximity requirement of 5a above during the Permit year in progress. However, all requirements of this Article shall apply for any renewal application or any new application for that Designated Location.
6. Vending Carts shall be located only in the outer (curb side) one-half (1/2) of any sidewalk providing that a minimum of five (5) feet for clear walking passage must be maintained at all times between the Vending Cart and inner (building) edge of the sidewalk.
7. Any Permitted Vending Cart may be alternated among those Designated Locations Permitted to the Permittee. However, on any day a Vending Cart is removed from its Designated Location it cannot be returned to that, or any other, Designated Location for operation that same day.

E. OPERATION.

1. A Vending Cart shall not remain in a Designated Location overnight.
2. A Vending Cart shall not be operated until a List of Operators having the complete and full name, address, phone number, and birth date or driver's license number (or other legal identification such as a passport but not a Social Security number) of each Operator has been provided to the Public Services Supervisor. The Permittee shall keep this list current and accurate at all times. A person shall not tend a Vending Cart until they are included on a List of Operators except that the Permittee need not include him/herself as an Operator on the List of Operators.
3. All products and operations of a Vending Cart Operation must conform to Federal, State, County, and local health regulations as directed by the Stanislaus County Department of Environmental Resources (Health Department).
4. All operations of a Vending Cart Operation must conform to Federal, State, County, and local safety regulations as directed by the City of Modesto Fire Department.
5. Vending Carts shall be limited to the sale of food and drink products only (such as hot dogs, sandwiches, ice cream, soft drinks, candy, donuts).
6. Alcoholic beverages shall not be sold at any Designated Location.
7. The frying of food items is not permitted at any Designated Location.
8. Permittee shall indemnify 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 Vending Cart Operation.

9. Food products may not be sold to any person in a parked or stopped motor vehicle.
10. Vending Cart Operations shall not interfere with any parked, stopped, or moving motor vehicle.
11. Operators shall not shout nor willfully make any loud noise (except when an emergency shall suddenly occur) to the annoyance or disturbance of any person in the vicinity of the Designated Location.
12. The ringing of bells, chimes, or the intentional production of other forms of electronic or mechanical sounds to attract the public is prohibited.
13. Each Operator shall keep the area around the Vending Cart clean of all garbage, trash, and litter resulting from the transportation, storage, preparation, vending, or use of Vending Cart products. The ground shall be kept free of substances such as cheese, lettuce, mustard, relish, leaking water, paper, and any other substance which may cause a person to slip or trip. The sidewalk in the immediate area shall be cleaned of any stains caused by Vending Cart Operations.
14. Hours of operation are limited to between 6:00 a.m. and 10:00 p.m. daily.
15. The provisions of the Modesto Municipal Code controlling or regulating the use of signs, posters, and advertising shall be complied with at all times.
16. A Vending Cart at a Designated Location shall not be left unattended.
17. When in a Designated Location, Vending Cart Operations shall be conducted only upon the public sidewalk. Vending Cart Operations shall not be conducted in such a way as would tend to cause customers or pedestrians or operators to leave the public sidewalk and pass onto surrounding property or onto the street or gutter.
18. Except for a separate chair for the Operator and a litter receptacle, no other piece of equipment or any supplies of the Vending Cart Operation shall rest upon the ground outside the manufactured horizontal dimensions of the Vending Cart. The separate chair and litter receptacle may not rest in any location or in any position which might cause a tripping hazard for pedestrians or customers.

F. TEMPORARY OR PERMANENT ABANDONMENT.

1. a. The Public Services Supervisor may require the temporary or permanent abandonment of any Designated Location due to unsafe conditions. An unsafe condition is any condition which unreasonably increases the risk of injury to any person or damage to any property.
- b. Any Permittee who is required by the City to abandon a Designated Location for any length of time (except for summary suspension or revocation of Permit) shall be entitled to a temporary location.

2. a. The requirements of events such as the Fourth of July Parade, Annual Bicycle Rally, Cinco de Mayo Parade, and other City Council declared, approved, or recognized events (such as sidewalk sales) may necessitate the temporary abandonment of a Designated Location. Temporary abandonment of a Designated Location may be necessary to allow for placement of grandstands, safety barricades, sales tables, or other physical properties which cannot safely or practically be located in another position or location and still support the success of the event.
- b. The City reserves the right to temporarily relocate or modify a Designated Location to the extent necessary for any such event to be safely and practically conducted.

G. TEMPORARY LOCATIONS.

A Permittee who is required by the City to abandon a Designated Location for any length of time (except for summary suspension or revocation of Permit) shall be allowed to select a temporary location subject to the approval of the Public Services Supervisor. The Public Services Supervisor shall have authority to modify usual location criteria in approving the temporary location but not to the extent that safety is significantly jeopardized. The temporarily assigned location shall be as close as safety and practicality permit to the usual Designated Location and shall be used only as long as the usual Designated Location is not available.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-978

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:

Public Works and Transportation Director

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

Assistant Utility Services Director
Chief Electrician
Engineering Services Director
Parking, Traffic and Transportation Director
Utility Services Director

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after February 2, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Mayor Whiteside
NOES: Councilmembers: McGrath
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

DEFINITION

To plan, direct and review the activities and operations of the Public Works and Transportation Department including the streets, electrical, service, water and sewer, engineering, parking and traffic and transit divisions; 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 professional, technical, maintenance 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.

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.

Plan, organize, direct and evaluate all water and sewer related activities including the design, operation, construction, maintenance and repair of utility facilities.

Plan, organize, direct and evaluate the construction, maintenance and operation of City-owned electrical facilities including street lights and electrical systems associated with City buildings.

Prepare and implement long-range planning for public works systems and improvements; prepare public works conditions to be placed on new and redeveloped parcels.

Direct the installation of all public improvements in subdivisions and developments.

Perform statutory duties of City Engineer as prescribed by state law and the Municipal Code.

Direct the development, implementation and administration of the City's capital improvement program as it relates to City-owned utilities and electrical facilities.

Direct the City's parking, traffic and transit activities.

Confer with and advise supervisory assistants and outside consultants on problems related to the operation, construction and maintenance of City utility and electrical facilities.

Supervise and participate in the development and administration of the Utility Services Department budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement mid-year adjustments.

Prepare resolutions, ordinances, reports and correspondence.

Review plans, engineering reports and budget estimates prepared by subordinates, outside consultants and other City departments.

EXAMPLES OF DUTIES

Evaluate and recommend professional engineering consultants and contracts.

Represent the City before citizens, elected officials and community groups on utility matters.

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.

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.

Select, train, motivate and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, materials, techniques and equipment used in the construction, operation and maintenance of water, sewer, telecommunications and electrical systems, and waste-to-energy facilities.

Applicable laws and regulatory codes related to utility operations.

Modern and complex principles and practices of parking and traffic program development and administration.

Principles and practices of civil engineering administration.

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Recent developments, current literature and sources of information regarding water, sewer and waste-to-energy facility engineering and operation.

Principles and practices of budget preparation and administration.

Principles and practices of organization, administration and personnel management.

Principles of supervision, training and performance evaluation.

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

Duties and functions of State and local special water and sewer districts.

Ability to:

Organize, direct and coordinate the activities of the Department in a manner conducive to full performance and high morale.

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Prepare and administer a budget.

Analyze organization and operational issues and select proper courses of action.

Interpret and apply City policies, procedures, rules and regulations.

Communicate clearly and concisely, both orally and in writing.

Select, supervise, train and evaluate professional and technical subordinates.

Represent the City's interests before boards and commissions of local agencies and special water and sewer districts.

Identify and respond to public and City Council issues and concerns.

Gain cooperation through discussion and persuasion.

Experience and Training

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

Experience:

Eight years of increasingly responsible public works engineering 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 civil engineering, public or business administration, or a related field.

License or Certificate

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

Possession of a Certificate of Registration as a professional civil engineer in the State of California.

MODESTO CITY COUNCIL
RESOLUTION NO. 88-979

A RESOLUTION AMENDING EXHIBITS "G" AND "M" OF RESOLUTION NO. 88-490 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE", AND AMENDING EXHIBITS "G" AND "M" OF RESOLUTION NO. 88-494 ENTITLED "A RESOLUTION APPROVING SALARY RANGES, SALARY SCHEDULES, AND BENEFITS FOR MANAGEMENT AND CONFIDENTIAL AND EXECUTIVE MANAGEMENT EMPLOYEES FOR FISCAL YEARS 1988-89, 1989-90, AND 1990-91, COMMENCING ON JULY 1, 1988, AND ENDING ON JUNE 30, 1991."

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 88-490. Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-490, 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 5, 1988", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" deletes the classifications of Assistant Utility Services Director, Range 450; and Chief Electrician, Range 438.

SECTION 2. AMENDMENT TO RESOLUTION NO. 88-490. Exhibit "M" entitled "City of Modesto Class Range Table Executive Management Effective July 5, 1988", attached to Resolution No. 88-490, is hereby amended as shown on the amended Exhibit "M" entitled "City of Modesto Class Range Table Executive Management Effective July 5, 1988", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "M" adds the classification of Public Works and Transportation Director, Range

723; and deletes the classifications of Engineering Services Director, Range 715; Parking, Traffic and Transportation Director, Range 715; and Utility Services Director, Range 720.

SECTION 3. AMENDMENT TO RESOLUTION NO. 88-494. Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-494, 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 5, 1988", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" deletes the classifications of Assistant Utility Services Director, Range 450; and Chief Electrician, Range 438.

SECTION 4. AMENDMENT TO RESOLUTION NO. 88-494. Exhibit "M" entitled "City of Modesto Class Range Table Executive Management Effective July 5, 1988", attached to Resolution No. 88-494, is hereby amended as shown on the amended Exhibit "M" entitled "City of Modesto Class Range Table Executive Management Effective July 5, 1988", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "M" adds the classification of Public Works and Transportation Director, Range 723; and deletes the classifications of Engineering Services Director, Range 715; Parking, Traffic and Transportation Director, Range 715; and Utility Services Director, Range 720.

SECTION 5. EFFECTIVE DATE. This resolution shall become effective on and after February 2, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath

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 5, 1988

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

110388

1359/WPPER

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

Effective July 5, 1988

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

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

Effective July 5, 1988

RANGE	TITLE
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Assistant Civil Engineer Senior Accountant Budget Analyst
433	
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supv. Engineering Systems Manager Supv. Housing Rehab. Specialist Public Works Supervisor II Building Maintenance Supervisor Secondary Treatment Site Supv. Parks Maintenance Supervisor II Events Coordinator Golf Course Supervisor 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
436	Senior Planner Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt Associate Civil Engineer Transportation Planner
439	Deputy City Attorney II

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

Effective July 5, 1988

RANGE	TITLE
440	Housing Program Officer Principal Accountant Purchasing Officer
441	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 Sr. Deputy City Attorney II
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir. Deputy Director Public Works - Transportation
448	
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations
451	Assistant City Attorney

CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective July 5, 1988

RANGE	TITLE	MINIMUM	MAXIMUM
703	City Clerk/Auditor	3500	4374
704			
705			
706			
707			
708			
709			
710			
711			
712			
713	Economic Development Manager	4479	5599
714			
715	Planning & Comm. Dev. Director Finance Director	4706	5883
716			
717			
718			
719			
720	Parks & Recreation Director City Attorney Fire Chief	5325	6656

CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective July 5, 1988

RANGE	TITLE	MINIMUM	MAXIMUM
721			
722	Police Chief	5594	6993
723	Public Works and Transportation Director	5734	7168
724	Deputy City Manager	5877	7347
725			
726			
727			
728	City Manager	6488	8110

MODESTO CITY COUNCIL
RESOLUTION NO. 88-980

A RESOLUTION AUTHORIZING PAYMENT TO AUTHORITY FOR CALIFORNIA CITIES EXCESS LIABILITY OF THE BALANCE OF THE CITY OF MODESTO'S PREMIUM DEPOSIT FOR FISCAL YEAR 1987-1988 FOR GENERAL AND AUTO LIABILITY

WHEREAS, the City of Modesto is a participant in the Authority for California Cities Excess Liability, and

WHEREAS, payment of \$446,720 for program year 2, based on the City of Modesto's estimated payroll has been paid, and the difference, \$6,353.15, is now due and payable,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the payment of \$6,353.15 to California Cities Excess Liability for program year two (fiscal year 1987-1988) is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: McGrath
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 88-981

A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING IMPROVEMENTS OF THE DUTCH FAIRE II - PHASE I SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Sterling-Security Partnership I, a California Joint Venture Partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 8.367 acres, known as the Dutch Faire II - Phase I Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Council on the 7th day of July, 1987, 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 Dutch Faire II - Phase I Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath

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. 88-982

A RESOLUTION APPROVING THE FINAL MAP OF THE CAPE COD
ESTATES NO. 8 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Pan Capital, a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 3.544 acres, known as the Cape Cod Estates No. 8 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 19th day of October, 1987, 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 Cape Cod Estates No. 8 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 27 day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath

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. 88-983

A RESOLUTION APPROVING THE SUBMISSION OF A PROPOSAL UNDER THE CALIFORNIA BEVERAGE CONTAINER RECYCLING AND LITTER REDUCTION ACT.

WHEREAS, the Legislature of the State of California has enacted the California Beverage Container Recycling and Litter Reduction Act which provides funds to certain entities for litter abatement and recycling activities, and

WHEREAS, the Division of Recycling has been delegated the responsibility for the administration of the program, setting up necessary procedures governing the submission of proposals by various organizations and local agencies under the program, and

WHEREAS, said procedures established by the Division of Recycling require the proposer to certify by resolution local approval to submit a proposal prior to submission of said proposal to the state,

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

1. Approves the submission of a proposal for funding under the Division of Recycling's Litter Abatement and Recycling Activities Contracts Program; and
2. Certifies that said agency understands the general provisions of the sample contract agreement; and
3. Fully supports all projects within said proposal; and

4. Authorizes the City Manager or his authorized designee as agent of the City of Modesto to conduct all negotiations, execute and submit all documents including, but not limited to, proposals, contract agreements, amendments and payment requests, which may be necessary for the completion of the aforementioned program; and
5. Certifies that the proposed project(s) does not replace previous City of Modesto budgeted project(s).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 1988, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 88-984

A RESOLUTION APPROVING A SUBLEASE AGREEMENT WITH COMMUNITY CENTER HOTEL ASSOCIATES FOR LEASE OF PARKING SPACES WITHIN THE COMMUNITY CENTRE PARKING GARAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the sublease agreement with Community Center Hotel Associates for the lease of parking spaces within the Community Centre parking garage be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said sublease agreement by the designated City officials is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 1988, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk