

ORDINANCE NO. 2105 -C.S.

AN ORDINANCE AMENDING SECTION 19-3-10 OF THE ZONING MAP REZONING A PORTION OF P-D(238) TO R-1, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF EAST ORANGEBURG AVENUE AND FARA BIUNDO DRIVE (FIRE STATION NO. 9 SITE).

WHEREAS, the Modesto City Council amended section map 19-3-10 reclassifying from Low Density Residential Zone, R-1 to Planned Development Zone, P-D(238) by Ordinance No. 1870-C.S., which was adopted on August 21, 1979, and

WHEREAS, the Modesto City Council, by Resolution No. 79-870 adopted August 21, 1979, approved a development plan for Planned Development Zone, P-D(238), and

WHEREAS, a verified application for an amendment to Section 19-3-10 of the Zoning Map was filed by the City of Modesto on October 28, 1981, to reclassify a portion of Planned Development Zone, P-D(238), to Low Density Residential Zone, R-1, property located at the southeast corner of East Orangeburg Avenue and Fara Biundo Drive, and

WHEREAS, by Resolution No. 81-257, adopted on December 7, 1981, the Planning Commission recommended to the Council that the application to amend Section 19-3-10 of the Zoning Map to reclassify a portion of Planned Development Zone, P-D(238), to Low Density Residential Zone, R-1, property located at the southeast corner of East Orangeburg Avenue and Fara Biundo Drive, be approved for the following reasons:

1. The City's proposed use of the property bears no relationship to the remaining P-D(238) zone which establishes a housing development.
2. Compatibility of the proposed Fire Station development with surrounding residential developments will be assured by the Conditional Use Permit process as administered by the Board of Zoning Adjustment.

and

WHEREAS, said application was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on January 5, 1982 at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the requested amendment to Section 19-3-10 of the Zoning Map to rezone a portion of P-D(238) to R-1, property located at the southeast corner of East Orangeburg Avenue and Fara Biundo Drive, should be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. The Council of the City of Modesto finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth in Planning Commission Resolution No. 81-257 and quoted above.

SECTION 2. ZONING CHANGE. Section 19-3-10 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(238), to Low Density Residential Zone, R-1:

Portion of P-D(238) to R-1

All that certain real property situate in a portion of the Southwest quarter of the Northwest quarter of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Lot 14 of Block 1850 according to the Official Map of Fara Estates filed in the Office of the Recorder of Stanislaus County, California, on October 17, 1979, in Volume 28 of Maps, page 68.

Including also the northern one-half of Fara Biundo Drive immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 19-3-10 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three(3) prominent and distinct locations in the City; and a notice shall be published once in the Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January,

1982, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
Peggy Mensinger, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

William Smith
Planning Department

Ordinance 2105 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 2105-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of January, 1982, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE:

February 11, 1982

ORDINANCE NO. 2106 -C.S.

AN ORDINANCE AMENDING SECTION 3-2.1011 of ARTICLE 10 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 3-2.1011 of Article 10 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1011. PARKING ON PRIVATE PROPERTY WITHOUT CONSENT PROHIBITED. No person shall park a vehicle on private property without the direct or implied consent of the owner or person in lawful possession of such property.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1982, by Councilmember Bright, who moved its introduction and passage to

print, which motion being duly seconded by Councilmember Lang,
was upon roll call carried and ordered printed and published by the following
vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

Ord. No. 2106-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of January, 1982, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 11, 1982

ORDINANCE NO. 2107 -C.S.

AN ORDINANCE AMENDING SECTION 13-3-8 OF THE ZONING MAP REZONING FROM P-D(212) TO H-1, AND FROM R-1 TO R-2, PROPERTY LOCATED AT THE NORTHERLY CORNER OF SISK ROAD AND BRENNER WAY (HIAN INVESTMENTS)

WHEREAS, the Modesto City Council amended section map 13-3-8 reclassifying from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(212) by Ordinance No. 1811-C.S., which was introduced on February 13, 1979, and

WHEREAS, the Modesto City Council, by Resolution No. 79-126 adopted February 13, 1979, approved a development plan for Planned-Development Zone, P-D(212), and

WHEREAS, a verified application for an amendment to Section 13-3-8 of the Zoning Map was filed by Hian Investments on November 24, 1981, to reclassify from Planned Development Zone, P-D(212), allowing H-1 Zone uses, to Highway Frontage Zone, H-1, and from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at the northerly corner of Sisk Road and Brenner Way, and

WHEREAS, by Resolution No. 82-9, adopted on January 4, 1982, the Planning Commission recommended to the Council that the application to amend Section 13-3-8 of the Zoning Map to reclassify from Planned-Development Zone, P-D(212), allowing H-1 Zone uses, to Highway Frontage Zone, H-1, and from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at the northerly corner of Sisk Road and Brenner Way, be approved for the following reasons:

1. The rezoning to H-1 would allow the same land uses as the P-D(212) Zone but would not require the development schedules made burdensome by the economic uncertainties prevailing at this time.
2. The requested R-2 zoning conforms to a previously recommended and predictable medium density residential development pattern in the undeveloped areas between Conant Avenue and Sisk Road on both sides of Rumble Road.

and

WHEREAS, said application was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on February 9, 1982, at 7:30 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the requested amendment to Section 13-3-8 of the Zoning Map to reclassify from Planned-Development Zone, P-D(212), allowing H-1 Zone uses, to Highway Frontage Zone, H-1, and from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at the northerly corner of Sisk Road and Brenner Way, should be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. The Council of the City of Modesto finds and determines that the requested amendment is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth in Planning Commission Resolution No. 82-9 and quoted above.

SECTION 2. ZONING CHANGE. Section 13-3-8 of the Zoning Map is hereby amended to reclassify the following described property from

Planned Development Zone, P-D(212), allowing H-1 Zone uses, to Highway Frontage Zone, H-1, and from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

Parcel "1": P-D(212) to H-1

ALL that certain real property situate in a portion of the Northwest Quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

THE Northwest corner of Sisk Road and Brenner Way, commencing at the corner of Sisk Road and Brenner Way; thence North $43^{\circ}11'14''$ West, 399.34 feet to a point on the Northwest corner of said parcel; thence North $46^{\circ}31'$ East, 475.00 feet to the most Northerly corner thereof; thence South $43^{\circ}11'14''$ East, 401.95 feet to a point on the Northwestern line of 60.00 foot wide Brenner Way; thence South $46^{\circ}31'$ West, 474.56 feet to the POINT OF BEGINNING including the Northwesterly 30.00 feet of Brenner Way immediately adjacent to the Southeasterly line of said described property.

Including also all that portion of Sisk Road situated between the Southwesterly line of the above described property and the centerline of said Sisk Road.

Parcel "2": R-1 to R-2

ALL that certain real property situate in a portion of the Northwest Quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

Commencing at the North corner of Sisk Road and Brenner Way; thence North $46^{\circ}31'$ East along the north line of Brenner Way 474.56 feet to the true POINT OF BEGINNING of this description; thence North $43^{\circ}11'14''$ West 401.95 feet, thence North $46^{\circ}31'$ East 345.28 feet to the western line of 40 foot wide Lou Ann Drive, thence Southeasterly along said western line 363.00 to the Northern line of 60 foot wide Brenner Way; thence along said northern line South $46^{\circ}52'30''$ West 298.73 feet; thence continuing along said line South $25^{\circ}13'$ West 107.00 feet to the POINT OF BEGINNING.

Including also all of the northern one-half of Brenner Way and the Western 10.00 feet of Lou Ann Drive situated between the above described parcel and centerline of Lou Ann Drive and all immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 13-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1982 by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

Albert J. ...
Planning Department

Ordinance 2107 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 2107-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of February, 1982, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 18, 1982

ORDINANCE NO. 2108 -C.S.

AN ORDINANCE ADDING SECTION 5-6.13.1 TO CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SEWAGE COLLECTION AND DISPOSAL.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 5-6.13.1 is hereby added to

Chapter 6 of Title V of the Modesto Municipal Code to read as follows:

SEC. 5-6.13.1. COMPLIANCE BY INDUSTRIAL USERS WITH FEDERAL AND STATE STANDARDS. (a) All industrial users shall comply with the most strict of any applicable federal or state pretreatment standards or regulations, including but not limited to those adopted pursuant to the Clean Water Act, Pub. L. 95-217, as amended.

(b) Any industrial user not complying with the standards or regulations as required by subsection (a) hereof may be required by the Director to develop and implement a compliance schedule for the installation of such technology as may be necessary to meet said standards and regulations or the regulations promulgated under subsection (d) hereof.

(c) The Director may require the submission of such notices or self-monitoring reports from industrial users as he may consider necessary to assure compliance with said standards and regulations.

(d) The Director is hereby authorized to establish such regulations as are necessary to insure compliance by industrial users with applicable Federal, State and local pretreatment standards or regulations.

(e) The Director or representative is hereby authorized to enter onto any premises of an industrial user to assure compliance with this section and said standards and regulations.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1982, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 2108-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of February, 1982, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 18, 1982

ORDINANCE NO.2109 -C.S.

AN ORDINANCE AMENDING SECTIONS 3-2.1401 AND 3-2.1401.1 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 3-2.1401 and 3-2.1401.1 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-2.1401. CHANGE IN SPEED LIMITS SET BY STATE LAW. Pursuant to authority contained in the California Vehicle Code Sections 22357 and 22358, it is hereby determined upon the basis of an engineering and traffic survey that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to law.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
BLUE GUM AVENUE, between Carpenter Road and Culpepper Avenue	25 miles per hour
CARPENTER ROAD, between Woodland Avenue and Maze Boulevard within the City limits	50 miles per hour
CARPENTER ROAD, between the Tuolumne River and Robertson Road	35 miles per hour
CENTER STREET, between Rosedale Avenue and Calaveras Avenue	25 miles per hour
CONANT AVENUE, between North 9th Street and Rumble Road	35 miles per hour
CORALWOOD ROAD, between McHenry Avenue and Drago Park Drive	35 miles per hour

CROWS LANDING, between 7th Street and Imperial Avenue; those portions within the City	35 miles per hour
CROWS LANDING, between Imperial Avenue and Whitmore; those portions within the City	45 miles per hour
DALE ROAD, between Veneman Avenue and Snyder Avenue	45 miles per hour
DEL VALE AVENUE, between Del Vista Avenue and Greenwood Drive	25 miles per hour
EMERALD AVENUE, between Maze Boulevard and Kansas Avenue within the City limits	25 miles per hour
ENSLEN AVENUE, between Granger Avenue and Orangeburg Avenue	25 miles per hour
FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
FRANKLIN STREET, between Maze Boulevard and Laurel Avenue	25 miles per hour
GRAPE AVENUE, between Pearl Street and Evergreen Avenue	25 miles per hour
GRISWOLD AVENUE, from Virginia Avenue to McHenry Avenue	25 miles per hour
HADDON AVENUE, between La Loma Avenue and Conejo Avenue	25 miles per hour
HATCH ROAD, within the City limits	35 miles per hour
JEFFERSON STREET, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Street and 9th Street	25 miles per hour
LA LOMA AVENUE, between Burney Street and Buena Vista	25 miles per hour
LAUREL AVENUE, between Emerald Avenue and Franklin Street, within the City limits	35 miles per hour

LEGION PARK ROAD, between Santa Cruz Avenue and Conejo Avenue	25 miles per hour
LEVELAND LANE, between College Avenue and TSRR tracks	25 miles per hour
LUCERN AVENUE, between Johnson Street and Coffee Road	25 miles per hour
MADISON STREET, between Paradise Avenue and Laurel Avenue	25 miles per hour
MORTON BOULEVARD, between 9th Street and Downey Avenue	25 miles per hour
NEECE DRIVE, between Rouse Avenue and Sunset Avenue	25 miles per hour
PARKER ROAD, between Claus Road and the Atchinson, Topeka and Santa Fe Railroad Tracks within the City limits	50 miles per hour
PEARL STREET, between Carver Road and west end of Pearl Street	25 miles per hour
RIVER ROAD, between Herndon Avenue and 1,200 feet west of Herndon Avenue	35 miles per hour
ROBLE AVENUE, between Santa Ana Avenue and Rosina Avenue	25 miles per hour
SHERWOOD AVENUE, between Orangeburg Avenue and Briggsmore Avenue	25 miles per hour
STODDARD AVENUE, between McHenry Avenue and Virginia Avenue	25 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WRIGHT STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
7TH STREET, between Sierra Drive and the Tuolumne River	25 miles per hour
9TH STREET, on the Tuolumne River Bridge	40 miles per hour
9TH STREET, between north end of the Tuolumne River Bridge and D Street	30 miles per hour

9TH STREET, between P Street and
Tully Road

35 miles per hour

9TH STREET, between Tully Road and
Shoemake Avenue

50 miles per hour

SEC. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW: FOR PURPOSE OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE. By authority contained in California Vehicle Code Sections 22357 and 22358, upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code Sections 627 and 40802, and Chapter 8 (dated January 1971) of the Traffic Manual of the Department of Public Works, Business and Transportation Agency, State of California, issued by the Division of Highways, it is hereby determined that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared the prima facie speed limits hereinafter set forth are established according to said Traffic Manual Provisions at or near the 85th percentile as calculated by the engineering and traffic survey for each street on the date indicated.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BLUE GUM AVENUE, between Poust and Carpenter Roads	40 miles per hour	July 11, 1980
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	February 10, 1978
BRIGGSMORE AVENUE, westbound between Coffee Road and McHenry Avenue	45 miles per hour	February 2, 1978
BRIGGSMORE AVENUE, (east- bound) between McHenry Avenue and 1,000 feet west of Coffee Road	45 miles per hour	March 21, 1978
BRIGGSMORE AVENUE, (eastbound), between a point 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour	April 20, 1979
BRIGGSMORE AVENUE, between Coffee Road and Rose Avenue	45 miles per hour	April 13, 1979
BRIGGSMORE AVENUE, between Rose Avenue and Oakdale Road	50 miles per hour	April 13, 1979

BRIGGSMORE AVENUE, between Oakdale Road and Claus Road	55 miles per hour	April 13, 1979
BRIGGSMORE AVENUE, (east and westbound) between McHenry Avenue and Tully Road	45 miles per hour	April 28, 1980
BRIGGSMORE AVENUE, between Tully Road and Prescott Road	45 miles per hour	April 28, 1980
BRIGHTON AVENUE, between Locke Road and Coffee Road	35 miles per hour	October 27, 1978 .
CARPENTER ROAD, between Paradise Road and Maze Boulevard	45 miles per hour	April 13, 1979
CARPENTER ROAD, between Woodland Avenue and Blue Gum Avenue	45 miles per hour	April 13, 1979
CARVER ROAD, between 9th Street and Roseburg Avenue	35 miles per hour	February 3, 1978
CARVER ROAD, between Roseburg Avenue and Brixton Lane within the City limits	35 miles per hour	February 10, 1978
CARVER ROAD, between Brixton Lane and M.I.D. Lateral No. 6 within the City limits	40 miles per hour	December 10, 1981
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	October 5, 1978
COFFEE ROAD, between Scenic Drive and Briggsmore Avenue	40 miles per hour	July 18, 1979
COFFEE ROAD, between Briggsmore Avenue and Floyd Avenue	40 miles per hour	July 18, 1979
COFFEE ROAD, between Floyd Avenue and Sylvan Avenue	40 miles per hour	April 13, 1979
COFFEE ROAD, between Sylvan Avenue and Mable Avenue	40 miles per hour	June 6, 1981

COLLEGE AVENUE, between Princeton Avenue and Bowen Avenue	35 miles per hour	March 16, 1978
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	35 miles per hour	January 19, 1981
CROWS LANDING ROAD, School Avenue to Blankenburg Avenue, within the City of Modesto	35 miles per hour	November 2, 1978
DALE ROAD, between Standiford Avenue and Veneman Avenue	35 miles per hour	April 13, 1979
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	March 11, 1981
EL VISTA AVENUE, between Yosemite Boulevard and Scenic Drive	35 miles per hour	March 23, 1978
EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	35 miles per hour	October 26, 1978
ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	35 miles per hour	November 8, 1978
EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road	35 miles per hour	January 19, 1981
FAIRMONT AVENUE, between Coffee Road and Sunrise Avenue	30 miles per hour	October 5, 1978
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	February 2, 1978
FLOYD AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	October 5, 1978
FRANKLIN STREET, between California Avenue and Maze Boulevard	35 miles per hour	February 2, 1978
GRANGER AVENUE, between Sunrise Avenue and McHenry Avenue	30 miles per hour	October 17, 1978

GRANGER AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	October 17, 1978
KANSAS AVENUE, between Carpenter Road and Emerald Avenue within the City Limits	40 miles per hour	July 9, 1981
KANSAS AVENUE, between Emerald Avenue and Eighth Street	35 miles per hour	April 13, 1979
KEARNEY AVENUE, between Coldwell Avenue and Glenwood Drive	30 miles per hour	January 19, 1981
KELLER STREET, between Rumble Road and Sylvan Avenue	30 miles per hour	April 13, 1979
LAKWOOD AVENUE, between Scenic Drive and Orangeburg Avenue	35 miles per hour	October 26, 1978
LA LOMA AVENUE, between Buena Vista and Yosemite Boulevard	30 miles per hour	March 23, 1978
LINCOLN AVENUE, between Yosemite Boulevard and 650' north of M.I.D. Lateral No. 2	35 miles per hour	June 3, 1980
MABLE AVENUE, between Coffee Road and Oakdale Road	40 miles per hour	February 24, 1981
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	February 21, 1978
MITCHELL ROAD, between Finch Road and 1,326' south of Finch Road	50 miles per hour	February 21, 1978
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	February 21, 1978
MT. VERNON AVENUE, between Carver Road and Prescott Road	35 miles per hour	October 18, 1978
MT. VERNON AVENUE, between College Avenue and Carver Road	30 miles per hour	October 19, 1978

NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	December 1, 1978
NEEDHAM STREET, between L and 9th Streets	35 miles per hour	November 15, 1978
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	October 24, 1978
OAKDALE ROAD, between Scenic Drive and Briggsmore Avenue	40 miles per hour	July 18, 1979
OAKDALE ROAD, between Briggsmore Avenue and Floyd Avenue	45 miles per hour	April 13, 1979
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	July 21, 1980
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	March 17, 1980
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	March 17, 1980
ORANGEBURG AVENUE, between Coffee Road and Rose Avenue	35 miles per hour	December 9, 1981
ORANGEBURG AVENUE, between Rose Avenue and Oakdale Road	35 miles per hour	August 30, 1979
ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	30 miles per hour	July 11, 1980
ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	35 miles per hour	July 11, 1980
PARADISE ROAD, between Vernon Avenue and Franklin Street	35 miles per hour	April 13, 1979
PRESCOTT ROAD, between Briggsmore Avenue and Rumble Road	40 miles per hour	July 18, 1979
PRINCETON AVENUE, between College Avenue and Tully Road	25 miles per hour	July 15, 1980

RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard	35 miles per hour	January 19, 1981
ROSE AVENUE, between Scenic Drive and Briggsmore Avenue	35 miles per hour	February 17, 1978
ROSE AVENUE, between Briggsmore Avenue and Floyd Avenue	30 miles per hour	March 23, 1978
ROSEBURG AVENUE, between Sunrise Avenue and McHenry Avenue	35 miles per hour	October 24, 1978
ROSEBURG AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	October 24, 1978
ROSEBURG AVENUE, between Tully Road and Carver Road	35 miles per hour	October 25, 1978
RUMBLE ROAD, between Coffee Road and McHenry Avenue within the City limits	35 miles per hour	October 21, 1978
RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	October 21, 1978
RUMBLE ROAD, between Sisk Road and Conant Avenue	40 miles per hour	December 9, 1981
RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	January 19, 1981
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	December 9, 1981
SCENIC DRIVE, Lillian Drive to Claus Road, within the City of Modesto	40 miles per hour	March 9, 1978
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	45 miles per hour	December 9, 1981
SIERRA DRIVE, between G and South 7th Streets	30 miles per hour	December 1, 1978
SISK ROAD, between Briggsmore Avenue and Brenner Way	50 miles per hour	December 9, 1981
SISK ROAD, between Brenner Way and Standiford Avenue	40 miles per hour	December 9, 1981

SISK ROAD, between Standiford Avenue and 600' north of Vintage Drive	40 miles per hour	March 6, 1981
STANDIFORD AVENUE, between Dale Road and Prescott Road	45 miles per hour	December 10, 1981
STANDIFORD AVENUE, between Prescott Road and Carver Road	40 miles per hour	December 10, 1981
STANDIFORD AVENUE, between Carver Road and Tully Road	45 miles per hour	July 19, 1979
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	40 miles per hour	October 20, 1980
SUNRISE AVENUE, between Lucern Avenue and Floyd Avenue	35 miles per hour	October 19, 1978
SURREY AVENUE, between Oakdale Road and Eastridge Drive	25 miles per hour	May 30, 1980
SUTTER AVENUE, between Paradise Avenue and Robertson Road	30 miles per hour	February 17, 1978
SYCAMORE AVENUE, between Griswold Avenue and Orangeburg Avenue	35 miles per hour	October 31, 1978
SYLVAN AVENUE, between McHenry Avenue and Oakdale Road within the City limits	45 miles per hour	October 18, 1978
TOKAY AVENUE, between McHenry Avenue and Bodega Lane	35 miles per hour	January 27, 1982
TULLY ROAD, between Coldwell Avenue and Standiford Avenue	35 miles per hour	March 22, 1978
TULLY ROAD, between Standiford Avenue and M.I.D. Lateral No. 6	45 miles per hour	October 21, 1978
TUOLUMNE BOULEVARD, between 7th Street and Paradise Road	35 miles per hour	February 17, 1978

VENEMAN AVENUE, between Dale Road and Standiford Avenue	40 miles per hour	January 11, 1978
VIRGINIA AVENUE, between Needham Street and Roseburg Avenue	35 miles per hour	October 20, 1978
WHITMORE AVENUE, between Morgan Road and Crows Landing Road within the City limits	45 miles per hour	December 10, 1981
WOODLAND AVENUE, between Morse Avenue and Shasta Avenue, within the City limits	45 miles per hour	April 13, 1979
WOODLAND AVENUE, between Shasta Avenue and Carpenter Road within the City limits	45 miles per hour	February 5, 1980
WOODLAND AVENUE, between 9th Street and Carpenter Road within the City limits	35 miles per hour	December 10, 1981
WOODROW AVENUE, between McHenry Avenue and Tully Road	35 miles per hour	October 18, 1978
WYLIE DRIVE, between Rose Avenue and Oakdale Road	35 miles per hour	August 31, 1979
9TH STREET, between L Street and P Street	35 miles per hour	December 9, 1981

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1982, by Councilmember Bright who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and order printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

Ord. No. 2109-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1982, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Siefkin, Acting Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Mensinger

APPROVED *Richard A. Lang*
ACTING MAYOR RICHARD A. LANG

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 25, 1982

AN ORDINANCE ADDING SECTION 3-1.124 TO CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO THE UNIFORM FIRE CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 3-1.124 is hereby added to Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.124. TYPE OF LOCK OR LATCH. That subsection (b) of Section 12.104 of said Fire Code be amended as follows:

(b) Type of Lock or Latch. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.

EXCEPTIONS: 1. This requirement shall not apply to exterior exit doors in a Group B Occupancy if there is a readily visible, durable sign on or adjacent to the door, stating "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS." The sign shall be in letters not less than 1 inch high on a contrasting background. The locking device must be of a type that will be readily distinguishable as locked. The use of this exception may be revoked by the building official for due cause.

2. Exit doors from buildings or rooms having an occupant load of 10 or less may be provided with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key, special knowledge or effort and mounted at a height not to exceed 48 inches above the finished floor.

3. An exit door for a business which has as its primary commercial activity the sale, resale, exchange or trade of gold or silver coin, bullion or metal ore may be provided with a locking mechanism which is not openable from the inside without the use of a key or which requires special knowledge or effort so long as each of the following conditions are met during all times that the business is open to the public:

a) the locking mechanism must be connected to a smoke detector system in such a manner that activation or malfunction of the smoke detector system results in automatically unlocking the exit door;

b) the locking mechanism must be connected to the electrical power supply for the building in such a manner that any loss of electrical power to the building results in automatically unlocking the exit door;

c) two (2) employees must be within the area of the premises used for retail purposes, including adjacent service and utility rooms, at all times;

d) a sign shall be placed upon the premises so as to be readily seen by any person or persons entering the business stating that ingress and egress is electronically controlled by the management.

Manually operated edge- or surface-mounted flush bolts and surface bolts are prohibited. When exit doors are used in pairs and approved automatic flush bolts are used, the door leaf having the automatic flush bolts shall have no door knob or surface-mounted hardware. The unlatching of any leaf shall not require more than one operation.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

Ord. No. 2110-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the/ ^{adjourned} regular meeting of the Council of the City of Modesto held on the 4th day of March, 1982, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, Patterson

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 3, 1982

AN ORDINANCE REPEALING SECTION 3-1.201 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO FIRE DISTRICTS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. REPEALS. Section 3-1.201 of Chapter 1 of Title III of the Modesto Municipal Code is hereby repealed.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

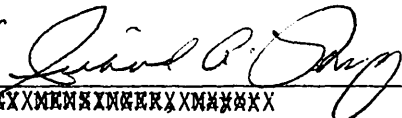
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1982, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Siefkin, Acting Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Mensinger

APPROVED:


~~XXXXXXXXXXXXXXXXXXXX~~
RICHARD A. LANG, Acting Mayor

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

Ord. No. 2111 - C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the/^{adjourned}regular meeting of the Council of the City of Modesto held on the 4th day of March, 1982, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Lang, Patterson

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 3, 1982

AN ORDINANCE AMENDING SECTION MAP 29-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (MICHAEL A. DE RUOSI -
CITY MALL)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 29-3-9 of the Zoning

Map is hereby amended to reclassify the following described property
from General Commercial Zone, C-2, to
Planned-Development Zone, P-D (322) :

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

All of Lots 28 thru 32, Block 84, of the City of Modesto.

Including also all of the Southeasterly one-half of "J" Street, the
Northeasterly one-half of 11th Street and the Southwesterly one-half
of the alley in said Block 84 and all immediately adjacent to the
above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(322) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

Office condominiums

Other professional and commercial uses allowed in the C-2 Zone

SECTION 3. ZONING MAP. Section Map 29-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1982, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Smith*
Department of Planning and
Community Development

Ordinance 2112 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 2112-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of March, 1982, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Mairie Coyle
MARRINE COYLE, City Clerk

EFFECTIVE DATE: April 15, 1982

ORDINANCE NO. 2113 -C.S.

AN ORDINANCE AMENDING SECTION 24-3-9 OF THE ZONING MAP TO REPEAL P-D(135) AND REZONE TO R-1, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BRIGGSMORE AVENUE AND LAKEWOOD AVENUE (HORN CONSTRUCTION COMPANY)

WHEREAS, the Modesto City Council, by Ordinance No. 1489-C.S., which was finally adopted on January 19, 1976, and which became effective on February 20, 1976, amended Section Map 24-3-9 of the Zoning Map to reclassify Planned-Development Zone, P-D(99), to Planned-Development Zone, P-D(135), property located at the southeast corner of Briggsmore Avenue and Lakewood Avenue in the City of Modesto for a neighborhood shopping center, and

WHEREAS, the Modesto City Council, by Resolution No. 76-46, approved the development plan for Planned-Development Zone, P-D(135), with conditions of approval, and

WHEREAS, on January 18, 1982, by Resolution No. 82-16, the Planning Commission initiated proceedings to amend Section 24-3-9 to repeal Planned Development Zone, P-D(135) for a neighborhood shopping center, which P-D(135) zone has expired, and to rezone the property to Low Density Residential Zone, R-1, property located at the southeast corner of Briggsmore Avenue and Lakewood Avenue, in the City of Modesto, and

WHEREAS, the Planning Commission by Resolution No. 82-35, adopted on February 1, 1982, found and determined that an amendment to Section 24-3-9 of the Zoning Map to repeal Planned-Development Zone, P-D(135), and rezone to Low Density Residential Zone, R-1, property located at the southeast corner of Briggsmore Avenue and Lakewood Avenue, in the City of Modesto, is required by public necessity, convenience and general welfare for the following reasons:

1. The owner of P-D(135) has had a full six years to produce a neighborhood shopping center as provided for in the City's one corner commercial policy for neighborhood centers.
2. The current lack of sufficient residential development in the whole surrounding area apparently causes the P-D(135) development package to be premature.
3. At such time as neighborhood shopping center development becomes more imminent, the owner of this property as well as owners of the other corners of this major street intersection are free to reapply for the appropriate P-D zoning.

and

WHEREAS, said amendment was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on March 9, 1982, and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the proposed amendment to Section 24-3-9 of the Zoning Map to repeal Planned Development Zone, P-D(135) to Low Density Residential Zone, R-1, property located at the southeast corner of Briggsmore Avenue and Lakewood Avenue, in the City of Modesto, should be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. The Council of the City of Modesto finds and determines that the repeal of Planned-Development Zone, P-D(135) and rezoning of the property to Low Density Residential Zone, R-1, is required by public necessity, convenience, and general welfare for the reasons set forth in Planning Commission Resolution No. 82-35, and quoted above.

SECTION 2. ZONING CHANGE. Section 24-3-9 of the Zoning Map is hereby amended to repeal Planned-Development Zone, P-D(135) for a neighborhood shopping center, and rezone the property to Low Density

Residential Zone, R-1, property located at the southeast corner of Briggsmore Avenue and Lakewood Avenue, in the City of Modesto, and described as follows:

P-D to R-1

All that portion of Lot 8 of the Idaho Colony lying in the Northwest quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the northwest corner of said Section 24; thence South 0°58' East along the west line of said Section 24 a distance of 190.00 feet to the south line of Briggsmore Avenue as conveyed to the County of Stanislaus by deed recorded as Instrument No. 7699-70, Stanislaus County Records and the true point of beginning of this description; thence continuing South 0°58' East along said west line of Section 24 a distance of 630.00 feet; thence at right angles North 89°02' East a distance of 560.00 feet; thence North 0°58' West parallel to said west line of Section 24 a distance of 630.00 feet to the aforementioned south right-of-way line of Briggsmore Avenue; thence South 89°22' West along said south right-of-way line of Briggsmore Avenue a distance of 560.00 feet to the point of beginning.

Containing 8.1 acres.

SECTION 3. ZONING MAP. Section 24-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1982, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
Peggy Mensinger, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

William H. Hilde
Planning Department

**Ordinance 2113 C.S.
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 2113-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of March, 1982, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 15, 1982

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (BRIGHT DEVELOPMENT)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 12-3-8 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1, to

Planned-Development Zone, P-D (323) :

Parcel D as shown and designated on that parcel map
filed December 20, 1976, in Vol. 24 of parcel maps,
at page 12, being a portion of Lot 4 of McKinney Colony,
as per map filed November 21, 1903, in Vol. 1 of Maps
at page 57.

Including also the southerly 30 feet of Veneman Avenue
and the northerly 50 feet of Modesto Irrigation District
Lateral No. 7 immediately adjacent to said Parcel D.

SECTION 2. USES. The following uses shall be permitted in said P-D(323) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

A one and two-story, 286-unit apartment development.

SECTION 3. ZONING MAP. Section Map 12-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of March, 1982, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

William J. Wilds
Department of Planning and
Community Development

Ordinance 2114 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 2114-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1982, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 22, 1982

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1813-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON." (TALLENT)

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF ORDINANCE NO. 1813-C.S.

Section 2 of Ordinance No. 1813-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D (213) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

Two new single family dwellings and an existing single family dwelling."

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of March, 1982, by Councilmember Muratore, who moved its introduction and

passage to print, which motion being duly seconded by Councilmember

Bright, was upon roll call carried and ordered printed and

published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 2115-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1982, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 22, 1982

ORDINANCE NO. 2116 -C.S.

AN ORDINANCE REPEALING ORDINANCE NOS. 768-N.S., 788-N.S., 848-N.S., 857-N.S., 1140-N.S., 261-C.S., 352-C.S., 651-C.S., AND 906-C.S. OF THE CITY OF MODESTO RELATING TO BUILDING LINE MAPS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. REPEALS. Ordinance Nos. 768-N.S., 788-N.S., 848-N.S., 857-N.S., 1140-N.S., 261-C.S., 352-C.S., 651-C.S., and 906-C.S., adopted by the Council of the City of Modesto relating to building line maps, are hereby repealed.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of March, 1982,

by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

Ord. No. 2116-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1982, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 22, 1982

ORDINANCE NO. 2117 C.S.

AN ORDINANCE AMENDING SECTIONS 4-4.404, 4-4.502, 4-4.503, 4-4.601, AND 4-4.605 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO SUBDIVISION REGULATIONS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 4-4.404, 4-4.502, 4-4.503, 4-4.601 and 4-4.605 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-4.404. ACTION ON TENTATIVE MAP.

(a) Action by Planning Commission. The Planning Commission shall review the tentative map to determine whether it is in conformity with the provisions of law and of this chapter and upon that basis, within fifty (50) days after the filing of the tentative map, adopt a resolution approving, conditionally approving or disapproving the tentative map. The Planning Commission is authorized to report its action directly to the subdivider and shall also transmit to the City Engineer a copy of the tentative map and a copy of the resolution setting forth the action of the Planning Commission.

(b) Consistency With General Plan. A tentative map shall not be approved or conditionally approved by the Planning Commission unless the Planning Commission finds that the proposed subdivision, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City.

(c) Discharge of Waste. In connection with their review of a tentative map, the Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in violation of existing requirements prescribed 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. In the event that the Planning Commission finds that the proposed waste discharge would result in or add to violation of requirements of such board, it may disapprove the tentative subdivision map.

(d) Limitations on Approval. A tentative map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings:

(1) That the proposed map is not consistent with applicable general and specific plans.

(2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(3) That the site is not physically suitable for the type of development.

(4) That the site is not physically suitable for the proposed density of development.

(5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

(e) Reports and Recommendations. Any reports or recommendations on the map or maps of any subdivision submitted to the Planning Commission or City Council shall be submitted in writing to the subdivider at least three (3) days prior to any hearing or action on the map or maps by the Planning Commission or City Council. Such required submission in writing shall be deemed complied with when such reports or recommendations are placed in the mail, bearing proper postage, and directed to the subdivider at his address shown on the map.

(f) Appeal. If the subdivider or any interested person is dissatisfied with any action of the Planning Commission with respect to the tentative map, or the kinds, nature and extent of the improvements required by the Planning Commission, he may within ten (10) days after such action is taken by the Planning Commission, appeal in writing to the City Council for a public hearing thereon. The City Council shall hear the appeal, upon notice being given in accordance with the provisions of

Section 66451.3 of the Government Code and to the appellant and the Planning Commission, within thirty (30) days after the date of filing the appeal, unless the appellant consents to a continuance. At the time fixed for the hearing the City Council shall proceed to hear the testimony of the appellant or any witnesses in his behalf. It may also hear the testimony of other competent persons relative to the character of the neighborhood in which the subdivision is to be located; the kinds, nature and extent of improvements; or the quality or kinds of development to which the area is best adapted; and any other phase of the matter which it may desire to inquire into. Upon conclusion of the hearing the City Council shall, within ten (10) days, declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make such findings as are not inconsistent with the provisions of this chapter and the Subdivision Map Act.

(g) Presence of Subdivider. The subdivider or his representative should be present at the time set for the consideration of the tentative map.

(h) Extension of Time Limits. The time limits for acting and reporting on tentative maps as specified in this section may be extended by mutual consent of the subdivider and the Planning Commission or City Council as the case may be.

(i) Information To Be Furnished to City Engineer. When the approval or conditioned approval of the tentative map of any subdivision has become final, the subdivider shall furnish the following information to the City Engineer and shall receive his authorization prior to construction of any of the improvements or preparation of the final map:

(1) Typical cross sections and proposed final finished grades of all roads, streets and highways in the proposed new subdivision, together with a profile showing the relation between finished grade and existing ground elevations.

(2) Proposed lengths, size and type of any pipes, culverts or structures necessary for drainage, erosion control or the public safety with plans and specifications therefor.

(3) Any information required by the conditional approval of the Planning Commission or City Council.

(4) Elevations shall be referenced to the Modesto City Datum.

SEC. 4-4.502. TENTATIVE PARCEL MAPS.

(a) Filing and Departmental Approval. The legal owner of record, or his authorized representative, desiring the reparceling of any lot or lots or parcels of land under the provisions of this article shall file fifteen (15) copies of a tentative parcel map with the Planning Commission at least twenty-five (25) days prior to the meeting of the Commission at which consideration is desired. The representative of the Planning Commission authorized to receive such maps shall examine any such map upon presentation and shall not accept such map unless the same is in full compliance with this article as to form, the data, information and other matters required to be shown thereon. The tentative map shall not be considered as filed until stamped, signed and dated by said representative. The representative of the Planning Commission shall distribute copies of the tentative parcel map to affected City departments, local utility companies serving the property, and such other individuals or agencies as is deemed advisable. The department, utility company, individual or agency receiving a copy of the tentative parcel map may respond regarding any concerns or requirements within fifteen (15) days from the date the map was mailed. If a reply is not received within said fifteen (15) day period it shall be assumed that the tentative parcel map conforms with the requirements of the particular department, utility company, individual or agency.

(b) Form of Maps. Tentative parcel maps shall be eighteen (18") inches by twenty-six (26") inches in size. Maps shall be to a scale of one inch equals one hundred (100') feet for large areas, or to a scale of one inch equals fifty (50') feet for small areas where practical. Every tentative parcel map shall be clearly and legibly reproduced and shall contain the following information:

- (1) Date, north point, scale and sufficient description to define the location and boundaries of the proposed reparceling.
- (2) Name and address of record owner or owners.
- (3) Name and address of the subdivider, if other than owner.
- (4) Name and business address of the person who prepared the map, if other than owner.
- (5) Locations, names and existing width of all adjoining and contiguous highways, streets and ways.
- (6) Locations and size of all pipe lines and structures used in connection therewith.
- (7) Location and character of all existing public utilities.

(8) Location and character of all existing and proposed street improvements.

(9) The widths, locations and purpose of all existing and amended easements.

(10) Method of serving individual parcels to be created with utilities.

(11) Lot layout, dimensions of each lot, and lot designations.

(12) The outline of any existing buildings to remain in place and their locations in relation to existing or proposed street and lot lines.

(c) Consistency with General Plan. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission unless the Planning Commission finds 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.

(d) Requirements for Approval. If the tentative parcel map complies with all of the requirements of this article and the Subdivision Map Act, the Planning Commission may approve the division, subject to the dedication of necessary right-of-way for streets and easements, the installation of all improvements along the frontages of the property so divided, as required by the Commission, and the installation of all necessary utilities and connections to each lot. All lot sizes shall conform to the provisions of the zoning regulations of the City of Modesto.

(e) Limitations on Approval. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings:

(1) That the proposed map is not consistent with applicable general and specific plans.

(2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(3) That the site is not physically suitable for the type of development.

(4) That the site is not physically suitable for the proposed density of development.

(5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their

habitat.

(6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easement of record or to easements established by judgment of a court of competent jurisdiction.

(f) Improvements. If the Planning Commission approves the tentative parcel map it may require the construction of reasonable offsite and onsite improvements for the parcels being created. Requirements for the construction of such offsite or onsite improvements shall be notified by certificate on the parcel map, on the instrument evidencing the waiver of such parcel map, or by separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record. The construction of such improvements shall be required prior to the subsequent issuance of a permit or other grant of approval for the development of such parcel. The Planning Commission may require the fulfillment of such improvement requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the Planning Commission that fulfillment of the improvement requirement is necessary for reasons of:

(1) The public health and safety; or

(2) The required construction is a necessary prerequisite to the orderly development of the surrounding area.

If the improvements are required within such a time period, the Planning Commission may require an improvement security to be posted in one of the forms set forth in subsection (b) of Section 4-4.605.

(g) Requirement for Street Trees. As a condition of approval for parcel maps it is the policy of the City of Modesto to require street trees to be planted and maintained along the street frontages of the affected properties. In order to insure that such street trees conform to the City of Modesto Street Tree Plan, and that they are properly planted and maintained whenever street trees are required as a condition of approval of a parcel map, the applicant shall pay to the City of Modesto a sum for each street tree required. Such sum shall be established by resolution of the City Council adopted from time to time. Such sum shall be paid at the time of filing the parcel map. Upon the payment of such sum the City shall

be responsible for planting and maintaining such street trees.

(h) Drainage Facilities. Whenever the city, by ordinance, has adopted a drainage plan for a particular drainage area, pursuant to Section 66483 of the Government Code of the State of California, each subdivider filing a parcel map for the division of land, any part of which is located within the boundaries of such a drainage area and the tentative map of which is filed after the effective date of the addition of this subsection, shall pay to the City at the time of the filing of the parcel map, as a condition of approval thereof, such fees as may be required by said ordinance. The Council may by resolutions or agreements adopted or entered into from time to time, establish conditions under which such fees may be spread over a period of time.

(i) Appeal. If the property owner or any interested person is dissatisfied with any action of the Planning Commission with respect to the tentative parcel map, or the kinds, nature and extent of the improvements required by the Planning Commission, he may, within ten (10) days after such action is taken by the Planning Commission, appeal in writing to the City Council for a public hearing thereon. The City Council shall hear the appeal, upon notice being given in accordance with the provisions of Section 66451.3 of the Government Code and to the appellant and the Planning Commission, within thirty (30) days after the date of filing the appeal, unless the appellant consents to a continuance. At the time fixed for the hearing the City Council shall proceed to hear the testimony of the appellant or any witnesses in his behalf. It may also hear the testimony of other competent persons relative to the character of the neighborhood in which the parcel is located; the kinds, nature and extent of improvements; or the quality or kinds of development to which the area is best adapted; and any other phase of the matter which it may desire to inquire into. Upon conclusion of the hearing the City Council shall, within ten (10) days, declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make such findings as are not inconsistent with the provisions of this chapter and the Subdivision Map Act.

SEC. 4-4.503. FILING PARCEL MAPS.

(a) Filing Within Twenty-Four (24) Months of Tentative Approval. The subdivider or his agent may file a parcel map with the City Engineer for his examination and certification within twenty-four (24) months after the approval or conditional approval of the tentative map. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map the Planning Commission may extend the time for filing a parcel map for a period or periods not exceeding two (2) years, if it determines that conditions affecting the parcel map have not

substantially changed. In any case where a parcel map has not been recorded within twenty-four (24) months or such extended period of time as may be granted by the Planning Commission, approval of a new tentative parcel map shall be required.

If a subdivider's application for an extension of time for filing a parcel map is denied by the Planning Commission the subdivider may appeal to the City Council within fifteen (15) days after the Planning Commission has denied the time extension. The City Council shall hear such appeal in accordance with the provisions of Section 4-4.404(f) of this chapter.

A parcel map shall be prepared by a registered civil engineer or licensed land surveyor and shall substantially conform to the tentative parcel map and conditions thereto as approved by the Planning Commission.

(b) Fees. A tracing of the parcel map shall be filed with the City Engineer. In addition, the subdivider shall deposit with the City the Recorder's fee for recording the parcel map.

(c) Form of Parcel Map. The parcel map shall conform to the provisions of Section 4-4.602 for final maps where applicable. The map shall show the definite location of the parcel or parcels and particularly their relation to surrounding surveys. The location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey, but only by reference to the existing record boundaries if such remainder has a gross area of five (5) acres or more.

The parcel map may be compiled from record data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map and when the location of at least one of these boundary lines can be established from an existing monument line. In any case, the parcel map may be based upon a field survey made in conformance with the Land Surveyor's Act.

(d) Consent by Owner. The parcel map shall contain a certificate, which shall be signed and acknowledged by all parties having any record title interest in the real property being subdivided, consenting to the preparation and recording of the parcel map. Such signatures shall be in accordance with the provisions of Section 4-4.603(a)(1) of this chapter pertaining to final Maps.

(e) Dedications. If dedications of streets, alleys, walkways, easements, public utility easements, or other public ways, or access rights are required by the Planning Commission as conditions of approval of a parcel map, such dedications shall either be shown on and offered by a certificate on the parcel map or made by separate instrument as determined by the City Engineer. Such certificate or instrument shall be signed by those parties having any record title interest in the real property being subdivided in accordance with the provisions of Section 4-4.603(a)(1) of this Chapter pertaining to final maps.

(f) Certification by City Engineer. Upon receipt of the parcel map, together with the recording fees, and any required improvement security, the City Engineer shall examine the same to determine whether said map is technically correct and substantially conforms with the tentative parcel map and with all changes and requirements imposed as conditions of approval by the Planning Commission. The City Engineer shall also refer the parcel map to the Secretary of the Planning Commission for examination and determination if all of the lots and parcels created by said map conform with the requirements and the zoning regulations of the City of Modesto. If the City Engineer shall determine that the parcel map fully conforms with all of the requirements set forth herein, he shall so certify on said map.

(g) Acceptance of Dedications. Offers of dedication as set forth in subsection (e) of this section shall be reviewed by the City Engineer for compliance with the conditions of approval imposed by the Planning Commission. If all offers of dedication are in accordance with the requirements of the Planning Commission, the City Engineer shall recommend the acceptance of such dedications by the authorized official of the City.

(h) Recordation of Parcel Map. Upon certification by the City Engineer, the parcel map shall be transmitted to the City Clerk, who shall cause said map to be recorded in the office of the County Recorder.

SEC. 4-4.601. FILING.

(a) Filing Within Twenty-Four (24) Months of Tentative Approval. The subdivider or his agent may file a final map within twenty-four (24) months after the approval or conditional approval of the tentative map. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map the Planning Commission may extend the time for filing a final map for a period or periods not exceeding two (2) years if it determines that conditions affecting the subdivision have not substantially changed. In any case where a final map has not been filed within twenty-four (24) months or such extended period of time as may be granted by the Planning Commission, approval of a new tentative map shall be required.

If a subdivider's application for an extension of time for filing a final map is denied by the Planning Commission, the subdivider may appeal to the City Council within fifteen (15) days after the Planning Commission has denied the time extension. The City Council shall hear such appeal in accordance with the provisions of Section 4-4.404(f) of this chapter.

(b) Fees. A tracing of the final map shall be filed with the City Engineer. The subdivider shall deposit with the City the County Recorder's fee for recording the final map and shall pay

to the City the fees for checking the map. Subdivider shall also pay at that time all other fees required by law to be paid in connection with the approval of a subdivision.

(c) Filing of Traverse Sheets. At the time of the filing of final map with the City Engineer, the subdivider shall also file therewith traverse sheets showing traverse closures and the computation of all distances, angles, and course shown on the final map. The traverse of the boundaries of the tract and of lots and blocks shall close within a limit of error of one in ten thousand (10,000).

(d) Report and Guarantee of Clear Title. The final map shall be accompanied by a report prepared by a duly authorized title company naming the persons whose consent is necessary to the preparation and recordation of said map and to the dedication of the streets, alleys, and other public places shown on the map and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to said subdivision. At the time of recording the approved map, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the benefit and protection of the City showing that persons (naming them) consenting to the preparation and recordation of said map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to said subdivision and to the dedication shown thereon.

SEC. 4-4.605. AGREEMENT AND SECURITY FOR IMPROVEMENT

(a) Provisions of Agreement

(1) Prior to the approval by the Council of the final map, the subdivider shall execute and file an agreement between himself and the City, specifying the period within which he shall complete all improvement work to the satisfaction of the City Engineer, and providing that if he shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the City Engineer, and reimbursement of the City by the subdivider for the cost of such inspection. The agreement shall also provide that the subdivider shall guarantee and warrant subdivision improvements for a period of one year following the completion and acceptance thereof against any defective work or labor done, or any defective materials furnished.

(2) Such agreement may also provide:

(aa) For the construction of the improvements in units.

(ab) For extension of time under conditions therein specified.

(ac) For partial release of the improvement securities upon acceptance by the City Council of the work as it progresses.

(ad) For the financing and construction of any or all of such improvements under an appropriate special assessment act proceeding, the subdivider shall agree, in writing, to initiate, and so far as may be in his power, to consummate such proceedings, within such time as may be prescribed by the Council.

(b) Improvement Security. The subdivider shall also file with the aforesaid agreement, two (2) improvement securities, each to be in an amount based upon the total estimated cost of the improvement as determined by the City Engineer. One improvement security shall secure faithful performance of said agreement and shall be in an amount equal to one hundred (100%) per cent of the estimated cost of the improvement. The second improvement security shall secure the obligations set forth in subsection (b) of Section 66499.2 of the Government Code, for payment of the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for said improvements, and shall be in an amount equal to fifty (50%) per cent of the total estimated cost of the improvements. Such improvement securities shall be in one of the following forms:

(1) A cash deposit or deposits.

(2) A bond or bonds issued by one or more duly authorized corporate sureties.

(3) A savings and loan certificate and share in accordance with Article 6 of Chapter 4 of Title II of the Modesto Municipal Code.

(4) An instrument or instruments of credit from one or more financial institutions subject to regulations by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payments and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument.

(5) Any other form of improvement security authorized by the Subdivision Map Act, including the deposit, with a responsible escrow agent or trust company approved by the Council, of money or negotiable bonds of the kind approved for securing deposits of public money.

The required security shall be in an amount determined by the City Engineer as sufficient to cover the cost of said improvements engineering, inspection, fees and incidental expenses. The required improvement security shall be approved by the Director of Finance as to sufficiency and by the City Attorney as to form.

(c) Forfeiture of Improvement Security. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the City shall have to complete same, or if the subdivider shall fail to reimburse the City for the cost of inspection, engineering, fees and incidental expenses, the City shall call on the surety for reimbursement, or shall appropriate from any cash deposits, savings and loan certificates and shares, or instruments of credit, funds for reimbursement. In any case, if the amount of the surety bond, savings and loan certificate and shares, instrument of credit, or cash deposit shall exceed all cost and expenses incurred by the City it shall release the remainder of such bond, savings and loan certificate and share of cash deposit. If the amount of the surety bond, savings and loan certificate and share, instrument of credit, or cash deposit shall be less than the cost and expense incurred by the City, the subdivider shall be liable to the City for such difference.

(d) Release of Improvement Security. Improvement securities may be released or reduced, in whole or in part, only in the time and manner prescribed in Section 66499.7 of the Government Code, as it now exists or is hereafter amended, and only after certification by the City Engineer that the work covered thereby has been satisfactorily completed and upon approval of the Council.

(e) Guarantee and Warranty Security. In addition to the improvement securities specified in subsection (b) of this section, the subdivider shall file with the subdivision agreement an amount as specified in said agreement to guarantee and warrant subdivision improvements for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished. The Director of Public Works is authorized to release said security upon expiration of the guarantee and warranty period if it is determined that subdivision improvements so guaranteed and warranted are satisfactory.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1982, by Councilmember Lally, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: _____

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

Ord. No. 2117-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of April, 1982, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 6, 1982

AN ORDINANCE GRANTING TO GILTON SOLID WASTE MANAGEMENT, INC., A CALIFORNIA CORPORATION, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO.

The Council of the City of Modesto does ordain as follows:

SECTION 1. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 2. A license to collect garbage, including industrial garbage and salvageable waste, in the City of Modesto is hereby granted to Gilton Solid Waste Management, Inc., a California corporation, subject to the following terms and conditions:

(a) This license shall be for a term of eight (8) calendar years commencing on January 1, 1983. During every third calendar year of the term of this license, including both the initial term and any extensions thereof, the Licensee may make application to the City to extend the term of this license to eight (8) calendar years commencing on January 1 of the following calendar year. Applications for extensions of this license shall be submitted and considered in accordance with the provisions of Chapter 5 of Title V of the Modesto Municipal Code. The initial term of this license, or any extensions thereof, may be terminated under the provisions of this ordinance or the provisions of Chapter 5 of Title V of the Modesto Municipal Code. Nothing herein shall be deemed or construed to impair or affect in any way the right of the City to acquire the equipment and assume the operations of the Licensee at any time during the initial term of this license or any extensions thereof by purchase of the Licensee's equipment at a fair and just market value, which shall not include any amount for the license itself or for any of the rights or privileges granted by this license.

(b) This license shall be an exclusive license to collect garbage, except industrial garbage and salvageable waste, within the areas delineated and marked as Areas A and B on that certain map entitled "Garbage Areas" dated July 11, 1972, on file in the office of the City Clerk, and to which reference is hereby made. This license shall be a nonexclusive license to collect industrial garbage and salvageable waste.

(c) In accepting this license, Licensee thereby agrees to serve the areas covered by the license for the term herein specified in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

(d) This license shall automatically extend to any portion of the Licensee's service areas, as shown on the map referred to in paragraph (b) above, which is hereafter annexed to the City, except that City may permit any person or firm licensed by the County of Stanislaus and then serving such areas or portion thereof to continue to serve such areas or portion thereof for such period of time, not to exceed five (5) years from the date of annexation, as the City deems proper. The Licensee, when required to serve new portions of the City, shall promptly extend its routes and services and, when necessary, shall hire additional personnel and obtain additional equipment.

(e) Rates and charges to be charged by the Licensee for the collection of garbage shall be established by the Council by resolution. Service charges and costs of operation of the Licensee will be reviewed annually by the City and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1 of each year.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

(f) The Licensee shall bill and collect all garbage service charges, provided, however, the Licensee and the City may enter into an agreement to provide for all or some of said garbage service charges to be billed and collected by the City, and for the fees to be paid to the City by the Licensee for such billing and collection service.

(g) The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, from time to time, as required in order to protect the public health, safety and welfare of the City.

(h) The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of this license.

(i) The Director of Public Works of the City of Modesto shall administer and supervise the Licensee's operations under the terms of this license and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code.

In the event of any disagreement between the Licensee and customers regarding the amount of charges for garbage collection service or the type or extent of service provided by the Licensee, the Director of Public Works shall make an investigation and determination, and the decision of the Director of Public Works shall be final.

(j) The Licensee shall establish and maintain an office within the City of Modesto, or other location approved by the City Manager, and shall keep said office open for business from 8:00 a.m. to 5:00 p.m. of each and every day except Saturday, Sunday, and all legal holidays observed by the City of Modesto.

The Licensee shall keep and maintain in said office at all times during the hours it is required to be open, competent personnel who shall have authority to represent the Licensee in its relations with the City and with the public. The Licensee shall obtain and keep in said office sufficient listed telephones and personnel to courteously, quickly and expeditiously receive and answer all telephone and other calls to said office. A daily log of service calls received and the disposition thereof shall be kept by the Licensee.

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with this license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents, or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually, within ninety (90) days of the end of the preceding fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

(l) The Licensee shall collect and remove from any and all premises, within twenty-four (24) hours, and no later, after notice, demand or request, any and all garbage which Licensee shall have failed to collect and remove at the regularly scheduled time. The customer's failure to place garbage for collection at the regularly scheduled time shall not be deemed a missed collection.

(m) The Licensee shall collect garbage at least once each calendar week, on a Monday through Friday basis for residential collections, and on a Monday through Saturday basis for commercial and industrial collections. For purposes of such collection, the Licensee shall divide the City into collection routes. Such collection routes shall be each wholly within the City limits, and shall be approved by the Director of Public Works. Upon approval of the proposed routes by the Director of Public Works, the Licensee shall prepare route books as soon as possible which shall indicate the address of each service, number of containers, frequency of collection, and such other pertinent information as the Director of Public Works may require. The Licensee shall keep route books up to date at all times. The Licensee shall give reasonable notice to the general public as to the days and times for collection on each route. No changes in collection schedules shall be made without the approval of the Director of Public Works and reasonable notice thereof to the customers concerned by the Licensee.

The Licensee will not be required to make collections on Sundays or legal holidays observed by the City. The Licensee may arrange with commercial and industrial customers for Sunday and holiday collections, however. Scheduled collections not made on legal holidays shall be made within twenty-four (24) hours, Sundays excepted.

(n) The Licensee shall make garbage collection service available on request to all schools, public agencies, institutions, and other non-residential premises at the same rates established for business locations.

In special cases where unusual quantities of materials or special type of materials, or where special methods of handling and/or disposing is required, the Director of Public Works may permit independent arrangements with the Licensee.

(o) The Licensee shall have approved detachable containers for apartment, commercial, business, and industrial services on a rental basis. The Licensee shall be responsible for the general repair and upkeep of all detachable containers. Containers shall be kept in serviceable condition at all times. The Licensee shall provide detachable container cleaning service at a rate approved by the Director of Public Works.

Containers shall be of metal and shall be so constructed that no liquid can leak from said containers. However, containers made of materials other than metal may be proposed by the Licensee for the approval of the Director of Public Works during the term of this license. No materials may be substituted without prior approval.

(p) The Licensee shall supply all occupants or premises in the Licensee's service areas with printed information cards approved by the Director of Public Works containing information regarding amounts of garbage which will be collected, complaint procedures, charges, regulations and days of collection. Such cards shall be distributed every two years and, in addition, upon request by occupants or owners of any premises and in advance of route, charge or regulation changes.

(q) The Licensee shall not litter any premises or public property in making collections of garbage, nor shall garbage be allowed to leak, blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. The Licensee shall, without delay, after removing garbage from any container replace the container in its designated position on the premises with its cover on, and shall repair or replace at its expense any containers damaged as a result of its handling thereof, normal wear and tear excepted. The Licensee shall close all gates after making collections and shall avoid crossing private or public planted areas and climbing or jumping over hedges and fences. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise. If, for any reason, garbage is not picked up, such as overweight container, not in container, etc., the Licensee shall attach a tag to the container explaining the reason therefor, and shall maintain a log or record of such refusals.

The Licensee's collection vehicles shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances. Vehicles shall be thoroughly washed and disinfected inside the collection body each day, or as approved by the Director of Public Works, and the outside of each vehicle shall be cleaned and washed at least once a week.

(r) All equipment used for the collection and hauling of garbage shall be approved by the Director of Public Works and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code.

All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed thereto. Collection trucks shall be painted white, or other color approved by the Director of Public Works, and shall be equipped with such safety devices and warning lights required by the State of California Motor Vehicle Code.

All vehicles and equipment used in the collection of garbage, if kept within the boundaries of the City, shall at all times when not in use in the collection of garbage be kept on private property in the appropriate zone and not on streets or other public ways.

(s) All garbage collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition. The Licensee shall institute a complete and comprehensive system of preventative maintenance on all vehicles and shall keep them lubricated and in good repair. Records in a form approved by the Director of Public Works to provide data on operating, maintenance and repair costs shall be kept on each piece of equipment.

(t) For purposes of this paragraph the following definitions shall apply:

(1) "Interruption of service" shall mean:

(aa) Any time period during which garbage collection services by the Licensee are interrupted by a labor dispute and scheduled collections are discontinued or substantially reduced; or

(ab) Any time period after notice by the City of the termination of the license by reason of a breach or default by the Licensee and until other suitable equipment can reasonably be purchased or otherwise acquired by the City for such purpose.

(2) "Equipment" shall mean any and all vehicles and equipment used by the Licensee for the purpose of performing the services provided for in the license at any time within the ninety (90) days immediately prior to the commencement of the interruption of service.

(3) "Payment for use" shall have the following meaning:

(aa) In the case of a piece of equipment subject to a contract, "payment for use" shall mean any installment payment coming due under a contract for such piece of equipment while the City is possessing and using such piece of equipment pursuant to this paragraph during an interruption of service. Payment for use shall not be deemed to include any payment coming due under such contract either prior to, or after the expiration of, such period. Payment for use shall be made by the City, from time to time, directly to the person or company to whom the payment is owed under the contract, and the making of such payment or payments shall constitute full compensation to all persons for the City's temporary use of such piece of equipment.

(ab) In the case of a piece of equipment not subject to a contract, "payment for use" shall mean the reasonable rental value of such piece of equipment for such period of time during which the City possesses and uses such piece of equipment pursuant to this paragraph during an interruption of service. Such payment shall, at the expiration of the term of the interruption of such service, be applied against any sums then owed to the City by the Licensee, or, if none, it shall be paid by the City to the Licensee.

(4) "Contract" shall mean any conditional sales contract, mortgage, encumbrance, lease, rental agreement or other agreement which provides for retention of title to said equipment or grants a security interest therein, that may exist at the commencement of the interruption of service with regard to a piece of equipment.

(5) "Notice" shall mean written notification actually received by the person to be notified or mailed to him by registered or certified mail at the most recent address furnished by him to the City Clerk of the City of Modesto. As to the holder of a contract, the City shall be required to give notice only if the holder's identity is known to the City and the holder has furnished his address to said City Clerk.

In the event of an interruption of service, the City shall be entitled to have the temporary possession of all or any portion of the equipment of Licensee on the condition that the City shall, from time to time, make the payment for use as provided in subparagraph (3) hereof. Upon taking such temporary possession, City shall forthwith give notice thereof to the Licensee and to the then holder of a contract on such equipment, if any. Such temporary use shall not be deemed to be a breach of the terms of any contract regarding said equipment, but it shall otherwise be subject to the terms of such contract which are not in conflict herewith, except that the City shall not be required to make any payment other than the payment for use prescribed in subparagraph (3) hereof. The making by the City of the payment for use prescribed in subparagraph (3) hereof shall be deemed to be compensation only for the temporary use of such equipment and the City shall not thereby acquire any ownership interest in such equipment.

So long as the City continues to make the payment for use of a piece of equipment when due, or within ten (10) days thereafter, such equipment may be retained by the City and may not be repossessed from the City. In the event the City fails to make a payment for use when due, or within ten (10) days thereafter, the City's right to continued temporary use of such piece of equipment shall cease, and possession of such equipment may be retaken by the Licensee or by the holder of any contract thereon.

At the expiration of the City's temporary possession of such equipment the City shall give written notice of such expiration to the Licensee and to the then holder of a contract on such equipment, if any. In the event the Licensee shall fail to take possession of such equipment within ten (10) days after such notice, the Licensee shall be deemed to have abandoned such equipment and waived all interest therein, and the City shall be free to use and dispose of such equipment without liability or compensation to the Licensee, subject to the terms of any contract that may then exist with regard to such equipment.

All equipment used by the Licensee for the purpose of performing the services provided for in this license shall be solely owned by the Licensee except that the Licensee may, with the prior approval of the City Manager, enter into contracts as defined in subparagraph (4) hereof with respect to such equipment. All such contracts shall provide for temporary possession by the City as set forth herein and shall provide that such temporary possession shall not be deemed a breach of such contract.

(u) All vehicles and equipment used by the Licensee for the collection and hauling of garbage shall be solely owned by Licensee, except that the Licensee may, with the prior approval of the City Manager, enter into conditional sales contracts, mortgages, encumbrances, leases, rental agreements, and other appropriate agreements for the purpose of purchasing, leasing or renting vehicles and equipment to be used in providing the services provided for in this license. All such documents shall provide for temporary possession by the City as set forth in the foregoing section and shall provide that such temporary possession shall not be deemed a breach of the agreement.

(v) Garbage collected by the Licensee shall be disposed of at the Geer Road sanitary landfill. The City reserves the right to designate other sanitary landfill areas for disposal, and other methods of disposal. Disposal of garbage at the sanitary landfill will be in accordance with regulations in effect for the same as they now exist or may hereafter be amended. Industrial garbage collected by the Licensee may be disposed of at such other locations as are approved by the Health Officer.

(w) The Licensee shall have the full and exclusive right to all salvageable materials collected in connection with the collection of garbage under this license, and shall have the sole right to any and all funds received from the sale of said salvageable materials. Such funds shall be accounted for as part of the gross revenues of Licensee.

Salvaging or scavenging by the Licensee, or any of its employees, is prohibited on the collection routes. Salvaging at a suitable location is encouraged, however.

(x) The Licensee agrees to keep the Director of Public Works advised as to any current developments in recycling programs, and to participate in such recycling programs when it can be done on a sound economical basis. The Licensee agrees to cooperate on any reasonable basis with local civic organizations who desire to participate in a recycling program. The term recycling as used herein means any process which has as its goal the conversion of garbage, rubbish or salvageable waste into a usable product.

(y) The Licensee shall file with the City Clerk and maintain during the term of this license a corporate surety bond or other form of security satisfactory to the City Attorney in the sum of One Hundred Thousand and no/100ths (\$100,000.00) Dollars. Said bond or security shall be conditioned upon the faithful performances of the terms and conditions of this license and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

(z) Licensee agrees, in connection with the performance of all operations under or pursuant to this license, to be an Equal Opportunity Employer and not to discriminate against any employee or applicant for employment because of race, creed, color or national origin.

SECTION 3. This ordinance shall become effective thirty (30) days from and after its final passage and adoption; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the bond and insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1982, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 2118-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of April, 1982, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 13, 1982

ORDINANCE NO. 2119-C.S.

AN ORDINANCE AMENDING SECTIONS 10-2.303, 10-2.304 AND 10-2.305 OF ARTICLE 3 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AMENDING SECTION 10-2.502 OF ARTICLE 5 OF CHAPTER 2 OF TITLE X AND ADDING SECTION 10-2.502.3 THERETO; AND ADDING ARTICLE 34 TO CHAPTER 2 OF TITLE X RELATING TO THE ZONING REGULATIONS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 10-2.303, 10-2.304 and 10-2.305 of Article 3 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.303. ESTABLISHMENT OF ZONES BY MAP. The location and boundaries of the various zones are as shown on the Zoning Map of the City of Modesto, copies of which are on file in the offices of the City Clerk and the Director of Planning and Community Development. Said map and all notations, references and other information shown thereon are hereby made a part of this chapter by reference.

SEC. 10-2.304. DIVISION OF ZONING MAP. The Zoning Map may be divided into sections and each such section or portions thereof may be separately referred to for purposes of amending the Zoning Map or for any official reference to the Zoning Map.

SEC. 10-2.305. CHANGES IN BOUNDARIES. Zone boundary changes shall be made by ordinance amending the Zoning Map or section of said map.

SECTION 2. AMENDMENT OF CODE. Section 10-2.502 of Article 5 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows and Section 10-2.502.3 is hereby added thereto:

SEC. 10-2.502. PERMITTED USES. In an R-1 zone only the following uses, as hereinafter specifically provided and allowed, or as provided and allowed in Sections 10-2.502.1 and 10-2.502.2 are permitted:

(a) Single-family dwelling.

(b) Two single-family dwellings or a duplex on any corner lot, provided that the driveway serving the off-street parking for one dwelling unit shall have access to one street and the driveway serving the off-street parking for the other dwelling unit shall have access to another street. If, though, the lot has access to an alley, one or both driveways may access to the alley.

(c) Storm drainage basins and related facilities which serve residentially zoned property.

(d) The following residential uses:

(1) The renting of sleeping quarters to not more than three (3) lodgers or the providing of table board to not more than three (3) boarders, or both, but not to exceed three (3) in any combination thereof by a proprietor who lives on the premises. For families consisting of persons who are not related by blood, marriage or adoption, the total number of persons in a dwelling unit, including members of the family, lodgers and boarders, shall not exceed five (5) persons. Lodgers or boarders may be allowed kitchen privileges in the proprietor's kitchen, but there shall be no eating, cooking or food storage facilities in conjunction with the sleeping quarters. Sleeping quarters shall not exceed more than one (1) room per lodger or boarder.

(2) The day care of not more than six (6) children in addition to members of the family, when such care is authorized under permits granted by the Stanislaus County Welfare Department, the Modesto Fire Department, the County Health Department and the Secretary of the Commission.

(3) Family care home serving a maximum of six (6) persons.

(e) Home occupations when authorized under a permit granted in accordance with the provisions of Section 10-2.2502.

(f) The following fowl and animals under the following conditions:

(1) Household pets, subject to the provisions of Section 10-2.233.

(2) Not more than four (4) rabbits and/or hares; and domestic fowl (hens only), providing not more than twelve (12)

of any one (1) or combination of such animals and fowl may be maintained on a lot.

(3) The keeping of all domestic animals and fowl provided for in item (2) above and Section 10-2.502.1(i) shall conform to all other provisions of law governing same; and no fowl or animal except household pets, or any pen or coop, except those used for household pets, shall be kept or maintained except under the following conditions:

(aa) Animals or fowl shall be kept or maintained only at a distance of forty (40') feet or more from the window or door of any residence or other building used for human habitation.

(ab) Animals or fowl shall be kept or maintained only on the rear one-third (1/3) of the lot.

(ac) Animals or fowl shall be maintained only at a distance from the property line not less than the required side yard.

(g) Two-family dwelling, when the lot upon which it is located has a side line that abuts property zoned for R-3, P-0, C-1, C-2, C-M, M-1 or M-2, but in no case shall the property used for such two-family dwelling consist of more than one (1) lot or be more than seventy-five (75') feet in width, whichever is the lesser.

(h) Servants' quarters and guest houses may be maintained on any lot provided that such quarters and guest houses are used as an accessory to the single dwelling unit and also provided no cooking facilities are maintained therein.

(i) Garage sales, subject to the following conditions:

(1) No garage sale shall be held or conducted on the same premises for more than three (3) consecutive days.

(2) Not more than two (2) garage sales may be held or conducted on the same premises in any one (1) calendar year.

(j) Accessory uses and buildings customarily incidental to the above.

(k) Any business activities conducted in or from an R-1 zone shall meet all of the following criteria unless otherwise excepted by this chapter:

(1) Any business activities conducted in or from a dwelling shall be clearly incidental and secondary to the use of the premises for dwelling purposes and shall not change the residential character thereof. The business shall be conducted entirely within a structure and shall be limited to telephone, mail, radio communication, and office uses conducted by an occupant. Any other business activity shall be conducted entirely away from the premises.

(2) No more than one (1) vehicle connected with any such business activities shall be parked on or near the premises. As used herein a vehicle means one (1) car, pickup or small van driven by a person living on the premises. Parking of trucks, as defined in Section 10-2.271 of this chapter, or construction equipment on or near the premises or the dispatching of employees from the premises is not permitted.

(3) No person, other than a resident of the dwelling, may be engaged in business activities at the premises.

(4) All equipment, supplies, samples or other business goods or articles shall be kept or maintained within a business vehicle and shall not otherwise be kept or maintained on the premises except for personal office use such as stationery and bookkeeping materials.

(5) No vehicle, equipment or activity shall be conducted or operated in such a manner as to cause a disturbance in the neighborhood, nor create a public nuisance with noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.

(6) No residential address, excepting a post office box number, shall be included in any advertising, including telephone directory, newspaper, radio or television advertising.

(7) No signs shall be displayed on the premises except one (1) unlighted, wall-mounted nameplate not to exceed one (1) square foot in area.

(8) No business deliveries shall be made to the premises in conjunction with any such business activities.

(9) This subsection (k) on business activities shall not apply to activities conducted pursuant to a home occupation permit.

SEC. 10-2.502.3 LOTS WITH EXISTING UNIT. When an additional residential unit is built on a lot with an existing residential unit, the following conditions shall be met:

(a) All provisions of this article shall be complied with for the new unit.

(b) The existing unit shall be in conformance with the Housing Code of the City of Modesto prior to occupancy of the additional unit.

SECTION 3. AMENDMENT OF CODE. Article 34 is hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

ARTICLE 34. PLOT PLAN APPROVAL

SEC. 10-2.3401. PURPOSE. Where provisions of this chapter require plot plan approval by the Board or Commission the requirements and procedures of this Article shall pertain.

SEC. 10-2.3402. APPLICATIONS.

(a) A complete application for plot plan approval shall contain at a minimum:

(1) An application form as prescribed by the Planning and Community Development Director.

(2) A development plan and any elevations, perspectives or floor plans as determined by the Planning and Community Development Director necessary for project evaluation.

(3) Any other information as the Board, Commission or Planning and Community Development Director may require for project evaluation.

(4) A filing fee as established by the City Council.

(b) All plans, elevations, perspectives or floor plans shall conform to plot plan standards as issued by the Planning and Community Development Director.

SEC. 10-2.3403. CONSIDERATION OF APPLICATION. Upon the filing of a complete application for plot plan approval, the Secretary

of the Board or Commission shall present the application to the Board or Commission. The date of consideration shall be not less than ten (10) and not more than forty (40) days after the filing of the application. If, for any reason, consideration cannot be completed on the day set, the Board or Commission shall publicly announce the time and place at which consideration of the application will continue.

SEC. 10-2.3404. BOARD OR COMMISSION SHALL MAKE REPORT ON FINDINGS AND DECISION. No more than forty (40) days following the close of consideration of the plot plan, the Board or Commission shall announce its findings by resolution which shall recite, among other things, the facts and reasons which in its opinion, make the granting or denial of the plot plan necessary to carry out the provisions and general purpose of this chapter, and shall either approve or deny approval of the plot plan.

SEC. 10-2.3405. CONDITIONS OF APPROVAL. In granting plot plan approval the Board or Commission may impose conditions deemed necessary or desirable to maintain neighborhood compatibility and to protect the public health, safety or welfare.

SEC. 10-2.3406. NOTICE OF DECISION OF THE BOARD OR COMMISSION. Not later than ten (10) days following the rendering of a decision that a plot plan be granted or denied, a copy of the report shall be mailed to the applicant at the address shown on the application.

SEC. 10-2.3407. EFFECTIVE DATE OF RESOLUTION APPROVING OR DENYING APPROVAL. TIME FOR APPEAL. The resolution of the Board or Commission in approving or denying approval of a plot plan shall become final and effective fifteen (15) days after the date of adoption of the resolution unless within such fifteen-day period an appeal to the City Council is filed with the City Clerk by any person dissatisfied with the decision of the Board or Commission. The filing of an appeal within the fifteen (15) day time limit shall stay the effective date of the order of the Board of Zoning Adjustment until such time as the Council has acted on the appeal.

SEC. 10-2.3408. APPEALS. Appeals of Board or Commission actions shall be filed and considered by the Council in accordance with Section 1-4.01 et seq. of the Modesto Municipal Code.

SEC. 10-2.3409. APPLICABILITY. The foregoing specific regulations shall apply for all plot plan reviews. Where conflict in regulation occurs with other provisions of this chapter, the regulations in this article shall apply.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1982, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of April, 1982, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers:** Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
- NOES: Councilmembers:** None
- ABSENT: Councilmembers:** None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Morrine Coyle*
MORRINE COYLE, City Clerk

EFFECTIVE DATE: May 13, 1982

AN ORDINANCE AMENDING CHAPTER 4 OF TITLE I OF THE MODESTO MUNICIPAL CODE RELATING TO APPEALS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 4 of Title I of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 4 - APPEALS

SEC. 1-4.01. RIGHT TO APPEAL. Except as otherwise specifically provided in this Code, any person excepting to the denial, suspension or revocation of a permit applied for or held by him pursuant to any of the provisions of this Code, or to any administrative decision made by any official of the City pursuant to any of the provisions of this Code, may appeal in writing to the Council by filing with the City Clerk a written notice of such appeal, setting forth the specific grounds thereof.

SEC. 1-4.02. FILING APPEAL. A notice of appeal must be filed with the City Clerk within the following time limits:

(a) When written notice of the action or decision, from which the appeal is taken, is required or given, a notice of appeal must be filed with the City Clerk within fifteen (15) days of such notice being given.

(b) When written notice of the action or decision, from which the appeal is taken, is not required or given, a notice of appeal must be filed with the City Clerk within thirty (30) days after the date of the action or decision.

SEC. 1-4.03. SETTING HEARING. Whenever a notice of appeal is filed with the City Clerk in proper form and with any fee that may be required, the City Clerk shall set said matter for hearing before the City Council within thirty (30) days after the date of the filing of said notice of appeal with the City Clerk. The City Clerk shall give written notice of the time and place of said hearing to the appellant and any other persons requesting notice not less than ten (10) days prior to such hearing.

SEC. 1-4.04. HEARINGS. At such hearing the appellant shall show cause on the ground specified in the notice of appeal why the action excepted to should not be sustained. The Council may continue the hearing from time to time. The Council shall render its decision by resolution not more than forty (40) days after the close of the hearing and its decision in the matter shall be final and conclusive.

SEC. 1-4.05. NOTICE. A written notice shall be considered as having been given whenever it has been either personally delivered or deposited in the United States mail, postage prepaid, and addressed to the person entitled to receive such notice.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of ^{April,}~~January~~ 1982, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott.

was upon roll call carried and ordered printed and published by the following
vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

Ord. No. 2120-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of April, 1982, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 13, 1982

Not Adopted
6-1-84

ORDINANCE NO. 2121 -C.S.

AN ORDINANCE AMENDING SECTIONS 4-1.1004, 4-1.1005, 4-1.1008, 4-1.1013, AND 4-1.1019 OF ARTICLE 10 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO BINGO GAMES.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 4-1.1004, 4-1.1005, 4-1.1008, 4-1.1013 and 4-1.1019 of Article 10 of Chapter 1 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-1.1004. APPLICATION FOR PERMIT. (a) Applications for a permit to conduct bingo games pursuant to this article shall be submitted to the Chief of Police on forms to be provided. The City Council may by resolutions adopted from time to time fix an annual permit fee which shall accompany the application. The permit issued shall be for a term of one (1) year from the date of issuance, subject to renewal and payment of applicable annual or other fees. Said permit fees shall be subject to the limitations set forth in Section 326.5(e) of the Penal Code of the State of California.

(b) In addition to the initial application fee, a permittee shall pay a fee of one percent of the monthly gross receipts derived from bingo over Five Thousand and no/100ths (\$5,000.00) Dollars. This additional fee shall be paid monthly to the City of Modesto. No renewal fee shall be required if a permittee has paid such an additional fee during the term of the permit.

SEC. 4-1.1005. CONTENTS OF APPLICATION. Said application for a permit shall contain the following:

- (a) The name and mailing address of the applicant organization.
- (b) Proof that the applicant is an eligible organization under Section 4-1.1003, including a letter or other evidence from the State Franchise Tax Board showing that the applicant is exempted from the payment of the bank and corporation tax by a pertinent section of the Revenue and Taxation Code. If the applicant is a mobile home park association or senior citizen's organization, other proof shall be provided as required by the Chief of Police.

- (c) A list of the duly elected officers of the organization certified by the secretary thereof.

(d) The signatures of at least two (2) officers, including the presiding officer of the organization.

(e) The location, including the street number, of the specific property, within the City of Modesto owned or leased by the applicant, or property whose use is donated to the applicant, on which property bingo games will be conducted, together with the occupancy capacity of the room in which bingo will be played and the number of off-street parking places.

(f) A statement certified by the secretary of the organization that the applicant has received and has reviewed copies of this article, the authorized rules of play for bingo games and Section 326.5 of the Penal Code, and has been advised that the license to conduct bingo games may be revoked by the Chief of Police upon violation of any such provisions.

(g) The location where all records, account books and ledgers pertaining to the operation of bingo games by said organization will be kept; the location of the bank account in which the bingo receipts will be placed; and an authorization for the City to inspect and audit said records, books and accounts.

(h) Such other information as the Chief of Police may require.

SEC. 4-1.1008. BINGO GAMES CONDUCTED ONLY ON PERMITTEE'S PROPERTY. A permit to conduct bingo games shall be issued only for use on property owned or leased by the permittee, or on property loaned to the permittee, and only if such property is used continuously by such permittee for an office or for the performance of the purposes for which it is organized. In the event the described property ceases to be so used for any period of time, the permit shall have no further force or effect. Nothing in this section shall be construed to require that the property owned or leased by, or whose use is donated to, the permittee be used or leased exclusively by or donated exclusively to such permittee. No permit shall be issued unless there is at least one (1) off-street parking space for each four (4) persons set forth in the occupancy capacity of the premises pursuant to section 4-1.1015 hereof. A new permit must be obtained for a change of address by an eligible organization, upon application under this article.

SEC. 4-1.1013. MEMBERS OPERATING AND STAFFING GAMES. A bingo game shall be operated and staffed only by members of the permittee. Such members shall not receive a profit, wage or salary from any bingo game. Only the permittee shall operate a bingo game or participate in the promotion, supervision or any other phase of a bingo game. This section does not preclude the employment of security personnel licensed by the State of California who are not members of the permittee at such bingo games by the permittee. Said security personnel may be paid from the revenues of bingo games as provided for in Section 4-1.1019 hereof.

SEC. 4-1.1019. PROFITS AND PROCEEDS TO BE KEPT IN SPECIAL FUND OR ACCOUNT. (a) With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code of the State of California, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes.

(b) With respect to other organizations authorized to conduct bingo games pursuant to this article, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Proceeds are the receipts of bingo games conducted by an organization not within subsection (a). Such proceeds shall be used only for charitable purposes, except as follows:

(1) Such proceeds may be used for prizes.

(2) A portion of such proceeds, not to exceed twenty (20%) percent of the proceeds before the deduction for prizes, or One Thousand and no/100ths (\$1,000.00) Dollars per month, whichever is less, may be used for rental of property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment, and security personnel.

(3) Such proceeds may be used to pay license fees.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1982,

by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmembers:	Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

APPROVED: _____
PEGGY MENSINGER, Mayor

ATTEST:

By _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

AN ORDINANCE AMENDING SECTION 7-3.108.4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO AIRPORT INSURANCE REQUIREMENTS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 7-3.108.4 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-3.108.4. INSURANCE MAINTENANCE REQUIREMENTS. All users of Modesto City-County Airport/Harry Sham Field required to maintain insurance coverage pursuant to Section 7-3.108 through Section 7-3.108.3 shall provide and maintain such insurance coverage throughout the period of use of the Airport premises/facilities, in form and content approved by the City of Modesto. Any policy of insurance, or Certificate of Insurance evidencing such policy, required by Section 7-3.108 through Section 7-3.108.3, shall contain contractual liability coverage covering any liability assumed by the insured under the terms of any agreement with the City of Modesto for use of Airport premises/facilities, and shall provide for written notice to be filed with the City Clerk thirty (30) days in advance of a policy cancellation, nonrenewal or any material change in policy coverage and/or content, except where insurance coverage is provided pursuant to Section 7-3.108.2, the policy of insurance or Certificate of Insurance shall provide for written notice to be filed with the City Clerk at least ten (10) days in advance of a policy cancellation, nonrenewal or any material change in policy coverage and/or content.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1982, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 2122-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of April, 1982, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 20, 1982

ORDINANCE NO. 2123-C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1588-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JOHN WARD)"

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF ORDINANCE NO. 1588-C.S. Section 2 of Ordinance No. 1588-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(156) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- (a) All uses permitted within the C-1 Zone.
- (b) Drive-in restaurant.
- (c) Furniture stores.
- (d) An offstreet parking area.
- (e) Non-attendant parking and vehicle storage until June 30, 1987."

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 1982, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson,
Siefkin, Mayor Mensinger

NOES: Councilmembers: Elliott

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

Ord. No. 2123-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 4th day of May, 1982, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: Elliott

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Judy C. Hall
JUDY C. HALL, ACTING CITY CLERK

EFFECTIVE DATE: June 3, 1982

AN ORDINANCE AMENDING SECTION 10-2.3507 OF ARTICLE 35 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO SIGN REGULATIONS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 10-2.3507 of Article 35 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.3507. NONCONFORMING SIGNS: DEFINITIONS: REMOVAL, ALTERATION OR REPLACEMENT.

(a) For the purpose of this article, a "nonconforming sign" is either:

(1) A sign which does not conform with the provisions of this article, but which:

(aa) Was lawfully in existence and in use within the City on March 1, 1977, including signs erected pursuant to use permits and to variances granted by the City prior to March 1, 1977;

(ab) Was lawfully in existence and in use on property outside of the City on the date upon which the annexation of such property to the City was completed, including signs erected pursuant to use permits and variances granted by the County of Stanislaus;

(ac) Was lawfully in existence and in use within the City on the effective date of an amendment of the zoning map of the City of Modesto for the property on which the sign is located; or

(ad) Was lawfully in existence and in use within the City on the effective date of any future amendment of this article, which amendment makes such signs nonconforming.

(2) A sign which did not conform on February 28, 1977, with the provisions of Chapter 6 of Title IX of the Modesto Municipal Code as said chapter was in effect on February 28, 1977.

(b) A nonconforming sign shall not be replaced, altered, reconstructed, relocated or expanded in any manner unless it is made to conform with all the provisions of this article. However, other nonconforming signs on the same property need not be made to conform as a result.

(1) Change in copy shall be permitted if no structural changes in the sign are necessary except that no change in copy shall be permitted for nonconforming painted wall signs.

(2) Ordinary maintenance and minor repairs which will not increase the normal life of the sign and which are required for safety purposes shall be permitted. Structural alterations to a nonconforming sign are prohibited.

(3) If the use identified by a nonconforming sign is discontinued, the sign shall be removed within thirty (30) days unless within that period of time it is made to conform to the provisions of this article. If such sign is not made to conform, it shall thereafter be unlawful. "Discontinue" in this subsection shall mean cessation of operation or change of use. "Discontinue" shall not mean an ownership change or a name change as long as there is no cessation of operation and the use is not changed.

(c) Each nonconforming sign shall be removed or made to conform to the provisions of this article at the sole cost of the owner thereof, not later than the expiration of the period of time applicable to a particular sign as set forth in this article or as set forth in the following table, whichever is the shorter period of time:

Description of Sign	Abatement Schedule
(1) Temporary signs other than those listed in paragraph (2) below:	
(aa) In the City.	By April 1, 1977.
(ab) Annexed to the City.	Three (3) calendar months from date of annexation to the City of Modesto.
(2) Paper signs tacked to side of a building or bulletin board:	
(aa) In the City.	By June 1, 1977.
(ab) Annexed to the City.	Three (3) calendar months from the date of annexation to the City of Modesto.
(3) Rotating, moving, flashing, changing or blinking portions of signs:	
(aa) Separate time and temperature signs.	Excepted, no abatement necessary if sign otherwise conforms.
(ab) Conventional clock.	Excepted, no abatement necessary if sign otherwise conforms.

Description of Sign

Abatement Schedule

(ac) Rotating signs, the stopping of the rotating portion of which would substantially destroy the utility of the sign:

(i) In the City.

By July 1, 1982.

(ii) Annexed to the City.

By July 1, 1982, or three (3) years from annexation to the City of Modesto, whichever is the longer period of time.

(ad) All others:

(i) In the City.

By June 1, 1977.

(ii) Annexed to the City.

Three (3) calendar months from date of annexation to the City of Modesto.

(4) All other signs which did not conform on February 28, 1977, with the provisions of Chapter 6 of Title IX of the Modesto Municipal Code as said chapter was in effect on February 28, 1977:

(aa) In the City.

By July 1, 1982.

(ab) Annexed to the City.

By July 1, 1982, or three (3) years from date of annexation to the City of Modesto, whichever is the longer period of time.

(5) All other signs which do not conform with the provisions of this article:

(aa) Nonconforming as a result of City-initiated rezoning of property within the City.

Ten (10) years from the effective date of the City-initiated rezoning.

(ab) Other signs in the City.

By January 1, 1987.

(ac) Annexed to the City.

By January 1, 1987, or three (3) years from date of annexation to the City of Modesto, whichever is the longer period of time.

Description of Sign

Abatement Schedule

(6) Variance provision for signs made nonconforming by annexations.

The Board of Zoning Adjustment may by a variance grant up to seven (7) years additional time, to the three (3) years allowed from the date such a sign is made nonconforming by annexation.

(7) Motor fuel price signs per Section 10-2.3510(a)(15).

By March 1, 1985. For motor fuel signs erected prior to March 1, 1981, not meeting specifications set forth in Section 10-2.3510(a)(15), March 1, 1982.

(8) All signs on nonconforming uses or nonconforming buildings shall conform to the sign regulations of the most restrictive zone in which the nonconforming use or nonconforming building would first be permitted:

(aa) Signs conforming.

When the nonconforming use or nonconforming building is terminated.

(ab) Signs not conforming as of February 28, 1977.

By July 1, 1982.

(ac) Signs not conforming as of March 1, 1977.

By January 1, 1987.

(d) The abatement schedule (July 1, 1982) for the signs described in subsections (3), (4), and (8) of subsection (c) above shall be January 1, 1984, provided that a Notice of Intent to comply with the sign regulations is filed with the Director of Planning and Community Development Department on a form approved by the City.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting

forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 1982, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

Ord. No. 2124-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of April, 1982, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 27, 1982

AN ORDINANCE ADDING SECTION 7-3.108.5 TO ARTICLE 1 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO WORKERS' COMPENSATION INSURANCE REQUIREMENTS AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 7-3.108.5 is hereby added to Article 1 of Chapter 3 of Title VII of the Modesto Municipal Code to read as follows:

SEC. 7-3.108.5. INSURANCE REQUIREMENTS: WORKERS' COMPENSATION. All users of Modesto City-County Airport/Harry Sham Field who employ one or more persons to perform any work, function or service within the Airport premises, shall be required to file with the City Clerk a certificate of Workers' Compensation Insurance (including Employer's Liability Insurance), or in lieu thereof, a Self-Insured Certificate issued by the State of California pursuant to the State of California Workers' Compensation laws.

The Certificate shall be in a form and content approved by the City of Modesto and shall evidence coverage throughout the period of use of the Airport premises. The City Clerk shall be notified in writing thirty (30) days prior to the cancellation or nonrenewal of Workers' Compensation Insurance and/or the certificate evidencing such insurance.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 1982, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of April, 1982, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 27, 1982

AN ORDINANCE REPEALING SECTION 5-3.02 OF CHAPTER 3 OF
TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO
FOOD AND DAIRY PRODUCTS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. REPEALS. Section 5-3.02 of Chapter 3 of Title V of the Modesto Municipal Code is hereby repealed.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 1982, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was

upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of April, 1982, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 27, 1982

AN ORDINANCE AMENDING SECTION MAP 30-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (PATRICK M. LYONS/
VALLEY PLAZA SHOPPING CENTER)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 30-3-9 of the Zoning
Map is hereby amended to reclassify the following described property
from Neighborhood Commercial Zone, C-1 to
Planned-Development Zone, P-D (324) :

All that certain real property situate in a portion of the southeast
quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo
Base and Meridian, in the City of Modesto, County of Stanislaus,
State of California, described as follows:

Parcels 1, 2, and 3 according to the official Parcel Maps filed in the
office of the Recorder of Stanislaus County, California, on August 5,
1981, in Volume 31 of parcel maps at page 150.

Including also the eastern portion of Emerald Avenue and the Southern
portion of Kansas Avenue located between the centerlines of said
streets, as established by their original 40.00 foot wide rights-of-way,
and the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(324) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

All uses allowed in the C-1 zone and a restaurant allowed to serve alcoholic beverages.

SECTION 3. ZONING MAP. Section Map 30-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1982, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

Alton Fields
Department of Planning and
Community Development

Ordinance 2127 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 2127-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 4th day of May, 1982, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Judy C. Hall
JUDY C. HALL, ACTING CITY CLERK

EFFECTIVE DATE: June 3, 1982

ORDINANCE NO. 2128 -C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

The City Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT TO CONTRACT. That an amendment to the contract between the City Council of the City of Modesto and the Board of Administration, California Public Employees' Retirement System, is hereby authorized, a copy of said amendment to the contract being attached hereto, marked Exhibit "A", and by such reference made a part hereof as though herein set out in full.

SECTION 2. AUTHORIZATION TO EXECUTE AMENDMENT TO CONTRACT. The City Manager of the City of Modesto is hereby authorized, empowered and directed to execute said amendment to the contract for and on behalf of said Agency.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1982, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

AMENDMENT TO CONTRACT BETWEEN THE
BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY COUNCIL
OF THE
CITY OF MODESTO

The Board of Administration, Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of above public agency, hereinafter referred to as Public Agency, having entered into a contract under date of July 27, 1946, effective August 1, 1946, and as amended effective December 1, 1950, July 1, 1956, July 1, 1959, November 1, 1959, January 1, 1960, October 1, 1962, January 1, 1969, May 1, 1973, May 1, 1974, June 24, 1975, March 28, 1978, July 4, 1978, November 1, 1980 and October 20, 1981, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

A. Paragraphs 1 through 11 are hereby stricken from said contract as executed effective October 20, 1981, and hereby replaced by the following paragraphs numbered 1 through 12 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for local miscellaneous and age 55 for local police members and age 50 for local fire members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after August 1, 1946 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except such as by express provisions thereof apply only on the election of contracting agencies.
3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Firemen (herein referred to as local safety members);
 - b. Local Policemen (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).

In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

POLICE COURT DEPARTMENT EMPLOYEES

PERSONS COMPENSATED ON AN HOURLY BASIS
HIRED AFTER OCTOBER 1, 1962

Exhibit "A"

4. Assets accumulated with respect to safety members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred representing the accumulated contributions (plus interest thereupon) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
5. The fraction of final compensation to be provided for local miscellaneous members for each year of credited prior and current service shall be that provided in Section 21251.13 subject to the reduction provided therein for service on or after January 1, 1956 and prior to June 30, 1978 for members whose service has been included in Federal Social Security.
6. The fraction of final compensation to be provided for each year of credited prior and current service as a local police member shall be determined in accordance with Section 21252.1 of said Retirement Law (One-half pay at age 55).
7. The fraction of final compensation to be provided for each year of credited prior and current service as a local fire member shall be determined in accordance with Section 21252.01 of said Retirement Law (2% at age 50 Full).
8. The following additional provisions of the Public Employees' Retirement Law which apply only upon Section of a contracting agency shall apply to the Public Agency and its employees:
 - a. Section 20952.5 (Age 50 voluntary retirement) for local safety members only.
 - b. Section 21222.1 (Special 5% increase - 1970).
 - c. Section 21222.2 (Special 5% increase - 1971).
 - d. Section 21222.6 (Special 15% increase for certain local miscellaneous members).
 - e. Sections 21380-21387, (1959 Survivors Program), excluding Section 21382.2 (Increased 1959 Survivors benefits) for local safety members.
 - f. Sections 21380-21387; including Section 21382.2 (1959 Survivors Program with increased benefits) for local miscellaneous members.
 - g. Section 20024.2 (One-year final compensation) for local miscellaneous members hired prior to October 20, 1981.
 - h. Section 21298 (Increased non-industrial disability allowance) for local miscellaneous members.
 - i. Sections 21263/21263.1 (Post-retirement survivor allowance) for local miscellaneous members hired prior to October 20, 1981.

- j. Sections 21263/21263.1 (Post-retirement survivor allowance) for local safety members.
- k. Section 21222.85 (Special 3%-15% increase to pre-1-1-74 retirees).
- l. Section 20461.6 (Reduction of benefits for future miscellaneous employees), applied to Sections 21263/21263.1 and 20024.2.
9. Public Agency, in accordance with Section 20740, Government Code, ceased to be an "employer" for purposes of Chapter 6 of the Public Employees' Retirement Law effective on March 28, 1978. Accumulated contributions of Public Agency as of the aforementioned date shall be fixed and determined as provided in Section 20759, Government Code, and accumulated contributions as of the aforementioned date and contributions thereafter made shall be held by the Board as provided in Section 20759, Government Code.
10. Public Agency shall contribute to said Retirement System as follows:
- a. With respect to miscellaneous members, the agency shall contribute the following percentages of monthly salaries earned as miscellaneous members of said Retirement System:
- (1) 0.427 percent until June 30, 2000 on account of the liability for prior service benefits.
 - (2) 14.888 percent on account of the liability for current service benefits.
 - (3) 0.311 percent on account of the liability for the 1959 Survivor Program.
- b. With respect to local safety members, the agency shall contribute the following percentages of monthly salaries earned as local safety members of said Retirement System:
- (1) 0.100 percent until June 30, 2000 on account of the liability for prior service benefits.
 - (2) 19.402 percent on account of the liability for current service benefits.
 - (3) 0.005 percent on account of the liability for the 1959 Survivor Program.
- c. A reasonable amount per annum, as fixed by the Board to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
- d. A reasonable amount as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the

11. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

12. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within thirty days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances, or adjustments on account of errors in contributions required of any employee may be made by direct cash payments between the employee and the Board. Payments by Public Agency to Board may be made in the form of warrants, bank checks, bank drafts, certified checks, money orders or cash.

B. This amendment shall be attached to said contract and shall be effective on the _____ day of _____, 19__.

Witness our hands the _____ day of _____, 19__.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
OF THE
CITY OF MODESTO

BY _____
Carl J. Blechinger, Executive Officer

BY _____
Presiding Officer

Approved as to form:

Attest:

Cynthia G. Besemer 2/18/82
Cynthia G. Besemer, Legal Office, Date

Clerk

PERS CON-702

PLEASE DO NOT SIGN "EXHIBIT ONLY"

Ord. No. 2128-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 4th day of May, 1982, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger.

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Judy C. Hall
JUDY C. HALL, ACTING CITY CLERK

EFFECTIVE DATE: June 3, 1982

AN ORDINANCE AMENDING PLANNED DEVELOPMENT ZONE, P-D(256) AND REZONING A PORTION OF PLANNED DEVELOPMENT ZONE, P-D(256) TO LOW DENSITY RESIDENTIAL ZONE, R-1, PROPERTY LOCATED ON THE EAST SIDE OF CLAUS ROAD OPPOSITE CEDAR CREEK COURT (TIERRA DRY CREEK INVESTMENTS).

WHEREAS, the Modesto City Council amended Section Map 19-3-10 of the Zoning Map to prezone certain property to Planned-Development Zone, P-PD(256) by Ordinance No. 1921-C.S., which was introduced on February 19, 1980, finally adopted on February 24, 1980, and which became effective on April 3, 1980, and

WHEREAS, the Modesto City Council, by Resolution No. 80-143 adopted on February 19, 1980, approved a development plan for Prezoned Planned Development Zone, P-PD(256), and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(256) was filed by Tierra Dry Creek Investments on March 15, 1982, to permit 74 zero lot line residential units and an RV storage area, and to amend the boundaries of the P-D to both add and subtract property, which subtracted property would be rezoned Low Density Residential Zone, R-1, property located on the east side of Claus Road opposite Cedar Creek Court, and

WHEREAS, by Resolution No. 82-74, adopted on April 19, 1982, the Planning Commission recommended to the City Council that a portion of Planned Development Zone, P-D(256) be reclassified from Planned Development Zone, P-D(256) to R-1, Low Density Residential Zone, in order that the P-D zone boundary lines correspond to the center lines of boundary streets and found that amendment of Planned Development Zone, P-D(256) to permit 74 zero lot line residential units and an RV storage area is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed density generally conforms with the Lakewood East Zoning and Development Plan.
2. East-West street orientation is maximized to further the objective of building passive solar homes.

and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on May 18, 1982, at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the requested amendment to Planned Development Zone, P-D(256) to permit 74 zero lot line residential units and an RV storage area, and to amend the boundaries of the P-D to both add and subtract property, which subtracted property would be rezoned Low Density Residential Zone, R-1, property located on the east side of Claus Road opposite Cedar Creek Court, should be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. The Council of the City of Modesto finds and determines that the requested amendment to Planned Development Zone, P-D(256) to permit 74 zero lot line residential units and an RV storage area, and to amend the boundaries of P-D(256) is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 82-74 and set forth above.

SECTION 2. ZONING CHANGE. Section 19-3-10 of the Zoning Map is hereby amended to rezone the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(256):

R-1 to P-D(256)

All that certain real property situate in a portion of Parcel "A" as shown on the map filed in Book 18 of Parcel Maps, at Page 68, Stanislaus County Records, and lying in the West one-half of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, more particularly described as follows:

Area A

Beginning at the northeast corner of Parcel "B" as shown on the above described parcel map; thence along the south line of said Parcel "A" North 89° 32' 14" West 820.56 feet to the southwest corner of existing P-D(256); thence North 0° 27' 46" East along the western boundary of P-D(256) 128.00 feet to a northwest corner of existing P-D(256), said corner being 2.00 feet south and 5.04 feet east of the intersection of the centerlines of proposed 60.00 foot wide Cedar Creek Drive and proposed 50.00 foot wide Pietriana Way and the point of beginning of this description; thence leaving the existing boundary of P-D(256) North 0°27'46" East 2.00 feet to the centerline of said Cedar Creek Drive; thence along said centerline, North 89° 32' 14" West 5.04 feet to the centerline of said Pietriana Way; thence along the centerline of proposed Pietriana Way, North 0°27' 46" East 45.00 feet to the beginning of a curve, concave to the Southeast, having a radius of 325.00 feet; thence along said curve 143.58 feet, through a central angle of 25° 18' 41" to a point of reverse curve; thence continuing along a curve concave to the Northwest, having a radius of 325.00 feet, a distance of 36.00+ feet to its intersection with the existing western boundary of P-D(256); thence South 223.00+ feet to a northern boundary of existing P-D(256); thence along said boundary, which is 2.00 feet south of and parallel to the centerline of 60.00 foot wide Cedar Creek Drive; thence North 89° 32' 14" West 39.44 feet to the point of beginning.

Area B

Beginning at the northeast corner of said Parcel "B"; thence along the west line of a 100.00 foot wide Modesto Irrigation District right-of-way as shown on the above mentioned parcel map, North 0° 08' 21" East 100.00 feet to the south line of proposed 60.00 foot wide Cedar Creek Drive and the true point of beginning of the description; thence continuing along said west right-of-way line North 0° 08' 21" East 252.50 feet to the south line of proposed 50.00 foot wide Francesca Drive; thence South 89° 28' 16" East 100.00 feet to the east line of said Modesto Irrigation District right-of-way; thence along said east right-of-way line, South 0° 08' 21" West 252.38 feet to the south line of said Cedar Creek Drive; thence along the south line of Cedar Creek Drive North 89° 32' West 100.00 feet to the point of beginning.

Section 19-3-10 of the Zoning Map is hereby amended to rezone the following described property from P-D(256) to Low Density Residential Zone,

R-1:

All that certain real property situate in a portion of Parcel "A", as shown on the map filed in Book 18 of Parcel Maps, at Page 68, Stanislaus County Records, and lying in the West one-half of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, being a portion of the West one-half of 50.00 foot wide Pietriana Way and more particularly described as follows:

Beginning at the intersection of the centerline of Pietriana Way and the south line of Fara Estates, as shown in Book 28 of Maps, at Page 68, Stanislaus County Records; thence North 89° 28' 16" West along the South line of said Fara Estates 19.92 feet; thence South 153.00+ feet to the intersection of said Pietriana Way; thence along said centerline on a curve concave to the northwest 108+ feet; thence continuing along said centerline North 47.85 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(256) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

74 zero lot line residential units and an RV storage area

SECTION 3. ZONING MAP. Section Map 19-3-10 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published

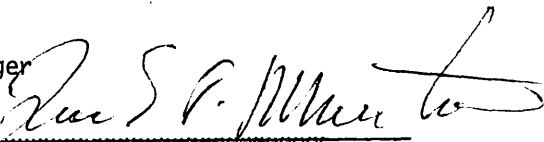
once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of May, 1982, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll and call carried/ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Patterson, Siefkin,
Acting Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: 
~~FRANK MENSINGER, Mayor~~
FRANK MURATORE, Acting Mayor

ATTEST:



NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ordinance 2129 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of May, 1982, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers:** Bright, Elliott, Muratore, Patterson, Siefkin, Mayor Mensinger
- NOES: Councilmembers:** None
- ABSENT: Councilmembers:** Lang

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Judy C. Hall*
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: June 24, 1982

AN ORDINANCE ADDING ARTICLE 4 TO CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO THE STATE HOUSING REHABILITATION LOAN FUND.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Article 4 is hereby added to Chapter 1 of Title VIII of the Modesto Municipal Code to read as follows:

ARTICLE 4. STATE HOUSING
REHABILITATION LOAN FUND.

SEC. 8-1.401. CREATION OF FUND. A fund is hereby created to account for moneys received from the State Housing Rehabilitation Loan Fund.

SEC. 8-1.402. TITLE OF FUND. Such fund shall be known as "State Housing Rehabilitation Loan Fund."

SEC. 8-1.403. MONEYS TO BE PLACED IN FUND. All moneys received from the State Housing Rehabilitation Loan Fund will be deposited in said fund. All interest earnings earned by loans made from said fund and all miscellaneous money received as a direct result of fund operations will be deposited in said fund.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of May, 1982, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Siefkin, Acting Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Mensinger

APPROVED: Frank Muratore
~~FRANK MENSINGER, Mayor~~
FRANK MURATORE, Acting Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 2130-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of May, 1982, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Elliott, Muratore, Patterson, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: Lang

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Judy C. Hall*
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: June 24, 1982

ORDINANCE NO. 2131-C.S.

AN ORDINANCE ADDING ARTICLE 7 TO CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO THE METHANE GAS GENERATION FUND.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Article 7 is hereby added to Chapter 1 of Title VIII of the Modesto Municipal Code to read as follows:

ARTICLE 7. METHANE GAS GENERATION FUND.

SEC. 8-1.701. CREATION OF FUND. A fund is hereby created to account for the Methane Gas Generation Project.

SEC. 8-1.702. TITLE OF FUND. Such fund shall be known as the "Methane Gas Generation Fund."

SEC. 8-1.703. PURPOSE OF THE FUND. Said fund shall be used to account for all transactions involving the production and distribution of methane gas.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1982, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Judy C. Hall*
JUDY C. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

Ord. No. 2131-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of June, 1982, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: July 1, 1982

ORDINANCE NO. 2132 -C.S.

AN ORDINANCE AMENDING SECTION 2-4.203 OF CHAPTER 4 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO AUTHORIZATION TO APPROVE CLAIMS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 2-4.203 of Chapter 4 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-4.203. AUTHORIZATION TO APPROVE CLAIMS. The City Manager is hereby authorized to approve payment of all claims against the City, except those required by law to be approved by the Council, and to sign all checks, drafts or warrants for and on behalf of the City. The Risk Manager is hereby authorized to sign checks, drafts or warrants drawn on the City's Worker's Compensation Revolving Trust Fund Account.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 1982, by Councilmember Bright, who moved its introduction and passage to

print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

BY *Judy C. Hall*
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of June, 1982, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Marilyn Gosh*
MAYOR'S CLERK, City Clerk

EFFECTIVE DATE: July 8, 1982

ORDINANCE NO. 2133-C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1061-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Louis A. Witt)" AS PREVIOUSLY AMENDED BY ORDINANCE NO. 1891-C.S.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF ORDINANCE NO. 1061-C.S. Section 2 of Ordinance No. 1061-C.S., as previously amended by Ordinance No. 1891-C.S., is hereby further amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(81) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. Use of the westerly 70 feet of the P-D Zone shall be limited to storage of rental equipment only.
2. All uses permitted in the C-2 Zone shall be permitted in the remainder of the P-D Zone."

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of June, 1982, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED:



PEGGY MENSINGER, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1982, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Patterson, Siefkin, Acting Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED *Frank Muratore*

ACTING MAYOR FRANK MURATORE

ATTEST: *Minnie Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 22, 1982

AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (SUTCO CONSTRUCTION, INC.)

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Sutco Construction, Inc.

on April 15, 1982, to reclassify from Planned Development Zone, P-D(249), to Medium Density Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on May 17, 1982, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 82-86, adopted on May 17, 1982, the Planning Commission recommended to the Council that the application of Sutco Construction, Inc.

to amend Section 7-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D(249), to Medium Density Residential Zone, R-2, be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing held on June 15, 1982, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The proposed R-2 zoning is the previous zone to which the P-D zone would revert in the event of failure to exercise the P-D(249) zone.
2. The proposed R-2 zoning conforms to the prototype locational criteria for R-2 density as shown in the General Plan.

SECTION 2. ZONING CHANGE. Section 7-3-9 of the Zoning

Map is hereby amended to reclassify the following described property
from Planned Development Zone, P-D(249),
to Medium Density Residential Zone, R-2 :

All that certain real property situate in a portion of the Southeast quarter of the Northwest quarter of Section 7, Township 3 South, Range 9 East, M.D.B. & M., City of Modesto, State of California, described as follows:

All of Lot 19, Block 13351 of Carver Village, as shown on map of same filed for record in Volume 25 of Maps at page 17, Stanislaus County Records.

Also including the east half of 60.0 foot wide Shawnee Drive adjacent to the above described property.

Containing 2.6 acres more or less.

SECTION 3. ZONING MAP. Section 7-3-9 of the Zoning

Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of June, 1982, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED: Peay Mensinger
PEAY MENSINGER, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William D. Smith
Department of Planning and
Community Development

Ordinance 2134 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 2134-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1982, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Patterson, Siefkin, Acting Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED



ACTING MAYOR FRANK MURATORE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 22, 1982

AN ORDINANCE AMENDING SECTION MAP 33-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (DOWNTOWN PLAZA
GROUP)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 33-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Light Industrial Zone, M-1, to

Planned-Development Zone, P-D (325) :

All that certain real property situate in a portion of the Northwest quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

Being Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28 of Block 98, City of Modesto, as shown on the map filed in Volume 15 of Maps, at page 98, Stanislaus County Records.

Including also all of the eastern one-half of 12th Street, northern one-half of D Street, and the western one-half of the alley in Block 98 and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(325) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

A business/industrial condominium containing all M-1 uses

SECTION 3. ZONING MAP. Section Map 33-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of June, 1982, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Ed Johnson*
EDWIN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Probst*
Department of Planning and
Community Development

Ordinance 2135 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 2135-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1982, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Patterson, Siefkin, Acting Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED



ACTING MAYOR FRANK MURATORE

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE:

July 22, 1982

AN ORDINANCE ADOPTING AN INTERIM BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1983, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1982-83 fiscal year has been submitted to the City Council by the City Manager, and the City Council has made revisions to said proposed budget, and

WHEREAS, in accordance with the City Charter, a public hearing has been held upon the adoption of the proposed budget after due notice, as provided by law, and

WHEREAS, copies of the proposed budget have been and are available for inspection by the public at the office of the City Clerk, and

WHEREAS, since said budget was proposed, the Legislature of the State of California has reduced the amount of money which the City of Modesto will receive during the 1982-83 fiscal year, and

WHEREAS, said reductions affect the amount of money available in the City of Modesto's General Fund for anticipated expenditures, and

WHEREAS, the extent of said reductions and their effect on the City's General Fund appropriations is still being determined, and

WHEREAS, the City Council has determined that it is not possible to adopt a Final Budget for fiscal year 1982-83 until a more accurate determination can be made of estimated General Fund revenues and their effect on the City's General Fund appropriations, and

WHEREAS, the adoption of an Interim Budget for fiscal year 1982-83 will enable normal functions and services of the City to continue, pending a determination of estimated revenues for fiscal year 1982-83 and the adoption of a Final Budget,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. That the "City of Modesto Preliminary Budget 1982-83", presented by the City Manager to the City Council at its meeting held on May 4, 1982, and as thereafter amended by the City Council, a copy of which budget, as amended, is on file in the office of the City Clerk, is hereby adopted as the Interim Budget for the City of Modesto for the fiscal year ending June 30, 1983, and the several amounts stated therein as proposed expenditures are hereby appropriated for the various objects therein described, except that, for the General Fund, the aggregate total of all appropriations for each budget category in the General Fund are hereby appropriated at only ninety (90%) percent of the amounts stated therein, to wit:

For Employee Services	\$21,019.707
For Professional and Contractual Services	4,639,084
For Materials and Supplies	887,382
For Other	566,428
For Capital (Non CIP)	414
For Supplemental Requests	84,677

SECTION 2. That funds of the City of Modesto encumbered on June 30, 1982, are hereby appropriated for the purposes for which they are encumbered and shall be a part of the Interim Budget for the fiscal year 1982-1983 adopted hereby.

SECTION 3. That Capital Projects carried over from fiscal year 1981-82 are hereby re-appropriated as a part of the budget for the fiscal year 1981-82 adopted hereby. The amount of said appropriations will equal the Reserve for Appropriated Carryover Projects established in the General Ledger Accounts of the City of Modesto for all funds as of June 30, 1982.

SECTION 4. That the City Council is authorized by resolution to transfer funds from one department to another department and to transfer and authorize the expenditure of funds from the reserved Fund Balances for specific purposes.

SECTION 5. That the City Manager is authorized to transfer funds within departmental budgets between the following classifications, to wit: Employee Services, Professional and Contractual Services, Materials and Supplies, Other operating expenses and Capital Appropriations; and to transfer appropriations for capital items budgeted within the same department within the same capital fund.

SECTION 6. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 7. Copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its adoption and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1982, by Councilmember Bright, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Siefkin, Acting Mayor Muratore
NOES: Councilmembers: Patterson
ABSENT: Councilmembers: Mayor Mensinger

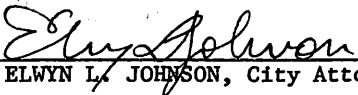
APPROVED: 
FRANK MURATORE, Acting Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

ORDINANCE NO. 2137-C.S.

AN ORDINANCE ADDING CHAPTER 5 ENTITLED "ECONOMIC DEVELOPMENT REVENUE BOND LAW" TO TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO POWERS AND PROCEDURES TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PROVIDING FINANCING TO PARTICIPATING PARTIES FOR ECONOMIC DEVELOPMENT PURPOSES, AND INCLUDING DEFINITIONS, GENERAL PROVISIONS, POWERS, ISSUANCE PROCEDURES AND CERTAIN OTHER SUPPLEMENTAL PROVISIONS.

WHEREAS, the City of Modesto (the "City") is a municipal corporation and charter city duly organized and existing under a freeholders' charter pursuant to which the City has the right and power to make and enforce all laws and regulations in respect to municipal affairs and certain other matters in accordance with and as more particularly provided in Sections 3, 5 and 7 of Article XI of the Constitution of the State of California and Section 200 of the Charter of the City (the "Charter"), and

WHEREAS, the City Council of the City has received oral and written evidence which, together with the personal knowledge of the Members of the Council, supports the need for the City to provide financial assistance to promote economic development within the City, and

WHEREAS, the City Council of the City, acting under and pursuant to the powers reserved to the City under Sections 3, 5 and 7 of Article XI of the Constitution of the State of California and Section 200 of the Charter, finds that the public interest and necessity require the adoption of this ordinance to authorize, and establish the procedure for, the sale and issuance of revenue bonds by the City for the purpose of providing financing to participating parties for economic development purposes as specified herein,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 5 entitled "Economic Development Revenue Bond Law" is hereby added to Title VIII of the Modesto Municipal Code, to read as follows:

CHAPTER 5--ECONOMIC DEVELOPMENT REVENUE BOND LAW

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

SEC. 8-5.101. TITLE. This chapter may be cited as the City of Modesto Economic Development Revenue Bond Law.

SEC. 8-5.102. PURPOSE. The Council hereby finds and declares that it is necessary and essential to the well-being of the City that it provide financial assistance to promote the economic development of the City. Such economic development will serve the following public purposes and municipal affairs of the City:

- (a) The full and gainful employment of residents of the City;
- (b) The full and efficient utilization and modernization of existing industrial, commercial, and business facilities;
- (c) The development of new industrial, commercial and business facilities;
- (d) The growth of the City's tax base through increased property values and consumer purchasing;
- (e) The reduction of the need for and costs of welfare and other remedial programs;
- (f) The reduction of urban ills, such as crime, attributable in part to inadequate economic opportunities;
- (g) The stability and diversification of the City's economy;
- (h) The lowering of the cost to City consumers of necessary goods and services;
- (i) The environmentally optimum disposition of waste materials of the City; and
- (j) The enhancement of the general economic prosperity, health safety and welfare of the residents of the City.

The availability of the financial assistance authorized by this chapter will serve those purposes and the general plan of the City by providing private enterprises with new methods of financing capital outlays in the City and by ensuring that economic development within the City will reflect the local community's need and objectives and will be environmentally optimum with respect to both the physical and social environment of the City. The City shall promote such public interests pursuant to this chapter without adversely affecting areas outside the City and without conflicting with efforts by the State of California to solve problems of statewide concern.

SEC. 8-5.103. DEFINITIONS. Unless the context otherwise requires, the terms defined in this chapter shall have the following meanings:

(a) "Bonds" means the bonds, notes, certificates, debentures, and other obligations authorized to be issued by the City pursuant to this chapter and payable as provided in this chapter.

(b) "City" means the City of Modesto.

(c) "Cost" means the total of all costs incurred by or on behalf of a Participating Party to carry out all works and undertakings and to obtain all rights and powers necessary or incident to the acquisition, construction, installation, reconstruction, rehabilitation or improvement of a Facility. "Cost" may include all costs of issuance of bonds for such purposes, costs for construction undertaken by a Participating Party as its own contractor, capitalized bond interest, reserves for debt service and for repairs, replacements, additions and improvements to a Facility, and other working capital incident to the operation of a Facility.

(d) "Council" means the City Council of the City of Modesto.

(e) "Facility" means any of the facilities, places or buildings within the City which are, or will be, maintained and operated for industrial, commercial or business purposes, conform to the general plan of the City and are approved by the City for the financing authorized by this chapter, such approval being given only when the City finds and determines that such financing will substantially promote one or more of the public purposes listed in Section 8-5.102.

A "Facility" may be an activity which may otherwise be financed pursuant to the California Industrial Development Financing Act (Government Code §§ 91500 et seq.) to the extent said Act permits the financing of such activity under alternative authority. "Facility" includes, without limitation, real and personal property, land, buildings, structures, fixtures, machinery and/or equipment and all such property related to or required or useful for the operation of a Facility. Facility does not include any facility, place or building used or to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship.

(f) "Participating Party" means any individual, association, corporation, partnership or other entity which is approved by the City to undertake the financing of the Costs of a Facility for which this chapter authorizes the issuance of the Bonds.

(g) "Revenues" means amounts received by the City as payments of principal, interest, and all other charges with respect to a loan authorized by this chapter, as payments under a lease, sublease or sale agreement with respect to a Facility, as proceeds received by the City from mortgage, hazard or other insurance on or with respect to such a loan (or any property securing such loan), lease, sublease or sale agreement, all other rents, charges, fees, income and receipts derived by the City from the financing of a Facility authorized by this chapter, any amounts received by the City as investment earnings on moneys deposited in any fund securing the Bonds, and such other legally available moneys as the Council may, in its discretion, lawfully designate as Revenues.

SEC. 8-5.104. NO LIMITATION ON APPROPRIATIONS. Revenues, as defined by this chapter, and the expenditure of such Revenues shall not be taken into account in any manner in determining the City's compliance with Article XIII B of the California Constitution.

ARTICLE 2. FINANCING FACILITIES

SEC. 8-5.201. LOANS FOR FACILITIES. The City is hereby authorized to make, purchase, or otherwise contract for the making of, a mortgage or other secured or unsecured loan, with the proceeds of Bonds and upon such terms and conditions as the City shall deem proper, to any Participating Party for the Costs of a Facility.

SEC. 8-5.202. ACQUISITION, CONSTRUCTION, LEASING AND SELLING OF FACILITIES. The City is hereby authorized to acquire, construct, enlarge, remodel, renovate, alter, improve, furnish, equip and lease as lessee, with the proceeds of Bonds, a Facility solely for the purpose of selling or leasing as lessor such Facility to such Participating Party, and is further authorized to make any contracts for such purposes. The City is also authorized to contract with such Participating Party to undertake on behalf of the City to construct, enlarge, remodel, renovate, alter, improve, furnish and equip such Facility.

The City is authorized to sell or lease, upon such terms and conditions as the City shall deem proper, to a Participating Party any Facility owned by the City under this chapter, including a Facility conveyed to the City in connection with a financing authorized by this chapter but not being financed hereunder.

SEC. 8-5.203. APPLICATIONS FOR APPROVAL. Any person may apply to the City for approval as a Participating Party and for approval of a Facility for financing under this chapter. Applications shall set forth such information as the City may require in order to enable the City to evaluate the applicant, the Facility and its proposed costs.

SEC. 8-5.204. FEES. The City is hereby authorized to charge Participating Parties application, commitment, financing and other fees, in order to recover all administrative and other costs and expenses incurred in the exercise of the powers and duties conferred by this chapter.

SEC. 8-5.205. INSURANCE. The City is hereby authorized to obtain, or aid in obtaining, from any department or agency of the United States or of the State of California or any private company, any insurance or guarantee as to, or of, or for the payment or repayment of, interest or principal, or both, rents, fees or other charges, or any part thereof, on any loan, lease or sale obligation or any instrument evidencing or securing the same, made or entered into as authorized by this chapter; and is authorized to accept payment in such manner and form as provided therein in the event of default by a Participating Party, and to assign any such insurance or guarantee as security for Bonds.

SEC. 8-5.206. RENTS AND CHARGES. The City is hereby authorized to fix rents, payments, fees, charges and interest rates for a financing authorized by this chapter and to agree to revise from time to time such rents, payments, fees, charges and interest rates to reflect changes in interest rates on Bonds, losses due to defaults or changes in other expenses related to this chapter, including City administrative expenses.

SEC. 8-5.207. SECURITY FOR LOANS. The City is hereby authorized to hold deeds of trust or mortgages or security interests in personal property as security for loans and other obligations authorized by this chapter and to pledge or assign the same as security for repayment of Bonds. Such deeds of trust, mortgages or security interests, or any other interest of the City in any Facility, may be assigned to, and held on behalf of the City by, any bank or trust company appointed to act as trustee by the City in any resolution or indenture providing for issuance of Bonds.

SEC. 8-5.208. PROFESSIONAL SERVICES. The City is hereby authorized to contract for such engineering, architectural, financial, accounting, legal or other services as may be necessary in the judgment of the City for the purposes of this chapter.

SEC. 8-5.209. PUBLIC WORKS REQUIREMENTS INAPPLICABLE. Except as specifically provided in this chapter, the acquisition, construction, installation, reconstruction, rehabilitation or improvement of a Facility financed under this chapter shall not be subject to any requirements relating to buildings, works or improvements owned or operated by the City; and any requirement of public competitive bidding or other procedural restriction imposed on the award of contracts for acquisition or construction of a City building, work or improvement or to the lease, sublease, sale or other disposition of City property shall not be applicable to any action taken under this chapter.

SEC. 8-5.210. ADDITIONAL POWERS. In addition to all other powers specifically granted by this chapter, the City is hereby authorized to contract for and do all things necessary or convenient to carry out the purposes of this chapter, provided, however, that the City shall not have the power to operate a Facility financed under this chapter as a business, except temporarily in the case of a default by a Participating Party.

ARTICLE 3. BONDS

SEC. 8-5.301. ISSUANCE OF BONDS. The City is hereby authorized to issue Bonds, from time to time, in such series and amounts as are determined by the Council to be necessary or appropriate to provide for the Costs of Facilities approved by the Council. Bonds shall be negotiable instruments for all purposes, subject only to the provisions of such Bonds for registration.

SEC. 8-5.302. BONDS NOT DEBT OF CITY. All of the Bonds hereby authorized to be issued shall be limited obligations of the City payable from all or any specified part of the revenues and the moneys and assets authorized in this chapter to be pledged or assigned to secure payment of Bonds. Such revenues, moneys or assets shall be the sole source of repayment of such issue of Bonds. Bonds issued as authorized by this chapter shall not be deemed to constitute a debt or liability of the City or a pledge of the faith and credit of the City but shall be payable solely from specified revenues, moneys and assets. The issuance of Bonds shall not directly, indirectly, or contingently obligate the City to levy or pledge any form of taxation or to make any appropriation for their payment.

All Bonds shall contain on the face thereof a statement to the following effect:

Neither the faith and credit nor the taxing power of the City of Modesto is pledged to the payment of the principal of or premium, if any, or interest on this bond.

SEC. 8-5.303. BOND TERMS. Bonds shall be issued as serial bonds, term bonds, installment bonds or pass-through certificates or any combination thereof. The City Manager or his/her designee shall determine the terms and timing of the issuance of particular Bonds in accord with the resolution of the Council approving the particular Facility to be financed thereby. Bonds shall bear such date or dates, mature at such time or times not to exceed thirty-five (35) years, bear interest at such fixed or variable rate or rates approved by the Participating Party whose Facility is being financed but not to exceed the maximum rate permitted by law, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, be subject to such terms of redemption and have such other terms and conditions as such resolution, or any indenture to be entered into by the City pursuant to such resolution, shall provide. Bonds shall be sold at either public or private sale and for such prices as the City shall determine.

SEC. 8-5.304. BOND PROVISIONS. Any resolution relating to the issuance of any Bonds, or any indenture to be entered into by the City pursuant to such resolution, may contain provisions respecting any of the following terms and conditions, which shall be a part of the contract with the holders of such Bonds:

(a) The terms, conditions and form of such Bonds and the interest and principal to be paid thereon,

(b) Limitations on the uses and purposes to which the proceeds of sale of such Bonds may be applied, and the pledge or assignment of such proceeds to secure the payment of such Bonds,

(c) Limitations on the issuance of additional parity Bonds, the terms upon which additional parity Bonds may be issued and secured, and the refunding of outstanding Bonds,

(d) The setting aside of reserves, sinking funds and other funds and the regulation and disposition thereof,

(e) The pledge or assignment of all or any part of the Revenues and of any other moneys or assets legally available therefor (including loans, deeds of trust, mortgages, leases, subleases, sales agreements and other contracts and security interests) and the use and disposition of such Revenues, moneys and assets, subject to such agreements with the holders of Bonds as may then be outstanding,

(f) Limitation on the use of Revenues for operating, administration or other expenses of the City,

(g) Specification of the acts or omissions to act which shall constitute a default in the duties of the City to holders of such Bonds, and providing the rights and remedies of such holders in the event of default, including any limitations on the right of action by individual bondholders,

(h) The appointment of a corporate trustee to act on behalf of the City and the holders of its Bonds, the pledge or assignment of loans, deeds of trust, mortgages, leases, subleases, sale contracts and any other contracts to such trustee, and the rights of such trustee,

(i) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of such Bonds the holders of which must consent thereto, and the manner in which such consent may be given, and

(j) Any other provisions which the Council may deem reasonable and proper for the purposes of this chapter and the security of the bondholders.

SEC. 8-5.305. PLEDGE OF REVENUES, MONEY OR PROPERTY; LIEN. Any pledge of Revenues or other moneys or assets as authorized by this chapter shall be valid and binding from the time such pledge is made. Revenues, moneys and assets so pledged and thereafter received by the City shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the City, irrespective of whether such parties have notice thereof. Neither the resolution nor any indenture by which a pledge is created need be filed or recorded except in the records of the City.

SEC. 8-5.306. NO PERSONAL LIABILITY. Neither the members of the Council, the officers or employees of the City, nor any person executing any Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

SEC. 8-5.307. PURCHASE OF BONDS BY CITY. The City shall have the power out of any funds available therefor to purchase its Bonds. The City may hold, pledge, cancel, or resell such Bonds, subject to and in accordance with agree-ments with the bondholders.

SEC. 8-5.308. ACTIONS BY BONDHOLDERS. Any holder of Bonds issued under the provisions of this chapter or any of the coupons appertaining thereto, and any trustee appointed pursuant to any resolution relating to the issuance of Bonds, except to the extent the rights thereof may be restricted by such resolution or any indenture authorized thereby to be entered into by the City, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect or enforce any and all rights specified in law or in such resolution or indenture, and may enforce and compel the performance of all duties required by this chapter or by such resolution or indenture to be performed by the City or by any officer, employee, or agent thereof, including the fixing, charging, and collecting of rates, fees, interest, and charges authorized and required by the provisions of such resolution or indenture to be fixed, charged and collected.

SEC. 8-5.309. REFUNDING BONDS. The City is hereby authorized to issue Bonds for the purpose of refunding any Bonds then outstanding.

SEC. 8-5.310. BOND ANTICIPATION NOTES. In anticipation of the sale of Bonds authorized by this chapter, the City is hereby authorized to issue bond anticipation notes, and to renew the same from time to time, in such series and amounts as are determined by the Council to be necessary or appropriate for the Costs of Facilities approved by the Council. Such notes shall be payable from Revenues or other moneys or assets authorized by this chapter to be pledged to secure payment of Bonds, and which are not otherwise pledged, or from the proceeds or sale of the particular Bonds in anticipation of which they are issued. Such notes shall be

issued in the same manner as Bonds. The City Manager or his/her designee shall determine the terms and timing of the issuance of particular bond anticipation notes in accord with the provisions of Section 8-5.303 and the resolution of the Council approving the particular Facility to be financed thereby. Such notes, any resolution relating to the issuance of such notes and any indenture to be entered into by the City pursuant to such resolution may contain any provisions, conditions or limitations permitted under Section 8-5.304.

SEC. 8-5.311. VALIDITY OF BONDS. The validity of the authorization and issuance of any Bonds is not dependent on and shall not be affected in any way by any proceedings taken by the City for the approval of any financing or the entering into of any agreement, or by the failure to provide financing or enter into any agreement, for which Bonds are authorized to be issued under this chapter.

ARTICLE 4. SUPPLEMENTAL PROVISIONS

SEC. 8-5.401. LIBERAL CONSTRUCTION. This chapter, being necessary for the welfare of the City and its inhabitants, shall be liberally construed to effect its purposes.

SEC. 8-5.402. OMISSIONS NOT TO AFFECT VALIDITY OF BONDS. Any omission of any officer or of the City in proceedings under this chapter or any other defect in the proceedings shall not invalidate such proceedings or the Bonds issued pursuant to this chapter.

SEC. 8-5.403. FULL AUTHORITY. This chapter is full authority for the issuance of Bonds by the City for any of the purposes specified herein.

SEC. 8-5.404. PROVISIONS OF THIS CHAPTER ARE COMPLETE, ADDITIONAL AND ALTERNATIVE. This chapter shall be deemed to provide a complete, additional, and alternative method for doing the things authorized hereby, and shall be regarded as supplemental and additional to the powers conferred by other laws. The issuance of Bonds under the provisions of this chapter need not comply with the requirements of any other law applicable to the issuance of bonds. The purposes authorized hereby may be effectuated and Bonds are authorized to be issued for any such purposes under this chapter notwithstanding that any other law may provide for such purposes or for the issuance of bonds for like purposes and without regard to the requirements, restrictions, limitations or other provisions contained in any other law.

SEC. 8-5.405. CHAPTER CONTROLLING. To the extent that the provisions of this chapter are inconsistent with the provisions of any general statute or special act or parts thereof the provisions of this chapter shall be deemed controlling.

SEC. 8-5.406. AUTHORIZATION AND DIRECTION. The appropriate officers of the City are hereby authorized and directed, for and in the name of and on behalf of the City, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and documents which they or any of them may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Bonds or bond anticipation notes authorized by this chapter in accordance with the provisions of this chapter and the resolution of the Council approving the particular Facility to be financed thereby.

SEC. 8-5.407. SEVERABILITY. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. The Council hereby declares that it would have adopted and passed this chapter and each section, subsection, sentence, clause, phrase and word hereof, irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses, phrases or words hereof be declared invalid or unconstitutional.

SEC. 8-4.408. AUTOMATIC REPEAL. This chapter shall be automatically repealed and of no further force or effect on and after July 1, 1987.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1982, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 2137-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of July, 1982, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott; Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Lang

APPROVED

Peggy Mensinger
MAYOR DEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE:

August 12, 1982

AN ORDINANCE ADDING CHAPTER 4 ENTITLED "HEALTH FACILITIES FINANCING LAW" TO TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO POWERS AND PROCEDURES TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PROVIDING FINANCING TO PARTICIPATING HEALTH INSTITUTIONS FOR SPECIFIED PURPOSES, AND CERTAIN OTHER SUPPLEMENTAL PROVISIONS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 4 entitled "Health Facilities Financing Law" is hereby added to Title VIII of the Modesto Municipal Code to read as follows:

CHAPTER 4 - HEALTH FACILITIES FINANCING LAW

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

SEC. 8-4.101. TITLE. This chapter may be cited as the City of Modesto Health Facilities Financing Law.

SEC. 8-4.102. PURPOSE. The Council hereby finds and declares that it is necessary, essential, a public purpose and a municipal affair for the City to be authorized to provide financing to health institutions that provide essential services to residents of the City in order to aid such health institutions in containing costs and thereby to enable such health institutions to establish lower rates and charges than would otherwise prevail and to provide better service at such rates and charges. Unless the City intervenes to provide such financing, such rates and charges may increase at an ever accelerated pace because such health institutions cannot obtain financing at equivalent cost from private sources.

SEC. 8-4.103. DEFINITIONS. Unless the context otherwise requires, the terms defined in this chapter shall have the following meanings:

(a) "Bonds" means any bonds, notes, certificates, debentures or other obligations issued by the City pursuant to this chapter.

(b) "City" means the City of Modesto.

(c) "Cost" means the total of all costs incurred by or on behalf of a participating health institution necessary or incident to acquisition, construction, rehabilitation or improvement of a health facility or the refunding or refinancing of obligations incurred to finance such acquisition, construction rehabilitation or improvement.

"Cost" shall include all such costs which under generally accepted accounting principles are properly chargeable to a capital account (whether or not actually so charged), including, without limitation, the cost of all lands, structures, real or personal property, franchises, rights and interests acquired or used in connection with a health facility, the cost of demolishing or removing any structures (including the cost of acquiring any lands to which such structures may be moved), the cost of engineering, architectural, financial and legal services, plans, specifications, studies, surveys, estimates, administration expenses, or other expenses necessary or incident to determining the feasibility of or to acquiring, constructing, rehabilitating, improving or financing a health facility, including all costs of issuance of bonds for such purposes, reserves for debt service and for repairs, replacements, additions and improvements, and capitalized bond interest for such period as the City may determine.

(d) "Council" means the City Council of the City of Modesto.

(e) "Health facility" means any facility, place or building which is maintained and operated for the diagnosis, care, prevention and treatment of human illness, physical or mental, including convalescence, rehabilitation and care during and after pregnancy, or for any one or more of these services, and which provides and will continue providing to residents of the City essential health care services designated as such in an agreement between the City and the participating health institution providing or operating such facility, place or building.

Health facility includes a portion of one of the above types of facilities and includes the following facilities if operated in conjunction with one of the above types of facilities: a laboratory, a laundry, a nurses' or interns' residence, a housing facility for patients, staff or employees and the families of any of them, an administration building, a research, maintenance, storage, utility or parking facility and all real and personal property, land, buildings, structures, facilities, equipment, fixtures and furnishings related to any of the foregoing or required or useful for the operation of a health facility.

Health facility shall not include any facility, place or building used or to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship.

(f) "Participating health institution" means a private corporation or association authorized by the laws of the State to provide or operate a health facility as defined in this chapter and which, pursuant to the provisions of this chapter, undertakes the financing of the acquisition, construction, rehabilitation or improvement of a health facility or undertakes the refunding or refinancing of obligations incurred to finance such acquisition, construction, rehabilitation or improvement.

(g) "Revenues" means amounts received by the City as repayment of principal, interest, and all other charges with respect to a loan, lease, sublease or sale agreement under this chapter, any proceeds received by the City from mortgage, hazard or other insurance on or with respect to such a loan, lease, sublease or sale agreement, all other rents, charges, fees, income and receipts derived by the City from the financing of a health facility under this chapter, any amounts received by the City as investment earnings on moneys deposited in any fund or account securing bonds, and such other moneys as the Council may, in its discretion, lawfully designate as revenues.

ARTICLE 2. FINANCING HEALTH FACILITIES.

SEC. 8-4.201. LOANS FOR HEALTH FACILITIES. The City may make, purchase, or otherwise contract for the making of a mortgage or other secured or unsecured loan, upon such terms and conditions as the City shall deem proper, to any participating health institution for the cost of a health facility.

SEC. 8-4.202. REFINANCING LOANS FOR HEALTH FACILITIES. The City may make, purchase, or otherwise contract for the making of, a mortgage or other secured or unsecured loan, upon such terms and conditions as the City shall deem proper, to any participating health institution to refund or refinance outstanding obligations of such participating health institution incurred to finance the cost of a health facility, including expenses incident to paying or otherwise discharging the obligations to be refunded or refinanced, whether such obligations were incurred prior to or after the enactment of this chapter, if the City finds that such refunding or refinancing is in the public interest and either alleviates a financial or operating hardship of such participating health institution, or is in connection with other financing by the City for such participating health institution, or may be expected to result in lower costs of health care than would otherwise prevail and a saving to third parties, including government, and to others who must pay for care, or any combination thereof.

SEC. 8-4.203. ACQUISITION, CONSTRUCTION, LEASING AND SELLING OF HEALTH FACILITIES. The City may acquire, construct, enlarge, remodel, renovate, alter, improve, furnish, equip, own, and lease as lessee a health facility for the purpose of selling or leasing such health facility to a participating health institution, and may contract with such participating health institution to undertake on behalf of the City to construct, enlarge, remodel, renovate, alter, improve, furnish, and equip such health facility.

The City may sell or lease, upon such terms and conditions as the City shall deem proper, to a participating health institution any health facility owned by the City under this chapter, including a health facility conveyed to the City in connection with a financing under this chapter but not being financed or refinanced hereunder.

SEC. 8-4.204. FEES. The City may charge participating health institutions application, commitment, financing and other fees, in order to recover all administrative and other costs and expenses incurred in the exercise of the powers and duties conferred by this chapter.

SEC. 8-4.205. INSURANCE. The City may obtain, or aid in obtaining, from any department or agency of the United States or of the State of California or of any private company, any insurance or guarantee as to, or of, or for the payment or repayment of, interest, principal rents, fees or other charges or any part thereof on any loan, lease or sale agreement or any instrument evidencing or securing the same, made or entered into pursuant to the provisions of this chapter; and may accept payment in such manner and form as provided therein in the event of default by a participating health institution, and may assign any such insurance or guarantee as security for bonds.

SEC. 8-4.206. RENTS AND CHARGES. The City may fix rents, payments, fees, charges, and interest rates for financing under this chapter and may agree to revise from time to time such rents, payments, fees, charges and interest rates to reflect changes in interest rates on bonds, losses due to defaults or changes in other expenses related to this chapter, including City administrative expenses.

SEC. 8-4.207. SECURITY FOR LOAN. The City may hold deeds of trust, mortgages or security interests as security for loans and other obligations under this chapter and may pledge or assign the same as security for repayment of bonds. Such deeds of trust, mortgages or security interests may be assigned to, and held on behalf of the City by, any bank or trust company appointed to act as trustee by the City in any resolution or indenture providing for issuance of bonds.

SEC. 8-4.208. PROFESSIONAL SERVICES. The City may employ such engineering, architectural, financial, accounting, legal or other services as may be necessary in the judgment of the City for the purposes of this chapter.

SEC. 8-4.209. ADDITIONAL POWERS. In addition to all other powers specifically granted by this chapter, the City may do all things necessary or convenient to carry out the purposes of this chapter.

ARTICLE 3. BONDS.

SEC. 8-4.301. INSURANCE OF BONDS; BONDS NOT DEBT OF CITY.
(a) The City may, from time to time, issue bonds for any of the purposes specified in Sections 201, 202, and 203. Bonds shall be negotiable instruments for all purposes, subject only to the provisions of such bonds for registration.

(b) Every issue of bonds shall be a limited obligation of the City payable from all or any specified part of the revenues and the moneys and assets authorized in this chapter to be pledged or assigned to secure payment of bonds. Such revenues, moneys or assets shall be the sole source of repayment of such issue of bonds. Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt or liability of the City or a pledge of the faith and credit of the City but shall be payable solely from specified revenues, moneys and assets. The issuance of bonds shall not directly, indirectly, or contingently obligate the City to levy or pledge any form of taxation or to make any appropriation for their payment.

All bonds shall contain on the face thereof a statement to the following effect:

Neither the faith and credit nor the taxing power of the City is pledged to the payment of the principal of or premium, if any, or interest on this bond.

SEC. 8-4.302. COST OF ISSUANCE. In determining the amount of bonds to be issued, the City may include all costs of the issuance of such bonds, reserve funds, and capitalized bond interest.

SEC. 8-4.303. RESOLUTION; BOND PROVISIONS. Bonds may be issued as serial bonds, term bonds, installment bonds or pass-through certificates or any combination thereof. Bonds shall be authorized by resolution of the Council and shall bear such date or dates, mature at such time or times, bear interest at such fixed or variable rate or rates, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, be subject to such terms of redemption and have such other terms and conditions as such resolution or any indenture authorized by such resolution to be entered into by the City may provide. Bonds may be sold at either a public or private sale and for such prices as the City shall determine.

SEC. 8-4.304. BOND PROVISIONS. Any resolution authorizing any bonds or any issue of bonds, or any indenture authorized by such resolution to be entered into by the City, may contain provisions respecting any of the following terms and conditions, which shall be a part of the contract with the holders of such bonds:

(a) the terms, conditions and form of such bonds and the interest and principal to be paid thereon,

(b) limitations on the uses and purposes to which the proceeds of sale of such bonds may be applied, and the pledge or assignment of such proceeds to secure the payment of such bonds,

(c) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding bonds,

(d) the setting aside of reserves and sinking funds and such other funds as are necessary or appropriate and the regulation and disposition thereof,

(e) the pledge or assignment of all or any part of the revenues and of any other moneys or assets legally available therefor (including loans, deeds of trust, mortgages, leases, subleases, sales agreements and other contracts and security interests) and the use and disposition thereof, subject to such agreements with the holders of bonds as may then be outstanding,

(f) limitation on the use of revenues for expenditures for operating, administration or other expenses of the City,

(g) specification of the acts or omissions to act which shall constitute a default in the duties of the City to holders of such bonds, and providing the rights and remedies of such holders in the event of default, including any limitations on the right of action by individual bondholders,

(h) the appointment of a corporate trustee to act on behalf of the City and the holders of its bonds, the pledge or assignment of loans, deeds of trust, mortgages, leases, subleases, sales agreements, and any other contracts or security interests to such trustee, and the rights of such trustee,

(i) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of such bonds the holders of which must consent thereto, and the manner in which such consent may be given, and

(j) any other provisions which the Council may deem reasonable and proper for the purposes of this chapter and the security of the bondholders.

SEC. 8-4.305. PLEDGE OF REVENUES, MONEY OR PROPERTY; LIEN. Any pledge of revenues or other moneys or assets pursuant to the provisions of this chapter shall be valid and binding from the time such pledge is made. Revenues, moneys and assets so pledged and thereafter received by the City shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the City, irrespective of whether such parties have notice thereof. Neither the resolution nor any indenture by which a pledge is created need be filed or recorded except in the records of the City.

SEC. 8-4.306. NO PERSONAL LIABILITY. Neither the members of the Council, the officers or employees of the City, nor any person executing any bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

SEC. 8-4.307. PURCHASE OF BONDS. The City shall have the power out of any funds available therefor to purchase its bonds. The City may hold, pledge, cancel, or resell such bonds, subject to and in accordance with agreements with the bondholders.

SEC. 8-4.308. ACTIONS BY BONDHOLDERS. Any holder of bonds issued under the provisions of this chapter or any of the coupons appertaining thereto, and any trustee appointed pursuant to any resolution authorizing the issuance of bonds, except to the extent the rights thereof may be restricted by such resolution or any indenture authorized thereby to be entered into by the City, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect or enforce any and all rights specified in law or in such resolution or indenture, and may enforce and compel the performance of all duties required by this chapter or by such resolution or indenture to be performed by the City or by any officer, employee, or agent thereof, including the fixing, charging, and collecting of rates, fees, interest, and charges authorized and required by the provisions of such resolution or indenture to be fixed, charged and collected.

SEC. 8-4.309. REFUNDING BONDS. (a) The City may issue bonds for the purpose of refunding any bonds then outstanding including the payment of any redemption premiums thereof and any interest accrued or to accrue to the earliest or any subsequent date or dates of redemption, purchase, or maturity of such bonds.

(b) The proceeds of bonds issued for the purpose of refunding any outstanding bonds may, in the discretion of the City, be applied to the purchase or retirement at maturity or redemption of such outstanding bonds, either at their earliest or any subsequent redemption date or dates or upon the purchase or retirement at the maturity thereof and may, pending such application, be placed in escrow, to be applied to such purchase or retirement at maturity or redemption on such date or dates as may be determined by the City.

(c) Pending use for purchase, retirement at maturity or redemption of outstanding bonds, any proceeds held in escrow pursuant to subdivision (b) may be invested and reinvested as provided in the resolution or indenture. Any interest or other increment earned or realized on any such investment may be applied to the payment of the outstanding bonds to be refunded or to the payment of interest on the refunding bonds.

(d) All bonds issued pursuant to this section shall be subject to the provisions of this chapter in the same manner and to the same extent as other bonds issued pursuant to this chapter.

SEC. 8-4.310. BOND ANTICIPATION NOTES. In anticipation of the sale of bonds, the City may issue bond anticipation notes and may renew the same from time to time. Such notes shall be payable from any revenues or other moneys authorized by this chapter to be pledged to secure payment of bonds which are not otherwise pledged, or from the proceeds of sale of the bonds in anticipation of which they were issued. Such notes shall be issued in the same manner as bonds. Such notes and the resolution or indenture providing for their issuance may contain any provisions, conditions or limitations which a bond, or a resolution or indenture providing for the issuance thereof, may contain.

SEC. 8-4.308. ACTIONS BY BONDHOLDERS. Any holder of bonds issued under the provisions of this chapter or any of the coupons appertaining thereto, and any trustee appointed pursuant to any resolution authorizing the issuance of bonds, except to the extent the rights thereof may be restricted by such resolution or any indenture authorized thereby to be entered into by the City, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect or enforce any and all rights specified in law or in such resolution or indenture, and may enforce and compel the performance of all duties required by this chapter or by such resolution or indenture to be performed by the City or by any officer, employee, or agent thereof, including the fixing, charging, and collecting of rates, fees, interest, and charges authorized and required by the provisions of such resolution or indenture to be fixed, charged and collected.

SEC. 8-4.309. REFUNDING BONDS. (a) The City may issue bonds for the purpose of refunding any bonds then outstanding including the payment of any redemption premiums thereof and any interest accrued or to accrue to the earliest or any subsequent date or dates of redemption, purchase, or maturity of such bonds.

(b) The proceeds of bonds issued for the purpose of refunding any outstanding bonds may, in the discretion of the City, be applied to the purchase or retirement at maturity or redemption of such outstanding bonds, either at their earliest or any subsequent redemption date or dates or upon the purchase or retirement at the maturity thereof and may, pending such application, be placed in escrow, to be applied to such purchase or retirement at maturity or redemption on such date or dates as may be determined by the City.

(c) Pending use for purchase, retirement at maturity or redemption of outstanding bonds, any proceeds held in escrow pursuant to subdivision (b) may be invested and reinvested as provided in the resolution or indenture. Any interest or other increment earned or realized on any such investment may be applied to the payment of the outstanding bonds to be refunded or to the payment of interest on the refunding bonds.

(d) All bonds issued pursuant to this section shall be subject to the provisions of this chapter in the same manner and to the same extent as other bonds issued pursuant to this chapter.

SEC. 8-4.310. BOND ANTICIPATION NOTES. In anticipation of the sale of bonds, the City may issue bond anticipation notes and may renew the same from time to time. Such notes shall be payable from any revenues or other moneys authorized by this chapter to be pledged to secure payment of bonds which are not otherwise pledged, or from the proceeds of sale of the bonds in anticipation of which they were issued. Such notes shall be issued in the same manner as bonds. Such notes and the resolution or indenture providing for their issuance may contain any provisions, conditions or limitations which a bond, or a resolution or indenture providing for the issuance thereof, may contain.

SEC. 8-4.311. VALIDITY OF BONDS. The validity of the authorization and issuance of any bonds is not dependent on and shall not be affected in any way by any proceedings taken by the City for approval of any financing or the making of any loan or the entering into of any agreement, or by the failure to make any loan or enter into any agreement, for which bonds are authorized to be issued under this chapter.

ARTICLE 4. SUPPLEMENTAL PROVISIONS.

SEC. 8-4.401. LIBERAL CONSTRUCTION. This chapter being necessary for the welfare of the City and its inhabitants, this chapter shall be liberally construed to effect its purposes.

SEC. 8-4.402. OMISSIONS NOT TO AFFECT VALIDITY OF BONDS. If the jurisdiction of the Council to order the proposed act is not affected, any omission of any officer or the City in proceedings under this chapter or any other defect in the proceedings shall not invalidate such proceedings or the bonds issued pursuant to this chapter.

SEC. 8-4.403. FULL AUTHORITY. This chapter is full authority for the issuance of bonds by the City for the purposes specified herein.

SEC. 8-4.404. ADDITIONAL AUTHORITY. This chapter shall be deemed to provide a complete, additional, and alternative method for doing the things authorized thereby, and shall be regarded as supplemental and additional to the powers conferred by other laws. The issuance of bonds under the provisions of this chapter need not comply with the requirements of any other law applicable to the issuance of bonds. The purposes authorized hereby may be effectuated and bonds may be issued for any such purposes under this chapter notwithstanding that any other law may provide for such purposes or for the issuance of bonds for like purposes and without regard to the requirements, restrictions, limitations, or other provisions contained in any other law.

SEC. 8-4.405. CHAPTER CONTROLLING. To the extent that the provisions of this chapter are inconsistent with the provisions of any general statute or special act or parts thereof the provisions of this chapter shall be deemed controlling.

SEC. 8-4.406. SEVERABILITY. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. The Council hereby declares that it would have adopted and passed this chapter and each article, section, subsection, sentence, clause, phrase or word hereof, irrespective of the fact that any one or more of the other articles, sections, subsections, sentences, clauses, phrases or words hereof be declared invalid or unconstitutional.

SEC. 8-4.407. AUTOMATIC REPEAL. This Chapter shall be automatically repealed and of no further force or effect on and after July 1, 1987.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1982, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of July, 1982, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Elliott, Muratore, Patterson, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Morrine Coyle*
MORRINE COYLE, City Clerk

EFFECTIVE DATE: August 12, 1982

AN ORDINANCE AMENDING SECTION MAP 14-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (GRANT CONSTRUCTION
COMPANY - P-D(329)).

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 14-3-9 of the Zoning

Map is hereby amended to reclassify the following described property
from Low Density Residential Zone, R-1, to
Planned-Development Zone, P-D (329):

R-1 to P-D

All that certain real property situate in a portion of the southwest
quarter of Section 14, 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 1 - 22, Block 11031 and Lots 1 - 38, Block 11032 of Walnut
Tree Estates, according to the official map thereof, filed in the Office
of the Recorder of Stanislaus County, California, on May 20, 1981, in
Volume 29 of Maps, page 90.

Including all of the south one-half of Woodvale Drive, north one-half
of Burlwood Drive, east one-half of Walnut Tree Drive, and west one-half
of Walnut Haven Drive immediately adjacent to said Block 11032.

Also including all of the south one-half of Burlwood Drive, west one-half
of Woodcrest Way, north one-half of Merle Avenue, and east one-half of
Walnut Tree Drive immediately adjacent to said Block 11031.

SECTION 2. USES. The following uses shall be permitted in said P-D(329) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

Patio homes and duplex dwellings as shown on the approved development plans.

SECTION 3. ZONING MAP. Section Map 14-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1982, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Smith*
Department of Planning and
Community Development

Ordinance 2139 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 2139-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of July, 1982, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Bright, Lang, Patterson

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Morrine Coyle
MORRINE COYLE, City Clerk

EFFECTIVE DATE: August 26, 1982

AN ORDINANCE AMENDING SECTION MAP 10-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (A. E. CARRADE)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 10-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Medium Density Residential Zone, R-2 to

Planned-Development Zone, P-D (326) :

All that certain real property situate in a portion of the Southwest Quarter of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

Being Parcel "2" as shown on the Official Map filed in Book 28 of Parcel Maps, at Page 46, Stanislaus County Records.

Including also all of the easterly one-half of Kingswood Drive and the northerly one-half of Buttonwillow Drive immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(326) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

Residential condominiums as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 10-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1982, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Althea Smith*
Department of Planning and
Community Development

**Ordinance 2140 C.S.
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 2140-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of July, 1982, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright, Lang, Patterson

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 26, 1982