

ORDINANCE NO. 2501 -C.S.

AN ORDINANCE AMENDING SECTIONS 2-3.901 AND 2-3.902 OF CHAPTER 3 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO OFFICE OF MANAGEMENT SERVICES.

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

SECTION 1. AMENDMENT OF CODE. Sections 2-3.901 and 2-3.902 of Chapter 3 of Title II of the Modesto Municipal are hereby amended to read as follows:

SEC. 2-3.901. REFERENCE TO OFFICE OF MANAGEMENT SERVICES.

Whenever this code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the names Office of Management Services, Department of Management Services or Management Services Department, they shall be deemed to refer to either the Office of the City Manager or such other department or office of the City of Modesto as may be designated in writing from time to time by the City Manager.

SEC. 2-3.902. REFERENCE TO DIRECTOR OF MANAGEMENT SERVICES.

Whenever this code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the names Director of Management Services or Management Services Director, they shall be deemed to refer to either the City Manager or such other officer or employee of the City of Modesto as may be designated in writing from time to time by the City Manager.

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 21 day of April, 1987, by Councilmember Lang, who moved its adoption 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 Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2501- 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 28th day of April, 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: May 28, 1987

2016

ORDINANCE NO. 2502 -C.S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(413), PROPERTY LOCATED ON THE NORTH SIDE OF EAST ORANGEBURG AVENUE BETWEEN COLLIER AVENUE AND TROMBETTA AVENUE (DR. FRED MANTZ)

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

SECTION 1. ZONING CHANGE. Section 21-3-9 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(413):

ALL that portion of Lots 9 and 10 of the COOLIDGE COLONY as shown on the map filed in Volume 5 of Maps at Page 17, Stanislaus County Records described as follows:

Beginning at the southeast corner of said Lot 9; thence westerly along the south line of said Lot 9, also being the centerline of Orangeburg Avenue, an 80.00' wide public street a distance of 133.0 feet; thence northerly along a line parallel to and 133.00 feet distant from the east line of said Lot 9 a distance of 330.0 feet; thence easterly along a line parallel to said south line of said Lot 9 and Lot 10 of the Coolidge Colony a distance of 225.00 feet; thence southerly along a line that is parallel to and 92.00 feet distant from the west line of said Lot 10 a distance of 330.00 feet to the south line of said Lot 10 and the centerline of Orangeburg Avenue; thence westerly along said south line of Lot 10 and the centerline of Orangeburg Avenue a distance of 92.0 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(413) 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. Medical/Professional office complex including P-0 Zone uses.
2. Off-street parking as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 21-3-9 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 28 day of April, 1987, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, 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, City Attorney

APPROVED AS TO DESCRIPTION:

By George Oam
Department of Planning and
Community Development

Ord. No. 2502-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 5th day of May, 19 87, 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, 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: June 4, 1987

Clark

ORDINANCE NO. 2503 -C.S.

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, AND GENERAL COMMERCIAL ZONE, C-2, TO PLANNED DEVELOPMENT ZONE, P-D(417), PROPERTY LOCATED BETWEEN H AND I STREETS AND BETWEEN 17TH AND 19TH STREETS (WESTAR ASSOCIATES)

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

SECTION 1. ZONING CHANGE. Section 28-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, and General Commercial Zone, C-2, to Planned Development Zone, P-D(417):

R-3 to P-D; C-2 to P-D

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

R-3 Portion to P-D

City of Modesto Blocks 130 and 132.

Excepting therefrom all of the Southeastern 100.00 feet of said Block 130 and all of the Southeastern 150.00 feet of Block 132.

Including the Southeastern 50.00 feet of "I" Street, Northeastern 40.00 feet of "17th" Street, Southwestern 40.00 feet of "19th" Street, and South 40.00 feet of Downey Avenue and all immediately adjacent to the above described portions of Block 130 and 132.

C-2 Portion to P-D

All of the Southeastern 100.00 feet of City of Modesto Block 130 and all of the Southeastern 150.00 feet of City of Modesto Block 132.

Including the Northeastern 40.00 feet of "17th" Street, Southwestern 40.00 feet of "19th" Street, and the Northwestern 40.00 feet of "H" Street and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(417) 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. Supermarket as anchor tenant, all other uses as allowed in the C-2 Zone.
2. Off-street parking as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 28-3-9 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 28 day of April, 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:

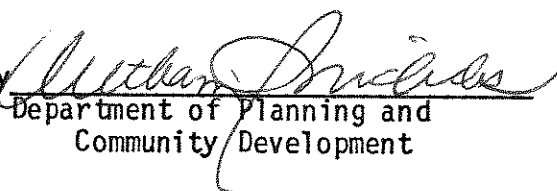
By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ord. No. 2503-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 5th day of May, 19 87, 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, 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: June 4, 1987

ORDINANCE NO. 2504 -C.S.

AN ORDINANCE AMENDING SECTION 4-2.08 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAKEOFF OR LANDING OF AIRCRAFT AT OTHER THAN ESTABLISHED AIRPORTS PROHIBITED.

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

SECTION 1. AMENDMENT OF CODE. Section 4-2.08 of Chapter 2 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-2.08. TAKEOFF OR LANDING OF AIRCRAFT AT OTHER THAN ESTABLISHED AIRPORTS PROHIBITED.

No person shall takeoff or land any aircraft within the City limits except upon a regularly established airport field or landing place unless that person has special permission of the Chief of Police or the Airport Manager to land elsewhere or that person is on an emergency or rescue mission. The terms "emergency" and "rescue mission," as used in this section, shall mean situations in which human life is threatened. The term "regularly established airport field or landing place" shall mean only those sites for landing or takeoff of aircraft which are so designated pursuant to the provisions of Title X of this code. The term "aircraft" includes any airplane, helicopter, ultralight vehicle, glider, balloon, parachute or other contrivance now known or hereinafter invented, used or designed for navigation of or flight in the air. The term to "land" includes loading or unloading person(s) and/or cargo between an airborne aircraft and the ground or a structure or other object located on the ground, and also includes the touching of any part of an aircraft upon the ground or upon a structure or other object located on the ground.

This section shall not prohibit the takeoff or landing of a helicopter at a construction site for the purpose of handling building materials or equipment during construction activities, provided that written permission for such takeoff or landing is first obtained from the Airport Manager. Each applicant for such permission shall provide the Airport Manager with a written statement specifying what kind of operation is planned, including the location and the type of work to be performed. In determining whether to grant permission for the operation, the Airport Manager shall consider weather conditions, the existence of obstructions in approach and departure paths, the proximity of the construction site to schools and other centers of activity, and any other factors necessary to determine that the operation can be conducted safely. If written permission for the operation is granted, the applicant

shall provide the Airport Manager with twenty-four (24) hours' notification prior to commencing the operation.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4 day of May, 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 Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2504-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of May, 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 Peggy Mensinger
MAYOR PEGGY MENSINGER

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

EFFECTIVE DATE: June 11, 1987

Hok
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ORDINANCE NO. 2505 -C.S.

AN ORDINANCE AMENDING SECTION MAP 25-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JOAQUIN CONSTRUCTION)

WHEREAS, the City Council, by Ordinance No. 2294-C.S., effective on November 12, 1984, rezoned from Highway Frontage Zone, H-1, and Professional Office Zone, P-0, to Planned Development Zone, P-D(360), property located on the northeast corner of Yosemite Boulevard and Lincoln Avenue, to allow a two-story apartment complex, and

WHEREAS, a verified application for an amendment to Section 25-3-9 of the Zoning Map was filed by Joaquin Construction on February 9, 1987, to rezone from P-D(360), to Low Density Residential Zone, R-1, and Highway Commercial Zone, C-3, property located at the northeast corner of Yosemite Boulevard and Lincoln Avenue, the hereinafter described property, and

WHEREAS, a public hearing was held by the Planning Commission on April 6, 1987, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, at said hearing, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 87-53, found and determined that the rezoning of P-D(360) to R-1 and C-3, property located at the northeast corner of Yosemite Boulevard and Lincoln Avenue, is required by public necessity, convenience and general welfare, for the following reasons:

1. That the proposed rezoning to R-1 is a less intense use than multiple family dwelling units approved by P-D(360) and is consistent with the Modesto General Plan. That the proposed rezone to C-3 along Yosemite Boulevard is also consistent with the Modesto General Plan.

2. That a viable commercial center can be developed on the proposed C-3 Zone having a lot depth of about 200 feet.
3. That the proposed intersection of a residential street with a major street is justified because the proposed R-1 Zone has no other access and traffic will be less with the R-1 development compared to multiple family residential units approved by P-D(360).

and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on May 12, _____, 1987,

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 proposed amendment to Section 25-3-9 of the Zoning Map to rezone Planned Development Zone, P-D(360), to Low Density Residential Zone, R-1, and Highway Commercial Zone, C-3, property located at the northeast corner of Yosemite Boulevard and Lincoln Avenue, in the City of Modesto, should be approved,

SECTION 2. ZONING CHANGE. Section 25-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(360), to Low Density Residential Zone, R-1, and Highway Commercial Zone, C-3:

P-D(360) to R-1

ALL that certain real property situate in a portion of the Southwest quarter of Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

COMMENCING at the Northwest corner of Parcel "B" as shown on the map filed in Book 25 of Parcel Maps, at Page 16, Stanislaus County Records, said corner lying on the east right-of-way line of Lincoln Avenue; thence North 89 degrees 34'28" East, 350.00 feet; thence South 0 degrees 32'24" East, 260.00 feet; thence North 89 degrees 34'28" East, 501.98 feet; thence South 0 degrees 32'24" East 250.00 feet; thence South 89 degrees 34'28" West, 851.98 feet to a point on said east right-of-way line of Lincoln Avenue; thence North 0 degrees 32'24" West, along said east right-of-way line, 510.00 feet to the point of beginning of this description.
Containing: 6.98 acres

P-D(360) TO C-3

ALL that certain real property situate in a portion of the southwest quarter of Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and lying in the City of Modesto, and the State of California, more particularly described as follows:

COMMENCING at the Southeast corner of Parcel "B" as shown on the map filed in Book 25 of Parcel Maps, at Page 16, Stanislaus County Records, said corner lying on the North right-of-way line of Yosemite Boulevard; thence South 89 degrees 34'28" West, along said right-of-way line, 828.01 feet to the beginning of a tangent curve, concave to the Northeast, having a radius of 15.00 feet and a central angle of 89 degrees 53'08; thence Northwesterly along the arc of said curve, 23.53 feet to a point on the east right-of-way line of Lincoln Avenue; thence North 0 degrees 32'24" along said right-of-way line, 195.03 feet; thence North 89 degrees 34'28" East, 851.98 feet; thence South 0 degrees 32'24" East, 49.13 feet; thence South 89 degrees 33'48" West 9.00 feet; thence South 0 degrees 32'24" East, 160.87 feet to the point of beginning of this description.
Containing 4.07 acres

SECTION 3. ZONING MAP. Section Map 25-3-9 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 12 day of May, 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, Patterson, Sutton, Whiteside

NOES: Councilmembers: Mayor Mensinger

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

Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By

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

Ord. No. 2505-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 19th day of May, 19 87, Councilmember McGrath 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,
Acting Mayor Sutton
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED


VICE MAYOR JOHN C. SUTTON

ATTEST:


NORRINE COYLE City Clerk

EFFECTIVE DATE: June 18, 1987

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ORDINANCE NO. _____ -C.S.

AN ORDINANCE AMENDING SECTION MAP ²⁵⁰⁶ 10-3-9 OF THE ZONING MAP TO REZONE FROM PROFESSIONAL OFFICE ZONE, P-0, TO PLANNED DEVELOPMENT ZONE, P-D(418), PROPERTY LOCATED ON THE EAST SIDE OF COFFEE ROAD BETWEEN HAIG WAY AND SYLVAN MEADOWS DRIVE (M.O.C.S.E. FEDERAL CREDIT UNION)

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

SECTION 1. ZONING CHANGE. Section 10-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Professional Office Zone, P-0, to Planned Development Zone, P-D(418):

All that certain real property situate in a portion of the Northwest quarter of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Lot 1 of Block 12573 of Sylvan Meadows East Number 5 according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on October 28, 1976, in Volume 26 of maps, page 40.

Including also all of the southern 30.00 feet of Sylvan Meadows Drive, Northwestern 30.00 feet of Haig Way, and eastern 50.00 feet of Coffee Road and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(418) 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. Financial institution
2. Professional/business offices

SECTION 3. ZONING MAP. Section Map 10-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

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

AYES: Councilmembers:

Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers:

None

ABSENT: Councilmembers:

McGrath

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, City Attorney

APPROVED AS TO DESCRIPTION:

By

William Smith
Department of Planning and
Community Development

Ord. No. 2506-C.S.


FINAL ADOPTION CLAUSE

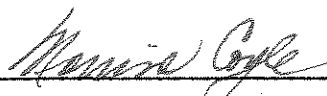
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of May, 19 87, Councilmember Muratore moved its final adoption, which motion being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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath, Mayor Mensinger

APPROVED 
VICE MAYOR JOHN C. SUTTON

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 18, 1987

Clark
13

ORDINANCE NO. _____ -C.S.

AN ORDINANCE AMENDING SECTION MAP ²⁵⁰⁷ 5-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JIM ALLEN)

WHEREAS, a verified application for an amendment to Section 5-4-9 of the Zoning Map was filed by Jim Allen on February 27, 1987, to reclassify from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on April 6, 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. 87-48, adopted on April 6, 1987, the Planning Commission recommended to the Council that the application of Jim Allen to amend Section 5-4-9 of the Zoning Map to reclassify the hereinafter described property from Medium Density Residential Zone, R-2, 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 May 12, 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. That the project site is located in the interior of the Fairway Neighborhood and is designated for Low Density Residential.

2. That the proposed rezone to R-1 would allow a less intensive use on the property.

SECTION 2. ZONING CHANGE. Section 5-4-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1:

Lot 32 and 40 of Sunset Acres Subdivision as filed in Book 5 of Maps at page 25 Stanislaus County Records, California, in the Northwest quarter of Section 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian.

SECTION 3. ZONING MAP. Section 5-4-9 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 _____ day of _____, 1987, by Councilmember _____, who moved ^{12th} its introduction and passage to print, which motion being ^{Sutton} duly seconded by Councilmember _____, was upon roll call carried and ordered printed and published by the following ^{Whiteside} 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 *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Prichard*
Department of Planning and Community Development

Ord. No. 2507-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 19th day of May, 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


VICE MAYOR JOHN C. SUTTON

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 18, 1987

Clark

ORDINANCE NO. 2508 -C.S.

AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF THE ZONING MAP TO REZONE FROM A PORTION OF PLANNED DEVELOPMENT ZONE, P-D(208), TO LOW DENSITY RESIDENTIAL ZONE, R-1, PROPERTY LOCATED BETWEEN BRIGGSMORE AVENUE AND NORWEGIAN AVENUE WEST OF COFFEE ROAD (CALVARY TEMPLE, ASSEMBLY OF GOD)

WHEREAS, the City Council, by Ordinance No. 1794-C.S., effective on February 22, 1979, rezoned from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(208), property located at the northwest corner of Briggsmore Avenue and Coffee Road, to permit expansion of an existing church and private school and related facilities, and

WHEREAS, a verified application for an amendment to Section 16-3-9 of the Zoning Map was filed by Calvary Temple Assembly of God of Modesto, Inc. December 29, 1986, to rezone from a portion of Planned Development Zone, P-D(208), to Low Density Residential Zone, R-1, property located between Briggsmore Avenue and Norwegian Avenue west of Coffee Road, the hereinafter described property, and

WHEREAS, a public hearing was held by the Planning Commission on April 20, 1987, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, at said hearing, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 87-61, found and determined that the rezoning of a portion of P-D(208) to R-1 property located between Briggsmore Avenue and Norwegian Avenue west of Coffee Road, is required by public necessity, convenience and general welfare, for the following reasons:

1. The requested R-1 zoning is the "underlying" zone to which the land would revert in the event the special P-D(208) Zone became invalid.
2. The area requested for R-1 zoning has been shown to be superfluous to the churches needs.
3. Development under the requested R-1 zoning is compatible with adjoining residential areas and conforms to the General Plan.

and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on May 12,, 1987,

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 proposed amendment to Section 16-3-9 of the Zoning Map to rezone from a portion of Planned Development Zone, P-D(208), to Low Density Residential Zone, R-1, property located between Briggsmore Avenue and Norwegian Avenue west of Coffee Road, in the City of Modesto, should be approved,

SECTION 2. ZONING CHANGE. Section 16-3-9 of the Zoning Map is hereby amended to reclassify the following described property from a portion of Planned Development Zone, P-D(208), to Low Density Residential Zone, R-1:

All that portion of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

All of parcel "3" as shown on parcel map filed in the office of the Recorder of Stanislaus County, California, On October 25, 1985, in Volume 37 of Parcel Maps, Page 33.

Including also all of the Eastern 6.00 feet of the Southern 630.00 feet of the 20.00 foot wide alley immediately adjacent to the west line of the above described property.

Excluding the northern 430.00 feet of the above mentioned parcel "3".

SECTION 3. ZONING MAP. Section Map 16-3-9 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 12 day of May, 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 Judy C. Hall
~~XX~~
JUDY C. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William D. Dickel
Department of Planning and
Community Development

Ord. No. 2508-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 19th day of May, 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


VICE MAYOR JOHN C. SUTTON

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 18, 1987

Clerk

ORDINANCE NO. 2509 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1794-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CALVARY TEMPLE ASSEMBLY OF GOD, INC.)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1794-C.S. Section 2 of Ordinance No. 1794-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following use shall be permitted in said P-D(208) 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.

1. A church including a 2,000-seat sanctuary, class rooms, and related facilities.
2. A private school with a 2,000 student capacity serving from preschool children up to and including junior high students with classrooms and related facilities.
3. Church office.
4. Recreation and open space areas including a gymnasium/social hall, track and field facility, a baseball diamond, youth program facilities, and swimming pools and park and picnic areas.
5. Bus garage.
6. Caretaker's home.
7. Off-street parking in accordance with the approved plot plan.
8. A 44-unit elderly housing complex."

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 12 day of May, 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 Judy C. Hall
JUDY C. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2509-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 19th day of May, 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 John C. Sutton
VICE MAYOR JOHN C. SUTTON

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 18, 1987

ORDINANCE NO. 2510 -C.S.

AN ORDINANCE AMENDING SECTIONS 4-11.201 AND 4-11.206 OF ARTICLE 2 OF CHAPTER 11 OF TITLE IV, SECTION 4-11.301 OF ARTICLE 3 OF CHAPTER 11 OF TITLE IV, AND SECTION 4-11.404 OF ARTICLE 4 OF CHAPTER 11 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO FORTUNE-TELLING.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-11.201 and 4-11.206 of Article 2 of Chapter 11 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-11.201. FILING AND FEE PROVISIONS.

- (a) Every person who proposes to maintain, operate, or conduct a fortune-telling establishment in the City of Modesto shall file an application with the Chief of Police upon a form provided by the City of Modesto and shall pay a filing fee of One Hundred Sixty-Five and no/100ths Dollars (\$165.00), which shall not be refundable, and which may be amended by the City Council from time to time by resolution and which shall be on file with the City Clerk and the Chief of Police.
- (b) Every person who proposes to engage in the practice of fortune-telling shall file an application with the Chief of Police upon a form provided by the City of Modesto and shall pay a filing fee of Thirty-Five and no/100ths Dollars (\$35.00), which shall not be refundable, and which may be amended by the City Council from time to time by resolution and which shall be on file with the City Clerk and the Chief of Police.
- (c) A permit when issued shall state whether it is for a fortune-telling establishment or for a fortune-teller.

SEC. 4-11.206. SALE OR TRANSFER OR CHANGE OF LOCATION.

Upon the sale or transfer of a fortune-telling establishment the permit therefor shall be null and void; provided, however, that upon the death or incapacity of the permittee, a fortune-telling establishment may continue in business for a reasonable period of time, not to exceed three (3) months, to allow for an orderly transfer of the business. No permittee shall operate under any name or conduct his business under any designation or at any location not specified in the permit. Any fortune-teller may have a valid and unexpired permit transferred for use at any other fortune-telling

establishment upon written application to the Chief of Police accompanied by a non-refundable Thirty-Five and no/100ths Dollar (\$35.00) transfer fee. Upon change of location the permittee must notify the Chief of Police of the change of address within twenty (20) days of the move.

SECTION 2. AMENDMENT OF CODE. Section 4-11.301 of Article 3 of Chapter 11 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-11.301. OPERATING REQUIREMENTS.

- (a) No fortune-telling establishment or any portion of a building in which the fortune-telling establishment is located, shall be used for residential or sleeping purposes.
- (b) Fortune-telling establishments may be open for operation only between the hours of 7:00 a.m. and 12:01 a.m., inclusive, of each day, or as otherwise permitted by applicable zoning regulations.
- (c) No fortune-telling establishment shall be located closer than 1000 feet to any other licensed fortune-telling establishment.
- (d) No person engaging in fortune-telling services shall prohibit a client from making an audio recording or taking written notes of the information conveyed by the fortune-teller.

SECTION 3. AMENDMENT OF CODE. Section 4-11.404 of Article 4 of Chapter 11 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-11.404. EXCEPTIONS.

- (a) The provisions of this Section shall not apply to any person solely by reason of the fact that he or she is engaged in the business of entertaining the public by demonstrations of mind-reading, mental telepathy, thought conveyance, or the giving of horoscopic readings, at public places and in the presence of and within the hearing of other persons and at which no questions are answered, as part of such entertainment, except in a manner to permit all persons present at such public place to hear such answers.

- (b) No person shall be required to pay any fee or take out any permit for conducting or participating in any religious ceremony or service when such person holds a certificate of ordination as a minister, missionary, medium, healer, or clairvoyant, or when such person is studying under, receiving instruction, or operating under the direction of a person holding a certificate of ordination as a minister, missionary, medium, healer, or clairvoyant, hereinafter collectively referred to as a minister, from any bona fide church or religious association maintaining a church and holding regular services and having a creed or set of religious principles that is recognized by all churches of like faith; provided that:
- (1) Except as provided in (3) hereof, the fees, gratuities, emoluments, and profits thereof shall be regularly accounted for and paid solely to or for the benefit of the bona fide church or religious association, as defined in this subsection (b).
 - (2) The minister holding a certificate of ordination from such bona fide church or religious association, as defined in this subsection (b), shall post such certificate at the location of the activity described in this section and shall show such certificate on demand by any person or police officer.
 - (3) Such bona fide church or religious association, as defined in this subsection (b), may pay to its ministers a salary or compensation based upon a percentage basis, pursuant to an agreement between the church and the minister which is embodied in a resolution and transcribed in the minutes of such church or religious association.

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 19 day of May, 1987, by Councilmember McGrath, 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 C. Sutton
JOHN C. SUTTON, Acting Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2510-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 2nd day of June, 1987, Councilmember Sutton 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, Sutton, Whiteside,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 2, 1987

ORDINANCE NO. 2511 -C.S.

AN ORDINANCE AMENDING SECTIONS 2-7.02, 2-7.03, 2-7.04, 2-7.05, 2-7.06 AND 2-7.07 OF CHAPTER 7 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO THE DISPOSAL OF UNCLAIMED PROPERTY.

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

SECTION 1. AMENDMENT OF CODE. Sections 2-7.02, 2-7.03, 2-7.04, 2-7.05, 2-7.06 and 2-7.07 of Chapter 7 of Title II of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 2-7.02. HOLDING AND DISPOSAL OF UNCLAIMED PROPERTY.

Such property shall be stored in a safe place and such money deposited with the Director of Finance for a period of at least three (3) months unless sooner claimed by the true owner, and shall then be deemed to be unclaimed property or unclaimed money, subject to disposal as provided in this chapter.

SEC. 2-7.03. TRUE OWNER MAY CLAIM PROPERTY OR MONEY.

During such time as any such property or money is so held, it may be delivered or paid to the true owner upon payment to City of all reasonable charges for storage and care. Such property shall be delivered upon proof of ownership satisfactory to the Chief of Police after ten (10) days' notice by mail to any others who have asserted a claim of ownership, at any address given by such persons. Such money shall be paid to the true owner upon written order to the Director of Finance from the Chief of Police. The Chief of Police shall make such order upon the same proof of ownership and with the same notice as prescribed in the case of property. If ownership cannot be determined to the satisfaction of the Chief of Police, he may refuse to deliver such property or order the payment of such money to anyone until ordered to do so by a court.

SEC. 2-7.04. FINDER MAY RECLAIM PROPERTY OR MONEY.

If the true owner does not appear during the time such property or money is so held, and claim the property or money, it may be delivered back to the finder, other than a City employee who found the same while performing his regular duty, if the property or money is less than \$50 in value, if such finder has served written notice upon the City that he wishes to assert a claim to the property or money as a finder, and if he has complied with the requirement of the Civil Code governing the duties and obligations of a finder. If

the money or property is \$50 or more in value and the three (3) month period has passed, the police department shall cause notice of the property to be published once in a newspaper of general circulation. If after seven (7) days from publication of notice, no owner appears and the finder pays the cost of publication and the cost of storage, the police may return the property to a finder who has complied with the duties and obligations set forth in the Civil Code.

SEC. 2-7.05. UNCLAIMED MONEY TO BE DEPOSITED IN GENERAL FUND.

All money so received by the Chief of Police and not delivered as specified above to the owner or the finder shall thereafter be deposited in the general fund.

SEC. 2-7.06. UNCLAIMED PROPERTY TO BE USED BY CITY OR SOLD AT AUCTION.

Upon expiration of the initial three (3) month period, any property so received and not delivered to the true owner or finder may be appropriated to the use of the City of Modesto upon order of the City Manager, and such property not appropriated to City use may be sold at public auction to the highest bidder. Notice of any such sale shall be given by the City Clerk at the direction of the Chief of Police at least five (5) days before the time fixed therefor by publication at least once in a newspaper of general circulation published in the County of Stanislaus.

SEC. 2-7.07. CONDUCT OF AUCTION.

An auction for the sale of unclaimed property shall be conducted by the City Manager or his appointed representative. Title to the property shall not rest in the successful bidder unless the cost of publishing the notice set forth in 2-7.04 is paid to the City.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19 day of May, 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, Acting Mayor Sutton, Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger


APPROVED: 
JOHN C. SUTTON, Acting Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2511-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 2nd day of June, 1987, Councilmember Sutton 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, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 2, 1987

Clerk

ORDINANCE NO. 2512-C.S.

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(422), PROPERTY LOCATED ON THE WEST SIDE OF OAKDALE ROAD, SOUTH OF EAST ORANGEBURG AVENUE (GIL WYMOND)

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

SECTION 1. ZONING CHANGE. Section 22-3-9 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(422):

All that property located in the County of Stanislaus, City of Modesto, State of California, located in the Northeast quarter of Section 22, Township 3 South, Range 9 East, M.D.B. & M., more particularly described as follows:

All of Parcel 2 as shown on that certain map filed in Volume 36 of Parcel Maps at Page 95, Stanislaus County Records.

Also including the western 50.00 feet of Oakdale Road immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(422) 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:

Restaurant and recreational vehicle storage area.

SECTION 3. ZONING MAP. Section Map 22-3-9 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 26th day of May, 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: McGrath, Muratore, Patterson, Sutton, Whiteside

NOES: Councilmembers: Lang, Mayor Mensinger

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, City Attorney

APPROVED AS TO DESCRIPTION:

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

Ord. No. 2512-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of June, 19 87, 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,
Acting Mayor Sutton

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED John C. Sutton
ACTING MAYOR JOHN C. SUTTON

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 16, 1987

Clerk

ORDINANCE NO. 2513-C.S.

AN ORDINANCE AMENDING SECTION MAP 9-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PROFESSIONAL OFFICE ZONE, P-0, PROPERTY LOCATED ON THE NORTH SIDE OF SYLVAN AVENUE EAST OF CLAREMONT AVENUE, EXTENDED. (STONE AND ASSOCIATES)

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

SECTION 1. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, to Professional Office Zone, P-0:

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

BEGINNING at the southwest corner of Parcel "1" as shown on Map filed for record in Book 24 of Parcel Maps, Page 7, Stanislaus County records; thence North 0°35'10" East along the west line of said Parcel "1" a distance of 198.62 feet to the northwest corner of said Parcel "1", being also the southwest corner of Lot 43A of Sylvan Meadows No. 2, according to the official map thereof, filed for record in Volume 28 of Maps, Page 29, Stanislaus County Records; thence North 0°48' West along the west line of said Lot 43A a distance of 94.91 feet to the southeast corner of Lot 11, Block 12443 of said Sylvan Meadows No. 2; thence North 89°16' West along the south line of said Block 12443 and the westerly extension thereof, a distance of 546.66 feet to the centerline of Claremont Avenue, being a point on a non-tangent curve from which a radial line bears South 76°29'16" West to the center; thence Southerly 123.61 feet along said non-tangent curve, being also the centerline of a 60 foot Public Utility Easement as shown on said map of Sylvan Meadows No. 2 and the future centerline of Claremont Avenue, said curve being concave to the west, having a radius of 500.00 feet and a central angle of 14°05'54"; thence South 0°39'10" West along said centerlines of a 60 foot Public Utility Easement and future Claremont Avenue a distance of 201.90 feet to the north line of former 40.00 foot Sylvan Avenue; thence South 89°20'50" East along said north line of Sylvan Avenue parallel with and 20.00 feet north of the centerline of Sylvan Avenue a distance of 381.86 feet to the most westerly corner of property conveyed to the City of Modesto by Deed recorded in Book 2917 of Official Records, Page 192, Stanislaus County Records; thence North 75°29'16" East along the northerly line

of said City of Modesto Property a distance of 154.93 feet to the point of beginning.

Including also the northerly half of original 40.00-foot wide Sylvan Avenue immediately adjacent to the above described property.

CONTAINING: 3.93 Acres

SECTION 2. ZONING MAP. Section Map 9-3-9 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 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 26th day of May, 1987, by Councilmember Lang, 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

NOES: Councilmembers: Whiteside, Mayor Mensinger

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Morrine Coyle*
MORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William Priddy*
Department of Planning and
Community Development

Ord. No. 2513-C.S.


FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of June, 19 87, 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,
Acting Mayor Sutton

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED 
ACTING MAYOR JOHN C. SUTTON

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 16, 1987

Clark

ORDINANCE NO. 2514 -C.S.

AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, AND MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(416), PROPERTY LOCATED ON THE NORTH SIDE OF WEST ORANGEBURG AVENUE, WEST OF MARTIN AVENUE (JOHNNY BRUCE BRANNON)

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

SECTION 1. ZONING CHANGE. Section 19-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(416):

R-2 to P-D

ALL that certain real property situate in a portion of Parcel B according to parcel map filed in Book 2 of Parcel Maps, Page 94, Stanislaus County Records, located in the Northwest Quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the northwest corner of said Parcel B; thence easterly along the north line of said Parcel B the following three courses: South 89°21'30" East 302.00 feet, South 0°34'22" East 9.22 feet, and South 89°21'30" East 138.38 feet to northwest corner of the Garrison School Property; thence South 0°34'30" East along the west line of said Garrison School Property and the southerly extension thereof, a distance of 689.80 feet to the north line of Lot 9 of the McDonald Tract as shown on said Parcel Map; thence North 89°44'45" West along said north line of Lot 9 a distance of 440.36 feet to the west line of said Parcel B; thence North 0°34'22" West along said west line of Parcel B a distance of 702.00 feet to the point of beginning.

CONTAINING: 7.1 Acres

R-2 to P-D

All that certain real property situate in a portion of Parcel B according to map filed in Book 2 of Parcel Maps, Page 94, Stanislaus County Records, and a portion of the Northwest Quarter of Section 19, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the northwest corner of said Parcel B; thence South 0°34'22" East along the west line of Parcel B a distance of 702.00 feet to the north line of Lot 9 of McDonald Tract as shown on said Parcel Map, thence South 89°44'45" East along said north line of Lot 9 a distance of 560.8 feet to the true POINT OF BEGINNING of this description; thence South 1°03' East parallel with and 160.00 feet, measured at right angles, west of the east right-of-way line of Martin Avenue a distance of 307.6 feet more or less to the centerline of Orangeburg Avenue; thence South 89°50' East along said centerline of Orangeburg Avenue a distance of 160.00 feet to the southerly extension of said east right-of-way line of Martin Avenue; thence North 1°03' West along said east right-of-way line and the southerly and northerly extension thereof, a distance of 327.6 feet more or less to the south line of the Garrison School Property; thence North 89°44'45" West along said south line of the Garrison School Property a distance of 160 feet; South 1°03' East 20.00 feet to the point of beginning.

CONTAINING: 1.2 Acres

R-3 to P-D

All that certain real property situate in a portion of Parcel B according to map filed in Book 2 of Parcel Maps, Page 94, Stanislaus County Records, and a portion of the Northwest Quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the northwest corner of said Parcel B; thence South 0°34'22" East along the west line of said Parcel B a distance of 702.00 feet to the north line of Lot 9 of McDonald Tract as shown on said Parcel Map and the true POINT OF BEGINNING of this description; thence North 89°44'45" West along said north line of Lot 9 a distance of 110.17 feet to the centerline of Orangeburg Avenue; thence southeasterly along said centerline of Orangeburg Avenue the following three courses: South 43°31' East 341 feet, Southeasterly 161.7 feet along a tangent curve, concave to the northeast, having a radius of 200.00 feet and a central angle of 46°19' and South 89°50' East 297.2 feet; thence North 1°03' West parallel with and 160.00 feet, measured at right angle, west of the east right-of-way line of a 60 foot wide Martin Avenue, a distance of 327.6 feet more or less to the south line of the Garrison School property; thence North 89°44'45" West along said south line of the Garrison School Property a distance of 120.4 feet more or less to the southwest corner of said Garrison School Property; thence South 0°34'30" East 20.00 feet to said north line of Lot 9; thence North 89°44'45" West along said north line of Lot 9 a distance of 440.36 feet to the point of beginning.

CONTAINING: 3.8 Acres

SECTION 2. USES. The following uses shall be permitted in said P-D(416) 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. Motel, restaurant, urgent care center including medical/professional offices as allowed in the P-D Zone.
2. Single family dwellings, off-street parking as shown on the approved development plan.

SECTION 3. ZONING MAP. Section Map 19-3-9 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 26 day of May, 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
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Nichols
Department of Planning and
Community Development

Ord. No. 2514-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 2nd day of June, 1987, Councilmember Sutton 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, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 2, 1987

Clerk

ORDINANCE NO. 2515 -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(419), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF STANDIFORD AVENUE AND PRESCOTT ROAD (RESOURCE DEVELOPMENT, INC.)

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(419):

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

COMMENCING at the west quarter corner of said Section 7, as shown on the map filed in Book 14 of Surveys, at Page 171, Stanislaus County Records; thence South 0°02'50" East, 20.01 feet to the Northwest corner of a 5.76 acre parcel of land, as shown on said survey and the point of beginning of this description; thence South 88°16'03" East, along the south right-of-way line of Standiford Avenue, 472.02 feet; thence South 48°15'48" East, 368.06 feet to a point on the north line of the 110.00-foot-wide Hetch Hetchy right-of-way; thence South 70°31'40" West, along said right-of-way line, 791.27 feet to a point on the west line of said Section 7; thence North 0°02'50" West, along said west line of said Section 7, 523.07 feet to the point of beginning of this description.

Including a 20.00-foot-wide portion of Standiford Avenue located between the East-West quarter section line of said Section 7 and the above-described property.

Also including the Northern one-half of the 110.00-foot-wide Hetch Hetchy right-of-way immediately adjacent to the above-described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(419) 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. Commercial uses as permitted in the C-1 Zone in commercial area on west portion.
2. Business/professional office uses as permitted in P-0 Zone in area on east portion.
3. Off-street parking as shown on the approved 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 26 day of May, 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 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, City Attorney

APPROVED AS TO DESCRIPTION:

By William D. Jones
Department of Planning and
Community Development

Ord. No. 2515-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 2nd day of June, 1987, Councilmember Sutton 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, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 2, 1987

ORDINANCE NO. 2516 -C.S.

AN ORDINANCE AMENDING SECTION MAP 25-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (DRY CREEK ASSOCIATES)

WHEREAS, a verified application for an amendment to Section 25-3-9 of the Zoning Map was filed by Dry Creek Associates on March 27, 1987, to reclassify from Low Density Residential Zone, R-1, to Highway Commercial Zone, C-3, the hereinafter described property, and

WHEREAS, after public hearing held on May 4, 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. 87-66A, adopted on May 4, 1987, the Planning Commission recommended to the Council that the application of Dry Creek Associates to amend Section 25-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Highway Commercial Zone, C-3, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on June 2, _____, 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 proposed C-3 zoning conforms to the zoning pattern called for in the Yosemite Neighborhood Zoning and Development Plan adopted by the Planning Commission on February 19, 1985, and the City Council on May 21, 1985.
2. The proposed rezoning will provide a transition from the Beard Industrial Tract, Modesto and Empire Traction Railroad, and State Route 132 to low-density residential development by locating higher, frontage commercial development to a depth of 400 feet along the northern side of Yosemite Boulevard.

SECTION 2. ZONING CHANGE. Section 25-3-9 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:

All that portion of Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, California, described as follows:

BEGINNING at the south quarter corner of said Section 25, said point being the centerline intersection of Yosemite Boulevard and McClure Road; thence South 89°34'15" West on the south line of Section 25 and the centerline of Yosemite Boulevard 883.94 feet to the intersection of the southerly prolongation of the east line of Parcel B as shown on the map filed in Book 22 of Parcel Maps at Page 79, Stanislaus County Records with the south line of said Section 25; thence North 0°36'07" West on the east line of said Parcel B, a distance of 467.00 feet; thence North 89°34'15" East 883.94 feet to the center of said McClure Road; thence South 0°36'07" East on said centerline 467.00 feet to the point of beginning of this description.

Including also all of the Southern one-half of Yosemite Boulevard immediately adjacent to the above-described property.

SECTION 3. ZONING MAP. Section 25-3-9 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 2 day of June, 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 *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Prindle*
Department of Planning and Community
Development

Ord. No. 2516-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 9th day of June, 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: July 9, 1987

ORDINANCE NO. 2517 -C.S.

AN ORDINANCE AMENDING SECTION MAP 14-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (RONCAL 106)

WHEREAS, a verified application for an amendment to Section 14-3-9 of the Zoning Map was filed by RonCal 106 on March 30, 1987, to reclassify from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on May 4, 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. 87-67, adopted on May 4, 1987, the Planning Commission recommended to the Council that the application of RonCal 106 to amend Section 14-3-9 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 June 2, 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 proposed downzoning from R-3 to R-1 will allow a single-family subdivision which will be compatible with adjoining residential development.
2. The proposed rezoning from R-3 to R-1 will allow a more efficient yield of lots, smaller than those allowed in the existing R-3 zone.
3. Development under the proposed R-1 zoning conforms to the General Plan which calls for residential development.

SECTION 2. ZONING CHANGE. Section 14-3-9 of the Zoning Map is 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 lying in a portion of the North half of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and lying in the City of Modesto, State of California, more particularly described as follows:

All of Lot 6 of the Hilkey Subdivision, as recorded in Volume 26 of Maps, at Page 43, Stanislaus County Records.

Including also, the southerly half of original 40.00 foot wide Floyd Avenue immediately adjacent to the above-described property.

SECTION 3. ZONING MAP. Section 14-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 2 day of June, 1987, by Councilmember Sutton, 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 Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

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

Ord. No. 2517-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 9th day of June, 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: July 9, 1987

Handwritten initials

ORDINANCE NO. 2518 -C.S.

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

WHEREAS, a verified application for an amendment to Section 12-3-8 of the Zoning Map was filed by Joe Trombetta on April 10, 1987, to reclassify from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, and Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on May 18, 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. 87-80, adopted on May 18, 1987, the Planning Commission recommended to the Council that the application of Joe Trombetta to amend Section 12-3-8 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, and 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 June 16, _____, 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 proposed zoning pattern will accommodate a row of standard R-1 lots along the east side of Veneman Avenue North.
2. The proposed rezoning accomplishes a trade of R-1 and R-3 zoning areas with about the same amount remaining in each zone.

SECTION 2. ZONING CHANGE. Section 12-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, and Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1:

R-1 to R-3

All that certain real property situate in the Northeast Quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, State of California, described as follows:

COMMENCING at the East Quarter corner of said Section 12, thence North $0^{\circ}42'15''$ West along the East line of said Section 12 a distance of 1,005.73 feet to the Southeast corner of Hollandia Estates recorded in Volume 27 of Maps, Page 69, Stanislaus County Records; thence South $88^{\circ}58'33''$ West along the South line of said Hollandia Estates 395.46 feet; thence South $0^{\circ}42'15''$ East 585.59 feet to the point of beginning; thence continuing South $0^{\circ}42'15''$ East 133.37 feet to the northerly right-of-way line of M.I.D. Lateral No. 7; thence along said northerly right-of-way line of M.I.D. Lateral No. 7 South $66^{\circ}06'27''$ West 89.36 feet; thence North $25^{\circ}16'41''$ East 187.50 feet to the point of beginning.

R-3 to R-1

All that certain real property situate in the Northeast Quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, State of California, described as follows:

COMMENCING at the East Quarter corner of said Section 12, thence North $0^{\circ}42'15''$ West along the East line of said Section 12 a distance of 1,005.73 feet to the Southeast corner of Hollandia Estates recorded in Volume 27 of Maps, Page 69, Stanislaus County Records; thence South $88^{\circ}58'33''$ West along the South line of said Hollandia Estates 395.46 feet to the point of beginning; thence South $0^{\circ}42'15''$ East 585.59 feet; thence North $25^{\circ}16'41''$ East 11.41 feet; thence North $0^{\circ}42'15''$ West 575.36 feet; thence South $88^{\circ}58'33''$ West 5.00 feet to the point of beginning.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16 day of June, 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, Muratore, Patterson, Sutton, Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath, Mayor Mensinger

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, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. Archde
Department of Planning and Community
Development

Ord. No. 2518-C.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1987, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 23, 1987

clerk

ORDINANCE NO. 2519 -C.S.

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(420), PROPERTY LOCATED ON THE SOUTH SIDE OF SCENIC DRIVE, WEST FROM ROSE AVENUE (CPC/LEW)

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

SECTION 1. ZONING CHANGE. Section 27-3-9 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(420):

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

BEGINNING at the northwest corner of Oakbrook Condominiums as shown on the map filed in Book 29 of Maps at Page 125, Stanislaus County Records, said point being on the south line of present 90 foot wide Scenic Drive; thence South 0°33'03" East on the west line of said Oakbrook Condominiums, 554.14 feet to the centerline of Dry Creek as shown on the map filed in Book 16 of Surveys at Page 71, Stanislaus County Records; thence along said Dry Creek centerline, the following two courses and distances:

- 1) South 75°55'52" West, 392.11 feet; thence
- 2) South 52°37'40" West, 384.89 feet; thence North 0°33'51" West 703.82 feet to the southline of present 70 foot wide Scenic Drive; thence continuing North 0°33'51" West, 25.96 feet to the center of said Scenic Drive; thence North 73°46'48" East on said centerline, 716.14 feet; thence leaving said centerline South 0°33'03" East, 46.73 feet to the point of beginning of this description.

Containing 9.846 acres, more or less.

SECTION 2. USES. The following uses shall be permitted in said P-D(420) 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. Two-story condominiums.
2. Accessory structure and off-street parking as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 27-3-9 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 June, 1987, 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 *Norbine Coyle*
NORBINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William Swindell*
Department of Planning and
Community Development

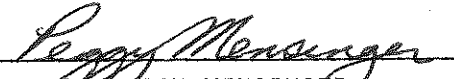
Ord. No. 2519-C.S.

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 July, 19 87, 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, Sutton, Whiteside, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 6, 1987

ORDINANCE NO. 2520 -C.S.

AN URGENCY INTERIM ORDINANCE ADDING ARTICLE 9 TO CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO CAPITAL FACILITIES FEES.

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

SECTION 1. AMENDMENT OF CODE. Article 9 is hereby added to Chapter 1 of Title VIII of the Modesto Municipal Code to read as follows:

SEC. 8-1.901. TITLE.

This Chapter shall be known and cited as the "Capital Facilities Fee" ordinance of the City of Modesto.

SEC. 8-1.902. PURPOSE.

The City of Modesto has experienced a 191% increase in population between 1960 and 1980 and this trend in rapid growth is continuing. Furthermore, past infrastructure funding sources such as property taxes and Federal Revenue Sharing funding sources have been substantially reduced so that current funding sources are no longer adequate. Since new development generates a need for new infrastructure such as parks, roads, traffic signals, police, fire, senior citizen services and city hall expansion it has been determined that development should pay a portion of the costs of this infrastructure. The provisions of this chapter are adopted to promote the public health, safety, peace, morals, comfort, convenience and general welfare of the citizens of the City of Modesto and to implement the goals and objectives of the General Plan of the City of Modesto. Particularly, the provisions of this chapter are adopted for the following reasons:

- (a) To provide an adequate and constant method for the financing of the unfunded portion of needed Capital Improvements throughout the City, reasonably related to projected community growth.
- (b) To promote the orderly and efficient expansion of public improvements to adequately meet the domestic and economic needs of the community and to minimize adverse fiscal and environmental impacts of new development.
- (c) To insure the continuation of necessary services including, but not limited to, police, fire and general administrative services.

- (d) To establish equitable methods for minimizing public facility and service costs to the City associated with new development.

SEC. 8-1.903. DEFINITIONS.

For purposes of this chapter, and resolutions adopted thereto, certain words shall have the following meanings:

- (a) "Low Density Residential Use" shall mean a detached building designed for occupancy by one family.
- (b) "Medium Density Residential Use" shall mean a mobile home or an attached building designed for occupancy by two families or two detached buildings designed for occupancy on a single lot.
- (c) "Medium High Density Residential Use" shall mean one or more buildings on a single lot designed for occupancy by three or more families.
- (d) "Care Home Use" shall mean structures designed for use as a convalescent hospital, or a retirement home, or a twenty-four hour care center for seven or more persons in addition to members of the family, or a child day care center.
- (e) "Church Use" shall mean structures primarily designed as a place for public worship.
- (f) "School Use" shall include those uses offering educational services and/or vocational training to students aged five years or older but excluding child care facilities.
- (g) "Professional Office Use" shall mean structures designed for use as offices, including medical or dental offices and laboratories, business offices (excluding retail or wholesale sales and banking institutions), professional offices and pharmacies (excluding manufacture and distribution of pharmaceuticals).
- (h) "Commercial Use" shall mean those uses designated as permitted or conditional uses in the C-1, C-2 and C-3 Zones of Title X of the Modesto Municipal Code.
- (i) "Fast Food Restaurant Use" shall mean those restaurant structures frequently designed with drive-in or drive-through facilities with menus to accommodate fast ordering and receipt of food with no or a limited number of sit down facilities.
- (j) "Convenience Mart Use" shall include those structures of approximately one to five thousand square feet in size which are designed to be open for retail use between fifteen and

twenty-four hours a day and which commonly sell fuel for motorized vehicles.

- (k) "Industrial Use" shall mean those uses designated as permitted or conditional uses in the C-M, M-1 and M-2 Zones of Title X of the Modesto Municipal Code, excluding all those uses which are permitted in any of the other zones as set forth in Title X excepting warehouses.
- (l) "Capital Improvement" shall mean the following:
 - (1) Any building structure or other improvement constructed or renovated by the City upon property owned by or under its control.
 - (2) Any initial equipment or piece of equipment necessary to service new growth or new development.
- (m) "Capital Facilities Fee" shall be the fee charged new construction, including the expansion of and/or the addition to an existing structure, to mitigate an unfunded portion of the determined impact of the development.

SEC. 8-1.904. ESTABLISHMENT OF FEES.

A Capital Facilities Fee, as established from time to time by the City Council by resolution, shall be due and payable at the earliest time permitted by State law as determined by the Chief Building Official. The decision of the Chief Building Official as to the type of use for fee assessment purposes shall be final.

SEC. 8-1.905. EXEMPTIONS.

The fees imposed by this article shall not be applicable to those lots on which a structure was previously situated but which was destroyed by fire or other natural disaster, or which was removed or demolished, provided:

- (a) That a permit to rebuild is obtained within one (1) year of the destruction, demolition or removal of the structure.
- (b) That the permit to rebuild is obtained by the owner of record as of the date of the destruction, demolition or removal of the structure.
- (c) That the exemption will apply only to the extent that the permit to rebuild is for the same number or fewer dwelling units or square feet as previously existed. The fees imposed by this article shall be applied to the extent that the permit is for more units than previously existed.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public health and safety and the following is a statement of reasons for its urgency.

- (a) There is currently a shortage of funding to pay for the construction of necessary capital improvements required by the recent rapid increase in growth. Because of this shortage the installation of capital improvements have been delayed, to the injury of public health and safety. For example, traffic light installation has been delayed, which is resulting in automobile collisions and increasing congestion. Fire, police and park services are being strained to accommodate growth in the City.
- (b) It is necessary to amend the Municipal Code immediately so that a capital facilities fee can be collected from the new development to pay for the new capital improvements the development has engendered a need for.

SECTION 3. EFFECTIVE DATE. Pursuant to Section 716 of the Modesto City Charter and Government Code Section 65962 this shall be an urgency ordinance and shall be effective immediately upon its adoption as necessary to preserve the public peace, welfare, health and safety.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23 day of June, 1987, by Councilmember Lang, who moved its introduction and adoption which motion being duly seconded by Councilmember Patterson, was upon roll call carried 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, City Attorney

The foregoing is a correct copy of the original on file in this office which was in effect 6-23-87 to 8-6-87

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
of Modesto, County of Stanislaus, State of California.

ORDINANCE NO. 2521 -C.S.

AN ORDINANCE ADDING ARTICLE 9 TO CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO CAPITAL FACILITIES FEES.

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

SECTION 1. AMENDMENT OF CODE. Article 9 is hereby added to Chapter 1 of Title VIII of the Modesto Municipal Code to read as follows:

SEC. 8-1.901. TITLE.

This Chapter shall be known and cited as the "Capital Facilities Fee" ordinance of the City of Modesto.

SEC. 8-1.902. PURPOSE.

The City of Modesto has experienced a 191% increase in population between 1960 and 1980 and this trend in rapid growth is continuing. Furthermore, past infrastructure funding sources such as property taxes and Federal Revenue Sharing funding have been substantially reduced so that current funding sources are no longer adequate. Since new development generates a need for new infrastructure such as parks, roads, traffic signals, police, fire, senior citizen services and city hall expansion it has been determined that development should pay a portion of the costs of this infrastructure. The provisions of this chapter are adopted to promote the public health, safety, peace, morals, comfort, convenience and general welfare of the citizens of the City of Modesto and to implement the goals and objectives of the General Plan of the City of Modesto. Particularly, the provisions of this chapter are adopted for the following reasons:

- (a) To provide an adequate and constant method for the financing of the unfunded portion of needed Capital Improvements throughout the City, reasonably related to projected community growth.
- (b) To promote the orderly and efficient expansion of public improvements to adequately meet the domestic and economic needs of the community and to minimize adverse fiscal and environmental impacts of new development.
- (c) To insure the continuation of necessary services including, but not limited to, police, fire and general administrative services.

- (d) To establish equitable methods for minimizing public facility and service costs to the City associated with new development.

SEC. 8-1.903. DEFINITIONS.

For purposes of this chapter, and resolutions adopted thereto, certain words shall have the following meanings:

- (a) "Low Density Residential Use" shall mean a detached building designed for occupancy by one family.
- (b) "Medium Density Residential Use" shall mean a mobile home or an attached building designed for occupancy by two families or two detached buildings designed for occupancy on a single lot.
- (c) "Medium High Density Residential Use" shall mean one or more buildings on a single lot designed for occupancy by three or more families.
- (d) "Care Home Use" shall mean structures designed for use as a convalescent hospital, or a retirement home, or a twenty-four hour care center for seven or more persons in addition to members of the family, or a child day care center.
- (e) "Church Use" shall mean structures primarily designed as a place for public worship.
- (f) "School Use" shall include those uses offering educational services and/or vocational training to students aged five years or older but excluding child care facilities.
- (g) "Professional Office Use" shall mean structures designed for use as offices, including medical or dental offices and laboratories, business offices (excluding retail or wholesale sales and banking institutions), professional offices and pharmacies (excluding manufacture and distribution of pharmaceuticals).
- (h) "Commercial Use" shall mean those uses designated as permitted or conditional uses in the C-1, C-2 and C-3 Zones of Title XII of the Modesto Municipal Code.
- (i) "Fast Food Restaurant Use" shall mean those restaurant structures frequently designed with drive-in or drive-through facilities with menus to accommodate fast ordering and receipt of food with no or a limited number of sit down facilities.
- (j) "Convenience Mart Use" shall include those structures of approximately one to five thousand square feet in size which are designed to be open for retail use between fifteen and

twenty-four hours a day and which commonly sell fuel for motorized vehicles.

- (k) "Industrial Use" shall mean those uses designated as permitted or conditional uses in the C-M, M-1 and M-2 Zones of Title X of the Modesto Municipal Code, excluding all those uses which are permitted in any of the other zones as set forth in Title X excepting warehouses.
- (l) "Capital Improvement" shall mean the following:
 - (1) Any building structure or other improvement constructed or renovated by the City upon property owned by or under its control.
 - (2) Any initial equipment or piece of equipment necessary to service new growth or new development.
- (m) "Capital Facilities Fee" shall be the fee charged new construction, including the expansion of and/or the addition to an existing structure, to mitigate an unfunded portion of the determined impact of the development.

SEC. 8-1.904. ESTABLISHMENT OF FEES.

A Capital Facilities Fee, as established from time to time by the City Council by resolution, shall be due and payable at the earliest time permitted by State law as determined by the Chief Building Official. The decision of the Chief Building Official as to the type of use for fee assessment purposes shall be final.

SEC. 8-1.905. EXEMPTIONS.

The fees imposed by this article shall not be applicable to those lots on which a structure was previously situated but which was destroyed by fire or other natural disaster, or which was removed or demolished; provided:

- (a) That a permit to rebuild is obtained within one (1) year of the destruction, demolition or removal of the structure.
- (b) That the permit to rebuild is obtained by the owner of record as of the date of the destruction, demolition or removal of the structure.
- (c) That the exemption will apply only to the extent that the permit to rebuild is for the same number or fewer dwelling units or square feet as previously existed. The fees imposed by this article shall be applied to the extent that the permit is for more units than previously existed.

SECTION 2. EXEMPTION FROM CEQA. CEQA does not apply to this ordinance pursuant to Section 15273 of the State CEQA Guidelines because:

- a. This ordinance has been enacted to establish a Capital Facilities Fee to be collected from new construction.
- b. The fees established by this ordinance will be collected for the purpose of obtaining funds to be used for capital projects which are necessary to maintain the current level of services within the City, including the construction of roads and parks facilities, the installation of street lights and the expansion of police and fire services.
- c. With the passage of time, the Capital Facilities Fee will be used to fund new facilities in new neighborhoods. However, the addition of capital facilities to new neighborhoods will receive CEQA review at each stage of development, including annexation, zoning, subdivision and project approvals.

SECTION 3. EFFECTIVE DATE. Pursuant to Government Code Section 65962 this ordinance shall go into effect and be in full force and operation from and after sixty (60) 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 23rd day of June, 1987, 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 *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

Ord. No. 2521-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 July, 1987, 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, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

The foregoing is a correct copy of the original on file in this office which has not been revoked and is now in full force and effect.

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk of the City of Modesto, County of Stanislaus, State of California.

EFFECTIVE DATE: August 6, 1987

ORDINANCE NO. 2522-C.S.

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1988, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1987-1988 fiscal year has been submitted to the City Council by the City Manager, and the City Council has made such revisions as it has deemed advisable, and

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

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

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

SECTION 1. That the "City of Modesto Proposed Budget 1987-88", presented by the City Manager to the City Council at its meeting held June 23, 1987, and as thereafter amended by the City Council, a copy of which budget, as amended, is on file in the office of the City Clerk, is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 1988, and the several amounts stated therein as proposed expenditures are hereby appropriated for the various objects therein described.

SECTION 2. That funds of the City of Modesto encumbered on June 30, 1987, are hereby appropriated for the purposes for which they are encumbered and shall be a part of the budget for the fiscal year 1987-1988 adopted hereby.

SECTION 3. That Capital Projects carried over from fiscal year 1986-1987 are hereby re-appropriated as a part of the budget for the fiscal year 1987-1988 adopted hereby. The amount of said appropriations will equal the Reserve for Appropriated Carryover Projects established in the General Ledger Accounts of the City of Modesto for all funds as of June 30, 1987.

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

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

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

SECTION 7. Copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of

Modesto, setting forth the title of this ordinance, the date of its adoption and the places where this ordinance is posted.

The foregoing ordinance was introduced and adopted at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1987, by Councilmember Whiteside, who moved its adoption 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, and 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, City Attorney

Clark

ORDINANCE NO. 2523-C.S.

AN ORDINANCE AMENDING SECTION MAP 14-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(390), TO PLANNED DEVELOPMENT ZONE, P-D(426), PROPERTY LOCATED ON THE EAST SIDE OF TEMESCAL DRIVE, NORTH OF MERLE AVENUE. (GRANT CONSTRUCTION)

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

SECTION 1. ZONING CHANGE. Section 14-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(390) to Planned Development Zone, P-D(426):

All that certain real property being Lot "A" and Lot "B" of Orchard Grove No. 1, as shown on the map filed in Volume 29 of Maps, at Page 97, Stanislaus County Records, lying in the East half of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, State of California, more particularly described as follows:

COMMENCING at the Southeast corner of said Lot "A", said corner also being a point on the North right-of-way line of Merle Avenue; thence North 89 degrees 32'10" West along said North right-of-way line of Merle Avenue, 169.73 feet to the beginning of a tangent curve, concave to the northeast, having a radius of 15.00 feet and a central angle of 89 degrees 08'15"; thence Northwesterly along the arc of said curve, 23.34 feet to a point on the East right-of-way line of Temescal Drive; thence North 0 degrees 23'55" West along said East right-of-way line of Temescal Drive, 1268.06 feet to the beginning of a tangent curve concave to the Southeast, having a radius of 15.00 feet and a central angle of 90 degrees 50'14"; thence northeasterly along the arc of said curve, 23.78 feet to a point on the south right-of-way line of Belharbour Drive; thence South 89 degrees 33'41" East along said South right-of-way line of Belharbour Drive, 611.17 feet to the Northeast corner of said Lot "B"; thence South 0 degrees 24'33" East along the East line of said Lot "B", 1098.38 feet to the Southeast corner of said Lot "B"; thence North 89 degrees 31'48" West along the South line of said Lot "B", 442.13 feet to the Southwest corner of said Lot "B"; thence South 0 degrees 24'26" East, 200.00 feet to the point of beginning of this description.

Including the southerly 40.00 feet of Belharbour Drive immediately adjacent to above mentioned Lot "B".

Also including the easterly 30.00 feet of Temescal Drive immediately adjacent to above mentioned Lots "A" and "B".

Also including the northerly 30.00 feet of Merle Avenue immediately adjacent to above mentioned Lot "A".

and

SECTION 2. USES. The following uses shall be permitted in said P-D(426) 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:

An "offset" zero lot line single family subdivision.

SECTION 3. ZONING MAP. Section Map 14-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of July, 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 *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

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

Ord. No. 2523-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 14th day of July, 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, 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: August 13, 1987

ORDINANCE NO. 2524 -C.S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP TO REZONE FROM NEIGHBORHOOD COMMERCIAL ZONE, C-1, AND GENERAL COMMERCIAL ZONE, C-2, TO PLANNED DEVELOPMENT ZONE, P-D(421), PROPERTY LOCATED ON THE NORTHEAST SIDE OF MCHENRY AVENUE AND ROSEBURG AVENUE (ED POWELL - CITY TIRE).

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

SECTION 1. ZONING CHANGE. Section 21-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Neighborhood Commercial Zone, C-1, and General Commercial Zone, C-2, to Planned Development Zone, P-D(421):

All that certain real property situate in a portion of the Southwest quarter of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

C-2 Property

The West one half (1/2) of Lot 16 of Mensinger Colony, according to the map thereof, filed in the Office of the County Recorder of Stanislaus County, California on May 18, 1909, in Volume 4 of Maps at Page 25, excepting therefrom the Southerly 225 feet of the Easterly 75 feet of said West one half of Lot 16.

C-1 Property

The Southerly 225 feet of the Easterly 75 feet of the aforesaid West one half of aforesaid Lot 16.

SECTION 2. USES. The following uses shall be permitted in said P-D(421) 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. Retail automotive tire and accessory sales and services.
2. Storage.
3. Any conditional and permitted C-2 Zone uses.
4. Off-street parking as shown on the approved plans.

SECTION 3. ZONING MAP. Section Map 21-3-9 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 7 day of July, 1987, by Councilmember Patterson, 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, City Attorney

APPROVED AS TO DESCRIPTION:

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

Ord. No. 2524-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 14th day of July, 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, 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: August 13, 1987

Clerk

ORDINANCE NO. 2525 -C.S.

AN ORDINANCE AMENDING SECTION MAP 14-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (FRANCO CONSTRUCTION)

WHEREAS, a verified application for an amendment to Section 14-3-9 of the Zoning Map was filed by Franco Construction on March 31, 1987, to reclassify from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on June 1, 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. 87-92, adopted on June 1, 1987, the Planning Commission recommended to the Council that the application of Franco Construction to amend Section 14-3-9 of the Zoning Map to reclassify the hereinafter described property from Medium Density Residential Zone, R-2, 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 July 7, 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 proposed downzoning from R-2 to R-1 will allow a single-family subdivision which will be compatible with adjoining development.

2. Development under the proposed R-1 zoning conforms to the General Plan which calls for residential development.

SECTION 2. ZONING CHANGE. Section 14-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1:

All that portion of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, California, described as follows:

Beginning at the southwest corner of Parcel "B" as shown on the map filed in Book 26 of Parcel Maps at Page 48, Stanislaus County Records; thence North 0°20'34" East, 333.61 feet; thence South 88°46'46" East, 520.13 feet; thence North 0°20'37" East, 198.06 feet; thence South 88°51'00" East 186.58 feet; thence South 0°15'08" West, 54.26 feet to the beginning of a curve concave to the east, having a radius of 330.00 feet and a central angle of 30°52'12", thence southerly on the arc of said curve 177.80 feet to the beginning of a curve concave to the west, having a radius of 270.00 feet and a central angle of 30°52'12"; thence southerly on the arc of said curve 145.47 feet; thence South 0°15'08" West, 170.26 feet; thence North 88°51'00" West, 792.56 feet to the southwest corner of said Parcel "B" and the true point of beginning of this description.

Including the westerly 30.00 feet of Orchard Park Way immediately adjacent to the above-described property.

Containing 6.879 acres, more or less

SECTION 3. ZONING MAP. Section 14-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3)

prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of July, 1987, by Councilmember Lang, 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 Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Nichols
Department of Planning and Community
Development

Ord. No. 2525-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 14th day of July, 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, 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: August 13, 1987

Check

ORDINANCE NO. 2526 -C.S.

AN ORDINANCE AMENDING SECTION MAP 25-3-8 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(423), PROPERTY LOCATED ON THE SOUTHWEST CORNER OF WOODLAND AVENUE AND CARPENTER ROAD (IRWIN STEINPRESS).

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

SECTION 1. ZONING CHANGE. Section 25-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(423):

All that certain real property situate in a portion of the Northeast quarter of Section 25, 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:

The East one-half of Lot 1 in Block 1 of Pleasant Homes, according to the map thereof filed in the office of the County Recorder of Stanislaus County, California on August 17, 1922, in Volume 9 of maps, page 67.

Including also the southern 20.00 feet of the original 40.00-foot Woodland Avenue immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(423) 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. Convenience market with gas pump islands.
2. Off-street parking as shown on the approved plans.

SECTION 3. ZONING MAP. Section Map 25-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14 day of July, 1987, by Councilmember Whiteside, 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 *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Prochda*
Department of Planning and
Community Development

Ord. No. 2526-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 21st day of July, 1987, 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, Sutton, Whiteside, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

APPROVED Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 20, 1987

ORDINANCE NO. 2527 -C.S.

AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(424), PROPERTY LOCATED ON THE WEST SIDE OF COFFEE ROAD AND SOUTH OF RUMBLE ROAD (PHILLIP OVERHOLTZER).

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

SECTION 1. ZONING CHANGE. Section 16-3-9 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(424):

All that certain real property situate in a portion of the Northeast Quarter of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California more particularly described as follows:

Parcel 1 as shown and designated on that certain Parcel Map filed in the office of the County Recorder of Stanislaus County, California, on September 16, 1976, in Volume 23 of Parcel Maps, page 56.

Including also the western 40.00 feet of Coffee Road immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(424) 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:

Professional Offices.

SECTION 3. ZONING MAP. Section Map 16-3-9 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 14 day of July, 1987, 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 Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Pralich
Department of Planning and
Community Development

Ord. No. 2527-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 21st day of July, 1987, 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, Sutton, Whiteside,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 20, 1987

301

ORDINANCE NO. 2528 -C.S.

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

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

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

SEC. 3-2.1401. CHANGE IN SPEED LIMITS SET BY STATE LAW.

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

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
BLUE GUM AVENUE, between Carpenter Road and Culpepper Avenue	25 miles per hour
CARPENTER ROAD, between 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 Rumble Road	25 miles per hour
CONANT AVENUE, between Standiford Avenue 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
ENSLLEN AVENUE, between Granger Avenue and Orangeburg Avenue	25 miles per hour
FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
FLOYD AVENUE, between Oakdale Road and Roselle Avenue within the City limits	35 miles per hour
N. MARTIN LUTHER KING DRIVE, 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 N. Martin Luther King Drive, 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

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	June 2, 1987

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	June 2, 1987
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
CALIFORNIA AVENUE, between Carpenter Road and N. Martin Luther King Drive within the City limits	35 miles per hour	February 24, 1987
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 Briggsmore Avenue	35 miles per hour	May 26, 1987
CARVER ROAD, between Briggsmore Avenue and Orangeburg Avenue	30 miles per hour	May 8, 1987
CARVER ROAD, between Orangeburg Avenue and 9th Street within the City limits	35 miles per hour	May 26, 1987
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	June 2, 1987
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	May 26, 1987
FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	June 14, 1983
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 within the City limits	40 miles per hour	March 24, 1987
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	June 11, 1987
MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	June 11, 1987
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	May 26, 1987
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
N. MARTIN LUTHER KING DRIVE, between Maze Boulevard and California Avenue	30 miles per hour	June 24, 1987
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 N. Martin Luther King Drive within the City limits	35 miles per hour	September 24, 1984

PARADISE ROAD, between N. Martin Luther King Drive and Washington Street	30 miles per hour	May 29, 1984
PRESCOTT ROAD, between Standiford Avenue and Rumble Road	40 miles per hour	April 28, 1987
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	May 26, 1987
ROSE AVENUE, between Briggsmore Avenue and Scenic Drive	35 miles per hour	May 26, 1987
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	June 26, 1987
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, between Lillian Drive and Claus Road	40 miles per hour	June 11, 1987
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 within the City limits	30 miles per hour	June 24, 1987
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	June 2, 1987
TUOLUMNE BOULEVARD, between Paradise Road and 7th Street	35 miles per hour	June 24, 1987

VENEMAN AVENUE, between Dale Road and Regency Park Drive	35 miles per hour	June 2, 1987
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 14 day of July, 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, City Attorney

Ord. No. 2528-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 21st day of July, 1987, 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, Sutton, Whiteside,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 20, 1987

Clerk

ORDINANCE NO. 2529 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2341-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. (RESOURCE DEVELOPMENT)".

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2341-C.S. Section 2 of Ordinance No. 2341-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(379) 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:

Single family 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 21 day of July, 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, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

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, City Attorney

Ord. No. 2529-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 28th day of July, 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



VICE MAYOR JOHN C. SUTTON

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 27, 1987

ORDINANCE NO. 2530 -C.S.

AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP TO REZONE FROM HIGHWAY COMMERCIAL ZONE, C-3, TO PLANNED DEVELOPMENT ZONE, P-D(425), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF NORTH NINTH STREET AND CLAYTON AVENUE (RICHARD S. CICCARELLI).

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

SECTION 1. ZONING CHANGE. Section 19-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Highway Commercial Zone, C-3, to Planned Development Zone, P-D(425):

All that certain real property situate in a portion of Lot "7" in the McDonald Tract, according to the official map recorded on April 30, 1903 in Book 1 of Maps, at Page 49, Stanislaus County Records, lying in the Northwest Quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California more particularly described as follows:

Commencing at the Northwest corner of said Lot "7"; thence South 43° 23' East along the West line of said Lot "7", 60.90 feet to the centerline of 50.00 foot wide Clayton Avenue; thence North 89° 12' East along said centerline of Clayton Avenue, 135.82 feet; thence South 43° 23' East, 33.95 feet to the South right-of-way line of Clayton Avenue and the true point of beginning of this description; then South 22°54'30" West, 54.62 feet to a point on the East right-of-way line of North Ninth Street; thence South 43° 23' East, along said East right-of-way line, 224.62 feet; thence North 89° 35' East, 294.24 feet to a point on the West right-of-way line of U.S. Highway "99"; thence Northwesterly along said West right-of-way the following three (3) courses, 1) North 0° 41" West, 35.41 feet to the beginning of a curve, concave to Southwest having a radius of 1,500.00 feet and a central angle of 5° 17'59"; 2) thence Northwesterly along the arc of said curve 138.75 feet; 3) thence North 37°36'42" West, 64.55 feet; thence South 89° 07' West, 38.53 feet to a point on the said South line of Clayton Avenue and a point on a curve, concave to the South having a radius of 40.00 feet and a central angle of 102°31'51"; thence Westerly along the arc of said curve and South right-of-way line, 71.58 feet; thence South 89° 07' West along said South right-of-way line, 238.51 feet to the point of beginning of this description.

Including also all of North Ninth Street and the Southerly one-half of Clayton Avenue immediately adjacent to the above described property.

Containing: 1.76 acres

SECTION 2. USES. The following uses shall be permitted in said P-D(425) 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. C-3 uses meeting on site parking limitations.
2. Sheet metal shop.

SECTION 3. ZONING MAP. Section Map 19-3-9 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 21 day of July, 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, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

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, City Attorney

APPROVED AS TO DESCRIPTION:

By William Proch
Department of Planning and
Community Development

Ord. No. 2530-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 28th day of July, 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 
VICE MAYOR JOHN C. SUTTON

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 27, 1987

2531

ORDINANCE NO. 2531 -C.S.

AN URGENCY ORDINANCE EXTENDING ORDINANCE NO. 2520-C.S. ENTITLED "AN URGENCY INTERIM ORDINANCE ADDING ARTICLE 9 TO CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO CAPITAL FACILITIES FEES." FOR AN ADDITIONAL THIRTY (30) DAY PERIOD.

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

SECTION 1. Pursuant to the authority conferred by Section 65962 of the California Government Code, Ordinance No. 2520-C.S. is hereby extended for an additional thirty (30) day period from and after the effective date of this ordinance.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public health and safety and the following is a statement of reasons for its urgency.

- (a) There is currently a shortage of funding to pay for the construction of necessary capital improvements required by the recent rapid increase in growth. Because of this shortage the installation of capital improvements have been delayed, to the injury of public health and safety. For example, traffic light installation has been delayed, which is resulting in automobile collisions and increasing congestion. Fire, police and park services are being strained to accommodate growth in the City.
- (b) It is necessary to keep Ordinance No. 2520-C.S. in effect for a further thirty (30) days so that capital facilities fees can continue to be collected from new development to pay for the new capital improvements such new developments have engendered a need for.

SECTION 3. EFFECTIVE DATE. Pursuant to Section 716 of the Modesto City Charter and Government Code Section 65962 this shall be an urgency ordinance and shall be effective immediately upon its adoption as necessary to preserve the public peace, welfare, health and safety.

SECTION 4. PUBLICATION. Copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of

the City of Modesto, setting forth the title of this ordinance, the date of its adoption and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of July, 1987, by Councilmember Lang, who moved its introduction and adoption which motion being duly seconded by Councilmember Sutton, was upon roll call carried by the following vote:

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

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, City Attorney

ORDINANCE NO. 2532 -C.S.

AN ORDINANCE AMENDING SECTION 3-2.1701 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO FEES FOR APPLICATION TO TEMPORARILY CLOSE RIGHTS-OF-WAY.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1701 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1701. PERMITS: AUTHORITY AND FEES.

The Chief of Police is hereby authorized to grant permits for the temporary use of the following public facilities:

- (a) Temporary closing of City streets;
- (b) Temporary use of City sidewalk areas;
- (c) Temporary use of on-street parking spaces; and
- (d) Temporary use of off-street parking spaces.

Before granting a permit for the temporary use of off-street parking spaces as provided in subsection (d) above, the Chief of Police shall obtain the recommendations of the Director of Parking and Traffic.

Every person who seeks to obtain the above-described permit shall pay to the Chief of Police an application fee in an amount as established from time to time by resolution of the City Council to cover the costs of processing the permit application.

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 21 day of July, 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, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

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, City Attorney

Ord. No. 2532-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 28th day of July, 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 
VICE MAYOR JOHN C. SUTTON

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 27, 1987

ORDINANCE NO. 2533-C.S.

AN ORDINANCE GRANTING TO MODESTO GARBAGE 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 Modesto Garbage 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 on January 1, 1988. 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 C 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 Modesto Garbage 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.

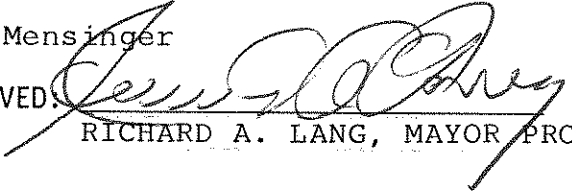
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4 day of August, 1987, by Councilmember Muratore who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and order printed and published by the following vote:

AYES: Councilmembers: McGrath, Muratore, Patterson, Whiteside, Lang, Mayor Pro Tem

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger

APPROVED:


RICHARD A. LANG, MAYOR PRO TEM

ATTEST:

By


NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By


STAN T. YAMAMOTO, City Attorney

Ord. No. 2533-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 11th day of August, 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, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 10, 1987

ORDINANCE NO. 2534 -C.S.

AN ORDINANCE AMENDING SECTION 4-8.04 OF CHAPTER 8 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO PARADE REGULATIONS AND ISSUANCE OF PERMITS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-8.04 of Chapter 8 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-8.04. ISSUANCE OF PERMIT.

The Chief of Police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- (a) The conduct of such parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (b) The conduct of such parade will not require the diversion of so great a number of police officers of the City to properly police the line of movement and the areas contiguous thereto, as to prevent normal police protection to the City;
- (c) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (d) The conduct of such parade will not unduly interfere with the movement of fire-fighting equipment enroute to a fire or other emergency equipment;
- (e) The conduct of such parade is not reasonably likely to cause injury to person or property or to provoke disorderly conduct or create a disturbance; and
- (f) Such parade is not to be held for the sole purpose of advertising the goods, wares, or merchandise of a particular business establishment or vendor; provided, however, that the provisions of this subsection shall not prohibit a parade held for the purpose of promoting or publicizing a commercial or trade event of a general nature.

A processing fee shall be paid at the time the permit application is submitted, which fee shall be an amount as established from time to time by resolution of 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.

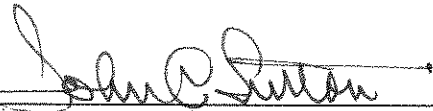
SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth 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 4 day of August, 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, Whiteside,
Acting Mayor Sutton

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: 
JOHN C. SUTTON, ACTING MAYOR

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2534-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 11th day of August, 1987, 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, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 10, 1987

Clerk

ORDINANCE NO. 2535-C.S.

AN ORDINANCE AMENDING SECTION MAP 24-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE P-D(429), PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BRIGGSMORE AVENUE AND LAKEWOOD AVENUE. (VILLAGE PROPERTIES)

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

SECTION 1. ZONING CHANGE. Section 24-3-9 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(429):

R-3 to P-D(429)

Parcel A as per parcel map filed June 29, 1984, in Volume 35 of Parcel Maps, page 36, Stanislaus County Records; being a portion of Lot 17 in Block 1656 of Old Orchard No. 3 located in the northwest quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Including the east 50.00 feet of Lakewood Avenue and all of East Briggsmore Avenue and portion of M.I.D. Lateral No. 3 located between said Parcel A and the north line of said Section 24 and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(429) 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:

Commercial and office uses permitted in the Neighborhood Commercial, C-1 Zone.

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

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


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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1987, by Councilmember Patterson, 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,
Acting Mayor Sutton

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: 
JOHN SUTTON, Acting Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ord. No. 2535-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of September, 19 87, Councilmember Whiteside 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: October 1, 1987

ORDINANCE NO. 2536 -C.S.

AN ORDINANCE AMENDING SECTION MAP 24-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(427), PROPERTY LOCATED ON THE NORTHWEST CORNER OF CLAUS ROAD AND SCENIC DRIVE. (CONTINENTAL PARAGON CORPORATION)

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

SECTION 1. ZONING CHANGE. Section 24-3-9 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(427):

All that portion of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, California, described as follows:

BEGINNING at the centerline intersection of present 70 foot wide Cedar Creek Court and 100 foot wide Claus Road; thence South on said Claus Road centerline 903.61 feet to the intersection of said Claus Road centerline with the centerline of Scenic Drive; thence West on said Scenic Drive centerline, 20.33 feet to the beginning of a curve concave to the south having a radius of 145.10 feet and a central angle of 18°22'31"; thence westerly on the arc of said curve 46.53 feet; thence South 71°37'29" West on said centerline 245.90 feet to the beginning of a curve concave to the north, having a radius of 350 feet and a central angle of 17°57'30"; thence westerly on the arc of said curve, 109.70 feet, thence continuing on said centerline, South 89°34'59" West, 132.78 feet to the intersection of said centerline with the southerly prolongation of the west line of Parcel "C" as shown on said Book 30 of Parcel Maps, Page 11, Stanislaus County Records; thence North on said west parcel line 1007.32 feet to the intersection of the northerly prolongation of said west line with the centerline of Cedar Creek Court; thence East on said centerline 540.00 feet to the point of beginning of this description.

Containing 12.005 acres, more or less.

SECTION 2. USES. The following uses shall be permitted in said P-D(427) 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. Residential condominium
2. Off-street parking as shown on the approved development plan.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18 day of August, 1987, by Councilmember Patterson, 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

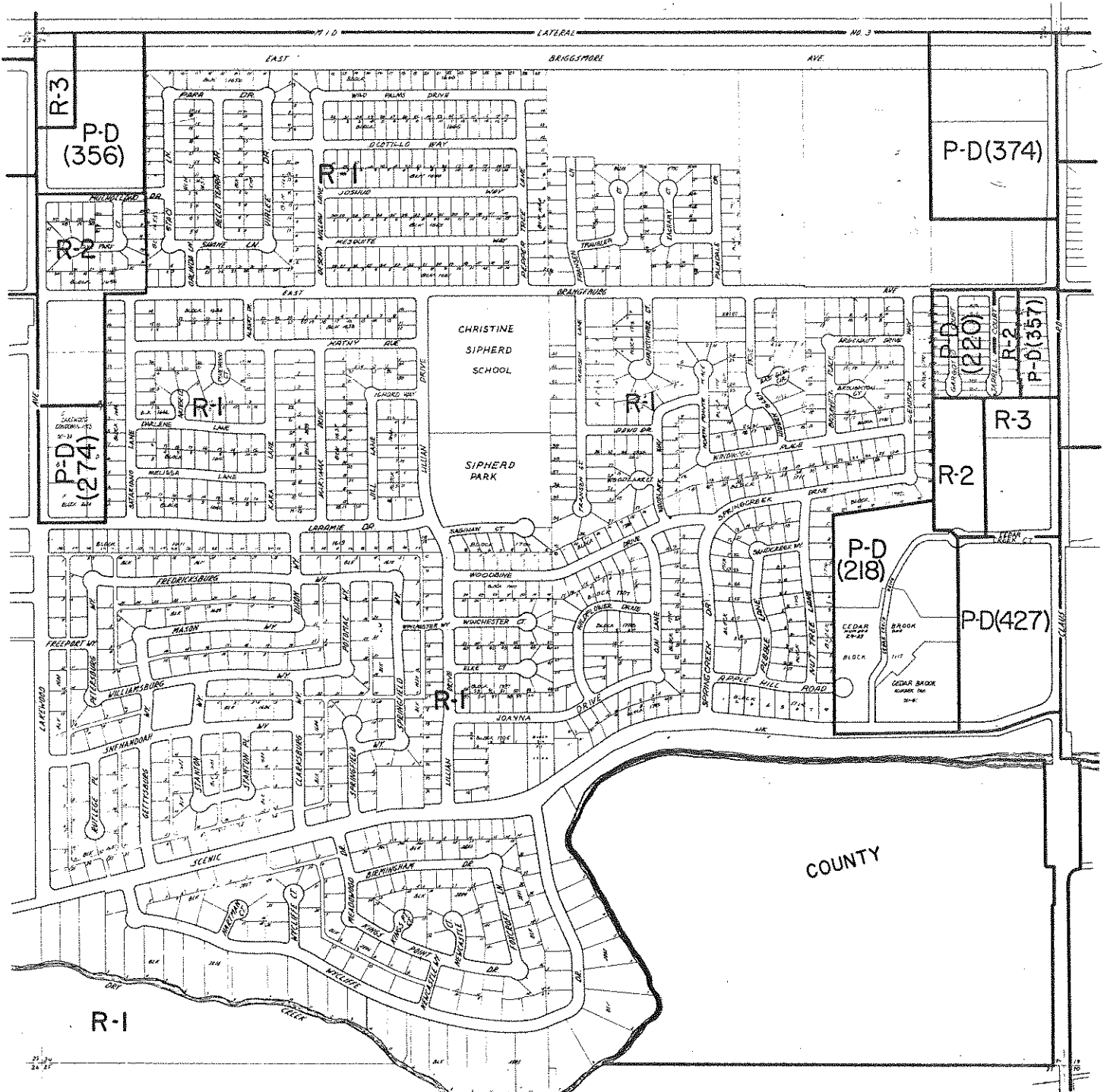
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Smith
Department of Planning and
Community Development



Ord. No. 2536-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of August, 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, 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: September 24, 1987

ORDINANCE NO. 2537 -C.S.

AN URGENCY ORDINANCE EXTENDING ORDINANCE NO. 2520-C.S. ENTITLED "AN URGENCY INTERIM ORDINANCE ADDING ARTICLE 9 TO CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO CAPITAL FACILITIES FEES." FOR AN ADDITIONAL THIRTY (30) DAY PERIOD.

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

SECTION 1. Pursuant to the authority conferred by Section 65962 of the California Government Code, Ordinance No. 2520-C.S. is hereby extended for an additional thirty (30) day period from and after the effective date of this ordinance.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public health and safety and the following is a statement of reasons for its urgency.

- (a) There is currently a shortage of funding to pay for the construction of necessary capital improvements required by the recent rapid increase in growth. Because of this shortage the installation of capital improvements have been delayed, to the injury of public health and safety. For example, traffic light installation has been delayed, which is resulting in automobile collisions and increasing congestion. Fire, police and park services are being strained to accommodate growth in the City.
- (b) It is necessary to keep Ordinance No. 2520-C.S. in effect for a further thirty (30) days so that capital facilities fees can continue to be collected from new development to pay for the new capital improvements such new developments have engendered a need for.

SECTION 3. EFFECTIVE DATE. Pursuant to Section 716 of the Modesto City Charter and Government Code Section 65962 this shall be an urgency ordinance and shall be effective immediately upon its adoption as necessary to preserve the public peace, welfare, health and safety.

SECTION 4. PUBLICATION. Copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of

the City of Modesto, setting forth the title of this ordinance, the date of its adoption and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18 day of August, 1987, by Councilmember McGrath, who moved its introduction and adoption which motion being duly seconded by Councilmember Lang, was upon roll call carried 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, City Attorney

ORDINANCE NO. 2538 -C.S.

AN ORDINANCE AMENDING SECTION 4-7.1205 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO FEES FOR SEARCHLIGHT APPLICATION PERMITS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-7.1205 of Chapter 7 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-7.1205. FEES.

The fees for searchlight application permits shall be in an amount as established by resolution adopted from time to time by the City Council.

Such fee shall be in addition to any other licenses or fees required by any other law of the City.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18 day of August, 1987, 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 Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2538-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of August, 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


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 24, 1987

Black

ORDINANCE NO. 2539-C.S.

AN ORDINANCE AMENDING SECTION 7-1.803 OF CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO THE DEFINITION OF PUBLIC FACILITIES PROJECTS.

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

SECTION 1. AMENDMENT OF CODE. Section 7-1.803 of Chapter 1 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-1.803. DEFINITIONS.

Unless the context requires otherwise, the definitions set forth in this Section shall apply to the following terms as used in this Article:

- (a) "Advance" means amounts expended by the City or other governmental entity towards the costs of a Public Facilities Project within or for the benefit of an Area of Benefit and for which the City shall be reimbursed from Facilities Benefit Assessments;
- (b) "Area(s) of Benefit" means lands which are designated as receiving special benefits from the construction, acquisition and improvement of Public Facilities Project(s) as established by a Resolution of Designation adopted by the City Council pursuant to this Article;
- (c) "Building Permit" means the permit issued or required for the construction of any structure in connection with the development of land pursuant to and as defined by the Uniform Building Code;
- (d) "Capital Program" means a plan for the implementation and financing of Public Facilities Projects including but not limited to a schedule for the commencement of construction, the estimated cost of construction and the payment of Facilities Benefit Assessments;
- (e) "Construction" means design, acquisition of property, administration of construction contracts, actual construction and incidental costs related thereto;
- (f) "Contribution" means amounts expended by the City or other governmental entity toward the cost of a Public

Facilities Project in relation to the general benefit received by the City for construction of the Public Facilities Project;

- (g) "Costs" mean amount spent or authorized to be spent in connection with the planning, financing, acquisition and development of a Public Facilities Project including, without limitation, the costs of land, construction, engineering, administration, and legal and financial consulting fees;
- (h) "Development" means the division of land, grading or original construction of an improvement to real property, which division of land, grading, or construction is of the type normally associated with urban development as opposed to agriculture activity;
- (i) "Facilities Benefit Assessment(s)" means the amounts collected under the terms of this Article to provide funds for Public Facilities Project(s) which will benefit designated Areas of Benefit;
- (j) "Public facilities project" means any and all public improvements the need for which is directly or indirectly generated by development, including but not limited to the following:
 - (1) Water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances providing water service.
 - (2) Lines, conduits and other necessary works and appliances for providing electric power service.
 - (3) Mains, pipes and other necessary works and appliances for providing gas service.
 - (4) Poles, posts, wires, pipes, conduits, lamps and other necessary works and appliances for lighting purposes.
 - (5) Sidewalks, crosswalks, steps, safety zones, platforms, seats, statutory, fountains, culverts, bridges, curbs, gutters, tunnels, subways or viaducts, parks and parkways, recreation areas, including all structures, buildings and other facilities necessary to make parks and parkways and recreation areas useful for the purposes for which intended.

- (6) Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels or other appurtenances.
- (7) Storm drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary inlets, outlets, pumps, retention basins, percolation basins, energy dissipation structures, manholes, catch basis, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels and appurtenances.
- (8) Pipes, hydrants and appliances for fire protection.
- (9) Retaining walls, embankments, buildings and any other structures or facilities necessary or suitable in connection with any of the work mentioned in this section.
- (10) Compaction of land, change of grade or contours, construction of caissons, retaining walls, drains and other structures suitable for the purpose of stabilizing land.
- (11) Works, systems or facilities for the transportation of people, including rolling stock and other equipment appurtenant thereto.
- (12) All other work auxiliary to that described in subparagraph (11) which may be required to carry out that work, including terminal and intermediate stations, structures, platforms or other facilities which may be necessary for the loading of people into and unloading of people from such transportation facilities.
- (13) The grading or regarding, the paving or repaving, the planking or replanking, the macadamizing or remacadamizing, the graveling or regraveling, and the oiling or reoiling of streets.
- (14) Acquisition, construction, improvement and equipping of library buildings.
- (15) Acquisition, construction, improvement and equipping of fire stations.

- (16) Acquisition, construction, improvement and equipping of temporary and permanent school buildings.
- (17) Acquisition, construction, improvement and equipping of police stations.
- (18) Acquisition, construction and installation of traffic signs, signals, lights and lighting.
- (19) Public works maintenance facilities.
- (20) All of the work auxiliary to any of the above which may be required to carry out that work, including but not limited to the maintenance of public facilities projects regardless of whether or not such projects were financed by assessments levied pursuant to the authority set forth in this article and administrative, engineering, architectural and legal work performed in connection with establishing, implementing and monitoring public facilities projects. The term "maintenance" as used in this subparagraph means any and all expenses incurred to keep a public facilities project in fit operating condition, including but not limited to the extension and/or enlargement of a public facilities project, the acquisition or construction of other works or improvements useful in the proper operation of a public facilities project, and the replacement of any obsolete equipment with new modern equipment found by the City Council to be necessary to the proper operation of a public facilities project.
- (21) Acquisition of any and all property, easements and rights-of-way which may be required to carry out the purposes of the project.

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 18 day of August, 1987, 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 *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

Ord. No. 2539-C.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of August, 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, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 24, 1987

51

ORDINANCE NO. 2540-C.S.

AN ORDINANCE GRANTING TO MODESTO AND EMPIRE TRACTION COMPANY, A CALIFORNIA CORPORATION, A FRANCHISE TO OPERATE, MAINTAIN, REPAIR AND RENEW A COMMERCIAL RAILROAD FOR THE TRANSPORTATION OF PROPERTY AS A COMMON CARRIER, IN, UPON, OVER, UNDER, ALONG AND ACROSS VARIOUS PUBLIC STREETS IN THE CITY OF MODESTO.

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

SECTION 1. DEFINITIONS. As used in this franchise, the singular number includes the plural, and the plural number includes the singular. Unless it shall be apparent from the context that they have a different meaning, the following words and phrases shall have the meaning herein specified:

(a) City. The word "City" shall mean the City of Modesto, a municipal corporation of the State of California, in its present incorporated form or any reorganized, consolidated or reincorporated form.

(b) City Attorney. The words "City Attorney" shall mean the duly appointed, qualified and acting City Attorney of the City of Modesto or such person as may hereafter, by law, be authorized to perform the duties now being performed by that official.

(c) City Clerk. The words "City Clerk" shall mean the duly appointed, qualified and acting City Clerk of the City of Modesto, or such person as may hereafter, by law, be authorized to perform the duties now being performed by that official.

(d) City Manager. The words "City Manager" shall mean the duly appointed, qualified and acting City Manager of the City of Modesto, or such person as may hereafter, by law, be authorized to perform the duties now being performed by that official.

(e) Council or City Council. The word "Council" or words "City Council" shall mean the present governing body of the City or any future board constituting the legislative body of the City.

(f) Franchise Property. The words "franchise property" shall mean all property constructed, installed, operated, or maintained in a public street pursuant to any right or privilege granted by this franchise, provided that any such property shall retain its character as "franchise property" only so long as it shall remain in or upon a street pursuant to any right or privilege granted by this franchise.

(g) Grantee. The word "grantee" shall mean Modesto and Empire Traction Company, a California corporation, and any person, firm, or corporation to which this franchise may hereafter be lawfully transferred as herein provided.

(h) Grantor. The word "grantor" shall mean the City of Modesto, a municipal corporation of the State of California.

(i) Public Utilities Commission. The words "Public Utilities Commission" shall mean the Public Utilities Commission of the State of California or any state officer or board succeeding to its function.

(j) Street. The word "street" shall mean any public street, road, highway, lane, alley, court, sidewalk, parkway, bridge, or similar public place, or above or below same, which now exists or which may hereafter exist within the City.

(k) Superintendent of Streets. The words "Superintendent of Streets" shall mean the duly appointed, qualified and acting Superintendent of Streets of the City of Modesto or such person as may hereafter, by law, be authorized to perform the duties now being performed by that official.

SECTION 2. NATURE OF GRANT. The City of Modesto hereby grants to Modesto and Empire Traction Company, a California corporation, a commercial railroad franchise to operate, maintain, repair and renew a common carrier rail transportation line as hereinafter described and in accordance with the terms and conditions contained in this ordinance, that is, a franchise:

(a) Rail Service. To engage, during the term of this franchise, as a common carrier, in the business of transporting property for hire, by rail in, upon, over, under, along and across the various public streets now or hereafter traversed by the route and tracks designated in Section 3 hereof and to construct, install, use, operate, maintain, repair and renew, in such public streets, any such physical property as may be reasonably necessary to the conduct of such business, including rails and track structure.

(b) Non-Exclusive Feature of Franchise. The granting of this franchise or any of the terms or conditions contained herein shall not be construed to prevent the City from granting over the route herein specified or elsewhere any identical, similar or other type of franchise to any person, firm or corporation other than grantee.

(c) Acceptance by Grantee. This franchise is not in lieu of any other franchises, rights or privileges now owned by grantee for the furnishing of any utility or service within the limits of the City of Modesto as they now or may hereafter exist, and the acceptance by grantee of this franchise shall not constitute or be deemed to constitute a waiver or abandonment or surrender by grantee of such franchises, rights or privileges as it may own or possess in connection with its operation in, upon, over, under, along or across any public streets in the City of Modesto other than in the area traversed by the route and tracks designated in Section 3 hereof.

SECTION 3. DESIGNATION OF RAIL ROUTE AND STREET AREAS. The center line of the route and tracks referred to in Section 2 hereof is described as follows:

BEGINNING at a point on the center line of B Street, which lies approximately 190 feet southwesterly of the center line of Ninth Street; thence northeasterly along the center line of B Street, 1,340 feet, more or less, to the northeasterly property line of 12th Street.

EXCEPTING THEREFROM all existing Modesto and Empire Traction Company rights of way or easements lying within the above described strip of land.

SECTION 4. DURATION, REVOCATION AND TERMINATION OF GRANT.

(a) This grant shall endure in full force and effect for a period of twenty (20) years from and after the effective date hereof, unless the same, with the consent of the appropriate state or federal agency, shall be voluntarily surrendered or abandoned by grantee, or unless the franchise shall be forfeited for noncompliance with its terms by grantee.

(b) Grantee shall comply with the provisions of the City Charter and all lawful ordinances of the City, heretofore or hereafter adopted, relating to the operations hereunder. If grantee shall at any time fail to comply with or to fulfill any one for more of the terms or conditions of this franchise, the City Council may, by lawful ordinance, revoke this franchise, provided, however, that if such failure of compliance or fulfillment shall be due to a cause beyond the control of grantee, then this franchise shall not be so revoked until such failure shall have continued for a period of six (6) months after grantee has power to comply.

(c) If any term or condition of this franchise shall be or become invalid or unenforceable, the City Council may, by ordinance, terminate the

franchise, provided the City Council shall find and declare that the invalid or unenforceable term or condition constituted a consideration material to the grant of this franchise.

SECTION 5. LIMITATION UPON SERVICE.

(a) The use or operation of grantee's franchise property shall be subject to all lawful ordinances of the City now or hereafter in effect relating thereto.

(b) Trains, cuts or strings of cars or single cars or locomotives shall not be permitted to stop or stand on any track or tracks covered by this franchise, except in connection with the switching of cars to or from industrial tracks connecting with such tracks and except to do so for vehicular traffic, traffic signals and railroad or grade crossings or in the event of emergencies such as derailments, mechanical failures, and the like.

(c) Provided, however, that written permission to deviate from any of the requirements of this Section 5 may be given by the City Manager when, in the judgment of such City Manager, unforeseen conditions or emergencies so warrant.

SECTION 6. STREET WORK BY GRANTEE.

(a) Grantee shall have the right to make all necessary excavations in the streets for installation, construction, maintenance, repair, replacement, reconstruction and removal of franchise property.

(b) Before grantee shall engage in any work in the streets for the installation, construction, maintenance, repair, replacement, reconstruction, or removal of franchise property, written notice thereof shall be given to the Superintendent of Streets. Except in the case of emergency work necessary to

avoid an immediate interruption of service, or for the immediate preservation of the public safety, such notice shall be given at least forty-eight (48) hours, exclusive of Saturdays and Sundays and Holidays, prior to commencement of such work.

(c) The Superintendent of Streets shall have authority to review the time and manner of performing any work in the public streets to the extent necessary, in his opinion, to provide for the public safety and convenience.

(d) Whenever the City or other governmental agency shall pave or repave the street or shall reconstruct a street with a higher type of pavement, grantee shall simultaneously pave or repave the portion of the street used by the track or tracks of grantee and between the rails and for two (2') feet on each side thereof, and between the tracks, if there be more than one, and shall cause such street work to be done with the same kind of material as is used in the remaining width of each street, all to the satisfaction of the Superintendent of Streets.

(e) Whenever the City or other governmental agency shall have previously constructed pavement or shall pave or repave a street under item (d) above, the grantee shall maintain and keep the portion of the street used by the track or tracks of grantee and between the rails and for two (2') feet on each side thereof, and between the tracks, if there be more than one, constantly in repair flush with the street and with good crossings, all to the satisfaction of the Superintendent of Streets.

SECTION 7. PUBLIC IMPROVEMENTS BY PUBLIC BODIES.

(a) The City, the State and any political subdivision or governmental agency or instrumentality may construct, improve, install,

repair, maintain and remove any public improvements or facilities such as sewers, drains, water or gas pipes, electric or other lines or conduits, and the like, in, under or above any street or portion thereof covered by this franchise.

(b) If the Superintendent of Streets shall give to grantee twenty (20) days' written notice of the fact that work is to be done pursuant to any right reserved in subdivision (a) of this section, specifying the general nature of the work and the area in which the same is to be performed, then grantee shall at its own expense do all things necessary to support and protect its franchise property during the progress of such work, and, if ordered by the Superintendent of Streets, the grantee shall at its own expense disconnect, remove, or relocate its franchise property within the street to such extent, in such manner, and for such period as shall be necessary to permit the performance of such work in an economical manner and in accordance with generally recognized engineering and construction methods, and to permit the maintenance, operation, and use of such public improvement or of the street as so improved. If the location of grantee's franchise property in such streets or portion thereof increases the cost of such work described in paragraph (a) above, grantee shall be liable and pay for such increased cost caused by the location of such franchise property.

SECTION 8. CONSTRUCTION AND RECONSTRUCTION OF TRACKS.

(a) The rails of the tracks constructed or reconstructed after the effective date of this franchise in the improved or paved streets pursuant to this franchise, shall be guarded tee rail satisfactory to the Superintendent of Streets. All tracks so constructed or reconstructed pursuant to this

franchise shall be placed and maintained at grades and alignments prescribed by the Superintendent of Streets.

(b) In the event the City shall from time to time prescribe any change of grade or alignment for the street in which the track or tracks is located, the grantee shall at its own expense cause its rails to conform to the newly prescribed grade or alignment at the request of the City.

(c) All future installations, and the grade to which they shall be constructed shall all be satisfactory to the Superintendent of Streets.

SECTION 9. GRADE SEPARATIONS. Grantee shall bear such costs of installation, alteration, maintenance or operation of crossing protections or of grade separations as may be ordered by the Public Utilities Commission.

SECTION 10. DAMAGE TO PUBLIC PROPERTY. Grantee shall pay to the City on demand the cost of all repairs to public property made necessary by or proximately resulting from any operations of grantee under this franchise, ordinary wear and tear excepted.

SECTION 11. INSTALLATION OF OTHER UTILITIES. The City reserves to itself, as against the grantee, the following rights:

(a) To permit others to construct, install, maintain, repair and renew property of any character in and upon all of the streets covered by this franchise.

(b) To permit others to operate and use, for every lawful purpose, any property, other than property of grantee, constructed installed, maintained or renewed in the streets covered by this franchise.

Provided, however, that City shall include in any authority granted to others pursuant to the rights reserved in (a) and (b) above,

reasonable provisions for the protection by and at the expense of such others of the franchise property of grantee, including, but not limited to, reasonable provisions as to the methods and time of performance of work by such others on, under, over and adjacent to grantee's franchise property.

Grantee shall bear the expense of all repairs, reconstruction or support and protection of its franchise property made necessary by the use, operation, maintenance, repair or renewal of any property constructed or installed in the streets prior to the construction or installation therein of grantee's franchise property.

(c) The rights reserved to the City in and by this section are independent of, and in addition to, the rights of the City with respect to public improvements under Section 7 of this franchise.

SECTION 12. TERMINATION OF SERVICE.

(a) Unless otherwise authorized by ordinance, in the event of abandonment of service, grantee shall at its expense within three (3) months thereafter remove its franchise properties from streets and reconstruct the pavement and other street improvements adjacent to franchise properties so that the work will join and be contiguous with the work done in adjoining portions of the street; all of said work to be done under the supervision of and to the satisfaction of the Superintendent of Streets.

(b) For the purpose of this section, failure to maintain service for a period of six (6) months shall constitute abandonment of service, except where such failure is due to strikes, acts of God, or other causes beyond the reasonable control of grantee.

(c) In the event grantee fails or refuses to remove its franchise properties from the streets as provided for in subsection (a) hereinabove, the City Council may declare a breach of the conditions of this franchise and grantee shall be liable and pay to the City the reasonable cost of doing the work required by said subsection (a).

SECTION 13. CITY'S RIGHT TO INSPECT PROPERTY AND RECORDS AND OBTAIN REPORTS.

(a) At all reasonable times, grantee shall permit the City Manager, or any person designated by him, to examine all property of grantee constructed, installed, maintained, or operated pursuant to this franchise, together with any appurtenant property of grantee.

(b) Grantee shall at the request of the City Manager prepare and furnish the City Manager, at its expense within thirty (30) days, such reports with respect to its operations, affairs, transactions, property and financial conditions as may be reasonably necessary or appropriate to the performance of any of the duties of the City Manager with relation to this franchise.

SECTION 14. INSURANCE/INDEMNIFICATION OF CITY.

(a) Insurance. The grantee shall take all reasonable steps and make its best efforts to maintain during the duration of the franchise insurance, self-insurance, or a combination of self-insurance and insurance against claims for injuries to persons or damages to property which may arise from or in connection with the Grantee's operations under the franchise. Coverage shall be as follows:

(1) Comprehensive General Liability Policy with the Broad Form Endorsement or Commercial General Liability Policy. The minimum limits

shall be \$5 million in combined single limits per occurrence for bodily injury, personal injury and property damage.

(2) Commercial Automobile Liability Policy endorsed with Code 1 "any auto". The minimum limits shall be \$5 million in combined single limits per accident for bodily injury and property damage.

The policies shall be endorsed to contain the following provisions:

(1) The City of Modesto, its officers, agents, employees and volunteers are to be covered as additional insureds as respects: liability arising out of operations performed by grantee under this franchise; except for liability arising out of the sole negligence of the City of Modesto, its officers, agents, employees, and volunteers.

(2) The grantee's insurance coverage shall be primary insurance as respects the City, its officers, agents, employees and volunteers. Any insurance, self-insurance or loss pools in which the City participates shall be excess of the grantee's insurance, and shall not contribute with grantee's insurance.

(b) Indemnification. The grantee shall save, keep and hold harmless the City of Modesto, its officers, agents, employees and volunteers from all damages, costs, or expenses in law or equity that may at anytime arise or be set up because of damages to property or personal injury received by reason of or in the course of operations by Grantee under this franchise, which may be occasioned by any willful or negligent act or omissions of the grantee, any of the grantee's employees or any subcontractor.

SECTION 15. FORFEITURE. If grantee shall fail, neglect or refuse to comply with any of the terms or conditions of this grant, and if such failure, neglect or refusal shall continue for more than sixty (60) days after written demand by the City, or its City Manager, for compliance therewith, then, and in that event the City, by its legislative body, in addition to all rights and remedies, allowed by this franchise or by law, may thereupon declare a forfeiture of the franchise, right and privilege granted by this ordinance. Upon any such forfeiture, all the franchise rights and privileges of grantee granted hereby shall thereupon be at an end.

No provision herein made for the purpose of securing the enforcement of the terms and conditions of this franchise shall be deemed an exclusive remedy or to afford the exclusive procedure for the enforcement of said terms and conditions, but the remedies and procedure outlined herein or provided, including forfeiture, shall be deemed to be cumulative.

SECTION 16. TRANSFER OF FRANCHISE RIGHT. No transfer, assignment or lease, or attempted transfer, assignment or lease, of this franchise, in whole or in part, or of any right, privilege or interest therein to any person, firm or corporation shall have any force, effect or validity without the express consent of the City given by ordinance, provided, however, that nothing herein shall be construed to prevent grantee from including this franchise in a mortgage or deed of trust without such express consent.

SECTION 17. DELIVERY OF NOTICE.

(a) Any written notice herein required to be given by City, or any of its officers or agents, to grantee shall be delivered in person or sent by registered mail to the President of grantee.

(b) Any written notice herein required to be given by grantee to the City, or any of its officers or agents, shall be delivered in person to the individual for whom it is intended, or to the City Manager of the City, or sent by registered mail to the City Manager of the City.

SECTION 18. ACCEPTANCE OF FRANCHISE. Grantee shall within thirty (30) days after the effective date of this ordinance file with the City Clerk a written instrument satisfactory to the City Attorney accepting the terms and conditions hereof, and at the same time pay to the City the first annual payment referred to in Section 19. If grantee shall fail to file its acceptance with the City Clerk and to make said payment to City within the aforesaid time, the franchise hereby granted shall be ipso facto void.

SECTION 19. CONSIDERATION FOR FRANCHISE.

(a) Annual Consideration. As consideration for the granting of this franchise, grantee shall pay to the City annually on the anniversary of the effective date hereof an amount equivalent to the sum of Two and no/100ths (\$2.00) Dollars per track foot, or fraction thereof, retroactive to June 14, 1987, for the portion of all tracks in street areas as measured along the center line of each track described in Section 3.

(b) Periodic Adjustment of Consideration. The annual consideration provided for herein shall be subject to adjustment every two (2) years. The first such adjustment shall be effective on June 14, 1989; subsequent adjustments shall become effective on June 14 of 1991, 1993, 1995, 1997, 1999, 2001, 2003, and 2005 (herein called "adjustment date").

The basis for computing the adjustment shall be the then current Consumer Price Index for all urban wage earners and clerical workers

for San Francisco-Oakland, published by the United States Department of Labor, Bureau of Labor Statistics, in comparison with the Index in effect at the time of the adjustment date two years prior. The first adjustment shall be based on CPIs in effect on June 14, 1987 and June 14, 1989. In no event shall the minimum annual consideration be less than the \$2.00 per track foot as established herein.

If the Index is discontinued or revised during the term of this franchise, such other government Index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

(c) Adequate Consideration. The foregoing payments and the agreements and obligations of grantee hereunder are deemed by the City Council to be an adequate consideration for the privilege hereby granted.

SECTION 20. 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 21. 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.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1987, by Councilmember Patterson, 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 *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

Ord. No. 2540-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of September, 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, Whiteside,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 22, 1987

Book
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ORDINANCE NO. 2541 -C.S.

AN ORDINANCE AMENDING SECTION 8-1.903 OF ARTICLE 9 OF CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO CAPITAL FACILITIES FEES.

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

SECTION 1. AMENDMENT OF CODE. Section 8-1.903 of Article 9 of Chapter 1 of Title VIII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 8-1.903. DEFINITIONS.

For purposes of this chapter, and resolutions adopted thereto, certain words shall have the following meanings:

- (a) "Low Density Residential Use" shall mean a detached building designed for occupancy by one family.
- (b) "Medium Density Residential Use" shall mean a mobile home or an attached building designed for occupancy by two families or two detached buildings designed for occupancy on a single lot.
- (c) "Medium High Density Residential Use" shall mean one or more buildings on a single lot designed for occupancy by three or more families.
- (d) "Care Home Use" shall mean structures designed for use as a convalescent hospital, or a retirement home, or a twenty-four hour care center for seven or more persons in addition to members of the family, or a child day care center.
- (e) "Church Use" shall mean structures primarily designed as a place for public worship.
- (f) "School Use" shall include those uses offering educational services and/or vocational training to students aged five years or older but excluding child care facilities.
- (g) "Professional Office Use" shall mean structures designed for use as offices, including medical or dental offices and laboratories, business offices (excluding retail or wholesale sales and banking institutions), professional offices and pharmacies (excluding manufacture and distribution of pharmaceuticals).

- (h) "Commercial Use" shall mean those uses designated as permitted or conditional uses in the C-1, C-2 and C-3 Zones of Title XII of the Modesto Municipal Code.
- (i) "Fast Food Restaurant Use" shall mean those restaurant structures frequently designed with drive-in or drive-through facilities with menus to accommodate fast ordering and receipt of food with no or a limited number of sit down facilities.
- (j) "Convenience Mart Use" shall include those structures of approximately one to five thousand square feet in size which are designed to be open for retail use between fifteen and twenty-four hours a day and which commonly sell fuel for motorized vehicles.
- (k) "Industrial Use" shall mean those uses designated as permitted or conditional uses in the C-M, M-1 and M-2 Zones of Title X of the Modesto Municipal Code, excluding all those uses which are permitted in any of the other zones as set forth in Title X excepting warehouses.
- (l) "Capital Improvement" shall mean the following:
 - (1) Any building structure or other improvement constructed or renovated by the City upon property owned by or under its control.
 - (2) Any initial equipment or piece of equipment necessary to service new growth or new development.
- (m) "Capital Facilities Fee" shall be the fee charged new construction, including the expansion of and/or the addition to an existing structure, to mitigate an unfunded portion of the determined impact of the development.
- (n) "Hospital" shall mean a structure designed for health services both in-patient and out-patient; that includes surgical care of the sick or injured or the physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, out-patient departments, training facilities, central service facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered "professional offices" if located off-site, unless a multi-site campus is covered by a P-D Zone for hospital uses. A separate set of offices on the same site for physicians is considered "professional offices."

Ord. No. 2541-C.S.


FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1987, Councilmember Whiteside 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: McGrath, Muratore, Patterson, Whiteside,
Mayor Pro Tem Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger

APPROVED 
~~MAYOR PRO TEM RICHARD A. LANG~~
MAYOR PRO TEMPORE RICHARD A. LANG

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 22, 1987

2016

ORDINANCE NO. 2542 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2502-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(413), PROPERTY LOCATED ON THE NORTH SIDE OF EAST ORANGEBURG AVENUE BETWEEN COLLIER AVENUE AND TROMBETTA AVENUE (DR. FRED MANTZ)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2502-C.S. Section 2 of Ordinance No. 2502-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following use shall be permitted in said P-D(413) 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. Medical/Professional office condominiums including P-0 Zone uses.
- 2. Off-street parking as shown on the approved plan."

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 15 day of September, 1987, 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, Whiteside,
Acting Mayor Sutton

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Mensinger

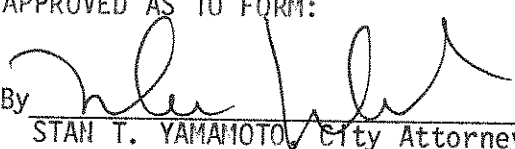
APPROVED: 
JOHN C. SUTTON, Acting Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2542-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of September, 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, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 22, 1987

Clerk (7)

ORDINANCE NO. 2543 -C.S.

AN ORDINANCE AMENDING SECTION MAP 29-3-9 OF THE ZONING MAP TO REZONE FROM GENERAL COMMERCIAL ZONE, C-2, TO PLANNED DEVELOPMENT ZONE, P-D(430), PROPERTY LOCATED ON THE EAST CORNER OF K STREET AND 15TH STREET (HERITAGE PARTNERS).

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

SECTION 1. ZONING CHANGE. Section 29-3-9 of the Zoning Map is hereby amended to reclassify the following described property from General Commercial Zone, C-2, to Planned Development Zone, P-D(430):

All that certain real property situate in a portion of the Southeast Quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California more particularly described as follows:

All of lots 24, 25, 26, 27, 28, 29, 30, 31 and 32 in Block 123, of the City of Modesto.

Including also the Northeasterly 40.00 feet of 15th Street, the Southeasterly 40.00 feet of "K" Street, and the Southwesterly 10.00 feet of the alley in said Block 123 and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(430) 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:

Any uses permitted in the C-2 Zone subject to meeting parking requirements.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15 day of September, 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, Whiteside,
Acting Mayor Sutton

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Mensinger

APPROVED: 
JOHN C. SUTTON, Acting Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ord. No. 2543-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of September, 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, Whiteside, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Sutton

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 22, 1987

ORDINANCE NO. 2544 -C.S.

AN ORDINANCE AMENDING SECTION MAP 3-3-8 AND SECTION MAP 10-3-8 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(404), TO PLANNED DEVELOPMENT ZONE, P-D(431), PROPERTY LOCATED BETWEEN SALIDA BOULEVARD AND FREEWAY 99 SOUTH OF PELANDALE AVENUE (THOMPSON-HYSELL ENGINEERS)

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

SECTION 1. ZONING CHANGE. Section 3-3-8 and Section 10-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(404), to Planned Development Zone, P-D(431):

All that certain real property situate in a portion of the Northeast one-quarter of the Northeast one-quarter of Section 10 and the Southeast one-quarter of the Southeast one-quarter of Section 3, both in Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the Northeast corner of said Section 10; thence along the East line of said Section 10, South 0°13'29" East 477.34 feet to the West right-of-way line of State Highway 99; thence northwesterly along said West line 293.58 feet to the True Point of Beginning; thence continuing along said West line, North 27°27'31" West, 539.71 feet more or less; thence leaving said west line and at right angles, Southwesterly 50.00 feet; thence at right angles Northwesterly 50.00 feet; thence at right angles Northeasterly 50.00 feet to the aforementioned west line; thence continuing along the west right-of-way line of said State Highway 99, North 27°27'31" West, 40.00 feet; thence continuing along said west line, North 43°07'15", West 350.29 feet; thence continuing along said west line, North 56°57'22" West, 448.08 feet; thence continuing along said west line on a tangent curve concave to the Northeast, moving a radius of 860.00 feet, 60.00 feet to the intersection with the East right-of-way line of Salida Boulevard; thence along said East line, Southeasterly, 506.07 feet; thence continuing along said East line Southeasterly 950.00 feet to the Point of Beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(431) 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. Recreational vehicle sales and service facility.
2. Off-street parking area.

SECTION 3. ZONING MAP. Section Map 3-3-8 and Section 10-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15 day of September, 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, Whiteside, Acting Mayor Sutton,

NOES: Councilmembers: Muratore

ABSENT: Councilmembers: Patterson, Mayor Mensinger

APPROVED: 
JOHN C. SUTTON, Acting Mayor

ATTEST:


By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and Community
Development

Ord. No. 2544-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of September, 19 87, Councilmember McGrath 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, Patterson, Whiteside,
Mayor Mensinger

NOES: Councilmembers: Muratore

ABSENT: Councilmembers: Sutton

APPROVED *Reggy Mensinger*
MAYOR REGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 22, 1987

Clerk
9

ORDINANCE NO. 2545 -C.S.

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(139), PROPERTY LOCATED ON THE EAST CORNER OF 17TH AND H STREETS (MODESTO CITY HOSPITAL).

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

SECTION 1. ZONING CHANGE. Section 28-3-9 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(139):

Rezone R-3 to P-D(139)

Lots 27, 28, 29, & 30 in Block "M" of the City of Modesto, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on December 21, 1942 in Volume 15 of Maps.

Including the northeastern 40.00 feet of 80.00 foot wide 17th Street and the southwestern 10.00 feet of the 20.00 foot wide alley in Block M and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(139) 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:

Off-street parking as shown on the approved map.

SECTION 3. ZONING MAP. Section Map 28-3-9 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 15 day of September, 1987, by Councilmember Whiteside, 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, Whiteside,
Acting Mayor Sutton

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Mensinger


APPROVED 
JOHN C. SUTTON, Acting Mayor

ATTEST:

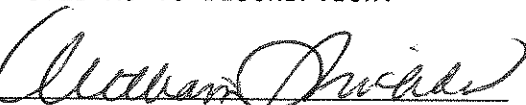
By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ord. No. 2545-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of September, 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, Whiteside,
Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Sutton

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 22, 1987

(10)

ORDINANCE NO. 2546 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2533-C.S. ENTITLED "AN ORDINANCE GRANTING TO MODESTO GARBAGE COMPANY, INC., A CALIFORNIA CORPORATION, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO" TO ADD AREA D TO SUBSECTION (b) THERETO, AND REPEALING ORDINANCE NO. 2473-C.S.

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2533-C.S. Section 2 of Ordinance No. 2533-C.S. is hereby amended to read as follows:

"SECTION 2. A license to collect garbage including industrial garbage and salvageable waste, in the City of Modesto is hereby granted to Modesto Garbage 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 on January 1, 1988. 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 Areas C and 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 2. SUPERSEDES AND REPEALS. This ordinance supersedes and repeals Ordinance No. 2473-C.S., which granted a license to collect garbage to Orange Line Sanitation Company, Inc.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15 day of September, 1987, by Councilmember McGrath who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and order printed and published by the following vote:

AYES: Councilmembers: McGrath, Muratore, Whiteside,
Mayor Pro Tem Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, Mayor Mensinger

APPROVED: Richard A. Lang
RICHARD A. LANG, Mayor Pro Tem

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2546-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of September, 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, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 22, 1987

ORDINANCE NO. 2547 -C.S.

AN ORDINANCE AMENDING SECTION MAP 10-3-9 OF THE ZONING MAP TO REZONE FROM A PORTION OF PLANNED DEVELOPMENT ZONE, P-D(211), TO PLANNED DEVELOPMENT ZONE, P-D(428), PROPERTY LOCATED ON THE SOUTHWEST CORNER OF OAKDALE ROAD AND SYLVAN AVENUE. (U.S. BY-PRODUCTS, INC.)

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

SECTION 1. ZONING CHANGE. Section 10-3-9 of the Zoning Map is hereby amended to reclassify from a portion of Planned Development Zone, P-D(211), to Planned Development Zone, P-D(428), the following described property:

ALL that certain real property situate in a portion of the Southeast Quarter of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying within the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the East Quarter corner of said Section 10, said point being the centerline intersection of Sylvan Avenue with Oakdale Road; thence South $0^{\circ}10'55''$ West along the East line of said Section 10, and said centerline of Oakdale Road, a distance of 752.66 feet; thence North $89^{\circ}49'05''$ West, 723.45 feet; thence North $18^{\circ}36'35''$ West, 7.44 feet; thence Northeasterly along an arc of a tangent curve to the right, having a radius of 400.00 feet, through a central angle of $46^{\circ}32'00''$, an arc distance of 324.86 feet to a point of compound curvature; thence Northwesterly along an arc of a compound curve to the left, having a radius of 300.00 feet, through a central angle of $27^{\circ}12'10''$, an arc distance of 142.43 feet; thence tangent to the preceding curve North $0^{\circ}43'15''$ East, 300.00 feet to the intersection with the East-West Quarter Section Line of said Section 10 and said centerline of Sylvan Avenue; thence South $89^{\circ}16'45''$ East along said East-West Line and said centerline of Sylvan Avenue a distance of 663.93 feet to the Point of Beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(428) 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. Neighborhood shopping center limited to C-1 Zone uses.
2. Off-street parking as shown on the approved development plan.

SECTION 3. ZONING MAP. Section Map 10-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15 day of September, 1987, by Councilmember McGrath, 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, Muratroe, Whiteside,
Acting Mayor Sutton

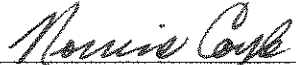
NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Mensinger

APPROVED: 

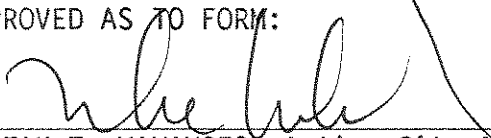
JOHN C. SUTTON, Acting Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ord. No. 2547-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of September, 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, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 22, 1987

ORDINANCE NO. 2548 -C.S.

AN ORDINANCE AMENDING SECTION 8-1.905 OF ARTICLE 9 OF CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO CAPITAL FACILITIES FEES.

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

SECTION 1. AMENDMENT OF CODE. Section 8-1.905 of Article 9 of Chapter 1 of Title VIII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 8-1.905. EXEMPTIONS.

(a) Reconstruction of Demolished or Destroyed Structures.

The fees imposed by this article shall not be applicable to those lots on which a structure was previously situated but which was destroyed by fire or other natural disaster, or which was removed or demolished, provided:

- (1) That a permit to rebuild is obtained within one (1) year of the destruction, demolition or removal of the structure.
- (2) That the permit to rebuild is obtained by the owner of record as of the date of the destruction, demolition or removal of the structure.
- (3) That the exemption will apply only to the extent that the permit to rebuild is for the same number or fewer dwelling units or square feet as previously existed. The fees imposed by this article shall be applied to the extent that the permit is for more units than previously existed.

(b) Construction of Certain Low-Income Housing.

The fees established by this article shall not be applicable to the following:

- (1) Any low-income housing units constructed or expanded by the Stanislaus County Housing Authority.

- (2) Any low-income housing units constructed or expanded by any other person or entity on a not-for-profit basis. The exemption authorized by this subparagraph (B)(2) may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the units to be constructed or expanded are in fact low-income and whether or not the development will be on a not-for-profit basis.

As used in this subparagraph (B), the term "low-income housing" shall mean housing at rents affordable to households earning fifty percent (50%) or less of the Median Area Income as determined from time to time by the United States Department of Housing and Urban Development.

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 22 day of September, 1987, by Councilmember Patterson, 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, Patterson, Whiteside, Mayor Mensinger

NOES: Councilmembers: Lang, Muratore

ABSENT: Councilmembers: Sutton

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, City Attorney

Ord. No. 2548-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of October, 1987, Councilmember McGrath 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: McGrath, Patterson, Whiteside, Mayor Mensinger

NOES: Councilmembers: Lang, Muratore

ABSENT: Councilmembers: Sutton

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 12, 1987

Clark

ORDINANCE NO. 2549 -C.S.

AN ORDINANCE AMENDING SECTION MAP 14-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(432), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF OAKDALE ROAD AND FLOYD AVENUE (ROSS BRILES).

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

SECTION 1. ZONING CHANGE. Section 14-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(432):

All that certain real property situate in a portion of the southwest quarter of the northwest quarter of Section 14, Township 3, South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

PARCEL 1 as shown and designated on that certain Parcel Map filed in the office of the County Recorder, Stanislaus County, California, on February 17, 1970 in Volume 8 of Parcel Maps at page 36, being a portion of Lot 9 of the Oregon Colony according to the Official Map thereof, filed February 9, 1910 in Volume 4 of Maps at page 48.

Including the East 50.00 feet of Oakdale Road and the South 30.00 feet of Floyd Avenue and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(432) 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. Those uses permitted in the C-1 Zone.

SECTION 3. ZONING MAP. Section Map 14-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of September, 1987, 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, 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 *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:
By *William Priddy*
Department of Planning and
Community Development

Ord. No. 2549-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of October, 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: November 12, 1987

Check

ORDINANCE NO. 2550 -C.S.

AN ORDINANCE AMENDING SECTION MAP 11-3-8 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, AND PLANNED DEVELOPMENT ZONE, P-D(367), TO PLANNED DEVELOPMENT ZONE, P-D(433), PROPERTY LOCATED ON THE NORTHWEST CORNER OF STANDIFORD AVENUE AND DALE ROAD (BELCO)

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

SECTION 1. ZONING CHANGE. Section 11-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, and Planned Development Zone, P-D(367), to Planned Development Zone, P-D(433):

P-D(367) to P-D

All that portion of Lot 8 of the McKinney Colony as per map filed November 21, 1903, in Volume 1 of Maps, Page 57, Stanislaus County Records, described as follows:

Commencing at the Northeasterly corner of said Lot 8, said point lying on the Easterly line of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian; thence South 89°15'15" West along the Northerly line of said Lot 8, a distance of 52 feet to the Westerly line of Dale Road and the point of beginning; thence South 0°19'18" East along said Westerly line of Dale Road, a distance of 111.37 feet; thence South 18°35'19" West a distance of 49.07 feet; thence South 68°01'40" West a distance of 156.62 feet; thence North 74°35'48" West a distance of 121.52 feet to the beginning of a curve concave to the Southwest having a radius of 1130 feet; thence Northwesterly 52.94 feet along said curve through a central angle of 2°41'04"; thence North 53°12'59" East, a distance of 248.32 feet to the Northerly line of said Lot 8; thence North 89°15'15" East, along said Lot line, a distance of 119.17 feet to the point of beginning.

Including also the Westerly 52 feet of Dale Road, Northerly one-half of Standiford Avenue, and all of that portion of 80-foot wide Sisk Road and all immediately adjacent to the above-described property.

R-1 to P-D

A portion of that certain parcel of land as conveyed to the State of California by deed recorded November 22, 1954, as Instrument No. 30669 in Volume 1252 of Official Records, at Page 419, Stanislaus County Records, said portion described as follows:

Beginning at a point on the Northerly line of said parcel, said point bearing South 89°25'42" West, 149.40 feet from the most Easterly terminus of Course (7) as described in said deed; thence (1) South 53°12'59" West, 244.30 feet; thence (2) from a tangent bearing North 51°26'31" West along a curve concave to the Southwest having a radius of 1,130 feet, through an angle of 13°44'38" an arc distance of 271.06 feet to said Northerly line; thence (3) along last said line North 89°25'42" East, 425.78 feet to the point of beginning.

Including also all of that portion of 80-foot wide Sisk Road immediately adjacent to the above-described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(433) 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. One-story commercial buildings for uses as allowed in the C-3 Zone.
2. Off-street parking as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 11-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3)

prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of September, 1987, 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, Muratore, Patterson, Whiteside,
Mayor Mensinger

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: Sutton

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, City Attorney

APPROVED AS TO DESCRIPTION:

By William Shields
Department of Planning and Community
Development

Ord. No. 2550-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of October, 1987, 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, Muratore, Patterson, Whiteside,
Mayor Mensinger

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: Sutton

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 12, 1987

ORDINANCE NO. 2551 -C.S.

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

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

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

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

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

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

CHAPTER 5--ECONOMIC DEVELOPMENT REVENUE BOND LAW

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

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

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

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

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

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

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

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

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

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

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

A "Facility" may be an activity which may otherwise be financed pursuant to the California Industrial Development Financing Act (Government Code §§ 91500 *et seq.*) to the extent said Act permits the financing of such activity under alternative authority. "Facility" includes, without limitation, real and personal property, land, buildings, structures, fixtures, machinery and/or equipment

and all such property related to or required or useful for the operation of a Facility. Facility does not include any facility, place or building used or to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship.

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

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

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

ARTICLE 2. FINANCING FACILITIES

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

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

The City is authorized to sell or lease, upon such terms and conditions as the City shall deem proper, to a Participating Party

any Facility owned by the City under this chapter, including a Facility conveyed to the City in connection with a financing authorized by this chapter but not being financed hereunder.

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

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

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

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

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

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

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

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

ARTICLE 3. BONDS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 8.5.308. ACTIONS BY BONDHOLDERS. Any holder of Bonds issued under the provisions of this chapter or any of the coupons appertaining thereto, and any trustee appointed pursuant to any resolution relating to the issuance of Bonds, except to the extent the rights thereof may be restricted by such resolution or any

indenture authorized thereby to be entered into by the City, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect or enforce any and all rights specified in law or in such resolution or indenture, and may enforce and compel the performance of all duties required by this chapter or by such resolution or indenture to be performed by the City or by any officer, employees or agent thereof, including the fixing, charging, and collecting of rates, fees, interest, and charges authorized and required by the provisions of such resolution or indenture to be fixed, charged and collected.

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

SEC. 8-5.310. BOND ANTICIPATION NOTES. In anticipation of the sale of Bonds authorized by this chapter, the City is hereby authorized to issue bond anticipation notes, and to renew the same from time to time, in such series and amounts as are determined by the Council to be necessary or appropriate for the Costs of Facilities approved by the Council. Such notes shall be payable from Revenues or other moneys or assets authorized by this chapter to be pledged to secure payment of Bonds, and which are not otherwise pledged, or from the proceeds or sale of the particular Bonds in anticipation of which they are issued. Such notes shall be issued in the same manner as Bonds. The City Manager or his/her designee shall determine the terms and timing of the issuance of particular bond anticipation notes in accord with the provisions of Section 8-5.303 and the resolution of the Council approving the particular Facility to be financed thereby. Such notes, any resolution relating to the issuance of such notes and any indenture to be entered into by the City pursuant to such resolution may contain any provisions, conditions or limitations permitted under Section 8-5.304.

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

ARTICLE 4. SUPPLEMENTAL PROVISIONS

SEC. 8-5.401. LIBERAL CONSTRUCTION. This chapter, being necessary for the welfare of the City and its inhabitants, shall be liberally construed to effect its purposes.

SEC. 8-5.402. OMISSIONS NOT TO AFFECT VALIDITY OF BONDS. Any omission of any officer or of the City in proceedings under this chapter or any other defect in the proceedings shall not invalidate such proceedings or the Bonds issued pursuant to this chapter.

SEC. 8-5.403. FULL AUTHORITY. This chapter is full authority for the issuance of Bonds by the City for any of the purposes specified herein.

SEC. 8-5.404. PROVISIONS OF THIS CHAPTER ARE COMPLETE, ADDITIONAL AND ALTERNATIVE. This chapter shall be deemed to provide a complete, additional, and alternative method for doing the things authorized hereby, and shall be regarded as supplemental and additional to the powers conferred by other laws. The issuance of Bonds under the provisions of this chapter need not comply with the requirements of any other law applicable to the issuance of bonds. The purposes authorized hereby may be effectuated and Bonds are authorized to be issued for any such purposes under this chapter notwithstanding that any other law may provide for such purposes or for the issuance of bonds for like purposes and without regard to the requirements, restrictions, limitations or other provisions contained in any other law.

SEC. 8-5.405. CHAPTER CONTROLLING. To the extent that the provisions of this chapter are inconsistent with the provisions of any general statute or special act or parts thereof the provisions of this chapter shall be deemed controlling.

SEC. 8-5.406. AUTHORIZATION AND DIRECTION. The appropriate officers of the City are hereby authorized and directed, for and in the name of and on behalf of the City, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and documents which they or any of them may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Bonds or bond anticipation notes authorized by this chapter in accordance with the provisions of this chapter and the resolution of the Council approving the particular Facility to be financed thereby.

SEC. 8-5.407. SEVERABILITY. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. The Council hereby declares that it would have adopted and passed this chapter and each section, subsection, sentence, clause, phrase and word hereof, irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses, phrases or words hereof be declared invalid or unconstitutional.

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


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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1987, by Councilmember Patterson, 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:

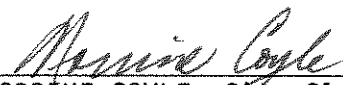
AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Whiteside,
Vice Mayor Sutton

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: 
JOHN C. SUTTON, Vice Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2551-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of October, 19 87, Councilmember McGrath 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, Acting Mayor Sutton
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Mensinger

APPROVED John C. Sutton
VICE MAYOR JOHN C. SUTTON

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 19, 1987

ORDINANCE NO. 2552-C.S.**AN ORDINANCE ADDING CHAPTER 4 ENTITLED "HEALTH FACILITIES FINANCING LAW" TO TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO POWERS AND PROCEDURES TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PROVIDING FINANCING TO PARTICIPATING HEALTH INSTITUTIONS FOR SPECIFIED PURPOSES, AND CERTAIN OTHER SUPPLEMENTAL PROVISIONS.**

WHEREAS, the City of Modesto (the "City") is a municipal corporation and charter city duly organized and existing under a freeholders' charter pursuant to which the City has the right and power to make and enforce all laws and regulations in respect of municipal affairs and certain other matters in accordance with and as more particularly provided in Sections 3, 5 and 7 of Article XI of the Constitution of the State of California and Article II and Sections 711 through 724 of the charter of the City (the "Charter"); and

WHEREAS, the City Council of the City, acting under and pursuant to the powers reserved to the City under Sections 3, 5 and 7 of Article XI of the Constitution of the State of California and Article II of the Charter, and in accordance with the provisions of Article II and Sections 711 through 724 of the Charter, finds that the public interest and necessity require the adoption of this ordinance to authorize, and establish the procedures for, the sale and issuance of revenue bonds by the City for the purpose of providing financing for health facilities serving residents of the City;

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

SECTION 1. AMENDMENT OF CODE. Chapter 4 entitled "Health Facilities Financing Law" is hereby added to Title VIII of the Modesto Municipal Code to read as follows:

CHAPTER 4 HEALTH FACILITIES FINANCING LAW**ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**

SEC. 8-4.101. TITLE. This chapter may be cited as the City of Modesto Health Facilities Financing Law.

SEC. 8-4.102. PURPOSE. The Council hereby finds and declares that it is necessary, essential, a public purpose and a municipal affair for the City to be authorized to provide financing to health institutions that provide essential services to residents of the City in order to aid such health institutions in containing costs and thereby to enable such health institutions to establish lower rates and charges than would otherwise prevail and to provide better service at such rates and charges. Unless the City intervenes to provide such financing, such rates and charges may increase at an ever accelerated pace because such health institutions cannot obtain financing at equivalent cost from private sources.

SEC. 8-4.103. DEFINITIONS. Unless the context otherwise requires, the terms defined in this chapter shall have the following meanings:

(a) "Bonds" means any bonds, notes, certificates, debentures or other obligations issued by the City pursuant to this chapter.

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

(c) "Cost" means the total of all costs incurred by or on behalf of a participating health institution necessary or incident to acquisition, construction, rehabilitation or improvement of a health facility or the refunding or refinancing of obligations incurred to finance such acquisition, construction rehabilitation or improvement.

Cost shall include all such costs which under generally accepted accounting principles are properly chargeable to a capital account (whether or not actually so charged), including, without limitation, the cost of all lands, structures, real or personal property, franchises, rights and interests acquired or used in connection with a health facility, the cost of demolishing or removing any structures (including the cost of acquiring any lands to which such structures may be moved), the cost of engineering, architectural, financial and legal services, plans, specifications, studies, surveys, estimates, administration expenses, or other expenses necessary or incident to determining the feasibility of or to acquiring, constructing, rehabilitating, improving or financing a health facility, including all costs of issuance of bonds for such purposes, reserves for debt service and for repairs, replacements, additions and improvements, and capitalized bond interest for such period as the City may determine.

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

(e) "Health facility" means any facility, place or building which is maintained and operated for the diagnosis, care, prevention and treatment of human illness, physical or mental, including convalescence, rehabilitation and care during and after pregnancy, or for any one or more of these services, and which provides and will continue providing to residents of the City essential health care services designated as such in an agreement between the City and the participating health institution providing or operating such facility, place or building.

Health facility includes a portion of one of the above types of facilities and includes the following facilities if operated in conjunction with one of the above' types of facilities: a laboratory, a laundry, a nurses' or interns' residence, a housing facility for patients, staff or employees and the families of any of them, an administration building, a research, maintenance, storage, utility or parking facility and all real and personal property, land, buildings, structures, facilities, equipment, fixtures and furnishings related to any of the foregoing or required or useful for the operation of a health facility.

Health facility shall not include any facility, place or building used or to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship.

(f) "Participating health institution" means a private corporation or association authorized by the laws of the State to provide or operate a health facility as defined in this chapter and which, pursuant to the provisions of this chapter, undertakes the financing of the acquisition, construction, rehabilitation or improvement of a health facility or undertakes the refunding or refinancing of obligations incurred to finance such acquisition, construction, rehabilitation or improvement.

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

ARTICLE 2. FINANCING HEALTH FACILITIES.

SEC. 8-4.201. LOANS FOR HEALTH FACILITIES. The City may make, purchase, or otherwise contract for the making of a mortgage or other secured or unsecured loan, upon such terms and conditions as the City shall deem proper, to any participating health institution for the cost of a health facility.

SEC. 8-4.202. REFINANCING LOANS FOR HEALTH FACILITIES. The City may make, purchase, or otherwise contract for the making of, a mortgage or other secured or unsecured loan, upon such terms and conditions as the City shall deem proper, to any participating health institution to refund or refinance outstanding obligations of such participating health institution incurred to finance the cost of a health facility, including expenses incident to paying or otherwise discharging the obligations to be refunded or refinanced, whether such obligations were incurred prior to or after the enactment of this chapter, if the City finds that such refunding or refinancing is in the public interest and either alleviates a financial or operating hardship of such participating health institution, or is in connection with other financing by the City for such participating health institution, or may be expected to result in lower costs of health care than would otherwise prevail and a saving to third parties, including government, and to others who must pay for care, or any combination thereof.

SEC. 8-4.203. ACQUISITION, CONSTRUCTION, LEASING AND SELLING OF HEALTH FACILITIES. The City may acquire, construct, enlarge, remodel, renovate, alter, improve, furnish, equip, own, and lease as lessee a health facility for the purpose of selling or leasing such health facility to a participating health institution, and may contract with such participating health institution to undertake on behalf of the City to construct, enlarge, remodel, renovate, alter, improve, furnish, and equip such health facility.

The City may sell or lease, upon such terms and conditions as the City shall deem proper, to a participating health institution any health facility owned by the City under this chapter, including a health facility conveyed to the City in connection with a financing under this chapter but not being financed or refinanced hereunder.

SEC. 8-4.204. FEES. The City may charge participating health institutions application, commitment, financing and other fees, in order to recover all administrative and other costs and expenses incurred in the exercise of the powers and duties conferred by this chapter.

SEC. 8-4.205. INSURANCE. The City may obtain, or aid in obtaining, from any department or agency of the United States or of the State of California or of any private company, any insurance or guarantee as to, or of, or for the payment or repayment of, interest, principal rents, fees or other charges or any part thereof on any loan, lease or sale agreement or any instrument evidencing or securing the same,

made or entered into pursuant to the provisions of this chapter; and may accept payment in such manner and form as provided therein in the event of default by a participating health institution, and may assign any such insurance or guarantee as security for bonds.

SEC. 8-4.206. RENTS AND CHARGES. The City may fix rents, payments, fees, charges, and interest rates for financing under this chapter and may agree to revise from time to time such rents, payments, fees, charges and interest rates to reflect changes in interest rates on bonds, losses due to defaults or changes in other expenses related to this chapter, including City administrative expenses.

SEC. 8-4.207. SECURITY FOR LOAN. The City may hold deeds of trust, mortgages or security interests as security for loans and other obligations under this chapter and may pledge or assign the same as security for repayment of bonds. Such deeds of trust, mortgages or security interests may be assigned to, and held on behalf of the City by, any bank or trust company appointed to act as trustee by the City in any resolution or indenture providing for issuance of bonds.

SEC. 8-4.208. PROFESSIONAL SERVICES. The City may employ such engineering, architectural, financial, accounting, legal or other services as may be necessary in the judgment of the City for the purposes of this chapter.

SEC. 8-4.209. ADDITIONAL POWERS. In addition to all other powers specifically granted by this chapter, the City may do all things necessary or convenient to carry out the purposes of this chapter.

ARTICLE 3. BONDS.

SEC. 8-4.301. ISSUANCE OF BONDS; BONDS NOT DEBT OF CITY. (a) The City may, from time to time, issue bonds for any of the purposes specified in Sections 201, 202, and 203. Bonds shall be negotiable instruments for all purposes, subject only to the provisions of such bonds for registration.

(b) Every issue of bonds shall be a limited obligation of the City payable from all or any specified part of the revenues and the moneys and assets authorized in this chapter to be pledged or assigned to secure payment of bonds. Such revenues, moneys or assets shall be the sole source of repayment of such issue of bonds. Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt or liability of the City or a pledge of the faith and credit of the City but shall be payable solely from specified revenues moneys and assets. The issuance of bonds shall not directly, indirectly or contingently obligate the City to levy or pledge any form of taxation or to make any appropriation for their payment.

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

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

SEC. 8-4.302. COST OF ISSUANCE. In determining the amount of bonds to be issued, the City may include all costs of the issuance of such bonds, reserve funds, and capitalized bond interest.

SEC. 8-4.303. RESOLUTION; BOND PROVISIONS. Bonds may be issued as serial bonds, term bonds, installment bonds or pass-through certificates or any combination thereof. Bonds shall be authorized by resolution of the Council and shall bear such date or dates, mature at such time or times, bear interest at such fixed or variable rate or rates, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, be subject to such terms of redemption and have such other terms and conditions as such resolution or any indenture authorized by such resolution to be entered into by the City may provide. Bonds may be sold at either a public or private sale and for such prices as the City shall determine.

SEC. 8-4.304. BOND PROVISIONS. Any resolution authorizing any bonds or any issue of bonds, or any indenture authorized by such resolution to be entered into by the City, may contain provisions respecting any of the following terms and conditions, which shall be a part of the contract with the holders of such bonds:

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

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

(c) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding bonds,

(d) the setting aside of reserves and sinking funds and such other funds as are necessary or appropriate and the regulation and disposition thereof,

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

(f) limitation on the use of revenues for expenditures for operating, administration or other expenses of the City,

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

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

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

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

SEC. 8-4.305. PLEDGE OF REVENUES, MONEY OR PROPERTY; LIEN. Any Pledge of revenues or other moneys or assets pursuant to the provisions of this chapter shall be valid and binding from the time such pledge is made. Revenues, moneys and assets so pledged and thereafter received by the City shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the City, irrespective of whether such parties have notice thereof. Neither the resolution nor any indenture by which a pledge is created need be filed or recorded except in the records of the City.

SEC. 8-4.306. NO PERSONAL LIABILITY. Neither the members of the Council, the officers or employees of the City, nor any person executing any bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

SEC. 8-4.307. PURCHASE OF BONDS. The City shall have the power out of any funds available therefor to purchase its bonds. The City may hold, pledge, cancel, or resell such bonds, subject to and in accordance with agreements with the bondholders.

SEC. 8-4.308. ACTIONS BY BONDHOLDERS. Any holder of bonds issued under the provisions of this chapter or any of the coupons appertaining thereto, and any trustee appointed pursuant to any resolution authorizing the issuance of bonds, except to the extent the rights thereof may be restricted by such resolution or any indenture authorized thereby to be entered into by the City, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect or enforce any and all rights specified in law or in such resolution or indenture, and may enforce and compel the performance of all duties required by this chapter or by such resolution or indenture to be performed by the City or by any officer, employee, or agent thereof, including the fixing, charging, and collecting of rates, fees, interest, and charges authorized and required by the provisions of such resolution or indenture to be fixed, charged and collected.

SEC. 8-4.309. REFUNDING BONDS. (a) The City may issue bonds for the purpose of refunding any bonds then outstanding including the payment of any redemption premiums thereof and any interest accrued or to accrue to the earliest or any subsequent date or dates of redemption, purchase, or maturity of such bonds.

(b) The proceeds of bonds issued for the purpose of refunding any outstanding bonds may, in the discretion of the City, be applied to the purchase or retirement at maturity or redemption of such outstanding bonds, either at their earliest or any subsequent redemption date or dates or upon the purchase or retirement at the maturity thereof and may, pending such application, be placed in escrow, to be applied to such purchase or retirement at maturity or redemption on such date or dates as may be determined by the City.

(c) Pending use for purchase, retirement at maturity or redemption of outstanding bonds, any proceeds held in escrow pursuant to subdivision (b) may be invested and reinvested as provided in the resolution or indenture. Any interest or other increment earned or realized on any such investment may be applied to the payment of the outstanding bonds to be refunded or to the payment of interest on the refunding bonds.

(d) All bonds issued pursuant to this section shall be subject to the provisions of this chapter in the same manner and to the same extent as other bonds issued pursuant to this chapter.

SEC. 8-4.310. BOND ANTICIPATION NOTES. In anticipation of the sale of bonds, the City may issue bond anticipation notes and may renew the same from time to time. Such notes shall be payable from any revenues or other moneys authorized by this chapter to be pledged to secure payment of bonds which are not otherwise pledged, or from the proceeds of sale of the bonds in anticipation of which they were issued. Such notes shall be issued in the same manner as bonds. Such notes and the resolution or indenture providing for their issuance may contain any provisions, conditions or limitations which a bond, or a resolution or indenture providing for the issuance thereof, may contain.

SEC. 8-4.311. VALIDITY OF BONDS. The validity of the authorization and issuance of any bonds is not dependent on and shall not be affected in any way by any proceedings taken by the City for approval of any financing or the making of any loan or the entering into of any agreement, or by the failure to make any loan or enter into any agreement, for which bonds are authorized to be issued under this chapter.

ARTICLE 4. SUPPLEMENTAL PROVISIONS.

SEC. 8-4.401. LIBERAL CONSTRUCTION. This chapter being necessary for the welfare of the City and its inhabitants, this chapter shall be liberally construed to effect its purposes.

SEC. 8-4.402. OMISSIONS NOT TO AFFECT VALIDITY OF BONDS. If the jurisdiction of the Council to order the proposed act is not affected, any omission of any officer or the City in proceedings under this chapter or any other defect in the proceedings shall not invalidate such proceedings or the bonds issued pursuant to this chapter.

SEC. 8-4.403. FULL AUTHORITY. This chapter is full authority for the issuance of bonds by the City for the purposes specified herein.

SEC. 8-4.404. ADDITIONAL AUTHORITY. This chapter shall be deemed to provide a complete, additional, and alternative method for doing the things authorized thereby, and shall be regarded as supplemental and additional to the powers conferred by other laws. The issuance of bonds under the provisions of this chapter need not comply with the requirements of any other law applicable to the issuance of bonds. The purposes authorized hereby may be effectuated and bonds may be issued for any such purposes under this chapter notwithstanding that any other law may provide for such purposes or for the issuance of bonds for like purposes and without regard to the requirements, restrictions, limitations, or other provisions contained in any other law.

SEC. 8-4.405. CHAPTER CONTROLLING. To the extent that the provisions of this chapter are inconsistent with the provisions of any general statute or special act or parts thereof the provisions of this chapter shall be deemed controlling.

SEC. 8-4.406. SEVERABILITY. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. The Council hereby declares that it would have adopted


and passed this chapter and each article, section, subsection, sentence, clause, phrase or word hereof, irrespective of the fact that any one or more of the other articles, sections, subsections, sentences, clauses, phrases or words hereof be declared invalid or unconstitutional.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the ~~13th~~ day of ~~October~~, 1987, by Councilmember ~~Patterson~~ 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,
Vice Mayor Sutton
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Mensinger

APPROVED: 
JOHN C. SUTTON, Vice Mayor

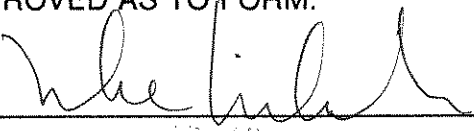
ATTEST:



NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

STAN T. YAMAMOTO, City Attorney


Ord. No. 2552-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of October, 1987, Councilmember McGrath 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, Acting Mayor Sutton
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Mensinger

APPROVED


VICE MAYOR JOHN C. SUTTON

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 19, 1987

Clerk
12

ORDINANCE NO. 2553 -C.S.

AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (EVERGREEN INVESTMENT GROUP)

WHEREAS, the City Council, by Ordinance No. 1987-C.S. which was introduced on October 14, 1980, finally adopted on October 23, 1980, and which became effective on November 22, 1980, amended Section 19-3-9 of the Zoning Map to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(276), property located on the south side of Evergreen west of Carver, to allow conversion of existing duplexes to condominiums, and

WHEREAS, City Council Resolution No. 80-1050 was adopted on October 23, 1980, and approved the development plan containing the conditions of approval and the development schedule specifying construction to be in one phase, and

WHEREAS, a verified application for an amendment to Section 19-3-9 of the Zoning Map was filed by Evergreen Investment Group on August 4, 1987, to reclassify from Planned Development Zone, P-D(276), to Medium Density Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on September 14, 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. 87-157, adopted on September 14, 1987, the Planning Commission recommended to the Council that the application of Evergreen Investment Group to amend Section 19-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D(276), 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 October 13, 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. That the rezoning from P-D(276) back to R-2 is consistent with the Modesto General Plan. The site originally developed under the R-2 Zone.
2. That this rezoning will not adversely affect surrounding properties.

SECTION 2. ZONING CHANGE. Section 19-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(276), to Medium Density Residential Zone, R-2:

All that certain real property situate in a portion of the Northwest quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Evergreen Park Subdivision as shown on that certain map filed in the Office of the Recorder of Stanislaus County, California, on June 6, 1979, in Volume 28 of Maps, at Page 44.

Including also all of the southern one-half of Evergreen Avenue immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 19-3-9 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 13 day of October, 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*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Albermarl Prichard*
Department of Planning and Community
Development

Ord. No. 2553-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of October, 19 87, Councilmember McGrath 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,
Acting Mayor Sutton

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED



VICE MAYOR JOHN C. SUTTON

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 19, 1987

ORDINANCE NO. 2554 -C.S.

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(434), PROPERTY LOCATED ON THE SOUTH SIDE OF SCENIC DRIVE AT BRIGHTON AVENUE (ROLLAND D. YOUNG).

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

SECTION 1. ZONING CHANGE. Section 27-3-9 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(434):

R-1 to P-D

All that portion of the Northwest quarter of Section 27, 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 1/4, quarter corner described in Book 1 of Record of Surveys, Page 107, Stanislaus County Records to the POINT OF BEGINNING; thence North 10°44' West, 236.15 feet; thence North 73°49' East 75.00 feet; thence North 09°27' West, 173.49 feet; thence North 73°46' East, 113.61 feet; thence South 00°34' East, 183.04 feet; thence North 75°18' East, 94.75 feet; thence South 01°09' East, 24.88 feet; thence North 77°37' East, 76.28 feet; thence North 83°24' East, 83.92 feet; thence South 00°34' East, 385.66 feet; thence South 86°07' West, 136.20 feet; thence South 81°13' West, 223.51 feet; thence South 74°05' West, 7.50 feet; thence North 00°34' West, 133.12 feet to the point of beginning.

Including also all of the Southern one-half of Scenic Drive immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(434) 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:

24 offset zero-lot-line townhouses.

SECTION 3. ZONING MAP. Section Map 27-3-9 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 13 day of October, 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 *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

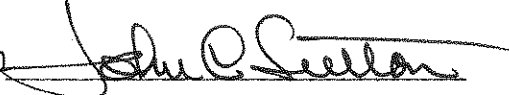
By *William Prindle*
Department of Planning and
Community Development

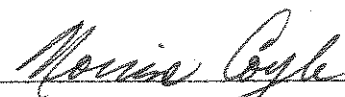
Ord. No. 2554-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of October, 1987, Councilmember McGrath 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, Acting Mayor Sutton
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Mensinger

APPROVED 
VICE MAYOR JOHN C. SUTTON

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 19, 1987

ORDINANCE NO. 2555 -C.S.

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (IKE SHAW, JR.)

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Ike Shaw, Jr. on August 10, 1987, 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 14, 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. 87-160, adopted on September 14, 1987, the Planning Commission recommended to the Council that the application of Ike Shaw, Jr. to amend Section 27-3-9 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 October 13, 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 proposed rezoning from R-1 to R-2 will allow Medium Density Residential Zoning which will be compatible with the Sunnyside-Brighton Neighborhood Zoning and Development Plan.
2. The proposed R-2 zoning will provide for medium density multiple-residential development near schools, parks sites, and important cross-town major streets.

SECTION 2. ZONING CHANGE. Section 27-3-9 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:

All that certain real property situate in a portion of the Northeast quarter of the Northwest quarter of Section 27, 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 South 307.28 feet of the North 357.28 feet of Lot 40 of Broughton Colony, as per map filed on March 17, 1904 in Vol. 1 of Maps, Page 78, Stanislaus County Records.

SECTION 3. ZONING MAP. Section 27-3-9 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 13 day of October, 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 *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

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

Ord. No. 2555-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of October, 1987, Councilmember McGrath 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, Acting Mayor Sutton
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Mensinger

APPROVED John C. Sutton
VICE MAYOR JOHN C. SUTTON

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 19, 1987

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ORDINANCE NO. 2556 -C.S.

AN ORDINANCE AMENDING SECTION 5-6.01 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO DEFINITIONS OF USES RELATING TO LAND USES WHERE SEWER IS REQUIRED.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.01. DEFINITIONS.

Unless the context requires a different meaning for the purposes of this Chapter, the following terms shall be defined as follows:

- (a) "Apartment": A building or portion thereof containing three (3) or more dwelling units.
- (b) "Dwelling Group": Two (2) or more buildings of any one lot, containing three (3) or more dwelling units.
- (c) "Dwelling Unit": A suite of one or more rooms which is occupied by or intended to be occupied by one family.
- (d) "Duplex": A building containing two (2) dwelling units.
- (e) "Lot": A parcel of land consisting of one or more contiguous lots of record in one ownership.
- (f) "Industrial Waste": Liquid and/or solids contained within a liquid, other than sanitary sewage, and discharged into the sewage system by an industrial user.
- (g) "Sanitary Sewage": Waste discharging into the City sewage system and which contains human or animal excreta.
- (h) "Water Quality Control Plant": The plant owned by the City and designed for the treatment and disposal of sewage, including a remote oxidation ponding site.
- (i) "Sewage": Industrial waste or sanitary sewage, or both.
- (j) "Sewer Service": The services and facilities for the collection, treatment, and disposal of industrial wastes and sanitary sewage.

- (k) "Sewage System": The facilities for the collection, treatment, and disposal of industrial wastes and sanitary sewage.
- (l) "House Sewer Line": The line connecting a user's property to the sewage system.
- (m) "Sewer District": Modesto Municipal Sewer District No. 1 established by the City Council by Resolution No. 66-543 effective August 16, 1966, encompassing the City of Modesto and portions of contiguous unincorporated areas, the legal description and boundaries of which have been recorded in the office of the Recorder of the County of Stanislaus, including areas heretofore or hereafter annexed thereto.
- (n) "Trunk Sewer": A pipeline which transports sewage from sewer laterals and sub-trunk sewers to the Water Quality Control Plant.
- (o) "Sewer Lateral": A pipeline which collects sewage from individual users and transports it to sub-trunk and trunk sewers.
- (p) "Sub-trunk Sewer": A sewer lateral which has been deepened and/or enlarged to serve areas in addition to those immediately adjacent to the trunk sewer.
- (q) "Premises": Any lot, piece or parcel of land, and building or other structure or any part of any building or structure used or useful for human habitation or gathering or carrying on any business, industry, or occupation.
- (r) "User": Any person responsible for payment of sewer service charges for premises served by the sewage system as provided in this Chapter.
- (s) "Residential User": Any user whose premises contain a dwelling unit(s) intended for permanent occupancy. Residential shall include, but shall not be limited to, the following: single family residential; multi-family residential; condominiums/ townhouses; mobile homes; senior residential housing.
- (t) "Industrial User": Any user engaged in the business of processing or manufacturing agricultural products, animals, poultry, goods, wares, or other products or materials who processes or manufactures the same for the purpose of sale, resale, or redelivery in processed or manufactured form.
- (u) "Commercial User": Any user whose premises are used to provide a product or service for retail or wholesale. Commercial shall include, but shall not be limited to, the following: motel; hotel; boarding and rooming house; health care facility.

- (v) "Director": The Director of Public Works of the City or such other persons as may be designated by the Director of Public Works to perform the services or make the determinations permitted or required in this chapter to be made by the Director of Public Works of the City.
- (w) "Sewer Service Charge": A charge established to pay the cost of operation, maintenance, and debt service of the sewage system.
- (x) "Sewer Bond Redemption Charge": A charge established to compensate the City for having provided collection and treatment facilities before being able to collect revenue from the benefited properties.
- (y) "Sub-trunk Sewer Extension Charge": A charge established to equalize the costs of connecting the in-track facilities and/or oversize facilities of a particular subdivision or are to the trunk sewers so the developments close to the chosen trunk sewer alignments do not receive unfair advantage over those located further away.
- (z) "Biochemical Oxygen Demand (B.O.D.)": The quantity of oxygen required by sewage for biochemical oxidation in five (5) days at 20° C in ppm.
- (aa) "Mobile Home Park": Any area or tract of land where two (2) or more spaces are rented or leased or held for rent or lease to accommodate mobile homes.
- (bb) "Mobile Home Space": Each space in a mobile home park designed to be used for parking a mobile home on a temporary, semipermanent or permanent basis.
- (cc) "Mobile Home Subdivision": Any area or tract of land improved to subdivision standards with mobile home lots.

The decision of the Director of Public Works as to the type of use for determining the assessment of sewer fees shall be final.

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 13 day of October, 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, City Attorney

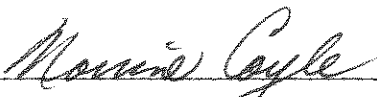
Ord. No. 2556-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of October, 1987, Councilmember McGrath 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, Acting Mayor Sutton
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Mensinger

APPROVED 
VICE MAYOR JOHN C. SUTTON

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 19, 1987

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ORDINANCE NO. 2557-C.S.

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

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

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

SEC. 3-2.1401. CHANGE IN SPEED LIMITS SET BY STATE LAW.

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

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
BLUE GUM AVENUE, between Carpenter Road and Culpepper Avenue	25 miles per hour
CARPENTER ROAD, between 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 Rumble Road	25 miles per hour
CONANT AVENUE, between Standiford Avenue and Veneman Avenue	25 miles per hour
CORALWOOD ROAD, between McHenry Avenue and Drago 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
ENSLER AVENUE, between Granger Avenue and Orangeburg Avenue	25 miles per hour
FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
N. MARTIN LUTHER KING DRIVE, 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

LAUREL AVENUE, between Emerald Avenue and N. Martin Luther King Drive, 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

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	June 2, 1987
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	June 2, 1987
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
CALIFORNIA AVENUE, between Carpenter Road and N. Martin Luther King Drive within the City limits	35 miles per hour	February 24, 1987
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 Briggsmore Avenue	35 miles per hour	May 26, 1987
CARVER ROAD, between Briggsmore Avenue and Orangeburg Avenue	30 miles per hour	May 8, 1987
CARVER ROAD, between Orangeburg Avenue and 9th Street within the City limits	35 miles per hour	May 26, 1987
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	June 2, 1987
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 within the City limits	35 miles per hour	September 2, 1987
DALE ROAD, between Snyder Avenue and Veneman Avenue	35 miles per hour	September 2, 1987

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	May 26, 1987
FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	June 14, 1983
FLOYD AVENUE, between Oakdale Road and Roselle Avenue within the City limits	35 miles per hour	August 26, 1987
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 within the City limits	40 miles per hour	March 24, 1987
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	June 11, 1987
MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	June 11, 1987
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	May 26, 1987
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
N. MARTIN LUTHER KING DRIVE, between Maze Boulevard and California Avenue	30 miles per hour	June 24, 1987
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 N. Martin Luther King Drive within the City limits	35 miles per hour	September 24, 1984
PARADISE ROAD, between N. Martin Luther King Drive and Washington Street	30 miles per hour	May 29, 1984
PRESCOTT ROAD, between Snyder Avenue and Standiford Avenue	35 miles per hour	September 17, 1987
PRESCOTT ROAD, between Standiford Avenue and Rumble Road	40 miles per hour	April 28, 1987
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	May 26, 1987
ROSE AVENUE, between Briggsmore Avenue and Scenic Drive	35 miles per hour	May 26, 1987
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	June 26, 1987

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, between Lillian Drive and Claus Road	40 miles per hour	June 11, 1987
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 Prescott Road within the City limits	35 miles per hour	September 30, 1987

SNYDER AVENUE, between Prescott Road and Carver Road within the City limits	40 miles per hour	September 30, 1987
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 within the City limits	30 miles per hour	June 24, 1987
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	June 2, 1987
TUOLUMNE BOULEVARD, between Paradise Road and 7th Street	35 miles per hour	June 24, 1987
VENEMAN AVENUE, between Dale Road and Regency Park Drive	35 miles per hour	June 2, 1987
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 13 day of October, 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*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2557-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of October, 1987, Councilmember McGrath 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, Acting Mayor Sutton
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Mensinger

APPROVED John C. Sutton
VICE MAYOR JOHN C. SUTTON

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 19, 1987

Clerk (S)

ORDINANCE NO. 2558 -C.S.

AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, AND PLANNED DEVELOPMENT ZONE, P-D(260), TO PLANNED DEVELOPMENT ZONE, P-D(436), PROPERTY LOCATED ON THE NORTH SIDE OF SCENIC DRIVE WEST OF MCGUIRE DRIVE (BETHEL CHURCH)

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

SECTION 1. ZONING CHANGE. Section 23-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, and Planned Development Zone, P-D(260), to Planned Development Zone, P-D(436):

R-1 to P-D

All that certain real property situate in a portion of the Southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

Commencing at the Southwest corner of Parcel "1" as shown on the map recorded in Book 35 of Parcel Maps, at Page 69, Stanislaus County Records, said corner lies on the Northerly right-of-way line of 80.00 foot wide Scenic Drive, thence North 00°53'50" West, 704.30 feet; thence South 74°46'50" East, 258.43 feet; thence South 00°53'50 East, 319.79 feet; thence South 88°43'38" East, 422.60 feet to a point on the Westerly right-of-way line of McGuire Drive, said point lies on a curve, from which a radial line bears North 66°50'34" West, said curve has a radius of 420.00 feet and a central angle of 08°18'16"; thence Southwesterly along the arc of said curve and said Westerly right-of-way line of McGuire Drive, 60.87 feet to a point of reverse curvature; said curve has a radius of 480.00 feet and a central angle of 30°11'20"; thence Southerly along the arc of said curve and said Westerly right-of-way of McGuire Drive, 252.91 feet; thence South 01°16'22" West along said Westerly right-of-way line, 91.29 feet to the beginning of a tangent curve concave to the Northwest, having a radius of 15.00 feet and a central angle of 90°00'00"; thence Southwesterly along the arc of said curve, 23.56 feet to a point on the North right-of-way line of said Scenic Drive; thence North 88°43'38" west along said North right-of-way line of Scenic Drive, 250.68 feet to the beginning of a curve, concave to the Northeast, having a radius of 517.96 feet and a central angle of 21°47'59"; thence Northwesterly along the arc of said curve and said North right-of-way line, 197.07 feet; thence North 66°58'08" West

along the said North right-of-way line 117.35 feet to the Southwest corner of Parcel "1" and the point of beginning of this description.

Including also the western one-half of McGuire Drive and the northern 55.00 feet of Scenic Drive immediately adjacent to the above described property.

P-D(260) To P-D

All that certain real property situate in a portion of the Southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

Commencing at the Southwest corner of Lot "1" (common area), Block 1403 of North Creek Townhomes, as shown on the map recorded in Volume 29 of Maps, at Page 59, Stanislaus County Records, said corner lies on the Northerly right-of-way line of 80.00 foot wide Scenic Drive, thence North 01°03'32" West, 252.96 feet; thence South 89°18'42" West, 270.22 feet; thence North 00°11'42" East, 463.30 feet; thence North 89°18'42" East, 151.60 feet; thence North 0°55'14" West, 4.73 feet; thence South 74°56'40" East, 206.58 feet; thence South 01°03'32" East, 704.23 feet to a point on said Northerly right-of-way line of Scenic Drive; thence North 67°08'06" West along said Northerly right-of-way line, 98.46 feet to the point of beginning.

Including also the northern 55.00 feet of Scenic Drive located immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(436) 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. Church.
2. Maximum three-story retirement complex.
3. Maximum three-story 24-hour adult personal care facility.

4. Off-street parking as shown on the approved development plan.

SECTION 3. ZONING MAP. Section Map 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 27 day of October, 1987, by Councilmember Muratore, 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, Whiteside, Acting Mayor Sutton

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: 
JOHN C. SUTTON, Acting Mayor

ATTEST:

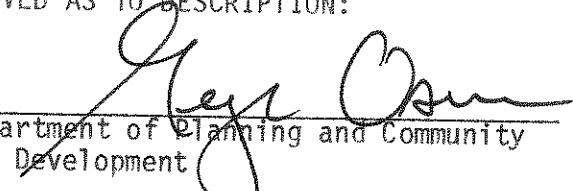
By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and Community
Development

Ord. No. 2558-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 3rd day of November, 1987, 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: December 3, 1987

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5

ORDINANCE NO. 2559 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2338-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (RESOURCE DEVELOPMENT)" AS AMENDED BY ORDINANCE NO. 2393-C.S. (ARCO PETROLEUM PRODUCTS, INC.)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2338-C.S. AS AMENDED BY ORDINANCE NO. 2393-C.S. Section 2 of Ordinance No. 2338-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(378) 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.

1. Mini-warehouse storage complex
2. Child care center
3. Convenience market with gas pump island"

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 resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3 day of November, 1987, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2559-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 10th day of November, 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, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 10, 1987

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3

ORDINANCE NO. 2560 -C.S.

AN ORDINANCE AMENDING SECTION MAP 25-3-8 AND SECTION MAP 30-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(437), PROPERTY LOCATED ON THE WEST SIDE OF CARPENTER ROAD BETWEEN KANSAS AND TORRID AVENUES (GRANT CONSTRUCTION CO., INC.).

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

SECTION 1. ZONING CHANGE. Sections 25-3-8 and 30-3-9 of the Zoning Map are hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(437):

All that certain real property situate in a portion of the Northeast quarter of Section 25, Township 3 South, Range 8 East, and a portion of the Northwest quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

COMMENCING at the Southeast corner of Parcel "2", as shown on the map filed in Book 19 of Parcel Maps at Page 50, Stanislaus County Records; said corner lies on the North right-of-way line of Kansas Avenue; thence South 88°50'00" West along said North right-of-way line, 300.00 feet; thence North 1°13'00" West, 200.00 feet; thence South 88°50'00" West, 193.00 feet thence North 1°13'00" West, 915.65 feet to the centerline of a private concrete pipeline and a point on the South line of Block No. 13 of Pleasant Homes, as shown on the map filed in Volume 9 of Maps, at Page 67, Stanislaus County Records; thence North 75°01'00" East along said concrete pipeline, 157.73 feet; thence South 78°31'10" East along said concrete pipeline, 23.63 feet; thence North 1°01'00" West, 80.92 feet to a point on the South right-of-way line of Torrid Avenue; thence North 89°09'36" East, along said South right-of-way line, 286.72 feet to a point on the West right-of-way line of Carpenter Road; thence along said West right-of-way line, the following five (5) courses 1) South 12°14'45" East, 191.75 feet; 2) thence South 0°48'39" East, 21.92 feet; 3) thence South 12°14'45" East, 471.19 feet to the beginning of a tangent curve, concave to the West, having a radius of 1955 feet and a central angle 11°30'00"; 4) thence southerly along the arc of said curve, 392.39 feet; 5) thence South 0°44'45" East, 153.96 feet to the beginning of a tangent curve, concave to the Northwest, having a radius of 15.00 feet and a central angle of 90°59'54"; thence along the arc of said curve, 23.82 feet; thence South 0°44'45" East, 10.00 feet to a point on the North right-of-way

line of said Kansas Avenue; thence North 89°45'00" West, along said North right-of-way line, 116.80 feet; thence North 1°13'00" West, 10.00 feet to the Point of Beginning of the description.

Including also the Southerly one-half of the original 40 foot Torrid Avenue, the Westerly one-half of North Carpenter Road, and the Northerly one-half of the original 40 foot Kansas Avenue and all immediately adjacent to the above-described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(437) 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. Neighborhood shopping center allowing all C-1 Zone uses.
2. Off-street parking as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 25-3-8 and Section Map 30-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are 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 10 day of November, 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, 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 Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Smith
Department of Planning and
Community Development

Ord. No. 2560-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 24th day of November, 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, Patterson, Sutton, Whiteside,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 24, 1987

ORDINANCE NO. 2561 -C.S.

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(438), PROPERTY LOCATED ON THE WEST SIDE OF PRESCOTT ROAD AND NORTH OF M.I.D. LATERAL NO. 7 (RESOURCE DEVELOPMENT).

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

SECTION 1. ZONING CHANGE. Section 12-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(438):

All that certain real property situated in a portion of the Northeast One-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, described as follows:

Beginning at the Southeast corner of Lot 13 of Block 13455 as shown on that certain map entitled "Hollandia Estates" filed in Volume 27 of maps, at Page 69, Stanislaus County records, said corner lies on the westerly right-of-way line of Prescott Road; thence South $0^{\circ}42'15''$ East along said westerly right-of-way line a distance of 494.26 feet to a point on the northerly right-of-way line of Modesto Irrigation District Lateral No. 7; thence South $42^{\circ}26'00''$ West 20.34 feet along said M.I.D. right-of-way line, to the beginning of a tangent curve, concave to the northwest, having a radius of 762.00 feet, and a central angle of $23^{\circ}40'27''$; thence southwesterly along the arc of said curve, 314.85 feet; thence South $66^{\circ}06'27''$ West, 171.54 feet; thence North $25^{\circ}16'41''$ East, 198.92 feet; thence North $0^{\circ}42'15''$ West, 575.36 feet, to a point along the southerly line of said Hollandia Estates; thence North $88^{\circ}58'33''$, 340.46 feet to the Point of Beginning.

Including also the west 50.00 feet of Prescott Road immediately adjacent to the above-described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(438) 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. Residential condominiums.
2. Off-street parking areas.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24 day of November, 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, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

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, City Attorney

APPROVED AS TO DESCRIPTION:

By William Procius
Department of Planning and
Community Development

Ord. No. 2561-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 8th day of December, 1987, 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, Muratore, Sutton, Whiteside,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath, Patterson

APPROVED


MAYOR PEGGY MENSINGER

ATTEST: 

NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 7, 1988

7

ORDINANCE NO. 2562 -C.S.

AN ORDINANCE AMENDING SECTION MAP 13-3-8 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(440), PROPERTY LOCATED ON THE WEST CORNER OF BRENNER WAY AND LOU ANN DRIVE (R.K.M. DEVELOPMENT).

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

SECTION 1. ZONING CHANGE. Section 13-3-8 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(440):

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

All of Parcel 2 as shown on the parcel map filed in the office of the Recorder of Stanislaus County, California, on December 19, 1984, in Book 36 of Parcel Maps, at page 1.

Including also the western 30.00 feet of Lou Ann Drive and the northern 30.00 feet of Brenner Way and all immediately adjacent to the above described parcel.

SECTION 2. USES. The following uses shall be permitted in said P-D(440) 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. 68 unit two-story elderly housing building.
2. One-story 82 bed family care facility.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24 day of November, 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, 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, City Attorney

APPROVED AS TO DESCRIPTION:

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

Ord. No. 2562-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 8th day of December, 1987, 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, Muratore, Sutton, Whiteside,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath, Patterson

APPROVED


MAYOR PEGGY MENSINGER

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 7, 1988

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ORDINANCE NO. 2563 -C.S.

AN ORDINANCE AMENDING ARTICLE 4 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO PUBLIC DANCE HALLS AND PUBLIC DANCES AND PERMITS THEREFOR.

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

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

ARTICLE 4. PUBLIC DANCES.

SEC. 4-1.401. DEFINITIONS.

For the purposes of this Article, the following words and phrases shall have the meanings set forth in this section:

- (a) "Public dance" shall mean any dance to which the public may gain admittance, with or without payment of a fee or tender of other consideration, which is held or takes place in a public dance hall, whether or not dancing actually occurs. "Public dance" includes but is not limited to the presentation of prerecorded or live music, whether advertised or referred to as a dance, concert, festival, "battle of the bands", or any other presentation or event involving public dancing conducted or operated by the management of a hotel, restaurant, bar, or cafe, or any agent, employee, representative, or concessionaire of such person or entity.
- (b) "Public dance hall" shall mean a room, ballroom, patio, garden, space, area, premises or place which is part of a permanent building, structure, or installation designed, maintained, or operated for dancing or with an improved surface suitable for dancing including, but not limited to, such areas located in a hotel, restaurant, bar, or cafe.
- (c) "Operate" shall mean the maintenance, conduct, or operation, either directly or indirectly, and shall include actions taken through agents, employees, representatives, and concessionaires.
- (d) "Person" shall mean any natural person, partnership, corporation, association, firm, company, or entity and shall include both male and female gender.
- (e) "Public Dance Hall Permit" shall mean a permit to operate a public dance hall issued pursuant to this Article.

(f) "Public Dance Permit" shall mean a permit to hold a single public dance issued pursuant to this Article.

SEC. 4-1.402. PUBLIC DANCE HALL PERMIT REQUIRED.

It shall be unlawful for any person to maintain or operate, or to participate in the maintenance or operation of, a public dance hall in the City without having a valid permit so to do, as provided in this Article.

SEC. 4-1.403. PUBLIC DANCE PERMIT REQUIRED.

It shall be unlawful for any person to manage, organize, conduct, or operate, or to participate in the management, organization, conduct, or operation, of a public dance within the City without having a valid permit so to do, as provided in this Article; except that a holder of a valid Public Dance Hall Permit may, without obtaining a Public Dance Permit, sponsor and hold a public dance on his premises so long as no admission fee is charged.

SEC. 4-1.404. AFTER-HOURS PERMIT REQUIRED.

It shall be unlawful for any holder of a Public Dance Hall Permit to operate said dance hall between the hours of two o'clock a.m. and five o'clock a.m. without having a valid permit so to do, as provided in this Article.

SEC. 4-1.405. PERMIT FEE.

The Council of the City of Modesto may, by resolution adopted from time to time, fix a Public Dance Hall Permit Fee and a Public Dance Permit fee. There shall be no fee for an After-Hours Permit issued to a holder for a Public Dance Hall Permit.

SEC. 4-1.406. APPLICATION FOR PERMITS.

Application for a Public Dance Hall Permit or for a Public Dance Permit shall be filed with the Chief of Police of the City of Modesto, on the form or forms prescribed, not more than sixty (60) nor less than fifteen (15) days prior to the date for which the permit is required. An application shall not be deemed filed unless accompanied by proof of payment of any fee prescribed by the Council of the City of Modesto.

SEC. 4-1.107. REQUIREMENTS FOR PERMITS.

Applicants for permits under this Article shall provide at least the following information:

- (a) The name and residence address of the applicant or applicants; and if the applicant is a corporation, partnership, association, firm, or other entity, the names and residence addresses of the officers, directors, partners, or principals thereof;
- (b) The particular place for which the permit is desired, or at which any dance is to be or dances are to be held;
- (c) The name of the owner of the place or premises in or at which said dance is to be held;
- (d) Such persons as from time to time will be in charge of and be responsible for the order and due observance of the provisions of this Article;
- (e) The number and dates of dances to be held under the permit, or the period of time for which the permit is desired, which shall not in any event exceed three (3) months;
- (f) A statement that the applicant is the sole party, or the applicants are the sole parties, either directly or indirectly interested in the dance or dance hall or premises for which a permit is sought, and that no other person or entity is or will be in any manner interested therein, directly or indirectly, during the continuance of the permit;
- (g) A covenant and promise by the applicant to comply with the provisions of this Article, and to consent to the entry by police officers upon the premises at which the dance is held, and permission to cause the dance hall to be vacated if so ordered by said police officers.

SEC. 4-1.408. INVESTIGATION OF APPLICATION.

The Chief of Police of the City of Modesto shall investigate each application for a permit under this Article and shall thereafter grant or deny said permit. The Chief of Police shall determine and state the conditions, if any, to be imposed on permits granted. Applications for which permits are denied shall be returned to the applicant with a statement of the reason or reasons for denial.

SEC. 4-1.409. CONDITIONS OF PERMIT.

The Chief of Police may impose on any permit issued hereunder any reasonable conditions relating to the matters set forth in this Article, including but not limited to specification of numbers and ages of attendees, noise levels, hours of operation, sanitary standards and facilities, lighting requirements, alcoholic beverages, and security requirements.

SEC. 4-1.410. RULES AND REGULATIONS.

It shall be unlawful to manage, operate, or conduct a public dance or to dance in a public dance hall or ballroom in violation of any state or local law, any condition under which the permit is issued or any of the following rules and regulations:

- (a) Display of Permit. Every permittee under this Article shall place said permit in a conspicuous place at the premises named in the permit, and shall show such permit whenever requested by any peace officer upon said premises.
- (b) Admission of Police Officers. Any member of the Modesto Police Department or other law enforcement agency shall be admitted free of charge to any public dance or public dance hall when entering the premises for purposes related to law enforcement or crime prevention.
- (c) Hours for Dancing. No dance establishment shall be open for business between the hours of two o'clock a.m. and five o'clock a.m. unless in possession of a valid after-hours permit. No dance establishment shall be open for business between the hours of five o'clock a.m. and nine o'clock a.m.
- (d) Unpermitted Conduct. No conduct of a violent, obscene, disorderly, or unlawful nature shall be permitted at any public dance or in any public dance hall in the City. No slot machine, wheel of chance, gambling device or paraphernalia shall be permitted upon the premises where a public dance is being held. No dances shall be permitted at which any person undertakes to furnish or to provide persons for dancing partners or instructors.
- (e) No Readmission Without Charge. Any fee charged for admission to a public dance or public dance hall shall entitle persons admitted to participate in all dances so long as they remain within the dance hall. Persons who leave a public dance or public dance hall may not be readmitted without the purchase of another admission ticket.
- (f) Telephone Service. A sufficient number of telephones shall be available for use by persons attending any public dance or at any public dance hall for which a permit has been issued under this Article.
- (g) Presence of Permittee During Dances. Permittees under this Article or a responsible adult person designated by a permittee shall be present on or in the immediate vicinity of, the dance floor during the entire duration of the period for which any public dance permit is issued under this Article. Public dance

hall permittees shall comply with permit conditions specifying the requirements for their presence during dances occurring at their public dance halls.

- (h) Special Officers. In addition to the requirements of paragraph (g) above, each permittee shall appoint one responsible adult male to act as a special Police Officer. Said special Police Officer shall be present at all times during the conduct of each dance held by permittee and shall perform the duty of insuring that the provisions of this Article as they relate to the conduct of dances held by permittee and the conduct of dance attendees are fully complied with. The approval of the Chief of Police shall be obtained prior to the appointment of each such person as a special Police Officer. The Chief of Police shall have the power to withdraw his approval in the event that any such special Police Officer is not performing his duties to the satisfaction of the Chief of Police.
- (i) Additional Rules and Regulations. The Chief of Police may promulgate, and may from time to time amend rules, and regulations for the conduct and operation of public dance halls and public dances and such rules and regulations as adopted or amended are hereby incorporated herein by reference as if fully set forth herein.

SEC. 4-1.411. TERM OF PERMIT.

Unless sooner revoked or suspended, a permit issued under this Article shall be valid for the following periods:

- (a) A Public Dance Hall Permit shall be valid for a period not exceeding three (3) months and shall expire at the end of the calendar quarter (March 31, June 30, September 30, and December 31) following its issuance. The expiration date shall be shown on the face of the permit.
- (b) A Dance Permit shall be valid for the date and times specified thereon and shall expire at the close of the event for which it was issued.
- (c) An After-Hours Permit shall be valid for the date and times specified thereon and shall clearly show the expiration date on the face of the permit.

SEC. 4-1.412. RENEWAL OF PERMIT.

A Public Dance Hall Permit may be renewed for an additional period not exceeding three (3) months upon the permittee's filing with the City's Director of Finance, prior to expiration of the existing permit, a renewal application accompanied by the prescribed permit fee, if any.

SEC. 4-1.413. REVOCATION OF PERMIT.

A Dance Permit may be revoked or suspended by the Chief of Police of the City of Modesto upon five (5) days' notice to the holder thereof, for violation of any of the provisions of this Article, or of any condition imposed upon any permit, or of any rule or regulation promulgated hereunder, or of any state or local law. No person whose permit has been revoked shall be granted or issued a new permit, nor shall any new permit be granted or issued to any person who was or is an agent, employee, or representative of the person whose permit was revoked.

SEC. 4-1.414. DISSEMINATION OF INFORMATION.

The Chief of Police may print and deliver a copy of this Article and the rules and regulations promulgated thereunder to each applicant who 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. 4-1.415. APPEALS.

Any person aggrieved by any action taken by any City official pursuant to this Article may appeal to the Council of the City of Modesto in accordance with the provisions of Chapter 4 of Title I of this Code.

SEC. 4-1.416. PENALTIES.

Any person violating any of the provisions of this Article shall be guilty of an infraction and shall be deemed guilty of a separate offense for every day or any portion thereof during which any violation of any provisions of this Article is committed, continued, or permitted by such person.

SEC. 4-1.417. 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.

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. REPEAL. Ordinances No. 482-N.S., 1011-C.S., and 2469-C.S. are hereby 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 24 day of November, 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, 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 Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2563-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 8th day of December, 1987, 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, 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 7, 1988

ORDINANCE NO. 2564 -C.S.

AN ORDINANCE AMENDING SECTION 10-2.503 OF ARTICLE 5 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO SATELLITE DISH ANTENNAS; SECTIONS 10-2.2001 AND 10-2.2002 OF ARTICLE 20 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO OFF-STREET PARKING REQUIREMENTS; AND SECTION 10-2.2110 OF ARTICLE 21 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO GAS SIGN PRICES.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.503 of Article 5 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.503. PLOT PLAN USES.

The following uses are permitted upon securing plot plan approval from the Board:

- (a) Two (2) dwelling units are allowed on all interior lots subject to these conditions:
 - (1) The property owner shall live in one of the units.
 - (2) One of the units shall have no more than six hundred and forty (640) square feet.
 - (3) Three (3) off-street parking spaces shall be provided.
 - (4) If there is an existing unit prior to plan approval, the unit must be brought into conformance with the Housing Code prior to occupancy of the second unit.
 - (5) Maintaining a single family dwelling appearance shall be given special consideration in plan review through means such as:
 - (aa) Attaching the second unit to the first on small or typical sized lots. On large or deep lots detached units are acceptable.

- (ab) Putting the second unit entrance to the side or rear of the building so it is not readily visible from the same street as the first unit's entrance.
 - (ac) Locating parking so that all three (3) spaces are not readily visible from the same street. Alley access for both units is acceptable.
 - (ad) Employing construction materials and architectural styles which blend the units so they appear as a single residence if attached or a single residence and accessory building if detached.
- (b) A dish-type, satellite antenna, subject to the setback, size, and code requirements for a dish-type, satellite antenna as a permitted use but higher than fifteen (15) feet subject to these conditions:
- (1) Evidence, satisfactory to the Board, that a low, ground mounting of a satellite antenna will not produce a usable satellite signal.
 - (2) The satellite antenna shall not exceed a height of thirty-five (35) feet at the highest point of the antenna.
 - (3) The satellite antenna shall have rear yard or rear-of-house orientation unless these options preclude a usable satellite signal.
 - (4) Evidence, satisfactory to the Board, that available technologies have been explored such as the feasibility of smaller dishes to reduce the visual mass; use of perforated metals, radar mesh, or wire screen to reduce the visual mass; and selection of a subdued flat color to minimize the visual impact.
- (c) For uses permitted subject to conditional use permit by subsections (a), (b), (c), and (1) of Section 10-2.504 a dish-type satellite antenna not meeting the provisions of Section 10-2.502(j) and not larger than thirteen (13) feet in diameter and not exceeding a height of thirty-five (35) feet at the highest point of the antenna.

SECTION 2. AMENDMENT OF CODE. Sections 10-2.2001 and 10-2.2002 of Article 20 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.2001. APPLICABILITY.

Every public or private off-street parking area shall be developed and maintained in accordance with the following regulations except as follows:

- (a) None of the regulations shall apply to a building which existed on July 7, 1955, except as additional parking demand is created by expansion, reconstruction or change in use. If such a building, though, has off-street parking, the number of spaces shall not be reduced below the requirements of this Article.
- (b) When approving a parking district, the requirement for parking spaces may be waived or reduced by the Council.
- (c) No building existing on the date of adoption shall be nonconforming solely due to noncompliance with these regulations.

SEC. 10-2.2002. NUMBER OF REQUIRED SPACES.

Except as otherwise provided in this Article, or by the Council, Commission or Board as part of plot plan reviews, rezoning, use permits or other similar applications, the minimum number of required off-street parking spaces shall be:

- (a) Residential Uses.
 - (1) Unless otherwise provided below, in projects with one (1) to thirty-six (36) dwelling units, two (2) off-street parking spaces shall be provided for each unit. For each additional unit above thirty-six (36), one and one-half (1.5) spaces per unit shall be provided.
 - (2) In the R-1 zone where two (2) dwelling units are permitted upon Board approval, three (3) off-street parking spaces are required for the two (2) units.
 - (3) In a project, for every dwelling unit utilizing private streets or driveways:
 - (aa) An additional one-half (0.5) space is required for each unit with a one (1) car garage.

(ab) One (1) additional space is required for each unit with a two (2) car garage.

- (4) For the purpose of meeting the requirements in (3) that are greater than those in (1), tandem or driveway standard-size spaces may be counted.
- (5) For developments utilizing private streets or driveways, one (1) recreational vehicle parking space shall be provided for every twenty-five (25) dwelling units. For projects with less than twenty-five (25) spaces no such spaces are required. Recreational vehicle spaces shall at a minimum be ten (10) feet wide and twenty-six (26) feet long.

(b) Nonresidential Uses.

- (1) Bar: One (1) for each three (3) seats or one (1) for each sixty (60) square feet of drinking area when the number of seats not known or not permanently fixed.
- (2) Beauty college: Two and one-half (2.5) for each training station.
- (3) Bingo game: One (1) for each four (4) seats.
- (4) Boarding and lodging house, club or fraternity with sleeping rooms: One (1) for each two (2) beds.
- (5) Bowling alley: Four (4) for each lane.
- (6) Child Day Care: One (1) for each five (5) children.
- (7) Church: One (1) for each four (4) seats in the building with the largest capacity.
- (8) Dance hall: One (1) for each fifty (50) square feet of floor area used for dancing.
- (9) Hospital: One and three-quarters (1.75) for each bed.
- (10) Hotel or motel: One (1) for each guest room. Additional spaces for restaurants, meeting facilities and other related uses shall be provided as required.
- (11) Library: One (1) for each three hundred (300) square feet.
- (12) Manufacturing or related use: One (1) for each six hundred (600) square feet.

- (13) Medical or dental office: One (1) for each two hundred (200) square feet.
- (14) Motor vehicle and machinery repair: One (1) for each three hundred (300) square feet.
- (15) Mortuary or funeral home: One (1) for each four (4) seats in the largest room used for services (tandem spaces may be counted).
- (16) Office or service business: One (1) for each three hundred (300) square feet.
- (17) Pool hall: One (1) for each three hundred (300) square feet.
- (18) Restaurant: One (1) for each three (3) seats or one (1) for each sixty (60) square feet of dining area when the number of seats is not known or not permanently fixed.
- (19) Retail business: One (1) for each three hundred (300) square feet.
- (20) Sanitarium, nursing home, home for the elderly or other twenty-four (24) hour care facility: One (1) for each four (4) beds. Additional parking shall be provided as required for a proprietor's dwelling.
- (21) School for instruction in the arts, athletics, or self-defense and vocational schools: One (1) for each three hundred (300) square feet.
- (22) Theatres: One (1) for each four (4) seats.
- (23) Veterinary hospital: One (1) for each three hundred (300) square feet including animal runs.
- (24) Warehouse: One (1) for each two thousand (2,000) square feet up to ten thousand (10,000) square feet, one (1) for each five thousand (5,000) square feet after the first ten thousand (10,000) square feet. Parking for a mini-warehouse shall only be required if there is an office or residence included in the project.
- (25) Wholesale business: One (1) for each three hundred (300) square feet.

- (c) Nonresidential Uses Inside Downtown P-D Zone Area.
- (1) Bar: One (1) for each four (4) seats or one (1) for each sixty (60) square feet of drinking area when the number of seats is not known or not permanently fixed.
 - (2) Beauty college: Two and one-half (2.5) for each training station.
 - (3) Bingo game: One (1) for each four (4) seats.
 - (4) Boarding and lodging house, club or fraternity with sleeping rooms: One (1) for each two (2) beds.
 - (5) Bowling alley: Four (4) for each lane.
 - (6) Church: One (1) for each five (5) seats in the building with the largest capacity.
 - (7) Dance hall: One (1) for each fifty (50) square feet of floor area used for dancing.
 - (8) Hospital: One and one-half (1.5) for each bed.
 - (9) Hotel or motel: One (1) for each guest room. Additional spaces for restaurants, meeting facilities and other related uses shall be provided as required.
 - (10) Library: One (1) for each five hundred (500) square feet.
 - (11) Manufacturing or related use: One (1) for each six hundred (600) square feet.
 - (12) Medical or dental office: One (1) for each two hundred (200) square feet.
 - (13) Motor vehicle and machinery repair: One (1) for each six hundred (600) square feet, with repair space for motor vehicles or machinery not counted as parking spaces.
 - (14) Mortuary or funeral home: One (1) for each five (5) seats in the largest room used for services (tandem spaces may be counted).
 - (15) Office or service business: One (1) for each five hundred (500) square feet.
 - (16) Pool hall: Two (2) for each table.

- (17) Restaurant: One (1) for each four (4) seats or one (1) for each sixty (60) square feet of dining area when the number of seats is not known or not permanently fixed.
 - (18) Retail business: One (1) for each five hundred (500) square feet.
 - (19) Sanitarium, nursing home, home for the elderly or other twenty-four (24) hour care facility. One (1) for each four (4) beds. Additional parking shall be provided as required for a proprietor's dwelling.
 - (20) School for instruction in the arts, athletics, or self-defense and vocational schools: One (1) for each five hundred (500) square feet.
 - (21) Theatres: One (1) for each five (5) seats.
 - (22) Veterinary hospital: One (1) for each five hundred (500) square feet including animal runs.
 - (23) Warehouse: One (1) for each two thousand (2,000) square feet up to ten thousand (10,000) square feet, one (1) for each five thousand (5,000) square feet after the first ten thousand (10,000) square feet. Parking for a mini-warehouse shall only be required if there is an office or residence included in the project.
 - (24) Wholesale business: One (1) for each eight hundred (800) square feet.
- (d) Additional spaces required by expansion, reconstruction or change in use shall be provided in accordance with this Article.
 - (e) When the required number of spaces results in a fractional space, it shall be counted as a space if it is one-half (0.5) space or more.
 - (f) When a building is removed, any new building on the site shall have spaces provided in accordance with this Article.
 - (g) Where there are mixed uses, the requirement for spaces shall be the sum of the requirements for each use.
 - (h) The Board may approve joint use of spaces subject to the following:

- (1) A maximum of fifty (50) percent of the requirement for one use may be provided by the spaces for another use if the two (2) uses are open substantially different hours or days of the week.
- (2) The parking spaces for both uses comply with all other requirements of this Article.
- (3) If the properties where the use and the required parking are located are owned by different parties, a covenant shall be recorded by the owner of the parking for the benefit of the City and in a form approved by the City Attorney. The covenant shall stipulate that the parking will be maintained as long as the use requiring it continues. It shall also stipulate that the title and right to use the property where the parking is located is subservient to the title to the property where the use is located and that the property will not be made subject to any other covenant or contract for use without prior consent of the Board.
 - (i) When the parking requirement for a use is not listed above, or if the procedure for determining the requirement is not specified, the Board shall determine the applicable requirement or procedure.
 - (j) When a parking requirement is based on square footage it shall mean gross square footage.
 - (k) When a parking requirement is based on number of seats, number of beds or other similar formula, the number shall be as determined by the Director.

SECTION 3. AMENDMENT OF CODE. Section 10-2.2110 of Article 21 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.2110. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS IN THE C-1, C-2, C-3, C-M, M-1, M-2, B-P AND P-D ZONES.

It shall be unlawful for any person to erect, construct or maintain on any lot or parcel any sign of a type or having an area and/or height in violation of the following specific requirements:

- (a) In the C-1, C-2, C-M, M-1 and M-2 zones, the following signs are permitted except as otherwise stated:
- (1) Only one (1) of the following signs for each use or occupancy:
- (aa) Freestanding identification sign not exceeding seventy-two (72) square feet in area and twenty (20) feet in height; or
 - (ab) Projecting identification sign not exceeding seventy-two (72) square feet in area and thirty-five (35) feet in height; if any portion projects into or overhangs a public street or alley right-of-way, said sign shall not exceed forty-eight (48) square feet in area; or
 - (ac) Marquee identification sign at right angles to a street, not exceeding forty-eight (48) square feet in area and thirty-five (35) feet in height. A second such marquee identification sign is permitted if the two (2) signs are single-faced, are parallel, and are on opposite ends of a marquee.
 - (ad) Exception: Any sign existing on March 1, 1977, in the C or M zones on a pylon which extends above a ridgeline shall be allowed to remain in addition to one (1) of the above signs as a nonconforming sign subject to abatement according to the schedule set forth in Section 10-2.2107.
- (2) One (1) freestanding identification sign for a shopping center, as herein defined, for each street upon which the shopping center fronts, subject to the following provisions:
- (aa) Each shopping center sign shall not exceed seventy-two (72) square feet in area and twenty (20) feet in height.
 - (ab) The identification on each shopping center sign shall be limited to the shopping center name with either a reader board or a listing of uses within the center optional. The lettering for the reader board or the listing of such uses shall be of a size not greater than one-half (0.5) the size of the lettering of the shopping center name on such sign.

- (ac) Any freestanding or projecting identification sign or signs erected at said shopping center on or after July 1, 1972, whether identifying said shopping center or any use or occupancy therein, shall be removed prior to obtaining a building permit for the erection of a shopping center sign.
- (ad) After erection of a shopping center sign at a shopping center, even in those cases where the shopping center sign installation preceded this Code provision, no additional freestanding or projecting identification sign shall be erected at such shopping center for any use or occupancy therein.
- (ae) A shopping center, eligible for a freestanding identification sign, is usually characterized by a cluster of retail uses:
 - (i) At one (1) location held out to the public as a distinct shopping area and having a minimum of five (5) retail uses on the same or adjacent sites.
 - (ii) On one (1) or more parcels not normally traversed by any public streets.
 - (iii) With membership in a merchants association comprising the cluster.
 - (iv) That employ a common advertising program for such a center.
- (3) For a freestanding tourist-oriented hotel, motel, restaurant or service station located on property within two hundred (200) feet of the Freeway 99 right-of-way, one (1) freestanding identification sign, not exceeding one hundred fifty (150) square feet in area and thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code.
 - (aa) Said use permit shall be dependent upon the following two (2) findings being shown:
 - (i) That the use or occupancy is a freestanding use. For the purposes of this section, a freestanding use is

defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.

(ii) That the use or occupancy cannot be adequately identified by other signs permitted in the C-1 zone.

(ab) The Board may grant permission for said sign to be higher than thirty-five (35) feet if the applicant can show that a bridge over Freeway 99 or ramps thereto obstruct visibility of said sign to the northbound or southbound lanes of Freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.

(4) Canopy, marquee, and wall identification signs, provided:

(aa) That said signs shall be limited to the portion of a building wherein the use or occupancy is conducted.

(ab) That the maximum total area for all said signs shall be limited as follows:

(i) For the principal frontage of the building as designated by the applicant:

<u>Building Frontage</u>	<u>Maximum Total Area for All Canopy, Marquee, and Wall Identification Signs</u>
First 50 feet	4 square feet per lineal foot of building frontage plus
Next 50 feet	2 square feet per lineal foot of building frontage plus
Over 100 feet	1 square foot per lineal foot of building frontage

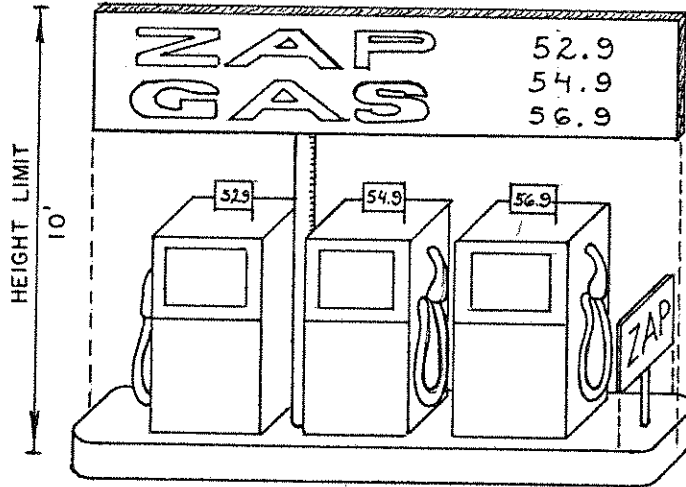
(ii) For each other frontage of the building:

<u>Building Frontage</u>	<u>Maximum Total Area for All Canopy, Marquee, and Wall Identification Signs</u>
First 50 feet	4 square feet per lineal foot of building frontage plus
Next 50 feet	2 square feet per lineal foot of building frontage plus
Over 100 feet	0.5 square foot per lineal foot of building frontage

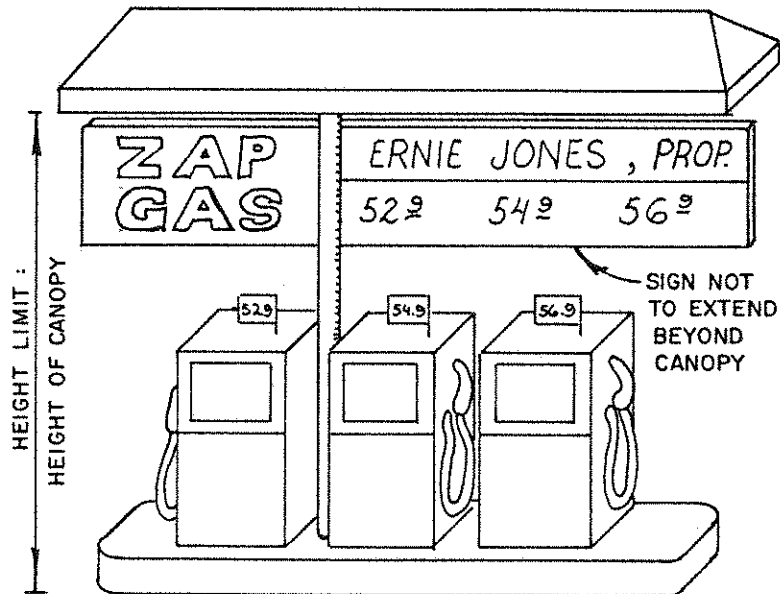
- (ac) That said signs shall not exceed thirty-five (35) feet in height nor project above a ridgeline.
 - (ad) That signs hung from a canopy shall be not less than eight (8) feet above a private sidewalk or fourteen and one-half (14.5) feet above ground level in areas open to vehicular traffic.
- (5) Directional signs located wholly on private property on the premises to which they pertain as follows:
- (aa) One (1) exterior directional sign per use per street frontage of the site, not exceeding twelve (12) square feet in area and six (6) feet in height, and provided business identification shall not exceed one-half (0.5) of the area on a given sign face.
 - (ab) Any number of interior directional signs, each not exceeding six (6) square feet in area and six (6) feet in height.
 - (ac) Two (2) maximum interior directional signs for a drive-in restaurant or other eating place with drive-through facilities, each sign not to exceed thirty (30) square feet in area and eight (8) feet in height.
- (6) One (1) for sale or rent sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height.
- (7) One (1) construction sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height, provided such sign is removed not later than thirty (30) days after construction is completed.

- (8) One (1) sign hung from a marquee per street frontage for a given use, not exceeding six (6) square feet in area on any one side or twelve (12) square feet maximum total area. Said sign shall be not less than eight (8) feet above a public sidewalk and may be mounted at an angle to the leading edge of a marquee.
- (9) Political signs may be erected, maintained, and displayed as follows:
 - (aa) Each such sign shall not exceed sixty-four (64) square feet in area.
 - (ab) The overall height of each such sign shall not exceed ten (10) feet.
 - (ac) The combined area of all such signs shall not exceed one hundred fifty (150) square feet.
 - (ad) Such signs shall be erected no more than sixty (60) days prior to the date of the election, and shall be removed within ten (10) days after the election.
- (10) Temporary signs are not permitted.
- (11) Outdoor advertising signs are not permitted except as otherwise provided in this article.
- (12) Window signs are permitted.
- (13) One (1) freestanding identification sign, not exceeding seventy-two (72) square feet in area and twenty (20) feet in height, which shall be permitted to identify a use without any structures, such as a parking lot. For pumpkin and Christmas tree sale lots, one (1) freestanding identification sign shall be permitted, not exceeding thirty-two (32) square feet in area and twelve (12) feet in height.
- (14) Signs on service station pump islands, canopy uprights, and nonmovable structures on the pump islands, which shall be permitted if the combined area of said signs and all other wall and canopy signs do not exceed the total sign area permitted in subsection (4) above for the building on the site and do not project beyond the canopy roof or raised pump island. Said signs shall not exceed ten (10) feet in height if there is no canopy. For self-service service stations with small attendant booths less than ten (10) feet on any side, a maximum total wall and canopy sign area of one hundred sixty (160) square feet is permitted.

SIGN NOT TO EXTEND
BEYOND PUMP ISLAND



SERVICE STATION WITHOUT A CANOPY



SERVICE STATION WITH A CANOPY

- (15) Freestanding motor fuel price signs are permitted, as hereinafter specified, for businesses dispensing motor fuel to the public. The message on said signs shall be limited to specifying the prices and grades of motor fuel,

self-service or full service, and brand name of the motor fuel, as required by the California Business and Professions Code. Motor fuel price signs shall be permitted as follows:

- (aa) One (1) motor fuel price sign per street frontage of the site.
 - (ab) Maximum area shall be twenty-five (25) square feet for the self-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; twenty-five (25) square feet for the full-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; all can be combined as one (1) sign.
 - (ac) Maximum height of sign shall be fourteen (14) feet.
- (16) One (1) corporate flag per use or occupancy, not exceeding twenty-four (24) square feet in area; dimensions relative to each other shall not exceed a ratio of 2:1. Such flags shall be flown only from a flagstaff or flagpole.
- (b) In the C-3 zone, the following signs are permitted:
- (1) Any signs allowed in the C-1 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1205 excepting that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.2110(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.2110(a)(2) are not permitted in the C-3 zone.
 - (2) Any signs allowed in the R-3 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1204.
 - (3) For a freestanding tourist-oriented hotel, motel, restaurant, or service station located on property within two hundred (200) feet of the Freeway 99 right-of-way, one (1) freestanding identification sign not exceeding one hundred fifty (150) square feet in area and thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code.

- (aa) Said use permit shall be dependent upon the following two (2) findings being shown.
 - (i) That the use or occupancy is a freestanding use. For the purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.
 - (ii) That the use or occupancy cannot be adequately identified by other signs permitted in the C-3 zone.
 - (ab) The Board may grant permission for said sign to be higher than thirty-five (35) feet if the applicant can show that an overcrossing of Freeway 99 or ramps thereto obstruct visibility of said sign to the northbound or southbound lanes of Freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.
- (4) For any other freestanding use or occupancy, one (1) freestanding identification sign not to exceed seventy-two (72) square feet in area and twenty (20) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code. Said use permit will be dependent upon the following two (2) findings being shown:
- (aa) That the use or occupancy is a freestanding use. For the purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.

- (ab) That the use or occupancy cannot be adequately identified by other signs permitted in the C-3 zone.
- (c) In the B-P zone, the following signs are permitted:
- (1) Any signs allowed in the C-1 zone are permitted in the B-P zone for uses permitted in Section 10-2.1602 excepting that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.2110(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.2110(a)(2) are not permitted in the B-P zone.
 - (2) For each parcel, one freestanding identification sign not exceeding seventy-two (72) square feet in area and six (6) feet in height.
 - (3) One freestanding identification sign for a business park, as herein defined, for each street on which the business park fronts may be approved subject to the approval of a plot plan by the Board of Zoning Adjustment and subject to the following provisions:
 - (aa) Each business park sign shall not exceed seventy-two (72) square feet in area and six (6) feet in height.
 - (ab) The identification on each business park sign shall be limited to the business park name, and logo.
 - (ac) A business park, eligible for a freestanding identification sign, is characterized by a cluster of business park uses:
 - (i) In a contiguous area that can be traversed by public streets, of at least fifty (50) acres held out to the public as a single development.
 - (ii) Represented by a single association or organization.
- (d) For P-D zones the following signs are permitted:
- Sign limitations shall be made a condition of each P-D zone and approval shall be based on the provisions of the zoning classification most closely approximating the uses proposed in the P-D zone.

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 1 day of December, 1987, 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 Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2564-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 8th day of December, 1987, 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, Muratore, Sutton, Whiteside,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath, Patterson

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:  _____

NORRINE COYLE City Clerk

EFFECTIVE DATE: January 7, 1988

ORDINANCE NO. 2565 -C.S.

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, AND GENERAL COMMERCIAL ZONE, C-2, TO PLANNED DEVELOPMENT ZONE, P-D(439), PROPERTY LOCATED ON THE EAST SIDE OF LAS FLORES AVENUE (GALLO GLASS).

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

SECTION 1. ZONING CHANGE. Section 28-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, and General Commercial Zone, C-2, to Planned Development Zone, P-D(439):

R-1 to P-D (439)

The north 110 feet of Lot 8 of the Las Flores Tract, according to the map thereof, filed in the Office of the County Recorder of Stanislaus County, California, on December 13, 1920, in Volume 9 of Maps at page 47.

Including also the east 30.00 feet of Las Flores Avenue immediately adjacent to the above described properties.

C-2 to P-D (439)

Lots 9, 10, and the south 25 feet of Lot 8 of the Las Flores Tract.

Including also the east 30.00 feet of Las Flores Avenue and the north 33 feet of Yosemite Boulevard adjoining the above-described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(439) 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. Creative services and design center including photo studio, video studio, business offices, and accessory uses.
2. Off-street parking as shown on the approved plans.

SECTION 3. ZONING MAP. Section Map 28-3-9 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 8 day of December, 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, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: McGrath

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, City Attorney

APPROVED AS TO DESCRIPTION:

By William S. Nichols, Jr.
Department of Planning and
Community Development

Ord. No. 2565-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1987, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Carol G. Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 21, 1988

ORDINANCE NO. 2566 -C.S.

AN ORDINANCE AMENDING SECTION 5-1.501 OF CHAPTER 1 OF TITLE V OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 5-1.503 THERETO RELATING TO PERMITS FOR MONITORING WELLS AND EMERGENCY EXTRACTION WELLS.

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

SECTION 1. AMENDMENT OF CODE. Section 5-1.501 of Chapter 1 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-1.501. PERMISSION NECESSARY.

Except as provided below, it shall be unlawful to install wells in the City for any purpose whatsoever without first securing the permission of the Council.

SECTION 2. AMENDMENT OF CODE. Section 5-1.503 is hereby added to Chapter 1 of Title V of the Modesto Municipal Code to read as follows:

SEC. 5-1.503. PERMIT.

The Director of Utility Services is authorized to issue a permit for monitoring wells and emergency extraction wells. A nonrefundable fee shall be paid upon application for the permit in an amount as approved from time to time by resolution of the City Council.

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 8 day of December, 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, Muratore, Sutton, Whiteside,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath, Patterson

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, City Attorney

Ord. No. 2566-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1987, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 21, 1988

Clerk

ORDINANCE NO. 2567 -C.S.

AN ORDINANCE AMENDING SECTION MAP 24-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(442), PROPERTY LOCATED ON THE NORTHWEST CORNER OF CLAUS ROAD AND EAST ORANGEBURG AVENUE (MICHAEL & VICTORIA MASELLIS).

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

SECTION 1. ZONING CHANGE. Section 24-3-9 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(442):

All that certain real property situate in a portion of the northeast quarter of Section 24, Township 3, South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, Being a portion of Lot 1 of the Idaho Colony Map, filed April 27, 1909, in Volume 4 of Maps, Page 21 Stanislaus County Records, described as follows:

All of Parcel 4 as shown on that certain Parcel Map filed October 18, 1971, in Volume 12 of Parcel Maps, Page 91, Stanislaus County Records.

Including also all of the West 50.00 feet of Claus Road and North 30.00 feet of East Orangeburg Avenue immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(442) 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. Mini-storage facility.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1987, by Councilmember Irizarry, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol Whiteside
CAROL WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Arthur Amodeo
Department of Planning and
Community Development

Ord. No. 2567-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of January, 1988, Councilmember Lang 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 11, 1988