

ORDINANCE NO. 2456 -C.S.

AN ORDINANCE AMENDING SECTION MAP 2-3-8 AND SECTION MAP 3-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ZAGARIS MANAGEMENT SERVICES)

WHEREAS, a verified application for an amendment to Section 2-3-8 and Section 3-3-8 of the Zoning Map was filed by Zagaris Management Services on July 28, 1986, to reclassify from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, property located on the northeast side of Sisk Road at Akeby Drive, hereinafter described, and

WHEREAS, after public hearing held on September 2, 1986, 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. 86-147, adopted on September 2, 1986, the Planning Commission recommended to the Council that the application of Zagaris Management Services to amend Section 2-3-8 and Section 3-3-8 of the Zoning Map to reclassify the hereinafter described property from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, 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 September 23, 1986, 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 down zoning R-3 to R-1 will correspond to the tentative subdivision map for this property.
2. The proposed rezoning from R-3 to R-1 will also be more compatible with the single-family houses located to the east.

SECTION 2. ZONING CHANGE. Section 2-3-8 and Section 3-3-8 of the Zoning Map are hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1:

All that certain real property situate in a portion of Section 2 and 3 of Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the southwest corner of North Heights Estates according to the Official Map filed for record in Book 30 of Maps, at page 40, Stanislaus County Records; thence South 89°51'51" West along the south line of said Section 2 a distance of 743.81 feet to the centerline of Sisk Road; thence along said centerline of Sisk Road the following two courses: North 28°21'12" West, 221.18 feet and Northwesterly 213.06 feet along a non-tangent curve, concave to the Northeast, having a radius of 3,000.00 feet and central angle of 4°04'09"; thence North 60°20'06" East, 508.94 feet; thence North 89°57'00" East, 373.33 feet to the west line of said North Heights Estates; thence along said west line of North Heights Estates the following two courses: South °15'35" West, 159.03 feet and Southeasterly 500.79 feet along a tangent curve, concave to the Northeast, having a radius of 1,000.00 feet and a central angle of 28°41'35" to the point of beginning.

SECTION 3. ZONING MAP. Section 2-3-8 and Section 3-3-8 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps 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 23 day of September, 1986, by Councilmember Lang, 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, 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

APPROVED AS TO DESCRIPTION:

By Altham Donald  
Department of Planning and Community  
Development

Ordinance 2456 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 7th day of October, 19 86, Councilmember Whiteside 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: Lang, McGrath, Muratore, Patterson, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED Peggy Mensinger  
MAYOR PEGGY MENSINGER

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

EFFECTIVE DATE: November 6, 1986

ORDINANCE NO. 2457 -C.S.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON. (NORMAN WINSOR)

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by Norman Winsor, on July 22, 1986, to prezone to Planned Development Zone, P-PD(187), as an addition to P-D(187), the hereinafter described property, and

WHEREAS, after public hearing held on September 2, 1986, it was found and determined by the Planning Commission that pre zoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D(187) addition is a nicely laid-out addition to the existing mobile home park and raises no unusual development problems.
2. The proposed project will provide a smooth transition between the two street sections of Chicago Avenue.

and

WHEREAS, by Resolution No. 86-146, adopted on September 2, 1986, the Planning Commission recommended to the Council that the application of Norman Winsor to amend Section 31-3-9 of the Zoning Map to prezone the hereinafter described property to Planned Development Zone, P-PD(187), 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 September 23, 1986, this Council finds and determines that the requested pre zoning 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. 86-146 and quoted above.

SECTION 2. ZONING CHANGE. Section 31-3-9 of the Zoning Map is hereby amended to prezone the following described property to Planned Development Zone, P-PD(187):

All that portion of the Southwest quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at a point on the Northerly boundary of a County Road (Chicago Avenue) bearing from the corner common to Townships 3 and 4 South and Ranges 8 and 9 East, Mount Diablo Base and Meridian, North 1.464 chains along the Range line between said Ranges 8 and 9 East, Mount Diablo Base and Meridian; thence North 88°39'00" East, 11.89 chains to the true point of beginning of the herein described parcel of land; thence continuing along the Northerly boundary of said County Road North 88°39'00" East 1.65 chains and North 55°47'00" East 4.73 chains; thence North 0°30'00" East 7.107 chains along the center line of an irrigation ditch; thence West 5.79 chains; thence South 0°56'00" East 9.727 chains to the point of beginning.

SECTION 3. ZONING MAP. Section 31-3-9 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 23 day of September, 1986, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

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

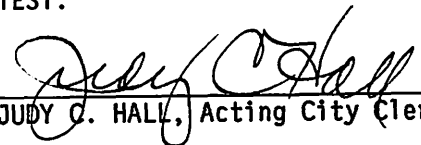
NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

  
PEGGY MENSINGER, Mayor

ATTEST:


By   
JUDY C. HALL, Acting 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 2457 C.S.

### Exhibit A – Map

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

Ord. No. 2457-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 7th day of October, 19 86, Councilmember Whiteside 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: Lang, McGrath, Muratore, Patterson, Whiteside, Mayor Mensinger  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

APPROVED

Reggie Mensinger  
MAYOR REGGIE MENSINGER

ATTEST:

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

EFFECTIVE DATE: November 6, 1986

ORDINANCE NO. 2458 -C.S.

AN ORDINANCE AMENDING SECTION 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. Section 3-2.1401.1 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

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 of, and upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code and the Traffic Manual of the Department of Transportation, it is determined that the prima facie speed limits which follow would facilitate the orderly movement of vehicular traffic and would be reasonable and safe.

<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	December 5, 1984
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	November 15, 1982
BRIGGSMORE AVENUE, between Prescott Road and Tully Road	45 miles per hour	January 27, 1984
BRIGGSMORE AVENUE, (east and westbound) between Tully Road and McHenry Avenue	45 miles per hour	January 27, 1984
BRIGGSMORE AVENUE, (westbound) between Coffee Road and McHenry Avenue	45 miles per hour	January 27, 1984
BRIGGSMORE AVENUE, (east-bound) between McHenry Avenue and 1,000 feet west of Coffee Road	40 miles per hour	November 13, 1982

BRIGGSMORE AVENUE, (eastbound), between a point 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour	January 26, 1984
BRIGGSMORE AVENUE, between Coffee Road and Rose Avenue	45 miles per hour	January 26, 1984
BRIGGSMORE AVENUE, between Rose Avenue and Oakdale Road	45 miles per hour	January 26, 1984
BRIGGSMORE AVENUE, between Oakdale Road and Claus Road	50 miles per hour	January 26, 1984
BRIGHTON AVENUE, between Coffee Road and Locke Road	30 miles per hour	June 15, 1983
CARPENTER ROAD, between Blue Gum Avenue and Woodland Avenue within the City limits	45 miles per hour	February 8, 1984
CARPENTER ROAD, between Woodland Avenue and Maze Boulevard within the City limits	45 miles per hour	June 14, 1984
CARPENTER ROAD, between Maze Boulevard and Paradise Road within the City limits	45 miles per hour	January 26, 1984
CARVER ROAD, between M.I.D. Lateral No. 6 and Brixton Lane within the City limits	40 miles per hour	March 27, 1986
CARVER ROAD, between Brixton Lane and Roseburg Avenue	35 miles per hour	November 15, 1982
CARVER ROAD, between Roseburg Avenue and 9th Street	35 miles per hour	November 13, 1982
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	June 14, 1983
CLAUS ROAD, between M.I.D. Lateral No. 3 and 200' south of Scenic Drive	45 miles per hour	February 3, 1984

COFFEE ROAD, between Mable Avenue and Sylvan Avenue within the City limits	45 miles per hour	April 17, 1986
COFFEE ROAD, between Sylvan Avenue and Floyd Avenue within the City limits	35 miles per hour	January 26, 1984
COFFEE ROAD, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	January 26, 1984
COFFEE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	January 26, 1984
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	30 miles per hour	March 8, 1984
COLLEGE AVENUE, between Bowen Avenue and Princeton Avenue	35 miles per hour	November 20, 1982
CROWS LANDING ROAD, Blankenburg Avenue to School Avenue, within the City limits	35 miles per hour	June 22, 1983
DALE ROAD, between Pelandale Avenue and Snyder Avenue	50 miles per hour	May 29, 1984
DALE ROAD, between Snyder Avenue and Veneman Avenue	45 miles per hour	May 29, 1984
DALE ROAD, between Veneman Avenue and Standiford Avenue	35 miles per hour	January 26, 1984
EASTRIDGE DRIVE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	May 25, 1983
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	September 19, 1985
EL VISTA AVENUE, between Scenic Drive and Yosemite Boulevard	35 miles per hour	April 20, 1984
EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	35 miles per hour	June 14, 1983

ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	30 miles per hour	June 22, 1983
EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road	35 miles per hour	September 18, 1985
FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road	30 miles per hour	June 15, 1983
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	November 15, 1982
FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	June 14, 1983
FRANKLIN STREET, between Maze Boulevard and California Avenue	35 miles per hour	November 20, 1982
GRANGER AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	June 14, 1983
GRANGER AVENUE, between McHenry Avenue and Sunrise Avenue	30 miles per hour	June 14, 1983
KANSAS AVENUE, between Carpenter Road and Emerald Avenue within the City limits	40 miles per hour	March 19, 1986
KANSAS AVENUE, between Emerald Avenue and Eighth Street	35 miles per hour	January 26, 1984
KEARNEY AVENUE, between Glenwood Drive and Coldwell Avenue	30 miles per hour	September 18, 1985
KELLER STREET, between Sylvan Avenue and Rumble Road within the City limits	30 miles per hour	January 26, 1984
LA LOMA AVENUE, between H Street and Santa Ana Avenue	35 miles per hour	August 27, 1986
LA LOMA AVENUE, between Santa Ana Avenue and Yosemite Boulevard	35 miles per hour	August 27, 1986

LAKWOOD AVENUE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	September 15, 1983
LINCOLN AVENUE, between 650' north of M.I.D. Lateral No. 2 and Yosemite Boulevard	35 miles per hour	December 8, 1984
MABLE AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	September 19, 1985
MERLE AVENUE, between Oakdale Road and Claus Road	45 miles per hour	May 29, 1984
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	November 16, 1982
MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	November 20, 1982
MORRIS AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	November 16, 1982
MT. VERNON DRIVE, between Prescott Road and Carver Road	30 miles per hour	June 14, 1983
MT. VERNON DRIVE, between Carver Road and College Avenue	30 miles per hour	June 23, 1983
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	June 14, 1983
NEEDHAM STREET, between 9th and and L Streets	35 miles per hour	June 22, 1983
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	June 14, 1983
OAKDALE ROAD, between Mable Avenue and Sylvan Avenue	50 miles per hour	May 29, 1984
OAKDALE ROAD, between Sylvan Avenue and Floyd Avenue	50 miles per hour	June 15, 1984
OAKDALE ROAD, between Floyd Avenue and Briggsmore Avenue	45 miles per hour	December 8, 1984

OAKDALE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	January 26, 1984
ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	30 miles per hour	April 11, 1985
ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	40 miles per hour	April 3, 1985
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	40 miles per hour	April 2, 1985
ORANGEBURG AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	March 17, 1986
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	November 19, 1984
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	December 6, 1984
PARADISE ROAD, between Vernon Avenue and Franklin Street within the City limits	35 miles per hour	September 24, 1984
PARADISE ROAD, between Franklin Street and Washington Street	30 miles per hour	May 29, 1984
PRESCOTT ROAD, between Rumble Road and Briggsmore Avenue	35 miles per hour	January 26, 1984
PRINCETON AVENUE, between Tully Road and College Avenue	25 miles per hour	December 8, 1984
RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard	35 miles per hour	September 19, 1985
ROSE AVENUE, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	November 16, 1982
ROSE AVENUE, between Briggsmore Avenue and Scenic Drive	35 miles per hour	November 3, 1982

ROSEBURG AVENUE, between Carver Road and Tully Road	30 miles per hour	June 14, 1983
ROSEBURG AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	June 14, 1983
ROSEBURG AVENUE, between McHenry Avenue and Sunrise Avenue	35 miles per hour	June 14, 1983
ROSEMORE AVENUE, between Blue Gum Avenue and Kansas Avenue within the City limits	35 miles per hour	October 31, 1985
ROUSE AVENUE, between Neece Drive and Colorado Avenue within the City limits	35 miles per hour	September 16, 1982
RUMBLE ROAD, between Sisk Road and Conant Avenue	40 miles per hour	March 27-28, 1986
RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	June 14, 1983
RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	September 18, 1985
RUMBLE ROAD, between McHenry Avenue and Coffee Road	35 miles per hour	June 14, 1983
SANTA CRUZ AVENUE, between Yosemite Boulevard and Legion Park Drive within the City limits	35 miles per hour	October 9, 1985
SCENIC DRIVE, between Burney Street and Coffee Road	30 miles per hour	June 22, 1983
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	March 17, 1986
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	45 miles per hour	July 22, 1985
SCENIC DRIVE, between Lakewood Avenue and Lillian Drive	30 miles per hour	October 11, 1983
SCENIC DRIVE, Lillian Drive to Claus Road	40 miles per hour	November 3, 1982
SHARON WAY, between Budd Street and Prescott Road	30 miles per hour	June 7, 1983

SIERRA DRIVE, between G and South 7th Streets	30 miles per hour	June 14, 1983
SISK ROAD, between 600' north of Vintage Drive and Standiford Avenue	40 miles per hour	December 9, 1985
SISK ROAD, between Standiford Avenue and Briggsmore Avenue	40 miles per hour	March 28, 1986
SNYDER AVENUE, between Dale Road and Carver Road	50 miles per hour	August 29, 1985
STANDIFORD AVENUE, between Dale Road and Prescott Road within the City limits	40 miles per hour	December 8, 1984
STANDIFORD AVENUE, between Prescott Road and Carver Road	40 miles per hour	December 8, 1984
STANDIFORD AVENUE, between Carver Road and Tully Road	40 miles per hour	January 26, 1984
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	May 18, 1984
SUNRISE AVENUE, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	June 14, 1983
SUNRISE AVENUE, between Briggsmore Avenue and Lucern Avenue	30 miles per hour	December 8, 1984
SURREY AVENUE, between Oakdale Road and Eastridge Drive	30 miles per hour	December 6, 1984
SUTTER AVENUE, between Paradise Road and Robertson Road	30 miles per hour	November 1, 1982
SYCAMORE AVENUE, between Orangeburg Avenue and Griswold Avenue	30 miles per hour	March 9, 1984
SYLVAN AVENUE, between McHenry Avenue and Coffee Road	40 miles per hour	December 8, 1984

SYLVAN AVENUE, between Coffee Road and Oakdale Road within the City limits	40 miles per hour	December 8, 1984
TENAYA DRIVE, between Santa Rita Avenue and South Riverside Drive within the City limits	35 miles per hour	October 9, 1985
TULLY ROAD, between M.I.D. Lateral No. 6 and Standiford Avenue	40 miles per hour	June 14, 1983
TULLY ROAD, between Standiford Avenue and Coldwell Avenue	35 miles per hour	November 20, 1982
TUOLUMNE BOULEVARD, between Paradise Road and 7th Street	35 miles per hour	November 1, 1982
VENEMAN AVENUE, between Dale Road and M.I.D. Lateral No. 7	35 miles per hour	November 13, 1982
VIRGINIA AVENUE, between Roseburg Avenue and Needham Street	30 miles per hour	June 14, 1983
WHITMORE AVENUE, between Crows Landing Road and Morgan Road within the City limits	45 miles per hour	March 27, 1986
WOODLAND AVENUE, between Morse Road and Shasta Avenue, within the City limits	45 miles per hour	January 26, 1984
WOODLAND AVENUE, between Shasta Avenue and Carpenter Road, within the City limits	40 miles per hour	December 5, 1984
WOODLAND AVENUE, between Carpenter Road and 9th Street, within the City limits	35 miles per hour	August 28, 1986
WOODROW AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	June 14, 1983
WYLIE DRIVE, between Rose Avenue and Oakdale Road	35 miles per hour	February 7, 1984

9TH STREET, between P Street  
and L Street

35 miles per hour      March 19, 1986

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 23 day of September, 1986, 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, 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 14th day of October, 19 86, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, 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: November 13, 1986

ORDINANCE NO. 2459-C.S.

AN ORDINANCE AMENDING SECTION MAP 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (DAVID EPPS)

WHEREAS, a verified application for an amendment to Section 8-4-9 of the Zoning Map was filed by David Epps on July 14, 1986, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on September 15, 1986, 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. 86-162, adopted on September 15, 1986, the Planning Commission recommended to the Council that the application of David Epps to amend Section 8-4-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, be approved, and

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on October 7, 1986, 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 conforms to the Bret Harte Neighborhood Zoning and Development Plan which has been adopted by the Planning Commission and City Council.
2. Whitmore Avenue is to be developed as a major street which will be capable of handling traffic generated by R-2 development.
3. R-2 zoning will aid in providing a variety of housing types in the neighborhood in accordance with General Plan principles.

SECTION 2. ZONING CHANGE. Section 8-4-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

The south 260 feet of the following described property:

All that portion of the Southeast quarter of the Southwest quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the quarter corner on the South line of said Section 8, which is a 1/2 inch pipe in the center line of Whitmore Avenue, and the true point of beginning of this description; thence North 0°8' East and along the North-South mid-section line, 1,321.75 feet to the Northeast corner of the property conveyed to O. J. Laffoon and others by Deed dated May 1, 1947, and recorded May 13, 1947, as Instrument No. 13200; thence North 89°20' West along the North line of said Laffoon property, 314.69 feet to a point that is 344 feet east of the Northwest corner thereof; thence South and parallel with the said North-South mid-section line 151 feet to a point; thence continuing South and parallel with the North-South mid-section line to the South line of said Section 8; thence East 314.69 feet to the true point of beginning.

SECTION 3. ZONING MAP. Section 8-4-9 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 7 day of October, 1986, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED:

Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By

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

(SEAL)

APPROVED AS TO FORM:

By

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

APPROVED AS TO DESCRIPTION:

By

William Orsida  
Department of Planning and Community  
Development

**Ordinance 2459 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 14th day of October, 19 86, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, 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: November 13, 1986

ORDINANCE NO. 2460 -C.S.

AN ORDINANCE AMENDING SECTIONS 4-6.801 AND 4-6.803 OF ARTICLE 8 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXICAB STANDS.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-6.801 and 4-6.803 of Article 8 of Chapter 6 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-6.801. DESIGNATION OF STANDS: FEES.

The Director of Parking and Traffic is hereby authorized to locate and establish taxicab stands on city streets. Such regulations shall become effective when appropriate signs are placed giving notice of such regulations to the public. The right to use a taxicab stand heretofore or hereafter established for the use of a specific taxicab operator shall be nontransferable.

The number of taxicab stands to which each person operating taxicabs shall be entitled shall be determined by the Director of Parking and Traffic based on his finding as to the need for same in order to adequately serve the public.

The fee to be paid to the City for each taxicab stand heretofore or hereafter established for the use of a taxicab operator shall be as follows:

There shall be no charge for the first stand; for each additional stand there shall be paid to the City a fee of Fifteen and no/100ths (\$15.00) Dollars per month, payable in advance at the beginning of each month.

SEC. 4-6.803. USE OF TAXICAB STANDS AT BUS DEPOTS.

(a) Loading or Unloading Passengers: The driver of any certificated taxicab may use any vacant taxicab stand located in front of a bus depot for not more than three (3) minutes when engaged in loading or unloading passengers.

(b) Awaiting Employment: The taxicab stand on the west side of the 10th Street in front of the Greyhound depot may be used by any certificated taxicab while awaiting or soliciting employment. However, unless unloading, not more than one taxi operating under the same company name shall be on the aforementioned stand at the same time. Two or more taxis operating under different company names but having common ownership may not be at said taxicab stand at the same time if two or more taxis of different ownership are present. Taxis using said stand must pull forward when space is available.

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 4 day of November, 1986, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

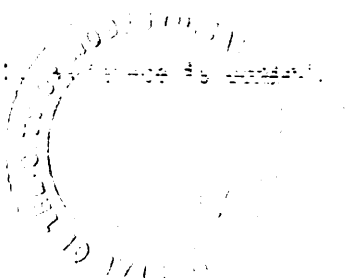
ATTEST:

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 12th day of November, 19 86, Councilmember Muratore 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 12, 1986

AN ORDINANCE AMENDING SECTION MAP 6-4-9 OF THE ZONING MAP TO REZONE P-D(341) AND P-D(375) TO R-1, PROPERTY LOCATED ON THE SOUTHEAST SIDE OF PARADISE ROAD, NORTH AND SOUTH OF PINE TREE LANE (RULE ENTERPRISES/CENTRAL VALLEY INVESTMENTS)

WHEREAS, the City Council, by Ordinance No. 2211-C.S., which was adopted on September 20, 1983, and which became effective on October 20, 1983, amended Section Map 6-4-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(341), to allow a 70-unit senior citizens housing development, property located on the southerly corner of Paradise Road and Pine Tree Lane, in the City of Modesto, and

WHEREAS, the Council, by Resolution No. 83-582, adopted on September 13, 1983, approved the development schedule for Planned Development Zone, P-D(341), and

WHEREAS, the City Council, by Ordinance No. 2332-C.S., which was adopted on May 21, 1985, and which became effective on June 20, 1985, amended Section Map 6-4-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(375), to allow a two-phase, two story apartment project, property located on the south side of Paradise Road, east and west of Pine Tree Lane, in the City of Modesto, and

WHEREAS, the Council, by Resolution No. 85-301, adopted on May 14, 1985, approved the development schedule for Planned Development Zone, P-D(375), and

WHEREAS, a verified application for an amendment to Section 6-4-9 of the Zoning Map was filed by Rule Enterprises/Central Valley Investments on September 8, 1986, to reclassify from Planned Development Zones, P-D(341) and P-D(375), to Low Density Residential Zone, R-1, property located on the

southeast side of Paradise Road, north and south of Pine Tree Lane, in the City of Modesto, and

WHEREAS, said amendment was set for a public hearing before the Planning Commission on October 13, 1986, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence, both oral and documentary, was received and considered, and

WHEREAS, at said hearing, after hearing evidence, both oral and documentary, the Planning Commission, by its Resolution No. 86-170, found and determined that rezoning Planning Development Zones, P-D(341) and P-D(375) to Low Density Residential Zone, R-1, was required by public necessity, convenience and general welfare for the following reasons:

1. The property has not developed with multiple family and elderly housing projects as approved in the P-D zones and will allow a single-family subdivision consistent with the current housing market.
2. The proposed R-1 subdivision development will be compatible with the existing uses on adjacent properties.

and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on November 12, 1986, at 7:30 p.m., at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. The Council finds and determines that Planned Development Zones, P-D(341) and P-D(375) should be rezoned to Low Density Residential Zone, R-1, for the reasons set forth in Planning Commission Resolution No. 86-170 and quoted above.

SECTION 2. ZONING CHANGE. Section 6-4-9 of the Zoning Map is hereby amended to rezone the following described property from Planned Development Zones, P-D(341) and P-D(375), to Low Density Residential Zone, R-1:

All that certain real property situate in a portion of the Northwest quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, described as follows:

Parcels "A" and "B" as shown on the map filed in Book 28 of Parcel Maps Page 41, Stanislaus County Records.

Including also the southeasterly one-half of Paradise Road lying adjacent to the above described property.

SECTION 3. ZONING MAP. Section 6-4-9 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 12th day of November, 1986, by Councilmember Sutton, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

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

By *William Prichard*  
Department of Planning and  
Community Development

**Ordinance 2461 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 November, 19 86, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Beggy Mensinger*  
MAYOR BEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

EFFECTIVE DATE: December 25, 1986

ORDINANCE NO. 2462 -C.S.

AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(410), PROPERTY LOCATED AT THE SOUTHWEST CORNER OF STANDIFORD AVENUE AND SHAWNEE DRIVE . (STANDIFORD PROPERTIES II)

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

SECTION 1. ZONING CHANGE. Section 7-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(410):

All that certain real property situate in a portion of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the Northeast corner of Lot 1 of Knapp Tract according to the Official Map thereof filed for record in Book 2 of Maps, at page 2, Stanislaus County Records, said point being the intersection of the centerlines of Standiford Avenue and Carver Road; thence North 88°16'03" West along the centerline of Standiford Avenue and the East-West quarter section line a distance of 1,199.04 feet to the true point of beginning of this description; thence South 1°43'57" West a distance of 85.00 feet to the point of tangency of a curve concave to the Northwest; thence southerly a distance of 236.12 feet along said curve having a radius of 300.00 feet and a central angle of 45°05'43" to the point of reverse curvature (radial line bears North 43°10'20" West); thence Southerly along a curve concave to the Southeast a distance of 420.91 feet, said curve having a radius of 515.00 feet and a central angle of 46°49'40"; thence South a distance of 33.75 feet; thence North 41°58'18" West a distance of 81.74 feet; thence North 41°15'18" West a distance of 430.85 feet; thence North 48°15'41" West a distance of 532.13 feet to a point on the centerline of original 40.00-foot wide Standiford Avenue; said point being on a curve concave to the North (radial line bears North 4°14'43" East); thence Easterly along said curve a distance of 212.63 feet, said curve having a radius of 4,980.00 feet and a central angle of 2°30'46"; thence South 88°16'03" East along said centerline a distance of 777.93 feet to the true point of beginning of this description.

SECTION 2. USES. The following uses shall be permitted in said P-D(410) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

Office Portion: All business and professional offices as noted in the P-O Zone Uses.

Apartment Portion: One and two-story apartments and parking as shown on the approved development plan.

SECTION 3. ZONING MAP. Section Map 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 18 day of November, 1986, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

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:

By William Prichard  
Department of Planning and  
Community Development

Ordinance 2462 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 November, 1986, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 25, 1986

ORDINANCE NO. 2463 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2301-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 2-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BENNETT AND COMPTON, INC.)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2301-C.S.. Section 2 of Ordinance No. 2301-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following use shall be permitted in said P-D(365) 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 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code.

Patio home subdivision."

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 December, 1986, by Councilmember Whiteside, 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: McGrath, Muratore, Patterson, Whiteside  
Mayor Pro Tem Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger

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 23rd day of December, 1986, 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

APPROVED Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 22, 1987

AN ORDINANCE REPEALING SECTIONS 9-2.13 AND 9-3.108 OF THE MODESTO MUNICIPAL CODE RELATING TO THE PLUMBING CODE AND ELECTRICAL CODE, RESPECTIVELY.

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

SECTION 1. REPEALS. Section 9-2.13 of Chapter 2 of Title IX and Section 9-3.108 of Chapter 3 of Title IX of the Modesto Municipal Code 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 9 day of December, 1986, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton & Mayor Mensinger


APPROVED:   
RICHARD A. LANG, Mayor Pro Tempore

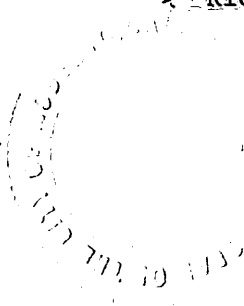
ATTEST:

By   
MORRINE 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 16th day of December, 1986, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, Muratore, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath, Patterson

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 15, 1987

ORDINANCE NO. 2465 -C.S.

AN ORDINANCE AMENDING SECTION MAP 32-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(411), PROPERTY LOCATED ON THE SOUTH SIDE OF SIERRA DRIVE AND ON THE EAST SIDE OF ROSEDALE AVENUE (BRETHREN COMMUNITY SERVICES)

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

SECTION 1. ZONING CHANGE. Section 32-3-9 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(411):

Portion of Southwest 1/4 Section 32, Township 3 South, Range 9 East, City of Modesto, Block 333, Lots 7, 8, 9, 10, 11, 12, 13, 14, and 15.

Including also all of the Eastern one-half of 60.00 foot wide Rosedale Avenue, Southern one-half of 60.00 foot wide Sierra Drive and Western one-half of 20.00 foot wide alleys all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(411) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 3 10-2.1709(a) or (b) of the Modesto Municipal Code:

Social Services Center including special education primary school, a partial-day mental health program for children, parent training, family counseling, and related mental health and education services, nutrition site - meals for seniors sponsored by S.O.S.P., adult day health care program, and other related day programs for older adults.

SECTION 3. ZONING MAP. Section Map 32-3-9 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 16 day of December, 1986, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

APPROVED:

  
PEGGY MENSINGER, Mayor

ATTEST:


  
By   
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 2465 C.S.  
Exhibit A – Map

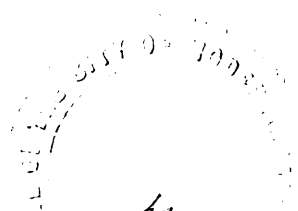
Oversized map folded and bound within Ordinance Book. Unable to  
remove safely for scanning.

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 23rd day of December, 19 86, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER



ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 22, 1987

ORDINANCE NO. 2466-C.S.

AN ORDINANCE AMENDING SECTION MAP 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JOSEPH SIMILE)

WHEREAS, a verified application for an amendment to Section 20-3-9 of the Zoning Map was filed by Joseph Simile on October 8, 1986, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on November 17, 1986, 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. 86-185, adopted on November 17, 1986, the Planning Commission recommended to the Council that the application of Joseph Simile to amend Section 20-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, 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 December 23, 1986, 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 of this property follows the principle of the General Plan Neighborhood Prototype and when developed will be consistent with adjacent multifamily projects.
2. The proposed R-2 zoning will provide for medium density development near commercial centers, schools, park sites, and major streets.

SECTION 2. ZONING CHANGE. Section 20-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

The real property in the City of Modesto, County of Stanislaus, State of California described as a portion of the Northwest quarter of Section 20, in Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the southwest corner of the Southwest quarter of the Northwest quarter of Section 20 in Township 3 South, Range 9 East; thence South  $88^{\circ}47'$  East and along the center line of original 40 foot wide County Road (Roseburg Avenue) a distance of 226 feet to the true point of beginning of this description; thence North  $0^{\circ}53'$  West 339.90 feet to the center line of a 20.00 foot wide alley; thence South  $88^{\circ}48'$  East along the center line of said alley a distance of 170 feet; thence leaving said center line South  $0^{\circ}52'$  East 159.75 feet, more or less; thence North  $88^{\circ}47'$  West 75.00 feet; thence South  $0^{\circ}53'$  East 170.00 feet to a point on the center line of aforementioned Roseburg Avenue; thence North  $88^{\circ}47'$  West along the center line of said road, 95.00 feet to the point of beginning.

SECTION 3. ZONING MAP. Section 20-3-9 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 23 day of December, 1986, 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, 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:

By Richard Smith  
Department of Planning and Community  
Development

**Ordinance 2466 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 6th day of January, 19 87, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 5, 1987

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. Section 3-2.1401 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code is 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 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 Sisk Road and Veneman Avenue	25 miles per hour

CORALWOOD ROAD, between McHenry Avenue and Dragoo Park Drive	35 miles per hour
CROWS LANDING, between 7th Street and Blankenburg Avenue; those portions within the City	35 miles per hour
CROWS LANDING, between School Avenue 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
DEL VALE AVENUE, between Del Vista Avenue and Glenwood 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, between Virginia Avenue and McHenry Avenue	25 miles per hour
HADDON AVENUE, between La Loma Avenue and Conejo Avenue	25 miles per hour
HASHEM DRIVE, between Sylvan Avenue and Oakdale Road	30 miles per hour
HATCH ROAD, within the City limits	35 miles per hour

JEFFERSON STREET, between Paradise Road and 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 Tioga Drive	25 miles per hour
LEVELAND LANE, between College Avenue and TSRR tracks	25 miles per hour
LINCOLN OAK DRIVE, between Merle Avenue and Floyd Avenue	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 Dougfir Drive	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
SNYDER AVENUE, between Blue Bird Drive and Dale Road	25 miles per hour
STODDARD AVENUE, between McHenry Avenue and Virginia Avenue	25 miles per hour
TIOGA DRIVE, between Conejo Avenue and Legion Park Drive	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, between 400' north of Tully Road and P Street	35 miles per hour
9TH STREET, between D Street and north end of the Tuolumne River Bridge	30 miles per hour
9TH STREET, on the Tuolumne River Bridge	40 miles per hour

SECTION 2. AMENDMENT OF CODE. Section 3-2.1401.1 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

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 of, and upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code and the Traffic Manual of the Department of Transportation, it is determined that the prima facie speed limits which follow would facilitate the orderly movement of vehicular traffic and would be reasonable and safe.

<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	December 5, 1984
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	November 15, 1982
BRIGGSMORE AVENUE, between Prescott Road and Tully Road	45 miles per hour	January 27, 1984
BRIGGSMORE AVENUE, (east and westbound) between Tully Road and McHenry Avenue	45 miles per hour	January 27, 1984
BRIGGSMORE AVENUE, (westbound) between Coffee Road and McHenry Avenue	45 miles per hour	January 27, 1984
BRIGGSMORE AVENUE, (east- bound) between McHenry Avenue and 1,000 feet west of Coffee Road	40 miles per hour	November 13, 1982
BRIGGSMORE AVENUE, (eastbound), between a point 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour	January 26, 1984
BRIGGSMORE AVENUE, between Coffee Road and Rose Avenue	45 miles per hour	January 26, 1984
BRIGGSMORE AVENUE, between Rose Avenue and Oakdale Road	45 miles per hour	January 26, 1984
BRIGGSMORE AVENUE, between Oakdale Road and Claus Road	50 miles per hour	January 26, 1984
BRIGHTON AVENUE, between Coffee Road and Locke Road	30 miles per hour	June 15, 1983
CARPENTER ROAD, between Blue Gum Avenue and Woodland Avenue within the City limits	45 miles per hour	February 8, 1984
CARPENTER ROAD, between Woodland Avenue and Maze Boulevard within the City limits	45 miles per hour	June 14, 1984

CARPENTER ROAD, between Maze Boulevard and Paradise Road within the City limits	45 miles per hour	January 26, 1984
CARVER ROAD, between M.I.D. Lateral No. 6 and Brixton Lane within the City limits	40 miles per hour	March 27, 1986
CARVER ROAD, between Brixton Lane and Roseburg Avenue	35 miles per hour	November 15, 1982
CARVER ROAD, between Roseburg Avenue and 9th Street	35 miles per hour	November 13, 1982
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	June 14, 1983
CLAUS ROAD, between M.I.D. Lateral No. 3 and 200' south of Scenic Drive	45 miles per hour	February 3, 1984
COFFEE ROAD, between Mable Avenue and Sylvan Avenue within the City limits	45 miles per hour	April 17, 1986
COFFEE ROAD, between Sylvan Avenue and Floyd Avenue within the City limits	35 miles per hour	January 26, 1984
COFFEE ROAD, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	January 26, 1984
COFFEE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	January 26, 1984
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	30 miles per hour	March 8, 1984
COLLEGE AVENUE, between Bowen Avenue and Princeton Avenue	35 miles per hour	November 20, 1982
CROWS LANDING ROAD, Blankenburg Avenue to School Avenue, within the City limits	35 miles per hour	June 22, 1983
DALE ROAD, between Pelandale Avenue and Snyder Avenue	50 miles per hour	May 29, 1984

DALE ROAD, between Snyder Avenue and Veneman Avenue	45 miles per hour	May 29, 1984
DALE ROAD, between Veneman Avenue and Standiford Avenue	35 miles per hour	January 26, 1984
EASTRIDGE DRIVE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	May 25, 1983
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	September 19, 1985
EL VISTA AVENUE, between Scenic Drive and Yosemite Boulevard	35 miles per hour	April 20, 1984
EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	35 miles per hour	June 14, 1983
ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	30 miles per hour	June 22, 1983
EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road	35 miles per hour	September 18, 1985
FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road	30 miles per hour	June 15, 1983
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	November 15, 1982
FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	June 14, 1983
FRANKLIN STREET, between Maze Boulevard and California Avenue	35 miles per hour	November 20, 1982
GRANGER AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	June 14, 1983
GRANGER AVENUE, between McHenry Avenue and Sunrise Avenue	30 miles per hour	June 14, 1983

KANSAS AVENUE, between Carpenter Road and Emerald Avenue within the City limits	40 miles per hour	March 19, 1986
KANSAS AVENUE, between Emerald Avenue and Eighth Street	35 miles per hour	January 26, 1984
KEARNEY AVENUE, between Glenwood Drive and Coldwell Avenue	30 miles per hour	September 18, 1985
KELLER STREET, between Sylvan Avenue and Rumble Road within the City limits	30 miles per hour	January 26, 1984
LA LOMA AVENUE, between H Street and Santa Ana Avenue	35 miles per hour	August 27, 1986
LA LOMA AVENUE, between Santa Ana Avenue and Yosemite Boulevard	35 miles per hour	August 27, 1986
LAKWOOD AVENUE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	September 15, 1983
LINCOLN AVENUE, between 650' north of M.I.D. Lateral No. 2 and Yosemite Boulevard	35 miles per hour	December 8, 1984
MABLE AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	September 19, 1985
MERLE AVENUE, between Oakdale Road and Claus Road	45 miles per hour	May 29, 1984
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	November 16, 1982
MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	November 20, 1982
MORRIS AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	November 16, 1982
MT. VERNON DRIVE, between Prescott Road and Carver Road	30 miles per hour	June 14, 1983

MT. VERNON DRIVE, between Carver Road and College Avenue	30 miles per hour	June 23, 1983
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	June 14, 1983
NEEDHAM STREET, between 9th and and L Streets	35 miles per hour	June 22, 1983
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	June 14, 1983
OAKDALE ROAD, between Mable Avenue and Sylvan Avenue	50 miles per hour	May 29, 1984
OAKDALE ROAD, between Sylvan Avenue and Floyd Avenue	50 miles per hour	June 15, 1984
OAKDALE ROAD, between Floyd Avenue and Briggsmore Avenue	45 miles per hour	December 8, 1984
OAKDALE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	January 26, 1984
ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	30 miles per hour	April 11, 1985
ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	40 miles per hour	April 3, 1985
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	40 miles per hour	April 2, 1985
ORANGEBURG AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	March 17, 1986
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	November 19, 1984
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	December 6, 1984
PARADISE ROAD, between Vernon Avenue and Franklin Street within the City limits	35 miles per hour	September 24, 1984

PARADISE ROAD, between Franklin Street and Washington Street	30 miles per hour	May 29, 1984
PRESCOTT ROAD, between Rumble Road and Briggsmore Avenue	35 miles per hour	January 26, 1984
PRINCETON AVENUE, between Tully Road and College Avenue	25 miles per hour	December 8, 1984
RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard	35 miles per hour	September 19, 1985
ROSE AVENUE, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	November 16, 1982
ROSE AVENUE, between Briggsmore Avenue and Scenic Drive	35 miles per hour	November 3, 1982
ROSEBURG AVENUE, between Carver Road and Tully Road	30 miles per hour	June 14, 1983
ROSEBURG AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	June 14, 1983
ROSEBURG AVENUE, between McHenry Avenue and Sunrise Avenue	35 miles per hour	June 14, 1983
ROSEMORE AVENUE, between Blue Gum Avenue and Kansas Avenue within the City limits	35 miles per hour	October 31, 1985
ROUSE AVENUE, between Neece Drive and Colorado Avenue within the City limits	35 miles per hour	September 16, 1982
RUMBLE ROAD, between Sisk Road and Conant Avenue	40 miles per hour	March 27-28, 1986
RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	June 14, 1983
RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	September 18, 1985
RUMBLE ROAD, between McHenry Avenue and Coffee Road	35 miles per hour	June 14, 1983

SANTA CRUZ AVENUE, between Yosemite Boulevard and Legion Park Drive within the City limits	35 miles per hour	October 9, 1985
SCENIC DRIVE, between Burney Street and Coffee Road	30 miles per hour	June 22, 1983
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	March 17, 1986
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	45 miles per hour	July 22, 1985
SCENIC DRIVE, between Lakewood Avenue and Lillian Drive	30 miles per hour	October 11, 1983
SCENIC DRIVE, Lillian Drive to Claus Road	40 miles per hour	November 3, 1982
SHARON WAY, between Budd Street and Prescott Road	30 miles per hour	June 7, 1983
SIERRA DRIVE, between G and South 7th Streets	30 miles per hour	June 14, 1983
SISK ROAD, between 600' north of Vintage Drive and Standiford Avenue	40 miles per hour	December 9, 1985
SISK ROAD, between Standiford Avenue and Briggsmore Avenue	40 miles per hour	March 28, 1986
SNYDER AVENUE, between Dale Road and Carver Road	50 miles per hour	August 29, 1985
STANDIFORD AVENUE, between Dale Road and Prescott Road within the City limits	40 miles per hour	December 8, 1984
STANDIFORD AVENUE, between Prescott Road and Carver Road	40 miles per hour	December 8, 1984
STANDIFORD AVENUE, between Carver Road and Tully Road	40 miles per hour	January 26, 1984
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	May 18, 1984

SUNRISE AVENUE, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	June 14, 1983
SUNRISE AVENUE, between Briggsmore Avenue and Lucern Avenue	30 miles per hour	December 8, 1984
SURREY AVENUE, between Oakdale Road and Eastridge Drive	30 miles per hour	December 6, 1984
SUTTER AVENUE, between Paradise Road and Robertson Road	30 miles per hour	November 1, 1982
SYCAMORE AVENUE, between Orangeburg Avenue and Griswold Avenue	30 miles per hour	March 9, 1984
SYLVAN AVENUE, between McHenry Avenue and Coffee Road	40 miles per hour	December 8, 1984
SYLVAN AVENUE, between Coffee Road and Oakdale Road within the City limits	40 miles per hour	December 8, 1984
TENAYA DRIVE, between Santa Rita Avenue and South Riverside Drive within the City limits	35 miles per hour	October 9, 1985
TULLY ROAD, between M.I.D. Lateral No. 6 and Standiford Avenue	40 miles per hour	June 14, 1983
TULLY ROAD, between Standiford Avenue and Coldwell Avenue	35 miles per hour	November 20, 1982
TUOLUMNE BOULEVARD, between Paradise Road and 7th Street	35 miles per hour	November 1, 1982
VENEMAN AVENUE, between Dale Road and Regency Park Drive	35 miles per hour	November 13, 1982
VIRGINIA AVENUE, between Roseburg Avenue and Needham Street	30 miles per hour	June 14, 1983

WHITMORE AVENUE, between Crows Landing Road and Morgan Road within the City limits	45 miles per hour	March 27, 1986
WOODLAND AVENUE, between Morse Road and Shasta Avenue, within the City limits	45 miles per hour	January 26, 1984
WOODLAND AVENUE, between Shasta Avenue and Carpenter Road, within the City limits	40 miles per hour	December 5, 1984
WOODLAND AVENUE, between Carpenter Road and 9th Street within the City limits	35 miles per hour	August 28, 1986
WOODROW AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	June 14, 1983
WYLIE DRIVE, between Rose Avenue and Oakdale Road	35 miles per hour	February 7, 1984
9TH STREET, between Carpenter Road and 400' north of Tully Road within the City limits	45 miles per hour	December 2, 1986
9TH STREET, between P Street and L Street	35 miles per hour	March 19, 1986

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 23 day of December, 1986, 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: Lang, McGrath, Muratore, Patterosn, Sutton, Whiteside, 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

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 January, 19 87, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 5, 1987

AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP TO REPEAL A PORTION OF P-D(134) AND REZONE TO R-1, PROPERTY LOCATED ON THE SOUTH SIDE OF EAST ORANGEBURG AVENUE EAST OF OAKDALE ROAD.

WHEREAS, the City Council, by Ordinance No. 1481-C.S., which became effective on December 10, 1975, amended Section Map 23-3-9 of the Zoning Map to rezone from R-1 to P-D(134), for a professional office complex on the southeast corner of East Orangeburg Avenue and Oakdale Road, and

WHEREAS, the City Council, by Ordinance No. 2009-C.S., which became effective February 19, 1981, amended Section 2 of Ordinance No. 1481-C.S. to read as follows:

"SEC. 2. USES. The following uses shall be permitted in said P-D(134) 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. Medical-Dental offices
2. Pharmacy
3. Veterinarian
4. Pharmaceutical laboratory
5. Florist
6. Hospital supply
7. Non-profit educational and scientific agencies
8. Accountants
9. Architects
10. Attorneys
11. Chiropractors
12. Optometrists
13. Chiropodists
14. Engineers
15. Real estate sales
16. Insurance sales
17. Surveyors
18. Stock brokers
19. One financial institution
20. Other uses of the same general character

A minimum of 104 off-street parking spaces."

and

WHEREAS, the City Council by Resolution No. 81-14 adopted on January 13, 1981, amended P-D(134) allowing a freestanding financial institution and revised business and professional office layout with the following revised development schedule:

Phase I, Parcel A - savings and loan and office building  
Start of construction by June 1, 1981  
Completion of construction by June 1, 1982

Phase II, Parcel B - professional office building  
Start of construction by June 1, 1981  
Completion of construction by June 1, 1982

and

WHEREAS, on November 3, 1986, by Resolution No. 86-181 the Planning Commission approved a revised development plan and time extension to the completion date for Phase I of P-D(134), and

WHEREAS, Phase II, the larger portion of P-D(134) expired on June 1, 1981, and the Planning Commission, on November 3, 1986, set a date for a public hearing to extend Phase II or to repeal the Phase II portion of P-D(134) and rezone to R-1, and

WHEREAS, a public hearing was held by the Planning Commission at its regular meeting on December 1, 1986, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution 86-193 found and determined that the repeal of a portion of Planned Development Zone, P-D(134), and rezoning the property back to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the following reasons:

1. Section 10-2.1710(c) of the Municipal Code calls for repeal or modification of expired P-D zones.

2. The Phase II portion of P-D(134) did not develop within the time limits of the revised development schedule.
3. Due to the time which has elapsed without sign of development, the Phase II portion of P-D(134) obviously no longer represents a real development proposal but rather has become a "holding zone".

and

WHEREAS, by Resolution No. 86-193, adopted December 1, 1986, the Planning Commission recommended to the Council that Section Map 23-3-9 of the Zoning Map be amended to repeal a portion of P-D(134) and rezone the property hereinafter described to Low Density Residential Zone, R-1, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 4:00 p.m. on January 6, 1987, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of a portion of Planned Development Zone, P-D(134), 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. 86-193, and quoted above.

SECTION 2. ZONING CHANGE. Section 23-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(134), to Low Density Residential Zone, R-1:

Portion of P-D(134) to R-1

Portion of Lot 11 as shown on the Map of O'McHenry Ranch filed in Book 2 of Maps at page 7, Stanislaus County Records, and located in the northwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

All of Parcel "B" according to the official parcel map filed in the office of the Recorder of Stanislaus County, California, on March 20, 1981, in Volume 31 of Parcel Maps, page 92.

Including also 4.00 feet located between the above described parcel and the centerline of the adjacent 20.00-foot wide alley and the southern one-half of 60.00-foot wide East Orangeburg Avenue also immediately adjacent to the above described parcel.

SECTION 3. ZONING MAP. Section 23-3-9 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 6th day of January, 1987, by Councilmember Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, 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 Stan T. Yamamoto  
STAN T. YAMAMOTO, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By Altham Pucias  
Department of Planning and Community Development

**Ordinance 2468 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 13th day of January, 19 87, Councilmember Whiteside 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:	Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

APPROVED Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 12, 1987

AN ORDINANCE AMENDING SECTION 4-1.404 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 4-1.410, 4-1.411, 4-1.412 AND 4-1.413 THERETO RELATING TO AFTER-HOURS PERMIT.

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

SECTION 1. AMENDMENT OF CODE. Section 4-1.404 of Chapter 1 of

Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-1.404. RULES AND REGULATIONS. It shall be unlawful to open, conduct, carry on, manage or operate a public dance or to dance in a public dance hall or ball room in violation of the following rules and regulations:

(a) Jitney Dances and Disorderly Conduct not Permitted. No immoral, obscene or disorderly dance or dances shall be permitted thereat, nor shall any known prostitute, pimp, vagrant or procurer be permitted to be and remain at a public dance. No slot machine, wheels of chance, gambling device or paraphernalia shall be permitted upon the premises where a public dance is being held.

The fee charged for admission to any public dance hall or ball room shall entitle the persons paying the same to participate in all dances or dancing exhibitions conducted thereat until two o'clock the next morning. No separate or individual fee shall be charged or collected for participation in any individual dance. No so-called jitney dances shall be allowed or permitted. The term "jitney dance" is defined to be a dance where a separate charge or fee is imposed and collected for single or individual dances. No dances shall be permitted where the owner, manager or proprietor of the dance hall or ball room undertakes to furnish or provide females for dancing partners or instructors.

Any member of the Police Department or other properly constituted authority shall be admitted free of charge to any public dance hall in the said City and they shall have the power and it shall be the duty of each of them to cause any dance hall to be vacated whenever any provisions of this article or of any other regulation or law concerning dance halls has been or is violated, or whenever any law of any character shall be violated; or whenever any indecent act shall be committed, or any vulgar dance indulged in, or whenever any disorder or conduct of a gross, violent or vulgar character

shall take place therein, or any known prostitute, pimp or procurer shall be found to be present in such place.

- (b) Posting Permit Required. Every person obtaining a permit under the provisions of this article shall place such permit in a conspicuous place in the place or premises named in such application for such permit, and shall show such permit whenever required to do so by any peace officer who may make demand at or in said place to see the same, and shall permit any peace officer to enter said place or premises at all times during the continuance of any dance, for which such permit may be granted.
- (c) Posting Article Required. A copy of Article 4 of this chapter shall be posted in a conspicuous place in such dance hall at all times during the holding of such dance therein, and during the period of two hours next preceding and two hours next succeeding the holding of any such dance.
- (d) Special Officers. The holder of the permit or some person designated in the application for the permit under which said dance is held, must at all times be present on the dance floor. In addition hereto the holders of the permit shall appoint a private security officer licensed by the State of California to act as a special security officer who shall be present at all times during the holding of such dances and whose duty it shall be to see that the provisions of this article relating to the conduct of such dances and the persons attending the same are complied with. The approval of the Chief of Police shall be obtained prior to the appointment of each such person as a special security officer. The Chief of Police shall have the power to withdraw approval in the event that any such special security officer is not performing the duties to the satisfaction of the Chief of Police.
- (e) Hours for Dancing. No dance establishment shall be open for business between the hours of two o'clock A.M. and nine o'clock A.M. next ensuing unless a current after-hours permit has been obtained.

SECTION 2. AMENDMENT OF CODE. Sections 4-1.410, 4-1.411, 4-1.412 and 4-1.413 are hereby added to Chapter 1 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-1.410. AFTER-HOURS PERMIT. An after-hours permittee may remain open between the hours of two o'clock A.M. and five o'clock A.M. for limited operation in which the sale and/or consumption of

alcohol is prohibited. The owner or operator of a public dance hall may apply to the Chief of Police for an after-hours permit. The Chief of Police shall thereupon investigate the premises and location thereof and if it is found that the past activities and location of the premises are such that public peace shall not be disturbed he may grant the after-hours permit. Such permit may be revoked by the Chief of Police or his designee upon any violation of the after-hours rules and regulations established pursuant to this Article.

SEC. 4-1.411. APPEALS PROCEDURE. If the Chief of Police denies the application for permit, the applicant has thirty (30) days thereafter may appeal in writing to the Council, which shall hear the matter. The Council shall either grant said permit or refuse the same if in its discretion it finds that the premises are not a proper place for said music or entertainment. If the Chief of Police revokes a permit, the same right of appeal shall be granted to the applicant after an administrative hearing by the Chief of Police or his designee.

SEC. 4-1.412. "AFTER HOURS" RULES AND REGULATIONS. The Chief of Police may adopt and from time to time may amend rules and regulations of conduct and operation for "after-hours" locations. The Chief of Police may print and deliver a copy of such rules and regulations to each applicant. The applicant will acknowledge by signature that he/she has read and will abide by such rules and regulations. Copies will be made available by the Police Department to any person who so requests.

SEC. 4-1.413. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

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. This ordinance shall remain operative only until December 31, 1987, and as of that date is repealed.

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 January, 1987, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

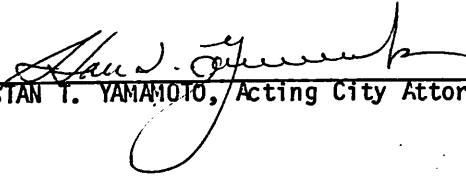
  
PEGGY MENSINGER, Mayor

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, Acting 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 January, 19 87, Councilmember Whiteside 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED

  
MAYOR PEGGY MENSINGER

ATTEST:

  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 12, 1987

AN ORDINANCE AMENDING SECTION 4-2.09 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO DRINKING IN PUBLIC.

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

SECTION 1: AMENDMENT OF CODE: Section 4-2.09 of Chapter 2 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-2.09. DRINKING IN PUBLIC.

No person shall drink and/or be in possession of an open container of any beer, wine, or other intoxicating beverage on any public street, sidewalk, alley, playground, or walkway. Nor shall any person drink and/or be in possession of an open container containing any intoxicating beverage on any private parking lot held open to the public except for intoxicating beverages dispensed or consumed on a private parking lot pursuant to a license issued for that purpose by the State of California. Nor shall any person drink and/or be in possession of an open container containing any intoxicating beverage on any public parking lot except those that directly abut a City park. This section shall not be deemed to make punishable any act or acts which are prohibited by any law of the State of California.

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 January, 1987, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, 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 *Stan T. Yamamoto*  
STAN T. YAMAMOTO, Acting 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 January, 19 87, Councilmember Whiteside 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Beggy Mensinger*  
MAYOR BEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 12, 1987

ORDINANCE NO. 2471 -C.S.

AN ORDINANCE ADDING CHAPTER 8 ENTITLED "CAMPAIGN REFORM" TO TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO ADMINISTRATION.

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

SECTION 1. AMENDMENT OF CODE. Chapter 8 entitled "Campaign Reform" is hereby added to Title II of the Modesto Municipal Code to read as follows:

CHAPTER 8 -- CAMPAIGN REFORM

SEC. 2-8.01. DECISION-MAKING PROHIBITION.

- (a) No member of the Council of the City of Modesto, shall make, participate in making or in any way attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know he/she has a financial interest. Whenever used in this chapter, the words "member of the Council" shall include the Mayor.
- (b) A member of the Council has a financial interest in a decision within the meaning of subsection (a) if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effects on the public generally, on a major campaign contributor to that member.
- (c) A major campaign contributor to a member of the Council, within the meaning of subsection (b), is a person or entity that has contributed One Thousand and no/100ths (\$1,000.00) Dollars or more in the aggregate over the past forty-eight (48) months (or since the effective date of this chapter, whichever is shorter) to that member of the Council or to a campaign committee controlled by that member. Contributions include monies, loans, debts incurred, property-in-kind, or things having a monetary value incurred or received by a candidate or his/her agent or other person on behalf of the candidate for use in advocating the election of the candidate.
- (d) In the case of contributions of One Thousand and no/100ths (\$1,000.00) Dollars or more that are made to a committee not controlled by a candidate for the City Council but which committee expends money in

support of a candidate for the City Council a portion of such contribution shall be deemed to have been made to the member or candidate in support of whom the committee expended money. The amount of such deemed contribution shall be determined by multiplying the contribution to the committee by that fraction obtained by dividing the total expenditures of the committee by the amount expended by the committee in support of the candidate. Whenever used in this chapter the words "candidate" or "candidate for Council" shall include any candidate for Mayor.

SEC. 2-8.02. DISCLOSURE.

- (a) In addition to any statements of campaign contributions and expenditures required by state law to be filed with the City Clerk, all candidates for the Council of the City of Modesto shall file with the City Clerk by 4 p.m. on the fifth day preceding the election of members of the Council a summary of contributions received and expenditures made for election in the current year up to 5 p.m. of the seventh day preceding election day. Said summary shall include the names of all contributors from whom contributions in excess of Ninety-nine and no/100ths (\$99.00) Dollars were received at or before 5 p.m. of the seventh day preceding election day. For purposes of the summary, contributions shall include the items listed in subsection (c) of Section 2-8.01 of this code. In addition to listing such contributions, said summary shall also include a list of all unpaid financial obligations incurred by the candidate in the course of the campaign for election to the Council in that calendar year. Unpaid financial obligations shall include material and work ordered by the candidate for the campaign for election, or by his/her committee but not yet paid for and loans taken out by the candidate or his/her committee for purpose of funding the campaign for election.
- (b) By 4 p.m. of the fourth day preceding the election of members of the Council, the Clerk shall prepare an alphabetical list by donor and recipient of all campaign contributions exceeding Ninety-nine and no/100ths (\$99.00) Dollars. Said list shall be made available by the City Clerk to the media and members of the public.

SEC. 2-8.03.      LIMITATIONS ON CONTRIBUTIONS IN THE WEEK  
PRECEDING ELECTION.

No candidate for the Council of the City of Modesto or his or her campaign committee shall accept any contribution which exceeds Ninety-nine and no/100ths (\$99.00) Dollars between 5 p.m. of the seventh day preceding election of members of the Council and such time as all votes in the election have been tabulated and the winner(s) officially declared by the City Council.

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 20 day of January, 1987, by Councilmember Mensinger, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

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

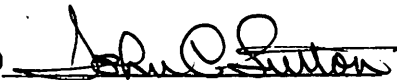
FINAL ADOPTION CLAUSE

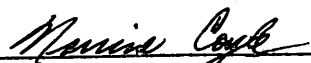
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of January, 19 87, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED   
ACTING MAYOR JOHN SUTTON

ATTEST:   
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 26, 1987

ORDINANCE NO. 2472 -C.S.

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(346), PROPERTY LOCATED ON THE NORTHEAST CORNER OF HAHN DRIVE AND RUMBLE ROAD (ROBERT F. MILLER)

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 Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(346):

All that real property situated in the Southwest quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian in the City of Modesto, County of Stanislaus, State of California. More particularly described as follows:

All of Parcel "B" as shown on the parcel map filed in the office of the Recorder of Stanislaus County, California, on February 29, 1984, in Volume 35 of parcel maps, Page 2.

Including also the north one-half of Rumble Road, East one-half of Hahn Drive, South one-half of English Oaks Drive and all immediately adjacent to the above described parcel.

SECTION 2. USES. The following uses shall be permitted in said P-D(346) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Convalescent hospital.
2. Off-street parking as shown on the approved plan.

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.

Ordinance 2472 C.S.  
Exhibit A – Map

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20 day of January, 1987, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

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

By *Altham Richards*  
Department of Planning and  
Community Development

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 January, 1987, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Whiteside, Acting Mayor Sutton
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Mayor Mensinger

APPROVED   
ACTING MAYOR JOHN SUTTON

ATTEST:   
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 26, 1987

ORDINANCE NO. 2473-C.S.

AN ORDINANCE GRANTING TO ORANGE LINE SANITATION COMPANY, 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 Orange Line Sanitation Company, 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 retroactively on January 1, 1987. 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. In addition to the information required by Chapter 5 of Title V of the Modesto Municipal Code, such an application shall also include a financial analyses, in a form acceptable to the City's Director of Finance, and prepared by an independent Certified Public Accountant. The initial term of this license, or any extensions thereof, may be terminated under the provisions of this ordinance or the provision 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 area delineated and marked as Area D 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 area 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 area, 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 area or portion thereof to continue to serve such area 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 City may require that all or some of said garbage service charges shall be billed and collected by the City, and for the Licensee to pay to the City fees, to be determined by the City, 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 Utility Services 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 Utility Services shall make an investigation and determination, and the decision of the Director of Utility Services 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 Utility

Services. Upon approval of the proposed routes by the Director of Utility Services, 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 Utility Services 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 Utility Services 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 Utility Services 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 Utility Services.

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 Utility Services 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 area with printed information cards approved by the Director of Utility Services containing information regarding amounts of garbage which will be collected, complaint procedures, charges, regulations and days of collection. Such cards shall be distributed as required by the Director of Utility Services, 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 Utility Services, 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 Utility Services 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 Utility Services, 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 Utility Services 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 Utility Services 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, national origin, sex, or handicap.

Licensee agrees, that it will undertake an affirmative action program to ensure that no person shall on the grounds of race, creed, color, national origin, sex, or handicap be excluded from participating in any employment activities.

Licensee agrees to take specific affirmative actions to ensure equal employment opportunity. Licensee shall fully document these efforts and shall submit to City on or before January 31st of each year a report detailing the affirmative actions Licensee has taken during the prior calendar year.

Licensee agrees to ensure and maintain a working environment free of harassment, intimidation, and coercion at all job locations, and in all facilities at which the Licensee's employees are assigned to work.

Licensee shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Licensee's obligation to maintain such a working environment with specific attention to minority or female individuals at such work locations or in such facilities.

Licensee shall ensure that seniority practices, job classifications, work assignments and other personnel practices, including employment reduction actions, do not have a discriminatory effect by continually monitoring all personnel and employment-related activities to ensure that the equal employment opportunity actions required by this License are being carried out.

In the event of breach of any of the above nondiscrimination, equal opportunity and affirmative action covenants, the Council of the City of Modesto shall have the right to revoke this license in accordance with the provisions of Section 5-5.31 of the Modesto Municipal Code.

**SECTION 3. SUPERSEDES AND REPEALS.** The license to collect garbage granted by this ordinance supercedes and repeals all previous licenses to collect garbage granted by the City of Modesto to Orange Line Sanitation Company, Inc.

**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; 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 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 10 day of February, 1987, by Councilmember Whiteside who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and order printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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 17th day of February, 1987, Councilmember Muratore 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: Lang, McGrath, Muratore, Patterson, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED Reggy Mensinger  
MAYOR REGGY MENSINGER

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 19, 1987

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

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Tony Stonich on December 15, 1986, to reclassify from Medium Density Residential Zone, R-2, to Professional Office Zone, P-0, the hereinafter described property, and

WHEREAS, after public hearing held on January 20, 1987, 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. 87-13, adopted on January 20, 1987, the Planning Commission recommended to the Council that the application of Tony Stonich to amend Section 7-3-9 of the Zoning Map to reclassify the hereinafter described property from Medium Density Residential Zone, R-2, to Professional Office Zone, P-0, 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 February 17, 1987, 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 P-0 zoning will be compatible with other office uses approved on the south side of Standiford Avenue opposite this property.
2. P-0 plot plan review of this property will assure a degree of compatibility with adjacent uses and allow control of off-street parking design and access to Standiford Avenue. Whereas, the present zoning will allow cars to back directly onto Standiford Avenue.

SECTION 2. ZONING CHANGE. Section 7-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, to Professional Office Zone, P-0:

All that certain real property situate in a portion of the northwest quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the southwest corner of Lot 15, Block 13358 as shown on subdivision map of Carver Village recorded in Volume 25 of Maps at Page 17, Stanislaus County Records on September 17, 1974; thence along the west boundary of said Carver Village north  $0^{\circ}42'30''$  east, 105.00 feet; thence south  $89^{\circ}17'30''$  west, 66.00 feet; thence south  $0^{\circ}42'30''$  east 102.95 feet to the north line of 100.00 foot wide Standiford Avenue; thence along said north line, south  $88^{\circ}55'35''$  east, 66.03 feet to the point of beginning.

Including also all of the northern 30.00 feet of Standiford Avenue immediately adjacent to the above described property.

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 17 day of February, 1987, by Councilmember Whiteside, 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, 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:

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

Ordinance 2474 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 24th day of February, 19 87, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 26, 1987

AN ORDINANCE AMENDING SECTION MAP 33-3-9 OF THE ZONING MAP TO REZONE FROM LIGHT INDUSTRIAL ZONE, M-1, TO PLANNED DEVELOPMENT ZONE, P-D(412), PROPERTY LOCATED ON THE SOUTH CORNER OF 9TH AND B STREETS (KEN MUSTOE - RECYCLING CENTER)

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(412):

Block U City of Modesto

Including also the northern 40.00 feet of Morton Boulevard, the southeastern 40.00 feet of "B" Street and the southwestern 40.00 feet of 9th Street and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(412) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. All permitted and conditional uses allowed in the M-1 zone
2. recycling center

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 24 day of February, 1987, by Councilmember McGrath, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Sutton,  
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Whiteside

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:

By Altham Swinda  
Department of Planning and  
Community Development

Ordinance 2475 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 10th day of March, 19 87, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED John Sutton  
ACTING MAYOR JOHN SUTTON

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 9, 1987

ORDINANCE NO. 2476-C.S.

AN ORDINANCE AMENDING SECTION MAP 3-3-8 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO HIGHWAY COMMERCIAL ZONE, C-3, PROPERTY LOCATED ON THE SOUTH SIDE OF PELANDALE AVENUE BETWEEN SISK ROAD AND THE FREEWAY 99 OFF-RAMP. (STANDIFORD PROPERTIES II)

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

SECTION 1. ZONING CHANGE. Section 3-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Highway Commercial Zone, C-3:

Beginning at a point on the North line of PELANDALE AVENUE (a county road 40 feet in width), said point being 19.30 feet North and 89.79 feet West of the Northeast corner of the Southeast quarter of the Southeast quarter of Section 3, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, said corner being marked by a nail in pavement and having coordinates  $Y=437,465.07$  feet and  $X=1,835,888.72$  feet, thence South  $0^{\circ}26'57''$  East, 50.00 feet; thence South  $42^{\circ}26'25''$  West, 72.26 feet; thence from a tangent that bears South  $1^{\circ}12'48''$  East, along a curve to the right, having a radius of 630 feet, through an angle of  $17^{\circ}45'45''$  an arc distance of 195.31 feet; thence North  $73^{\circ}27'03''$  West, 60.00 feet to the TRUE POINT OF BEGINNING; thence from a tangent that bears South  $16^{\circ}32'57''$  West, along a curve to the left, having a radius of 830 feet, through an angle of  $16^{\circ}02'32''$ , an arc distance of 232.39 feet; thence North  $89^{\circ}29'35''$  West, 56.31 feet; thence from a tangent that bears North  $10^{\circ}38'59''$  West, along a curve to the right, having a radius of 1,335 feet, through an angle of  $8^{\circ}56'48''$ , an arc distance of 208.46 feet; thence North  $1^{\circ}42'11''$  West, 184.55 feet; thence North  $42^{\circ}38'43''$  East, 60.43 feet; thence North  $89^{\circ}33'03''$  East, 60.00 feet; thence South  $26^{\circ}22'43''$  East, 90.30 feet; thence from a tangent that bears South  $3^{\circ}33'44''$  West, along a curve to the right, having a radius of 570 feet, through an angle of  $12^{\circ}59'17''$  an arc distance of 129.21 feet to the TRUE POINT OF BEGINNING.

SECTION 2. ZONING MAP. Section Map 3-3-8 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 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 24th day of February, 1987, 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: Lang, McGrath, Muratore, Sutton, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Whiteside

APPROVED: *Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *E. L. Johnson*  
ELLYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William J. ...*  
Department of Planning and  
Community Development

Ordinance 2476 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 17th day of March, 1987, Councilmember Lang 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED Reggy Mensinger  
MAYOR REGGY MENSINGER

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 16, 1987

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 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 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 24 day of February, 1987, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

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



PLEASE DO NOT SIGN "EXHIBIT ONLY"

BETWEEN THE  
BOARD OF ADMINISTRATION  
OF THE  
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 effective August 1, 1946, and witnessed July 24, 1946, and as amended effective December 1, 1950, July 1, 1956, July 1, 1959, November 1, 1959, January 1, 1960, October 1, 1962, January 1, 1969, May 1, 1973, May 1, 1974, June 24, 1975, March 28, 1978, July 4, 1978, November 1, 1980, October 20, 1981, June 29, 1982, October 15, 1985, and June 24, 1986, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 12 are hereby stricken from said contract as executed effective June 24, 1986, 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 members and age 50 for local safety members.
  2. Public Agency shall participate in the Public Employees' Retirement System from and after August 1, 1946 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
  3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
    - a. Local Fire Fighters (herein referred to as local safety members);
    - b. Local Police Officers (herein referred to as local safety members);
    - c. Employees other than local safety members (herein referred to as local miscellaneous members).
  4. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

Assets heretofore accumulated with respect to members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred representing the accumulated contributions (plus interest thereof) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.

6. The fraction of final compensation to be provided for local miscellaneous members for each year of credited prior and current service shall be determined in accordance with Section 21251.13, subject to the reduction provided therein for service on and after January 1, 1956 and prior to June 30, 1978 for members whose service has been included in Federal Social Security (2% at age 60 Full and Modified).
7. The fraction of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21252.01 of said Retirement Law (2% at age 50 Full).
8. The following additional provisions of the Public Employees' Retirement Law, which apply only upon election of a contracting agency, shall apply to the Public Agency and its employees:
- a. Section 21222.1 (Special 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
  - b. Section 21222.2 (Special 5% Increase - 1971). Legislation repealed said Section effective January 1, 1979.
  - c. Section 21222.6 (Special 15% Increase for Local Miscellaneous Members).
  - d. Sections 21380 - 21387 (1959 Survivor Program) excluding Section 21382.2 (Increased 1959 Survivor Benefits) and Section 21282.4 (Third Level of 1959 Survivor Benefits) for local safety members.
  - e. Sections 21380 - 21387 (1959 Survivor Program) including Section 21382.2 (Increased 1959 Survivor Benefits) for local miscellaneous members.
  - f. Section 20024.2 (One-Year Final Compensation) for local miscellaneous members hired prior to October 20, 1981.
  - g. Section 21298 (Increased Non-Industrial Disability Allowance) for those local miscellaneous members who retired on non-industrial disability after June 14, 1975.
  - h. Sections 21263, 21263.1 and 21263.3 (Post-Retirement Survivor Allowance) for local safety members and for local miscellaneous members hired prior to October 20, 1981.

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~~Section 21222.72 (Special 3% - 1% increase) for or on behalf of those local miscellaneous and those local safety members who retired or died prior to January 1, 1974.~~

- j. Section 20461.6 (Reduction of Benefits), applied to Sections 20024.2, 21263, 21263.1 and 21263.3 for local miscellaneous members hired on or after October 20, 1981.
  - k. Section 21222.72 (One-time 4% Increase) for or on behalf of those local miscellaneous and those local safety members who retired or died prior to January 1, 1981.
  - l. Section 21222.4 (Special 15% Increase for Local Safety Members).
9. Public Agency, in accordance with Government Code Section 20740, ceased to be an "employer" for purposes of Section 20759 effective on March 28, 1978. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20759, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20759.
10. Public Agency shall contribute to said Retirement System as follows:
- a. With respect to local miscellaneous members, the agency shall contribute the following percentages of salaries earned as members of said Retirement System:
    - (1) 0.439 percent until June 30, 2000 on account of the liability for prior service benefits. (Subject to annual change.)
    - (2) 12.378 percent until June 30, 2000 on account of the liability for current service benefits. (Subject to annual change.)
    - (3) 0.057 percent until June 30, 2000 on account of the liability for the 1959 Survivor Program. (Subject to annual change.)
    - (4) 0.143 percent until June 30, 1995 on account of the liability for the benefits provided under Section 21222.85 of said Retirement Law. (Subject to annual change.)
    - (5) 0.122 percent until June 30, 2000 on account of the liability for the benefit provided under Section 21222.72 of said Retirement Law. (Subject to annual change.)

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- b. with respect to local safety members, the agency shall contribute the following percentages of salaries earned as members of said Retirement System:
- (1) 0.063 percent until June 30, 2000 on account of the liability for prior service benefits. (Subject to annual change.)
  - (2) 22.657 percent until June 30, 2000 on account of the liability for current service benefits. (Subject to annual change.)
  - (3) 0.163 percent until June 30, 2000 on account of the liability for the benefits provided under Section 21222.4 of said Retirement Law. (Subject to annual change.)
  - (4) 0.163 percent until June 30, 1995 on account of the liability for the benefits provided under Section 21222.85 of said Retirement Law. (Subject to annual change.)
  - (5) 0.139 percent until June 30, 2000 on account of the liability for the benefits provided under Section 21222.72 of said Retirement Law. (Subject to annual change.)
- c. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
- 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 periodic investigation and valuations required by law.
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.

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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. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
OF THE  
CITY OF MODESTO

BY \_\_\_\_\_  
SANDRA C. LUND  
ASSISTANT EXECUTIVE OFFICER  
BENEFIT SERVICES

BY \_\_\_\_\_  
Presiding Officer

Witness Date \_\_\_\_\_

Attest \_\_\_\_\_

Clerk \_\_\_\_\_

PERS-CON-702 (AMENDMENT)  
(Rev. 9/86)

PLEASE DO NOT SIGN EXHIBIT ONLY

FINAL ADOPTION CLAUSE

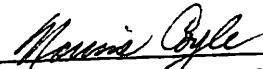
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of March, 19 87, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED

  
ACTING MAYOR JOHN SUTTON

ATTEST:

  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 9, 1987

ORDINANCE NO. 2478 -C.S.

AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE P-D(316), AS AN ADDITION TO P-D(316), PROPERTY LOCATED ON THE SOUTH SIDE OF STANDIFORD AVENUE EAST OF CARVER ROAD. (HISCHIER NURSERY)

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

SECTION 1. ZONING CHANGE. Section 7-3-9 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(316), as an addition to P-D(316):

R-1 to P-D(316)

All that certain real property situate in a portion of the southeast quarter of Section 7 South, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

The west 131.75 feet of the north 270.00 feet of the east 751.75 feet of the north 1/2 of the northwest 1/4 of the southeast 1/4 of said Section 7.

SECTION 2. USES. The following uses shall be permitted in said P-D(316) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

All C-1 Neighborhood Commercial Zone uses except that no restaurant or any other type of eating or drinking establishments are allowed.

SECTION 3. ZONING MAP. Section Map 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 10th day of March, 1987, 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: Lang, McGrath, Muratore, Patterson, Sutton

NOES: Councilmembers: None

ABSENT: Councilmembers: Whiteside, Mayor Mensinger

APPROVED: John O. Sutton  
JOHN SUTTON, Acting 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:

By Greg J. Owen  
Department of Planning and  
Community Development

Ordinance 2478 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 17th day of March, 19 87, Councilmember Lang 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Beggy Mensinger*  
MAYOR BEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 16, 1987

ORDINANCE NO. 2479 -C.S.

AN ORDINANCE AMENDING SECTION 10-2.508 OF ARTICLE 5 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AMENDING SECTION 10-2.606 OF ARTICLE 6 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AND AMENDING ARTICLE 27 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO DEVELOPMENT PLAN APPROVAL FOR SECOND-STORY DWELLING ADDITIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.508 of Article 5 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.508. HEIGHT.

No structure shall exceed two (2) stories or thirty feet (30') whichever is the lesser height, and no wall or fence shall exceed eight feet (8') except when permitted by a conditional use permit.

No second story addition or alteration to the exterior portions of an existing dwelling or accessory building shall be made except based on a plot plan approved by the Director or designee in accordance with Article 27. In conducting the plan review, the Director shall consider:

- (a) The relationship of second-story windows, doors, exterior stairways, exterior balconies, sundecks, etc. with the privacy of the neighbors.
- (b) The relationship of building mass with the neighbors' views and use and enjoyment of their yards.
- (c) The relationship of building mass with the neighbors' accessories such as solar collectors and satellite antennas.

SECTION 2. AMENDMENT OF CODE. Section 10-2.606 of Article 6 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.606. HEIGHT.

No structure shall exceed two (2) stories or thirty-five (35) feet whichever is the lesser height, and no wall or fence shall exceed eight (8) feet, except when permitted by a conditional use permit.

On property containing four (4) units or less, no second story addition or alteration to the exterior portions of an existing dwelling or to an accessory building shall be made on lots which adjoin the R-1 zone except when plot plans are approved by the Director or designee in accordance with Article 27. In conducting the plan review, the Director shall consider:

- (a) The relationship of second-story windows, doors, exterior stairways, exterior balconies, sundecks, etc. with the privacy of the neighbors.
- (b) The relationship of building mass with the neighbors' views and use and enjoyment of their yards.
- (c) The relationship of building mass with the neighbors' accessories such as solar collectors and satellite antennas.

SECTION 3. AMENDMENT OF CODE. Article 27 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 27. PLOT PLAN APPROVAL

SEC. 10-2.2701. PURPOSE AND INTENT.

Where provisions of this Chapter require plot plan approval by the Board, Commission, or Director, the requirements and procedures of this Article shall apply.

SEC. 10-2.2702. APPLICABILITY.

The following 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.

SEC. 10-2.2703. APPLICATIONS.

- (a) A complete application for plot plan approval shall contain at a minimum:
- (1) An application form as prescribed by the Director.
  - (2) A development plan and any elevations, perspectives or floor plans as determined by the Director necessary for project evaluation.
  - (3) Any other information as the Board, Commission, or Director may require for project evaluation.
  - (4) A filing fee as established by the Council.
- (b) All plans, elevations, perspectives or floor plans shall conform to plot plan standards as published by the Director.

SEC. 10-2.2704. REVIEW PROCEDURE.

- (a) Upon the filing of a complete application for plot plan review, the Secretary shall set a date for consideration by the Board, Commission, or Director. The date shall be not less than ten (10) nor more than fifty (50) days after the filing date.

- (b) No more than twenty (20) days after the closing of consideration the Board, Commission, or Director shall announce findings and decisions, the Board and Commission by resolution, the Director by an administrative decision. The resolution or administrative decision shall state the reasons the Commission's, Board's, or Director's action is necessary to carry out the purpose of this Chapter as well as any conditions of approval. A copy of the resolution or administrative decision shall be mailed to the applicant.
- (c) A Board or Commission resolution shall be final and effective fifteen (15) days after date of adoption unless the decision is appealed to the Council within the fifteen (15) day period. Filing of an appeal shall stay the effective date of the Board's or Commission's decision until the Council has acted on the appeal. Appeals shall be filed and considered by the Council in accordance with Sec. 1-4.01 et seq. of the Municipal Code.
- (d) An administrative decision of the Director shall be final and effective fifteen (15) days after date of approval or denial unless the decision is appealed to the Board of Zoning Adjustment within the fifteen-day period. Filing of an appeal shall stay the effective date of the Director's administrative decision until the Board has acted on the appeal. Appeals shall be filed and considered by the Board in accordance with Article 28 of Chapter 2 of Title X of the Modesto Municipal Code.

#### SEC. 10-2.2705. CONDITIONS OF APPROVAL.

In granting plot plan approval the Director, Board, Commission, or Council may impose conditions deemed necessary or desirable to maintain neighborhood compatibility and to protect the public health, safety or welfare.

SEC. 10-2.2706. BOARD REVIEW OF RESIDENTIAL PLOT PLANS.

Notwithstanding any provisions of this Chapter to the contrary, where a residential project requires both plot plan review by the Commission and a variance from the Board, the Board shall review and either approve or deny both the plot plan and variance requests in accordance with all other applicable procedures. Where any form of plot plan review is required by either the Board or Commission, plot plan approval shall not be required by the Director.

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 10 day of March, 1987, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: John P. Sutton  
JOHN SUTTON, ACTING 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 17th day of March, 1987, Councilmember Lang 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 16, 1987