

ORDINANCE NO. 3597-C.S.

AN ORDINANCE AMENDING SECTION 10-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(211), TO PLANNED DEVELOPMENT ZONE, P-D(596), PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SYLVAN AVENUE AND OAKDALE ROAD (BERBERIAN HOLDINGS, LP)

WHEREAS, a verified application for an amendment to Section 10-3-9 of the Zoning Map was filed by Berberian Holdings L.P. (“Applicant”) on January 7, 2013, to rezone the portion of P-D(211) located at the southwest corner of Sylvan Avenue and Oakdale Road (“the Property”) to a new Planned Development Zone to allow for an 18-acre neighborhood shopping center, and

WHEREAS, after a public hearing held on November 18, 2013, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2013-20, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the rezoning to Planned Development would provide for a shopping center development that is compatible with surrounding residential and commercial uses, the requested zone change will result in an orderly planned use of land because the design features of the project and the conditions of approval will ensure that the project is compatible with the adjacent residential uses, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan because the project is consistent with the Commercial (C) General Plan Land Use Designation (as amended), and the project meets General Plan

Neighborhood Prototype criteria that calls for locating a shopping center at the intersection of arterial streets, and

WHEREAS, by Resolution No. 2013-20, adopted on November 18, 2013, the Planning Commission recommended to the Council that the application of Berberian Holdings L.P. to amend Section 10-3-9 of the Zoning Map to rezone the hereinafter described property from Planned Development Zone, P-D (211), to Planned Development Zone, P-D(596), be approved,

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 PM on December 10, 2013, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to amend Section 10-3-9 of the Zoning Map to Rezone from Planning Development Zone, P-D(211), to Planned Development Zone, P-D(596), property located at the southwest corner of Sylvan Avenue and Oakdale Road, and

WHEREAS, the City Council heard testimony at the December 10, 2013 public hearing of the City Council, closed the public hearing, and continued the item to the January 7, 2014 City Council Hearing to allow staff to analyze and respond to materials submitted by project opponents, and

WHEREAS, staff has reviewed the materials and determined that no new information was presented that would create the need for any changes to the Project EIR, and

WHEREAS, said matter was further considered at the regular meeting of the City Council held at 5:30 PM on January 7, 2014, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

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

SECTION 1. After a public hearing held on December 10, 2013, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, this Council finds and determines as follows:

1. The requested change will not be detrimental to the public health, safety or welfare because the rezoning to Planned Development would provide for a shopping center development that is compatible with surrounding residential and commercial uses;
2. The requested change will result in an orderly planned use of land because the design features of the project and the conditions of approval will ensure that the project is compatible with the adjacent residential uses;
3. The requested change is in accordance with the community's objectives as set forth in the General Plan because the project is consistent with the Commercial (C) General Plan Land Use Designation (as amended), and the project meets General Plan Neighborhood Prototype criteria that calls for locating a shopping center at the intersection of arterial streets, and

SECTION 2. ZONING CHANGE. Section 10-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D (211), to Planned Development Zone, P-D(596):

P-D(211) to P-D(596)

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

BEGINNING at the Northeast corner of said Southeast Quarter of Section 10, said corner also being the center line intersection point of City roads known as Oakdale Road and Sylvan Avenue; thence South  $00^{\circ}38'44''$  East along the East line of said Southeast quarter of Section 10 and the center line of Oakdale Road, a distance of 1400.35 feet; thence leaving last said line and proceeding South  $89^{\circ}21'16''$  West, a distance of 528.17 feet to a point on the Easterly right of way line of a 60.00 foot wide City road known as Hashem Drive; thence North  $80^{\circ}28'41''$  West, a distance of 30.00 feet to a point on the center line of said Hashem Drive and being a point of curvature of curve concave Westerly, having a radius of 400.00 feet, of which the radius point bears North  $80^{\circ}28'41''$  West; thence Northerly along last said center line and the arc of said curve, through a central angle of  $28^{\circ}57'33''$ , an arc distance of 202.17 feet; thence continuing along said center line, North  $19^{\circ}26'14''$  West, a distance of 475.32 feet to a point of curvature of a tangent curve concave Easterly, having a radius of 400.00 feet; thence Northerly along said center line and along the arc of said curve, through a central angle of  $46^{\circ}32'00''$ , an arc distance of 324.86 feet to a point of reverse curvature of a curve, concave Westerly, having a radius of 300.00 feet, of which the radius point bears North  $62^{\circ}54'14''$  West; thence Northerly along said center line and along the arc of said curve, through a central angle of  $27^{\circ}12'10''$ , an arc distance of 142.43 feet; thence continuing along last said center line, North  $00^{\circ}06'24''$  West, a distance of 300.00 feet to a point on the on the North line of said Southeast Quarter of Section 10 and the center line of Sylvan Avenue; thence North  $89^{\circ}53'36''$  East along last said line, a distance of 663.93 feet to the point of beginning of this description.

CONTAINING 21.31 acres more or less

SECTION 2. USES. The following uses shall be permitted in said P-D(596)

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 10-7.108(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 10-7.108(a) or (b) of the Modesto Municipal Code:

1. All uses listed as Permitted Uses in the C-2 Zone.

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.

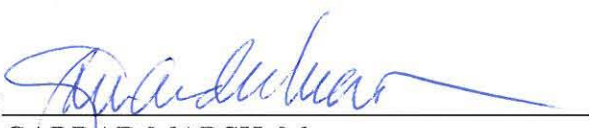
SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth 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 7th day of January, 2014, by Councilmember Cogdill, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:

By   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ADAM U. LINDGREN, Interim City Attorney

APPROVED AS TO DESCRIPTION:

By   
Community & Economic Development  
Department, Planning Division

Ord. No. 3597-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 14<sup>th</sup> day of January, 2014, Councilmember Lopez, who moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

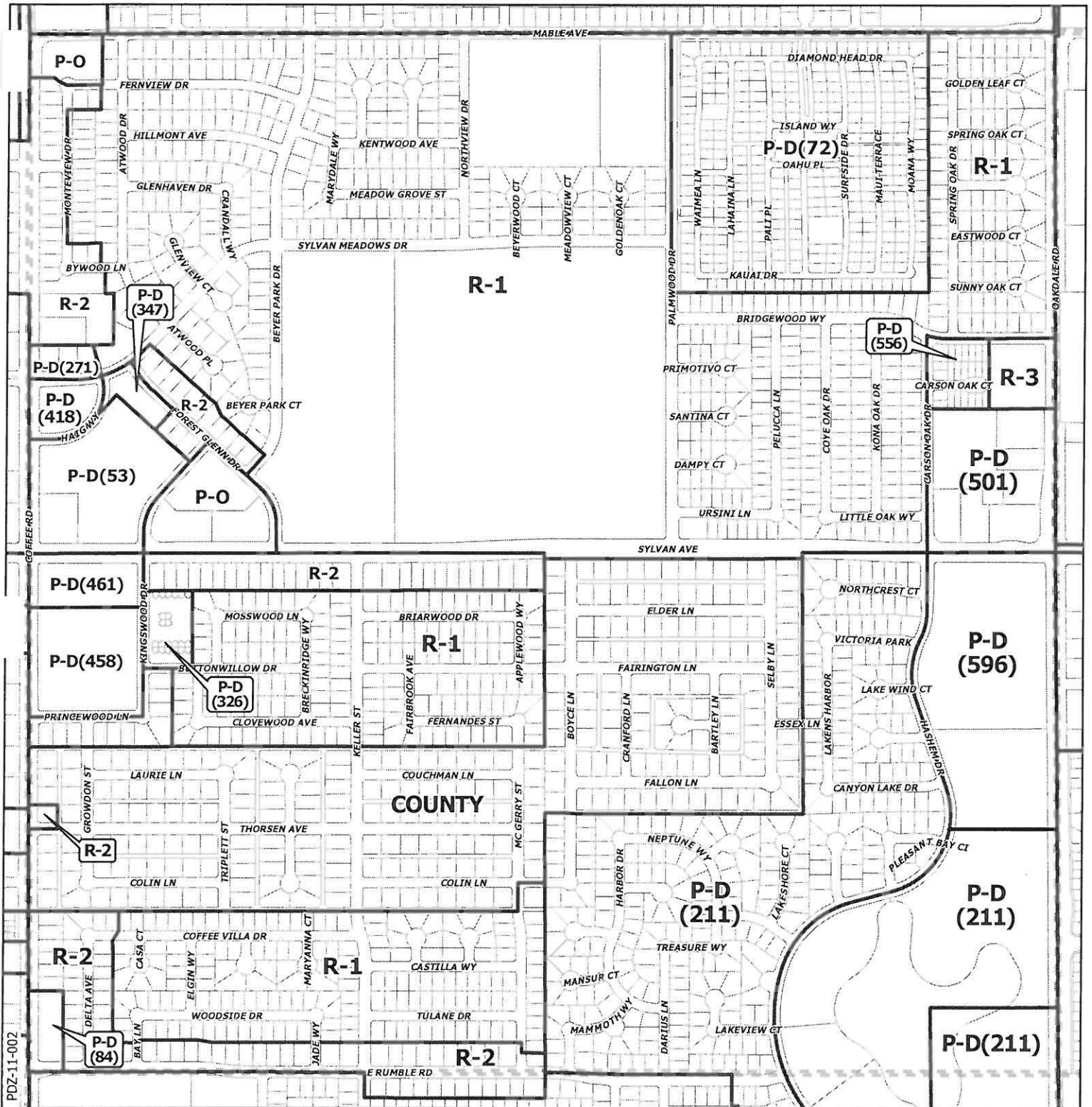
APPROVED:

  
MAYOR GARRAD MARSH

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

Effective Date: February 14, 2014



inch = 700 feet

1. 3597-C.S.

# ZONING MAP OF THE CITY OF MODESTO

10-3-9

ORDINANCE NO. 3598-C.S.

AN ORDINANCE AMENDING SECTION 2-1.18 OF CHAPTER 1 OF TITLE 2 OF THE MODESTO MUNICIPAL COE, TITLED "STANDING COMMITTEES," TO ADD AN APPOINTMENTS COMMITTEE TO REVIEW AND RECOMMEND APPOINTMENTS TO CITY BOARDS, COMMISSIONS, AND COMMITTEES

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

SECTION 1. AMENDMENT OF CODE. Section 2-1.18 of Chapter 1 of Title 1 of the Modesto Municipal Code is hereby amended to read as follows:

**2-1.18 STANDING COMMITTEES.**

The standing committees of the Council shall be a Safety and Communities Committee, an Economic Development Committee, a Finance Committee, an Audit Committee, and an Appointments Committee, each of which committees shall consist of three (3) members of the Council appointed by the Mayor. The responsibilities of the Audit Committee shall be established by resolution of the City Council. The responsibilities of the Appointments Committee shall be to review and make recommendations for appointments to City Boards, Commissions, and Committees, and such other responsibilities 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.

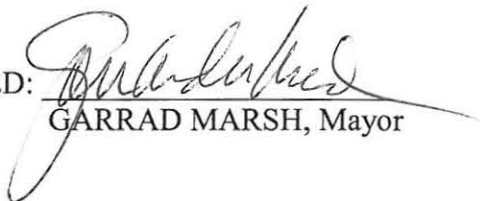
SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth 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 14<sup>th</sup> day of January, 2014, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None


APPROVED:   
GARRAD MARSH, Mayor

ATTEST:

By:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
ADAM U. LINDGREN, Interim City Attorney

Ord. No. 3598-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 28<sup>th</sup> day of January, 2014, Councilmember Lopez moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal,  
Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:



GARRAD MARSH, Mayor

ATTEST:

By:



STEPHANIE LOPEZ, City Clerk

2215558.1



ORDINANCE NO. 3599-C.S.

AN ORDINANCE AMENDING SECTION 10-3.101 OF CHAPTER 3 OF TITLE 10 OF THE MODESTO MUNICIPAL CODE TO REMOVE THE REQUIREMENT FOR A CONDITIONAL USE PERMIT TO LOCATE A SUBSTANCE ABUSE CLINIC IN THE CITY'S PROFESSIONAL OFFICE (P-O), NEIGHBORHOOD COMMERCIAL (C-1), GENERAL COMMERCIAL (C-2) AND HIGHWAY COMMERCIAL (C-3) ZONING DISTRICTS.

WHEREAS, the City Attorney's Office has determined that the provision in Section 10-3.101 that requires substance abuse clinics to obtain a conditional use permit in the Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2) and Highway Commercial (C-3) zoning districts, when other medical uses are permitted in these zoning districts, is not in conformance with federal law, and

WHEREAS, City staff has consequently drafted an amendment to Section 10-3.101 that would remove this requirement and allow substance abuse clinics as a permitted use in these zoning districts, similar to other medical uses, and

WHEREAS, after a public hearing held on November 18, 2013, it was found and determined by the Planning Commission that the proposed change will not be detrimental to the public health, safety or welfare because substance abuse clinics will continue to be required to meet all City regulations and standards, that the proposed change will result in an orderly planned use of land because substance abuse clinics will be allowed in the same zoning districts as other medical uses, that the proposed change is in accordance with the community's objectives as set forth in the General Plan because it does not affect what uses are allowed in the General Plan's Commercial land use designation, only the process necessary to locate a specific

use, and that the proposed Zoning Code Amendment is exempt from CEQA under Section 15061(b)(3), as the proposed amendment does not have any potential for causing a significant effect on the environment, and

WHEREAS, by Resolution No. 2013-17, adopted on November 18, 2013, the Planning Commission recommended to the Council that the proposed amendment to Section 10-3.101 to remove the requirement for a conditional use permit to locate a substance abuse clinic in the Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2) and Highway Commercial (C-3) zoning districts, be approved.

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 PM on January 7, 2014, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to Section 10-3.101 to remove the requirement for a conditional use permit to locate a substance abuse clinic in the Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2) and Highway Commercial (C-3) zoning districts, and

WHEREAS, the City Council continued the public hearing to the January 14, 2014, City Council meeting to allow the City Attorney to analyze the legal implications of imposing additional requirements on substance abuse clinics.

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

SECTION 1. FINDINGS. After a public hearing held on January 14, 2014, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, this Council finds and determines as follows:

1. The proposed change will not be detrimental to the public health, safety or welfare because substance abuse clinics will continue to be required to meet all City regulations and standards.
2. The proposed change will result in an orderly planned use of land because substance abuse clinics will be allowed in the same zoning districts as other medical uses.
3. The proposed change is in accordance with the community's objectives as set forth in the General Plan because it does not affect what uses are allowed in the General Plan's Commercial land use designation, only the process necessary to locate a specific use.
4. The proposed Zoning Code Amendment is exempt from CEQA under Section 15061(b)(3), as the proposed amendment does not have any potential for causing a significant effect on the environment.

SECTION 2. AMENDMENT OF CODE. Section 10-3.101, Table 3.1-1, of Chapter 3 of Title 10 of the Modesto Municipal Code is hereby amended to allow "Substance Abuse Clinic/Facility" as a Permitted Use in the Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2) and Highway Commercial (C-3) zoning districts, as reflected in **Attachment A**.

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 14th day of January, 2014, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,  
Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

  
GARRAD MARSH, Mayor

ATTEST:


By

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
Adam U. Lindgren, Interim City Attorney

Ord. No. 3599-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 28<sup>th</sup> day of January, 2014, Councilmember Lopez moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal,  
Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:

By:   
STEPHANIE LOPEZ, City Clerk

## EXHIBIT A

### Chapter 3

## LAND USE REGULATIONS

### Article 1. Permitted and Conditional Land Uses

#### **10-3.101 Land Use Table.**

The following Land Use Table identifies those uses that are permitted, conditional, and not permitted for each listed zoning district.

- (a) The land use symbols shown on Table 3.1-1 have the following meaning:
- (1) "P" indicates that the use is permitted
  - (2) "C" indicates that the use is conditional (A conditional use permit is required)
  - (3) "-" indicates that the use is not permitted
  - (4) The zoning district symbols and corresponding zoning district names are as follows:

R-1	Low Density Residential
R-2	Medium Density Residential
R-3	Medium-High Density Residential
P-O	Professional Office
C-1	Neighborhood Commercial
C-2	General Commercial
C-3	Highway Commercial
C-M	Commercial-Industrial
M-1	Light Industrial
M-2	Heavy Industrial

See Chapter 4, Land Use Regulations, for the definition and purpose and intent of the zoning districts.

- (b) Refer to the Chapter 9, Administration, to determine the required application and process for permitted and conditional uses.
- (c) Refer to the notes column for additional information.

**Table 3.1-1 Permitted and Conditional Land Uses**

Land Use	Zoning Districts											Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2		
<b>AGRICULTURAL</b>												
Community Gardens	P	P	P	P	P	P	P	P	P	P	P	See 10-2.114
Fruit and nut trees, vines, row crops, horticulture stock	P	P	P	P	P	P	P	P	P	P	P	
<b>RESIDENTIAL</b>												
<b>Accessory Uses</b>												
Animals and Fowl	P	P	P	-	-	-	-	-	-	-	-	See 10-3.202
Garage Sales	P	P	P	-	-	-	-	-	-	-	-	See 10-3.206
Home Business	P	P	P	-	-	-	-	-	-	-	-	See 10-3.207
<b>Dwellings</b>												
Single Family Dwelling	P	P	P	-	-	-	-	-	-	-	-	In R-1, 1 unit per lot
Second Dwelling in the R-1 Zone	P	-	-	-	-	-	-	-	-	-	-	See 10-3.217
Manufactured Homes	P	P	P	-	-	-	-	-	-	-	-	See 10-3.209
Multiple Family	-	P	P	C	C	C	C	-	-	-	-	See 10-9.1002 b 3 & 10-9.1002 b 5
Mobile Home Parks	-	-	-	-	-	-	-	-	-	-	-	See 10-7.103 b 2
<b>Other Residential Uses within Dwellings</b>												
Lodging and Boarding (3 or fewer persons, 1 dwelling)	P	P	P	-	-	-	-	-	-	-	-	See 10-3.208
Lodging and Boarding (4 or more persons, 1 dwelling)	C	C	P	-	-	-	-	-	-	-	-	See 10-3.208
Lodging and Boarding (3 or fewer persons, 2 dwellings on a lot)	-	P	P	C	C	C	C	-	-	-	-	See 10-3.208
Lodging and Boarding (4 or more persons, 2 dwellings on a lot)	-	C	P	C	C	C	C	-	-	-	-	See 10-3.208
<b>CIVIC / INSTITUTIONAL</b>												
<b>Educational Facilities</b>												
School - Private (including charter schools)	C	C	C	C	P	P	P	C	C	C		
School - Public (including charter schools)	C	C	C	C	P	P	P	C	C	C		
School - Vocational	-	-	-	C	P	P	P	P	P	P		
<b>Healthcare Facilities</b>												
Hospital	-	-	-	-	-	P	P	P	P	P		
Medical Marijuana Dispensary	-	-	-	-	-	-	-	-	-	-	-	See 10-3.210
Substance Abuse Clinic/Facility	-	-	-	P	P	P	P	P	P	P		
Veterinary Hospital (large animals)	-	-	-	-	-	-	-	P	P	P		See 10-2.1100
Veterinary Hospital (small animals)	-	-	-	P	P	P	P	P	P	P		See 10-2.1101
<b>Non-Profit Organization</b>												
No Retail (office, classroom, meeting hall)	C	C	C	C	P	P	P	P	P	P		
Retail	-	-	-	-	P	P	P	P	P	P		
<b>Public Facilities</b>												
Library	-	-	-	-	P	P	P	P	P	P		
Museum	-	-	-	-	P	P	P	P	P	P		
Public Buildings and Grounds (ie corporation yard)	C	C	C	C	C	C	C	P	P	P		
Public Facilities, Minor (wells, pumps)	P	P	P	P	P	P	P	P	P	P		
Public Parks	P	P	P	P	P	P	P	P	P	P		
Storm Drainage Facilities	P	P	P	P	P	P	P	P	P	P		
<b>Quasi-Public Facilities</b>												
Cemetery	-	-	-	-	-	-	-	-	-	-	-	See 10-7.103 b 3
Church (place of worship)	C	C	C	C	P	P	P	P	P	P		

Table 3.1-1 Permitted and Conditional Land Uses

Land Use	Zoning Districts											Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2		
<b>Utilities</b>												
Solar Energy Systems (accessory use)	P	P	P	P	P	P	P	P	P	P	P	See 10-2.187
Solar Energy Farm	-	-	-	-	-	-	-	-	-	P	P	See 10-2.186
Utility Company Buildings, Facilities, and Grounds	C	C	C	C	C	C	C	C	P	P	P	
Utilities and Railroads												See 10-3.221
<b>COMMERCIAL</b>												
<b>Communication</b>												
Broadcasting Studio (radio or television)	-	-	-	-	-	P	P	P	P	P	P	
Radio or Television Transmitter	-	-	-	-	C	C	C	P	P	P		
Wireless Telecommunication Facilities												See Ch 3 Art 4
<b>Entertainment</b>												
Adult Entertainment Business	-	-	-	-	-	-	-	-	P	P		See Ch 3 Art 3
Carnival (entertainment permit required)	-	-	-	-	-	P	P	P	P	P		See Ti 4, Ch 1, Art 4
Circus (entertainment permit required)	-	-	-	-	-	P	P	P	P	P		See Ti 4, Ch 1, Art 4
Entertainment Establishment (entertainment permit required)	-	-	-	-	-	P	P	P	P	P		See Ti 4, Ch 1, Art 4
Theater, Motion Picture (indoor)	-	-	-	-	-	P	P	P	P	P		
<b>Lodging</b>												
Motel, Hotel	-	-	-	-	P	P	P	P	P	P		
Bed and Breakfast (2 rooms for lodging, owner resides on site)	P	P	P	-	-	-	-	-	-	-		
<b>Office</b>												
General	-	-	-	P	P	P	P	P	P	P		See 10-2.159
Medical	-	-	-	P	P	P	P	P	P	P		See 10-2.160
<b>Outdoor Sales and Activities</b>												
Auction Yard	-	-	-	-	-	-	-	-	P	P		
<b>Commercial</b>												
Certified Farmers' Market	-	-	-	-	P	P	P	P	P	P		See 10-3.212 a
Food and Drink Stands	-	-	-	-	P	P	P	P	P	P		See 10-3.212 b
Fund Raisers (nonprofit organizations)	P	P	P	P	P	P	P	P	P	P		See 10-3.212 c
Outdoor Dining Areas	-	-	-	-	P	P	P	P	P	P		See 10-3.212 d
Outdoor Display, major	-	-	-	-	-	P	P	P	P	P		See 10-3.212 e (2)
Outdoor Display, minor	-	-	-	-	P	P	P	P	P	P		See 10-3.212 e (1)
Outdoor Sales (products customarily sold indoor)	-	-	-	-	P	P	P	P	P	P		See 10-3.212 f
Promotions	P	P	P	P	P	P	P	P	P	P		See 10-3.212 g
Seasonal Sales (fire works, pumpkins, Christmas trees)	P	P	P	P	P	P	P	P	P	P		See 10-3.212 h
Vehicle Food Vendors	-	-	-	-	-	-	-	-	P	P		See 10-3.212 i
Flea Market - Indoor	-	-	-	-	-	P	P	P	P	P		
Flea Market - Outdoor	-	-	-	-	-	-	-	-	P	P		
Industrial	-	-	-	-	-	-	-	P	P	P		See 10-3.213
<b>Recreational</b>												
Campground, Recreation Vehicle Overnight Park	-	-	-	-	-	-	C	P	P	P		
Health Club	-	-	-	-	P	P	P	P	P	P		
Private Club, Lodge, Social Club, Cultural Center	-	-	-	-	P	P	P	P	P	P		
Recreation Facility - Indoor	-	-	-	-	C	P	P	P	P	P		See 10-2.165

**Table 3.1-1 Permitted and Conditional Land Uses**

Land Use	Zoning Districts											Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2		
Recreation Facility - Outdoor	-	-	-	-	-	C	C	P	P	P	See 10-2.166	
<b>Recycling (Collection)</b>												
Recycling Facility, Large (more than 500 SF area)	-	-	-	-	-	C	C	P	P	P		
Recycling Facility, Small (500 SF max area)	-	-	-	-	P	P	P	P	P	P	See 10-3.215 b	
Unattended Containers no more than 50 SF area (in residential zones w/ school, church, or government use)	P	P	P	-	-	-	-	-	-	-	See 10-3.215 a	
Unattended Containers/ Reverse Vending Machine no more than 50 SF area (w/ permitted or conditional use)	-	-	-	P	P	P	P	P	P	P		
<b>Restaurants</b>												
Banquet Hall	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	See 10-3.203	
Bar, Cocktail Lounge, Tavern	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	See 10-3.203	
Restaurants (w/ alcohol)	-	-	-	-	C/P	C/P	C/P	C/P	C/P	C/P	See 10-3.203	
Restaurants (w/o alcohol)	-	-	-	-	P	P	P	P	P	P		
<b>Retail</b>												
General Retail	-	-	-	-	-	P	P	P	P	P	See 10-2.174	
Neighborhood Retail	-	-	-	-	P	P	P	P	P	P	See 10-2.175	
<b>Services</b>												
<b>General Services</b>												
Ambulance Service	-	-	-	-	-	P	P	P	P	P		
Armored Car Service	-	-	-	-	-	P	P	P	P	P		
Business Services	-	-	-	-	P	P	P	P	P	P	See 10-2.178	
Car Wash	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	See 10-3.222	
Equipment Rental (indoors)	-	-	-	-	-	P	P	P	P	P		
Exterminating Service	-	-	-	-	-	P	P	P	P	P		
Fortune Telling	-	-	-	-	-	P	P	P	P	P		
Funeral Home (includes cremation)	-	-	-	-	-	C	C	P	P	P		
Janitor Service	-	-	-	-	-	P	P	P	P	P		
Kennel	-	-	-	-	-	C	C	P	P	P		
Laboratory (research and testing)	-	-	-	-	-	P	P	P	P	P		
Package Delivery Service	-	-	-	-	-	-	C	P	P	P		
Personal Services	-	-	-	-	P	P	P	P	P	P	See 10-2.179	
Security Company	-	-	-	-	-	P	P	P	P	P		
Self Storage	-	-	-	-	-	-	C	P	P	P		
Sign Painting Shop	-	-	-	-	-	P	P	P	P	P		
Stone Monument	-	-	-	-	C	C	C	P	P	P		
Taxicab Service	-	-	-	-	-	P	P	P	P	P		
Taxidermist Shop	-	-	-	-	-	P	P	P	P	P		
Towing Services (no impound yard)	-	-	-	-	-	P	P	P	P	P		
Trade Services	-	-	-	-	-	P	P	P	P	P	See 10-2.182	
<b>Repair Services</b>												
Major Repair	-	-	-	-	-	P	P	P	P	P	See 10-2.180	
Minor Repair	-	-	-	-	P	P	P	P	P	P	See 10-2.181	
<b>Social Assistance Services</b>												
Assisted Living Facility	C	C	P	P	P	P	P	-	-	-		

**Table 3.1-1 Permitted and Conditional Land Uses**

Land Use	Zoning Districts										Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2	
Adult Day Care (3 or fewer clients, 1 unit per lot)	P	P	P	-	-	-	-	-	-	-	Residential dwelling. Clients plus family members
Adult Day Care (4 or more clients, 1 unit per lot)	C	C	C	-	-	-	-	-	-	-	
Adult Day Care (3 or fewer clients, 2 units per lot)	C	C	C	-	-	-	-	-	-	-	
Adult Day Care	C	C	C	C	P	P	P	P	P	P	Commercial facility
Day Care Home - Small Family (6 or fewer children)	P	P	P	-	-	-	-	-	-	-	See 10-3.204 a 1
Day Care Home - Large Family (7-14 children)	P	P	P	-	-	-	-	-	-	-	See 10-3.204 a 2
Child Day Care Home (15 or more children)	C	C	C	-	-	-	-	-	-	-	See 10-3.204 a 3
Child Day Care Center	C	C	C	C	P	P	P	P	P	P	See 10-3.204 b
Convalescent and Other Care Facility	C	C	C	C	P	P	P	P	P	P	Commercial facility
Emergency Shelter	-	-	-	-	C	C	C	C	C	C	See 10-3.205
Homeless Shelter	-	-	-	-	C	C	C	C	C	C	
Residential Care Facility (6 or fewer persons)	P	P	P	-	-	-	-	-	-	-	
Residential Care Facility (7 or more persons)	C	C	C	-	-	-	-	-	-	-	
Residential Care Facility (2 or more care facilities)	C	C	C	-	-	-	-	-	-	-	See 10-3.216
Residential Service Facility (not State licensed)	C	C	C	-	-	-	-	-	-	-	
Supportive Housing	P	P	P	-	-	-	-	-	-	-	See 10-2.192
Supportive Housing (7 or more persons if it operates as residential care facility or residential service facility)	C	C	C	-	-	-	-	-	-	-	See 10-2.192
Transitional Housing	P	P	P	-	-	-	-	-	-	-	See 10-2.194
<b>Vehicle Related</b>											
Heavy Vehicles											See 10-2.198
Farm Equipment Sales, Rental, Repair, & Service	-	-	-	-	-	-	C	P	P	P	
Truck & Trailer Sales, Rental, Repair, & Service	-	-	-	-	-	-	C	P	P	P	
Light Vehicles											See 10-2.199
Minor Maintenance (minor tune up, smog check)	-	-	-	-	C/P	C/P	C/P	C/P	C/P	C/P	See 10-3.222
Parts Store	-	-	-	-	P	P	P	P	P	P	
Rental and Sales	-	-	-	-	-	P	P	P	P	P	
Repair and Service, Major	-	-	-	-	-	-	-	C/P	C/P	C/P	See 10-2.199 a and 10-3.222
Repair and Service, Minor	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	See 10-2.199 b and 10-3.222
Service Station	-	-	-	-	P	P	P	P	P	P	
Stereo Installation	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	See 10-3.222
<b>INDUSTRIAL</b>											
<b>Manufacturing</b>											
Heavy	-	-	-	-	-	-	-	-	-	P	See 10-2.150
Light	-	-	-	-	-	-	-	-	P	P	See 10-2.151
Other Manufacturing Involving:											
Chemical Products (Hazardous)	-	-	-	-	-	-	-	-	-	C	
Explosives	-	-	-	-	-	-	-	-	-	C	
Natural Gas and Gas Products	-	-	-	-	-	-	-	-	-	C	
Paper, Pulp, and Wood (no burning operation).	-	-	-	-	-	-	-	-	-	C	
<b>Other Industrial</b>											
Animal Slaughter Facility	-	-	-	-	-	-	-	-	-	C	
Brewery	-	-	-	-	-	-	-	-	P	P	

**Table 3.1-1 Permitted and Conditional Land Uses**

Land Use	Zoning Districts											Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2		
Microbrewery	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P		See 10-3.203
Bulk Fuel Storage (Class II flammable liquids for the power needs of food processing plants)	-	-	-	-	-	-	-	-	P	P		
Cabinet Shop	-	-	-	-	-	-	-	P	P	P		
Contracting Business (with equipment and materials yard)	-	-	-	-	-	-	-	P	P	P		
Distributing, Freightling or Trucking Yard	-	-	-	-	-	-	-	-	P	P		
Equipment Rental Yard	-	-	-	-	-	-	-	P	P	P		
Laundry and Dry Cleaning Plant	-	-	-	-	-	-	-	P	P	P		
Machine Shop	-	-	-	-	-	-	-	P	P	P		
Power Plant	-	-	-	-	-	-	-	-	C	P		
Rock Crushing	-	-	-	-	-	-	-	-	-	C		
Sand, Gravel, Brick, and Building Block Yard (no concrete mixing, manufacture or rock crushing)	-	-	-	-	-	-	-	-	P	P		
Sheet Metal Shop	-	-	-	-	-	-	-	P	P	P		
Tire Rebuilding, Recapping, Retreading	-	-	-	-	-	-	-	P	P	P		
Transit and Transportation Equipment Storage Yard	-	-	-	-	-	-	-	-	P	P		
Vehicle Impound Yard	-	-	-	-	-	-	-	P	P	P		
Warehousing	-	-	-	-	-	-	-	P	P	P		
Waste Disposal or Transfer Station	-	-	-	-	-	-	-	-	-	C		
Welding Shop	-	-	-	-	-	-	-	P	P	P		
Wholesale Business	-	-	-	-	-	-	-	P	P	P		
Winery	-	-	-	-	-	-	-	-	-	P		
<b>Recycling Facilities</b>												
Recycling, Junk Handling, Processing and Storage, Heavy	-	-	-	-	-	-	-	-	-	C		
Recycling Processing Facility, Light	-	-	-	-	-	-	-	-	P	P		
Vehicle Salvage, Wrecking	-	-	-	-	-	-	-	-	-	C		
<b>Miscellaneous</b>												
<b>Accessory Uses and Buildings</b>												
Customarily incidental to permitted & conditional uses	P	P	P	P	P	P	P	P	P	P		See 10-3.201 a
Incidental Manufacturing, Processing, Packaging, Storage, or Wholesale Sales	-	-	-	-	P	P	P					See 10-3.201 b
<b>Parking</b>												
Parking Area in residential zone for adjacent nonresidential use in nonresidential zone	C	C	C	-	-	-	-	-	-	-		
Parking Area in P-O zone for adjacent commercial use in commercial zone	-	-	-	P	-	-	-	-	-	-		
Parking Lot or Garage	-	-	-	-	P	P	P	P	P	P		
Recreational Vehicles	P	P	P	P	P	P	P	P	P	P		See 10-3.214
Trucks and Truck Trailers in residential zones	-	-	-									See 10-3.220
<b>Temporary Buildings</b>												
Construction Buildings	P	P	P	P	P	P	P	P	P	P		See 10-3.218
Mobile Living Quarters	P	P	P	-	-	-	-	-	-	-		See 10-3.211
Sales Offices and Model Homes	P	P	P	P	P	P	P	P	P	P		See 10-3.219

**Table 3.1-1 Permitted and Conditional Land Uses**

Land Use	Zoning Districts										
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2	Notes

**Legend**

P Permitted Use      – Not Permitted      C Conditional Use

ORDINANCE NO. 3600-C.S.

AN ORDINANCE AMENDING SECTION 33-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE 3.87 ACRES FROM GENERAL COMMERCIAL ZONE, C-2, TO LIGHT INDUSTRIAL ZONE, M-1, AND PREZONE 4.68 ACRES OF ADJACENT UNINCORPORATED AREA TO LIGHT INDUSTRIAL ZONE, P-M-1, PROPERTY LOCATED SOUTH OF YOSEMITE BOULEVARD AND WEST OF SOUTH SANTA ROSA AVENUE (E & J GALLO WINERY).

WHEREAS, a verified application for an amendment to Section 33-3-9 of the Zoning Map was filed by the E & J Gallo Winery on August 23, 2013, to rezone 3.87 acres from General Commercial Zone, C-2, to Light Industrial Zone, M-1, and prezone 4.68 acres to Light Industrial Zone, P-M-1, property located south of Yosemite Boulevard and west of South Santa Rosa Avenue, and

WHEREAS, after a public hearing held on December 2, 2013, it was found and determined by the Planning Commission that the requested zone change will not be detrimental to the public health, safety or welfare because the rezone to Light Industrial (M-1) and prezone of adjacent unincorporated area to Light Industrial (P-M-1) would provide for development that is compatible with adjacent industrial uses, the requested zone change will result in an orderly planned use of land because it would provide for development of a proposed new 116,000 square foot professional office building which will assist in consolidating operations at the Gallo Winery, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the allowable uses of the Light Industrial (M-1) Zone is consistent with the site's General Plan Land Use Designation of "Industrial" use, which allows for professional office and light industrial use, and

WHEREAS, by Resolution No. 2013-22, adopted on December 2, 2013, the Planning Commission recommended to the Council that the application of the E & J Gallo Winery to amend Section 33-3-9 of the Zoning Map to rezone the hereinafter described property from General Commercial Zone, C-2, to Light Industrial Zone, M-1 and prezone of the hereinafter described property to Light Industrial Zone, P-M-1, be approved,

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

SECTION 1. After a public hearing held on January 14, 2014, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, this Council finds and determines as follows:

1. The requested change will not be detrimental to the public health, safety or welfare because the rezone to Light Industrial (M-1) and prezone of adjacent unincorporated area to Light Industrial (P-M-1) would provide for development that is compatible with adjacent industrial uses.
2. The requested change will result in an orderly planned use of land because it would provide for development of a proposed new 116,000 square foot professional office building over a single zone that will assist in consolidating operations at the Gallo Winery.
3. The requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the allowable uses of the Light Industrial (M-1) Zone is consistent with the site's General Plan Land Use Designation of "Industrial" use, which allows for professional office and light industrial uses.

SECTION 2. ZONING CHANGE. Section 33-3-9 of the Zoning Map is hereby amended to rezone the following described property from General Commercial Zone, C-2, to Light Industrial, and prezone to Light Industrial Zone, P-M-1:

C-2 to M-1

All that certain real property situate, lying, and being in a portion of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, lying in the City of Modesto, County of Stanislaus, State of California, being the land commonly known as Assessor's Parcel No. 035-001-026 and a portion of Grand Street, more particularly described as follows:

**BEGINNING** at the intersection of the northwest line of Yosemite Boulevard (now vacated) with the south line of State Route Highway 132 as shown on that certain map filed in Book 3 of State Highway Maps, at Page 18, Stanislaus County Records; thence the following eight (8) courses:

- 1) South 50°40'20" West 529.33 feet, along the northwest line of said Yosemite Boulevard (now vacated) and the southwesterly extension thereof, to a point on the southerly line of Grand Street as shown on said State Highway Map, thence
- 2) North 86°03'32" West 179.16 feet, along the southerly line of said Grand Street, thence
- 3) North 86°20'32" West 90.14 feet, continuing along the southerly line of said Grand Street, to a point on the centerline of Dry Creek, thence
- 4) North 8°07'10" East 17.29 feet, along the centerline of said Dry Creek, thence
- 5) North 10°25'01" West 114.88 feet, continuing along the centerline of said Dry Creek, to a point on the south line of said State Route Highway 132, thence
- 6) North 71°31'27" East 232.40 feet, along the south line of said State Route Highway 132, thence
- 7) North 74°59'15" East 412.86 feet, continuing along the south line of said State Route Highway 132, thence
- 8) North 85°02'38" East 77.58 feet, to the point of beginning.

Including also the southerly 90 feet of Yosemite Boulevard/State Highway 132, all being immediately adjacent to the above description.

Containing 3.87 acres, more or less.

Prezone to P-M-1

All that certain real property situate, lying, and being in a portion of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, lying in the unincorporated area of the County of Stanislaus, State of California, commonly known as portions of Assessor's Parcel Nos. 035-001-028 and 035-001-027, being more particularly described as follows:

**BEGINNING** at the intersection of the existing City Limits Line, as described in Ordinance No. 69-636, commonly known as the “Santa Rosa Addition”, filed 25 July, 1969, with the east line of 60-foot wide Santa Rosa Avenue, said point being 30 feet east of the centerline of said Santa Rosa Avenue; thence the following twenty (20) courses:

- 1) South  $0^{\circ}17'29''$  East 217.67 feet, along the east line of said Santa Rosa Avenue, thence
- 2) South  $89^{\circ}42'31''$  West 60.00 feet, to the intersection of the west line of said Santa Rosa Avenue with the northerly line of that certain parcel of land granted to Modesto Interurban Railway as described in the Corporation Grant Deed filed in Book 2223 of Official Records, at Page 662, Stanislaus County Records, thence
- 3) Westerly 42.82 feet, along a non-tangent curve, concave to the north, from which a radial line bears North  $10^{\circ}28'10''$  East, having a radius of 553.81 feet, and a central angle of  $4^{\circ}25'49''$ , also being along the northerly line of said Modesto Interurban Railway parcel, thence
- 4) Westerly 367.78 feet, along the arc of a curve, concave to the south, from which a radial line bears South  $14^{\circ}53'59''$  West, having a radius of 653.81 feet, and a central angle of  $32^{\circ}13'47''$ , also being along the northerly line of that certain parcel of land granted to Modesto Interurban Railway as described in the Corporation Grant Deed filed in Book 2223 of Official Records, at Page 660, Stanislaus County Records, and along the northerly line of that certain parcel of land reserved by Beard Land Improvement Company as described in the Corporation Grant Deed filed in Book 3421 of Official Records, at Page 421, Stanislaus County Records, thence
- 5) South  $72^{\circ}40'12''$  West 438.67 feet, along the northwesterly line of said Beard Land Improvement Company parcel, to a point on the westerly line of Fairbanks Avenue as shown on the Record of Survey filed in Book 10 of Surveys, at Page 139, Stanislaus County Records, thence
- 6) South  $72^{\circ}39'58''$  West 48.48 feet, along the northerly line of that certain parcel of land granted to Modesto Interurban Railway as described in the Grant Deed filed in Book 2223 of Official Records, at Page 658, Stanislaus County Records, thence
- 7) Westerly 83.55 feet, along the arc of a curve, concave to the southeast, having a radius of 653.81 feet, and a central angle of  $7^{\circ}19'18''$ , also being along the northerly line of said Modesto Interurban Railway parcel, thence
- 8) Westerly 129.20 feet, along the arc of a curve, concave to the northwest, having a radius of 553.81 feet, and a central angle of  $13^{\circ}22'00''$ , also being along the northerly line of said Modesto Interurban Railway parcel, thence
- 9) South  $89^{\circ}58'46''$  West 157.57 feet, along the northerly line of said Modesto Interurban Railway parcel, to a point on the centerline of Dry Creek, as shown on the map of Block 220 of the City of Modesto, filed in

3600-C.S.

Effective: February 28, 2014

Book 15 of Maps, at Page 220, Stanislaus County Records, also being on the existing City Limits Line, as described by City Ordinance dated 6 August, 1884, commonly known as the Original City Incorporation, thence

- 10) North 26°52'10" East 178.94 feet, along the centerline of said Dry Creek, also being along the existing City Limits Line, thence
- 11) North 8°07'10" East 92.47 feet, continuing along the centerline of said Dry Creek, also continuing along the existing City Limits Line, to a point on the south line of Grand Street (formerly known as Yosemite Boulevard and Waterford Road), said point also being on the existing City Limits Line, as described in Ordinance No. 1099-N.S., commonly known as the "La Loma-Yosemite Annexation", recorded 4 December, 1953, thence
- 12) South 86°21'14" East 144.24 feet, along the south line of said Grand Street, also being along the existing City Limits Line, thence
- 13) South 86°03'32" East 313.77 feet, continuing along the south line of said Grand Street and the easterly extension thereof, also continuing along the existing City Limits Line, thence
- 14) North 29°41'28" East 123.14 feet, continuing along the existing City Limits Line, thence
- 15) North 48°40'28" East 20.98 feet, continuing along the existing City Limits Line, thence
- 16) North 72°40'47" East 164.79 feet, continuing along the existing City Limits Line, thence
- 17) Easterly 292.31 feet, along a curve, concave to the south, having a radius of 283.41 feet, and a central angle of 59°05'42", also continuing along the existing City Limits Line, thence
- 18) South 89°49'07" East 169.05 feet, continuing along the existing City Limits Line, to a point on the west line of the aforementioned Santa Rosa Avenue, thence
- 19) North 0°17'29" West 101.20 feet, continuing along the existing City Limits Line, also being along the west line of said Santa Rosa Avenue, thence
- 20) South 89°22'52" East 60.01 feet, to the point of beginning.

Containing 4.68 acres, more or less.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 2014, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:

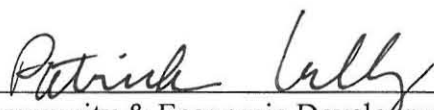
By   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ADAM U. LINDGREN, Interim City Attorney

APPROVED AS TO DESCRIPTION:

By   
Community & Economic Development  
Department, Planning Division

Ord. No. 3600-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 28<sup>th</sup> day of January, 2014, Councilmember Lopez moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal,  
Zoslocki, Mayor Marsh

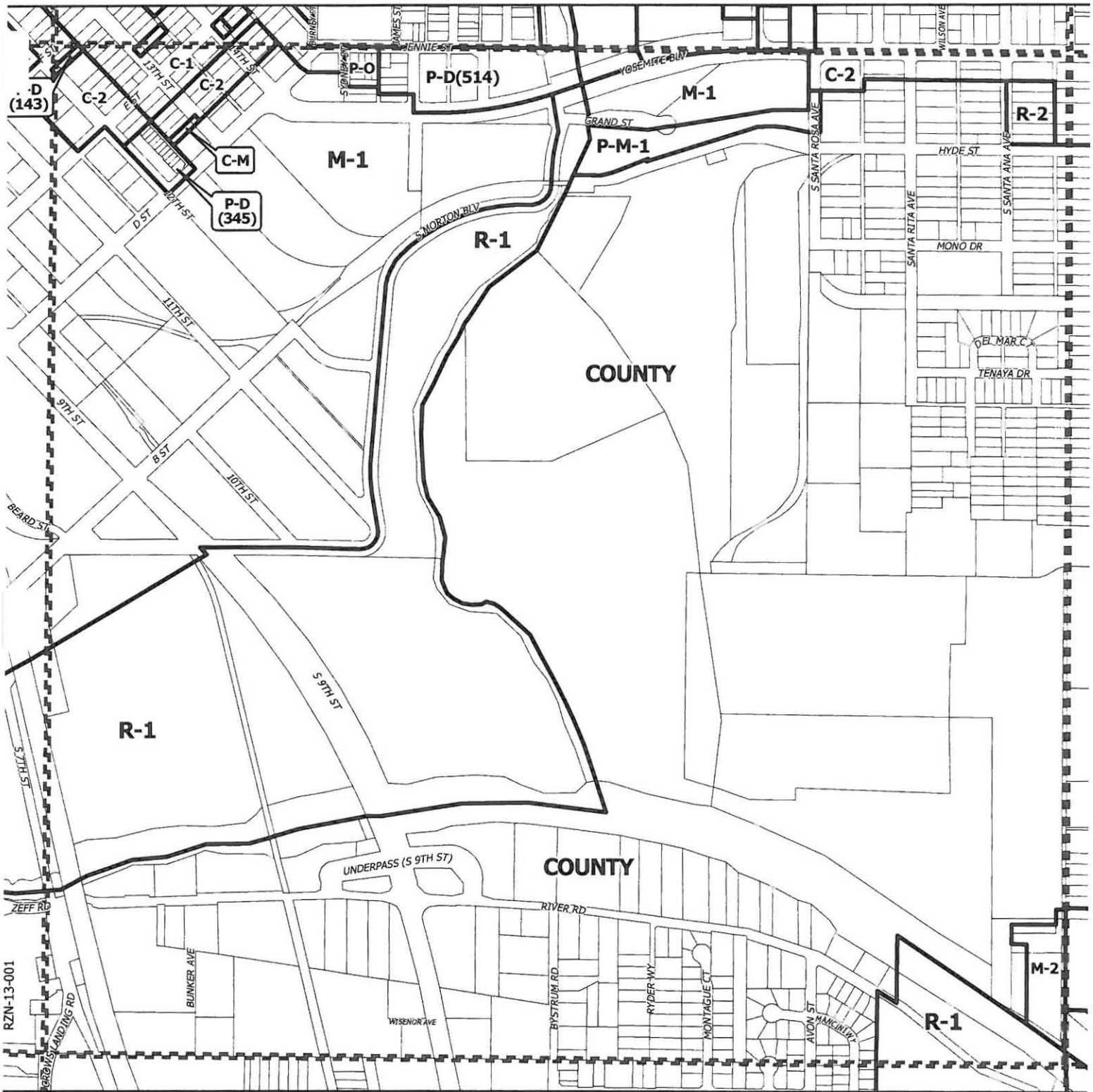
NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:

By:   
STEPHANIE LOPEZ, City Clerk



# ZONING MAP OF THE CITY OF MODESTO

33-3-9



1 inch = 700 feet

Ord. 3600-C.S.



ORDINANCE NO. 3601-C.S.

AN ORDINANCE AMENDING THE PRECISE PLAN FOR AREA NO. 15 IN THE VILLAGE ONE SPECIFIC PLAN AREA TO REDESIGNATE TEN ACRES FROM ELEMENTARY SCHOOL TO VILLAGE RESIDENTIAL TO FACILITATE DEVELOPMENT OF A SINGLE-FAMILY RESIDENTIAL SUBDIVISION, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CADEN DRIVE AND HILLGLEN AVENUE (FLORSHEIM LAND COMPANY)

WHEREAS, the City Council, on October 16, 1990, adopted the Village One Specific Plan, pursuant to California Government Code Section 65450 et. seq., to implement the Modesto Urban Area General Plan in this area, and

WHEREAS, the Village One Specific Plan is divided into 35 precise plan areas, and a precise plan is required prior to development in each area, and

WHEREAS, a Precise Plan for the southeast quadrant of Area No. 15 was approved by the City Council by Ordinance No. 3329-C.S. on October 28, 2003, and

WHEREAS, on August 17, 2010, Sylvan Union School District Board determined the site was not needed based on actual enrollment with the build-out of the Village One Specific Plan Area and passed a motion to abandon plans to construct an elementary school on the subject property, and

WHEREAS, an application has been filed by Florsheim Land Company for an Amendment to Precise Plan of Area No. 15 to change the land use designation for a vacant ten acre property from an elementary schools site to Village Residential to allow a 62 lot single family residential subdivision, property located at the southeast corner of Caden Drive and Hillglen Avenue, and

WHEREAS, a public hearing was held by the Planning Commission on January 27, 2014, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WEHERAS, after considering public comments, the Planning Commission, by Resolution No. 2014-03, recommended to the City Council approval of amendments to Precise Plan Area No. 15, and

WHEREAS, said matter was set for a public hearing of the City Council of the City of Modesto to be held on March 11, 2014 at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, a duly noticed public hearing to consider said recommendations of the Planning Commission was held at the time and time above mentioned, and

WHEREAS, the Council declared that said amendments to the Precise Plan for Area No. 15 of the Village One Specific Plan is required by public necessity convenience, and general welfare for the following reasons:

1. The requested change will not be detrimental to the public health, safety or welfare because Sylvan Union School District determined the site is not needed as an Elementary School and the change in land use designation to Village Residential will provide single-family residential development that is compatible with surrounding land uses.
2. The requested change will result in an orderly planned use of land because it is consistent with adjacent residential uses.
3. The proposed Precise Plan Amendment is consistent with the Village One Specific Plan (as amended) and Modesto Urban Area General Plan. The Modesto Area General Plan designates the proposed development site as Village Residential (VR), which allows for a mixture of uses, including single-family residential uses. The project includes an amendment to the Village One Specific

Plan to redesignate the property in the Specific Plan from an elementary school site to Village Residential (VR), which allows single-family residential uses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines as follows:

SECTION 1. APPROVAL OF AMENDMENT TO THE PRECISE PLAN.

That the City Council has reviewed and considered the amendments to the Precise Plan for Area No. 15 of the Village One Specific Plan to change the land use designation for a vacant ten acre property from an elementary schools site to Village Residential to allow a 62 lot single family residential subdivision, property located at the southeast corner of Caden Drive and Hillglen Avenue as recommended by the Planning Commission, and the Council does hereby approve said amendments to the Precise Plan for Area No. 15 of the Village One Specific Plan. A copy of the amendments are attached hereto and incorporated by this reference.

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.

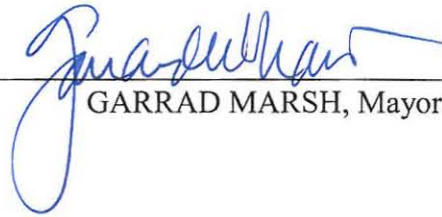
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of March, 2014, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal,  
Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: \_\_\_\_\_

  
GARRAD MARSH, Mayor

ATTEST:

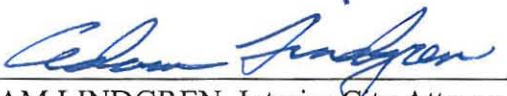
By \_\_\_\_\_

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By \_\_\_\_\_

  
ADAM LINDGREN, Interim City Attorney

Ord. No. 3601-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 1<sup>st</sup> day of April, 2014, Councilmember Lopez moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal,  
Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

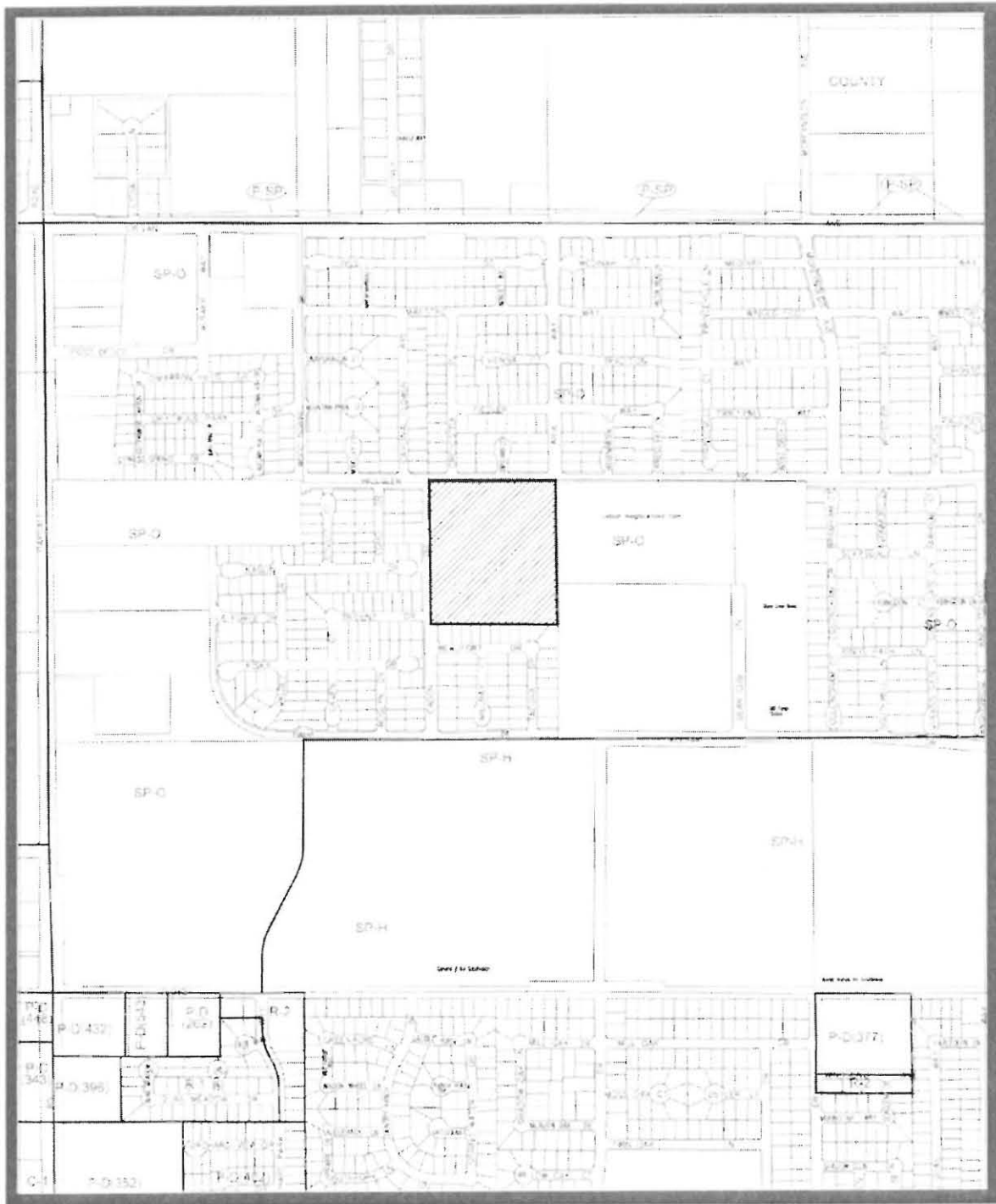
  
GARRAD MARSH, Mayor

ATTEST:

By

  
STEPHANIE LOPEZ, City Clerk





North

AREA MAP OF PROPOSED SPECIFIC PLAN AMENDMENT,  
 PRECISE PLAN AMENDMENT, & VESTING TENTATIVE SUBDIVISION MAP  
 SPA-13-001, PPA-13-001 & TSM-13-001  
 HILLGLEN AVENUE & CADEN DRIVE

A



ORDINANCE NO. 3602-C.S.

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

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 3 of the Modesto Municipal Code are amended to read as follows:

**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
BOWEN AVENUE, between Tully Road and McHenry Avenue	25 miles per hour
BRIGGSMORE AVENUE, between Sisk Road and Prescott Road	30 miles per hour

CARPENTER ROAD, between Blue Gum Avenue and Orangeburg Avenue	30 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
CROWS LANDING, between 7th Street and Blankenburg Avenue	35 miles per hour
CROWS LANDING, between School Avenue and Imperial Avenue	35 miles per hour
CROWS LANDING, between Imperial Avenue and Whitmore	45 miles per hour
DEL VALE AVENUE, between Del Vista Avenue and Glenwood Drive	25 miles per hour
EICHER AVENUE, between Conant Avenue and Goldie Avenue	25 miles per hour
EMERALD AVENUE, between Maze Boulevard and Kansas Avenue	25 miles per hour
ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	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

FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road	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
JEFFERSON STREET, between Paradise Road and 8th Street	25 miles per hour
K STREET, between Washington Street and 9th Street	25 miles per hour
KEARNEY AVENUE, between Glenwood Drive and Coldwell Drive	25 miles per hour
KELLER STREET, between Sylvan Avenue and Rumble Road	25 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
NORTH MARTIN LUTHER KING DRIVE, between Maze Boulevard and Laurel Avenue	25 miles per hour
PEARL STREET, between Carver Road and Dougfir Drive	25 miles per hour
PRINCETON AVENUE, between Tully Road and College Avenue	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
SHARON WAY, between Budd Street and Prescott Road	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
SURREY AVENUE, between Oakdale Road and Eastridge Drive	25 miles per hour
TIOGA DRIVE, between Conejo Avenue and Legion Park Drive	25 miles per hour
VENEMAN AVENUE NORTH, between Snyder	

Avenue and Regency Park Drive	25 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WINMOORE WAY, between Crows Landing Road and Jim Way	25 miles per hour
WRIGHT STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
WYLIE DRIVE, between Rose Avenue and Oakdale Road	25 miles per hour
7TH STREET, between Sierra Drive and B Street	25 miles per hour
9TH STREET, between 400 feet north of Tully Road and P Street	35 miles per hour
9TH STREET, on the Tuolumne River Bridge	40 miles per hour

**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>
BANGS AVENUE, between Dale Road and McHenry Avenue	45 miles per hour	February 1, 2012
BLUE GUM AVENUE, between Morse Road and Carpenter Road	35 miles per hour	February 4, 2010

BRIGGSMORE AVENUE, between Claus Road and Santa Fe Railroad Tracks	45 miles per hour	December 22, 2011
BRIGGSMORE AVENUE, between Coffee Road and Oakdale Road *ES10	50 miles per hour	July 1, 2009
BRIGGSMORE AVENUE, between McHenry Avenue and Coffee Road *ES10	45 miles per hour	June 24, 2009
BRIGGSMORE AVENUE, westbound and eastbound between Oakdale Road and Claus Road	50 miles per hour	December 22, 2011
BRIGGSMORE AVENUE, between Prescott Road and Tully Road	45 miles per hour	February 26, 2010
BRIGGSMORE AVENUE, between Tully Road and McHenry Avenue *ES10	45 miles per hour	June 24, 2009
BRIGHTON AVENUE, between Coffee Road and Locke Road	30 miles per hour	May 8, 2013
CALIFORNIA AVENUE, between Carpenter Road and Martin Luther King Drive	30 miles per hour	January 17, 2013
CARPENTER ROAD, between Blue Gum Avenue and Woodland Avenue	40 miles per hour	February 2, 2010
CARPENTER ROAD, between Woodland Avenue and Maze Boulevard	40 miles per hour	February 16, 2012
CARPENTER ROAD, between Maze Boulevard and Paradise Road	50 miles per hour	February 2, 2010

CARVER ROAD, between Bangs Avenue and Pelandale Avenue	35 miles per hour	December 22, 2011
CARVER ROAD, between Pelandale Avenue and Brixton Lane	30 miles per hour	December 28, 2011
CARVER ROAD, between Brixton Lane and Briggsmore Avenue	30 miles per hour	December 28, 2011

CARVER ROAD, between Briggsmore Avenue and Orangeburg Avenue	30 miles per hour	December 28, 2011
CARVER ROAD, between Orangeburg Avenue and 9th Street	30 miles per hour	December 28, 2011
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	May 8, 2013
CLARATINA AVENUE, between Coffee Road and Oakdale Road	55 miles per hour	July 1, 2009
CLAUS ROAD, between Sylvan Avenue and Briggsmore Avenue	50 miles per hour	January 26, 2012
CLAUS ROAD, between Briggsmore Avenue and Scenic Drive	45 miles per hour	January 26, 2012
CLAUS ROAD, between Scenic Drive and Yosemite Boulevard	45 miles per hour	January 26, 2012
COFFEE ROAD, between Claratina Avenue and Sylvan Avenue	40 miles per hour	December 15, 2009
COFFEE ROAD, between Sylvan Avenue and Floyd Avenue	40 miles per hour	February 8, 2010
COFFEE ROAD, between Floyd Avenue and Briggsmore Avenue	40 miles per hour	February 26, 2010
COFFEE ROAD, between Briggsmore Avenue and Scenic Drive	40 miles per hour	February 8, 2010
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	30 miles per hour	February 4, 2010
COLLEGE AVENUE, between Bowen Avenue and Princeton Avenue	35 miles per hour	October 15, 2012

COLLEGE AVENUE, between Princeton Avenue and Needham Avenue	30 miles per hour	October 15, 2012
CREEKWOOD DRIVE, between Claus Road and Yosemite Boulevard	35 miles per hour	February 26, 2010
CROWS LANDING ROAD, between 7th Street and Hatch Road	35 miles per hour	May 8, 2013
CROWS LANDING ROAD, between Hatch Road and Whitmore Avenue	35 miles per hour	February 2, 2010
DALE ROAD, northbound and southbound, between Bangs Avenue and Kiernan Avenue	40 miles per hour	December 20, 2011
DALE ROAD, between Bangs Avenue and Snyder Avenue	35 miles per hour	February 1, 2012
DALE ROAD, between Snyder Avenue and Veneman Avenue	35 miles per hour	February 1, 2012
DALE ROAD, between Veneman Avenue and Standiford Avenue	30 miles per hour	February 1, 2012
EASTRIDGE DRIVE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	February 11, 2010
EL VISTA AVENUE, between Scenic Drive and Yosemite Boulevard *ES10	35 miles per hour	August 13, 2009
EMERALD AVENUE, between Maze Boulevard and California Avenue	30 miles per hour	February 5, 2010
EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road	30 miles per hour	February 22, 2012

FINE AVENUE, between Hillglen Avenue and Merle Avenue	30 miles per hour	May 8, 2013
FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	February 23, 2012
FLOYD AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	February 24, 2012
FLOYD AVENUE, eastbound and westbound, between Oakdale Road and Roselle Avenue	35 miles per hour	January 26, 2012
FLOYD AVENUE, between Roselle Avenue and Claus Road *ES10	40 miles per hour	June 24, 2009
G STREET, between 9 <sup>th</sup> Street and 17 <sup>th</sup> Street *ES10	25 miles per hour	December 14, 2009
GRANGER AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	February 26, 2010
GRANGER AVENUE, between McHenry Avenue and Sunrise Avenue	35 miles per hour	February 26, 2010
H STREET, between 9 <sup>th</sup> Street and 17 <sup>th</sup> Street	25 miles per hour	February 4, 2010
HASHEM DRIVE, between Sylvan Avenue and Oakdale Road	30 miles per hour	April 23, 2012
HATCH ROAD, between Carpenter Road and Crows Landing Road	45 miles per hour	February 15, 2012
JEFFERSON STREET, between Maze Boulevard and Paradise Road	30 miles per hour	February 19, 2004
KANSAS AVENUE, between Morse Road and Rosemore Avenue*ES 10	40 miles per hour	May 6, 2003

KANSAS AVENUE, between Rosemore Avenue and Carpenter Road	40 miles per hour	February 10, 2010
KANSAS AVENUE, between Carpenter Road and Emerald Avenue	35 miles per hour	February 10, 2010
KANSAS AVENUE, between Emerald Avenue and Franklin Street	30 miles per hour	December 20, 2011
KODIAK DRIVE, between La Force Drive and Roselle Avenue	30 miles per hour	May 8, 2013
LA LOMA AVENUE, between Burney Street and Yosemite Boulevard	30 miles per hour	March 20, 2012
LAKWOOD AVENUE, between Briggsmore Avenue and Scenic Drive	35 miles per hour	February 11, 2010
LINCOLN AVENUE, between Dry Creek and Yosemite Boulevard	35 miles per hour	February 15, 2012
MABLE AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	March 21, 2012
MARTIN LUTHER KING DRIVE, between Maze Boulevard and Paradise Road	30 miles per hour	February 16, 2012
MCCLURE ROAD, between Dry Creek Drive and Yosemite Ave	30 miles per hour	January 13, 2013
MERLE AVENUE, between Oakdale Road and Roselle Avenue*ES 10	30 miles per hour	February 26, 2003
MERLE AVENUE, between Roselle Avenue and Claus Road	35 miles per hour	February 25, 2010
MILLBROOK AVENUE, between		

Sylvan Avenue and Floyd Avenue	25 miles per hour	January 10, 2013
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	February 25, 2010
MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	December 29, 2011
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	March 22, 2012
MORSE ROAD, between Blue Gum Avenue and Kansas Avenue	40 miles per hour	February 22, 2012
MT. VERNON DRIVE, between Prescott Road and College Avenue	30 miles per hour	February 3, 2010
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	February 22, 2012
NEEDHAM STREET, between 9th Street and L Street	35 miles per hour	March 6, 2012
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	February 26, 2010
OAKDALE ROAD, between 1300 feet north of Mable Avenue and Sylvan Avenue	45 miles per hour	March 7, 2012
OAKDALE ROAD, between Sylvan Avenue and Floyd Avenue	45 miles per hour	March 7, 2012
OAKDALE ROAD, between Floyd Avenue and Briggsmore Avenue	40 miles per hour	February 4, 2010
OAKDALE ROAD, between Briggsmore Avenue and Scenic Drive	40 miles per hour	February 4, 2010

ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue *ES10	35 miles per hour	April 25, 2007
ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	40 miles per hour	March 21, 2012
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	40 miles per hour	March 22, 2012
ORANGEBURG AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	March 22, 2012
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	May 17, 2012
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	May 23, 2013
PARADISE ROAD, between Carpenter Road and Martin Luther King Drive	35 miles per hour	May 23, 2012
PARADISE ROAD, between Martin Luther King Drive and Washington Street	30 miles per hour	May 23, 2012
PARKER ROAD, between Santa Fe and Church Street	45 miles per hour	February 4, 2010
PELANDALE AVENUE, between Sisk Road and Dale Road	45 miles per hour	December 20, 2011
PELANDALE AVENUE, between Dale Road and Prescott Avenue	50 miles per hour	March 5, 2010
PELANDALE AVENUE, between Prescott Avenue and Carver Road	50 miles per hour	March 5, 2010

PELANDALE AVENUE, between Carver Road and Tully Road	50 miles per hour	March 5, 2010
PELANDALE AVENUE, between Tully Road and McHenry Avenue	50 miles per hour	March 5, 2010
PRESCOTT ROAD, between Snyder Avenue and Standiford Avenue *ES10	40 miles per hour	May 15, 2007
PRESCOTT ROAD, between Standiford Avenue and Rumble Road *ES10	40 miles per hour	May 16, 2007
PRESCOTT ROAD, between Rumble Road and Briggsmore Avenue	35 miles per hour	May 17, 2007
RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard	30 miles per hour	May 22, 2007
ROSE AVENUE, between Floyd Avenue and Briggsmore Avenue *ES10	30 miles per hour	May 24, 2007
ROSE AVENUE, between Briggsmore Avenue and Scenic Drive *ES10	30 miles per hour	May 30, 2007
ROSEBURG AVENUE, between Carver Road and Tully Road	30 miles per hour	June 13, 2002
ROSEBURG AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	February 11, 2010
ROSEBURG AVENUE, between McHenry Avenue and Sunrise Avenue	30 miles per hour	February 4, 2010

ROSELLE AVENUE, between Sylvan Avenue and Floyd Avenue*ES 10	40 miles per hour	February 26, 2003
ROSELLE AVENUE, between Floyd Avenue and Briggsmore Avenue	45 miles per hour	March 5, 2010
ROSEMORE AVENUE, between Blue Gum Avenue and Kansas Avenue*ES 10	30 miles per hour	April 18, 2007
ROUSE AVENUE, between Colorado Avenue and Neece Drive	30 miles per hour	February 5, 2010
RUMBLE ROAD, between Sisk Road and Conant Avenue *ES10	30 miles per hour	December 15, 2009
RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	February 4, 2010
RUMBLE ROAD, between Tully Road and McHenry Avenue	30 miles per hour	February 4, 2010
RUMBLE ROAD, between McHenry Avenue and Coffee Road*ES 10	30 miles per hour	May 17, 2002
SANTA CRUZ AVENUE, between Yosemite Boulevard and Legion Park Drive	30 miles per hour	February 9, 2010
SCENIC DRIVE, between Burney Street and Coffee Road	30 miles per hour	April 23, 2012
SCENIC DRIVE, between Coffee Road and Oakdale Road *ES10	40 miles per hour	July 8, 2009
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	40 miles per hour	February 10, 2010

SCENIC DRIVE, between Lakewood Avenue and Lillian Drive *ES10	40 miles per hour	July 8, 2009
SCENIC DRIVE, between Lillian Drive and Claus Road *ES10	40 miles per hour	July 8, 2009
SIERRA DRIVE, between G Street and 7th Street	30 miles per hour	February 25, 2010
SISK ROAD, between Pelandale Avenue and Standiford Avenue	40 miles per hour	December 20, 2011
SISK ROAD, between Standiford Avenue and Briggsmore Avenue	40 miles per hour	December 20, 2011
SNYDER AVENUE, between Dale Road and Prescott Road	30 miles per hour	December 15, 2009
SNYDER AVENUE, between Prescott Road and Tully Road*ES 10	30 miles per hour	May 16, 2002
STANDIFORD AVENUE, between Sisk Road and Prescott Road	45 miles per hour	February 4, 2010
STANDIFORD AVENUE, between Prescott Road and Tully Road	40 miles per hour	February 4, 2010
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	40 miles per hour	February 4, 2010
SUNRISE AVENUE, between Floyd Avenue and Lucern Avenue	30 miles per hour	February 9, 2010
SUTTER AVENUE, between Paradise Road and Robertson Road	30 miles per hour	March 5, 2010
SYLVAN AVENUE, between McHenry Avenue and Coffee Road	40 miles per hour	February 4, 2010

SYLVAN AVENUE, between Coffee Road and Oakdale Road	40 miles per hour	February 4, 2010
SYLVAN AVENUE, between Oakdale Road and Roselle Avenue *ES10	45 miles per hour	June 24, 2009
SYLVAN AVENUE, between Roselle Avenue and Claus Road	45 miles per hour	February 4, 2010
SYLVAN MEADOWS DRIVE, between Dragoo Park Drive and Coffee Road	25 miles per hour	August 2, 2012
TENAYA DRIVE, between Empire Avenue and the easterly city limit on Tenaya Drive	30 miles per hour	December 29, 2011
TULLY ROAD, between Bangs Avenue and Standiford Avenue	45 miles per hour	December 14, 2009
TULLY ROAD, between Standiford Avenue and Briggsmore Avenue *ES10	35 miles per hour	December 14, 2009
TULLY ROAD, between Briggsmore Avenue and Coldwell Avenue *ES10	35 miles per hour	December 14, 2009
TULLY ROAD, between Coldwell Avenue and 9 <sup>th</sup> Street *ES10	30 miles per hour	December 14, 2009
TUOLUMNE BOULEVARD, between Paradise Road and 7th Street	35 miles per hour	February 2, 2010
UNION AVENUE, between Tully Road and McHenry Avenue *ES10	30 miles per hour	December 15, 2009

VENEMAN AVENUE, between Dale Road and Regency Park Drive *ES10	30 miles per hour	December 15, 2009
VIRGINIA AVENUE, between Roseburg Avenue and Needham Street	30 miles per hour	December 11, 2010
WHITMORE AVENUE, between Ustick Road and Crows Landing Road	45 miles per hour	February 2, 2010
WHITMORE AVENUE, between Crows Landing Road and Morgan Road	40 miles per hour	February 2, 2010
WOODLAND AVENUE, between Morse Road and Carpenter Road	30 miles per hour	February 2, 2010
WOODLAND AVENUE, between Carpenter Road and 9th Street	30 miles per hour	February 26, 2010
WOODROW AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	May 21, 2002
5TH STREET, between L Street and Sierra Drive	30 miles per hour	February 4, 2010
6TH STREET, between M Street and Sierra Drive*ES 10	30 miles per hour	May 28, 2002
7TH STREET BRIDGE, between B Street and River Road	30 miles per hour	August 30, 2000
9TH STREET, between Carpenter Road and Tully Road	45 miles per hour	February 4, 2010

9TH STREET, between Tully Road  
and L Street

35 miles per hour

March 5, 2010

9TH STREET, between D Street  
and Morton Boulevard

35 miles per hour

February 4, 2010

\*EXTEND SURVEY 5, 7, 10 years per State of California Department of Transportation, Traffic Operations Policy Directive 09-04.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 2014, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal,  
Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:

By:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
ADAM U. LINDGREN, Interim City Attorney

Ord. No. 3602-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 8<sup>th</sup> day of April, 2014, Councilmember Lopez moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal,  
Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:

By:   
STEPHANIE LOPEZ, City Clerk

ORDINANCE NO. 3603-C.S.

AN ORDINANCE AMENDING SECTION 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE 1.81 ACRES FROM PLANNED DEVELOPMENT ZONE, P-D(497), TO LOW DENSITY RESIDENTIAL ZONE, R-1, PROPERTY LOCATED ON THE SOUTH SIDE OF HINTZE AVENUE AND EAST OF MCHENRY AVENUE (CARY POPE).

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Cary Pope on behalf of Hahnco Holdings, Inc. on January 8, 2014, to rezone 1.81 acres from Planned Development Zone, P-D(497), to Low Density Residential Zone, R-1, property located on the south side of Hintze Avenue and east of McHenry Avenue, and

WHEREAS, after a public hearing held on February 24, 2014, it was found and determined by the Planning Commission that the requested zone change will not be detrimental to the public health, safety or welfare because the rezone to Low Density Residential (R-1) would provide for development that is compatible with adjacent residential uses, the requested zone change will result in an orderly planned use of land because it would provide for development of infill property within the City of Modesto Limits, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans, because the allowable uses of the Low Density Residential Zone (R-1) are consistent with the site's General Plan Land Use Designation of "Mixed Use", which allows for residential uses, and

WHEREAS, by Resolution No. 2014-06, adopted on February 24, 2014, the Planning Commission recommended to the Council that the application of Cary Pope to amend Section 21-3-9 of the Zoning Map to rezone the hereinafter described property from Planned Development Zone, P-D(497), to Low Density Residential Zone, R-1, be approved, and

3603-C.S.  
Effective: June 6, 2014

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 PM on April 8, 2014, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to amend Section 21-3-9 of the Zoning Map to Rezone from Planned Development Zone, P-D(497) to Low Density Residential Zone, R-1, property located on the south side of Hintze Avenue east of McHenry Avenue, and

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

SECTION 1. After a public hearing held on April 8, 2014, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, this Council finds and determines as follows:

1. The requested change will not be detrimental to the public health, safety or welfare because the rezone to Low Density Residential (R-1) would provide for development that is compatible with adjacent residential uses.
2. The requested change will result in an orderly planned use of land because it would provide for 'infill' development of an undeveloped parcel with compatible development.
3. The requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the allowable uses of the Low Density Residential Zone (R-1) is consistent with the site's General Plan Land Use Designation of "Mixed-Use", which allows for residential uses.

SECTION 2. ZONING CHANGE. Section 21-3-9 of the Zoning Map is hereby amended to rezone the following described property from Planned Development Zone, P-D(497), to Low Density Residential Zone, R-1:

P-D(497) to R-1

The land referred to is situated in the County of Stanislaus, City of Modesto, State of California, and is described as follows:

All that portion of the Northwest quarter of the Southwest quarter of the Southwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

**BEGINNING** at a point on the West line of the Southwest quarter of said Section 21, distant therein, 801.26 feet North from the Southwest corner of said Section 21; thence running North along the West line of said Section 21, a distance of 92.28 feet, more or less, to the Southwest corner of land conveyed to John P. Ross and Mattie B. Cross, his wife, by Deed recorded in Volume 269 of Official Records, at Page 248, Stanislaus County Records; thence North  $88^{\circ} 57'$  East along the South line of land so conveyed to Ross, 238 feet to the Southeast corner of land so conveyed to Ross; thence North  $0^{\circ} 56'$  West along the East line of land so conveyed to Ross, 183 feet to the South line of land conveyed to Harry F. Wiggins by Deed recorded in Volume 372 of Deeds, at Page 481, Stanislaus County Records; thence North  $88^{\circ} 57'$  East, 252 feet, more or less, to the Southeast corner of land conveyed to D. Hugo McKinley and Lanora A. McKinley, by Deed recorded in Volume 54 of Official Records, at Page 231, Stanislaus County Records; thence North  $0^{\circ} 56'$  East along the East line of land so conveyed to McKinley, a distance of 240 feet, more or less, to the North line of the Southwest quarter of the Southwest quarter of said Section 21; thence East along said last named line 170 feet, more or less, to the Northeast corner of the Northwest quarter of the Southwest quarter of the Southwest quarter of said Section 21; thence South along the East line of the Northwest quarter of the Southwest quarter of the Southwest quarter of said Section 21, a distance of 520 feet, more or less, to the Northeast corner of land conveyed to G. W. O'Connor by Deed recorded in Volume 304 of Deeds, at Page 321, Stanislaus County Records; thence Westerly and along the Northerly line of land so conveyed to O'Connor, 660 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM the West 25 feet included in McHenry Avenue.

ALSO EXCEPTING right of way for public highway over the following described land conveyed by Deed from C. J. Cressey and Viola Wilhelmine Cressey, his wife, to Mary M. High, dated August 25, 1920 and recorded February 18, 1929 in Volume 316 of Official Records, at Page 245, Stanislaus County Records, and as conveyed to County of Stanislaus, by C. J. Cressey, et al, by Deed dated May 25, 1931 and recorded May 27, 1931 in Volume 444 of Official Records, at Page 92, Stanislaus County Records. Commencing at a point on the Easterly line of McHenry Avenue, in Southwest quarter of said Section 21, Township 3 South, Range 9 East, Mount Diablo Base Meridian; said point being 415.56 feet Northerly from Northwesterly corner of Lot 35 of High Homes Tract, according to the Map

thereof, filed in Volume 9 of Maps, at Page 24, Stanislaus County Records; thence along the Easterly line of McHenry Road, North 0° 56' West 60 feet; thence North 88° 57' East 405.73 feet; thence North 80° 57' East, 228.10 feet; thence South 89° 51' East, 3.60 feet; thence South 1° 19' West 60 feet to the Northwesterly corner of Lot 19 of said Tract; thence South 80° 57' West 227.40 feet; thence South 88° 57' West, 408.58 feet to the beginning.

ALSO EXCEPTING THEREFROM that portion thereof conveyed to K. E. Hintze and Evor Hintze, his wife, as joint tenants, by Deed dated April 7, 1933 and recorded April 17, 1933 in Volume 491 of Official Records, at Page 379, Stanislaus County Records, described as follows:

Beginning at a point in Section line between Sections 20 and 21, above Township and Range, which point lies North 0° 56' West, 1076.54 feet from the Southwest corner of said Section 21; running thence North 88° 57' East, 490 feet to true point of beginning of property hereby described, said last named point being also the Southeast corner of tract of land conveyed to D. Hugo McKinley and Lanora A. McKinley, by Deed recorded in Volume 53 of Official Records, at Page 339, Stanislaus County Records, being also the center line of Avenue described in Deed to Mary M. High by Deed recorded February 18, 1929; running thence in a Northeasterly direction along center line of said Avenue to East line of the Northwest quarter of the Southwest quarter of the Southwest quarter of said Section 21; thence Northerly along said last named line, 204 feet; thence Westerly in a straight line, 168.83 feet, more or less, to Northeast corner of land so conveyed to McKinley; thence Southerly along the East line of Land McKinley, 264 feet, more or less, to the point of beginning.

ALSO EXCEPTING THEREFROM that portion conveyed to Dan Mellis, a widower, et al, by Deed dated April 27, 1949 and recorded April 29, 1949 in Volume 965, Official Records, at Page 356, as Instrument No. 8907, described as follows:

Beginning at a point on the West line of the Southwest quarter of said Section 21, distant thereon 801.26 feet North from the Southwest corner of said Section 21; running thence North along the West line of said Section 21, a distance of 92.28 feet, more or less, to the Southwest corner of land conveyed to John P. Ross and wife, by Deed recorded in Volume 269 of Official Records, at Page 248, Stanislaus County Records; thence North 88° 57' East along the South line of land so conveyed to Ross, 238 feet to the Southeast corner of land conveyed to Ross; thence South 0° 56' East, 92.28 feet, more or less, to the North line of land conveyed to G. W. O'Connor, by Deed recorded in Volume 304 of Deeds, at Page 321, Stanislaus County Records; thence Westerly and along the Northerly line of land so conveyed to O'Connor, 238 feet to the point of beginning.

ALSO EXCEPTING THEREFROM that portion thereof conveyed to Guy Collins and Lillian Collins, husband and wife, by Deed recorded March 14, 1953 in Volume 1139 of Official Records, at Page 491, as Instrument No. 6604, Stanislaus County Records, described as follows:

Commencing at the Southwest corner of said Section 21; thence North 0° 56' West along the West line of Section 21, a distance of 1046.54 feet; thence North 88° 57' East 25.00 feet to the intersection of the East line of McHenry Avenue with the South line of Hintze Avenue; thence continuing North 88° 57' East along the South line of Hintze Avenue, 408.58 feet; thence North 81° 00' East and continuing along the South line of Hintze Avenue 56.97 feet to the true point of beginning of this description; thence continuing North 81° 00' East along the South line of Hintze Avenue 171.16 feet to a point intersecting the West line 1 ten foot alley adjoining Block 621 of the Amended Map of Leslie Hugh Tract; thence South 0° 54' East along the West line of said 10 foot alley 195.00 feet; thence North 89° 34' West 146.71 feet; thence North 22° 41' West, 62.69 feet; thence North 0° 39' West 109.02 feet to the true point of beginning of this description.

APN: 112-014-013

Containing 1.81 acres, more or less.

SECTION 3. ZONING MAP. Section 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 8th day of April, 2014, by Councilmember Kenoyer, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Madrigal,  
Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Lopez

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:

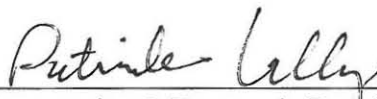
By   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  for  
ADAM U. LINDGREN, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Community & Economic Development  
Department, Planning Division

Ord. No. 3603-C.S.

FINAL ADOPTION CLAUSE

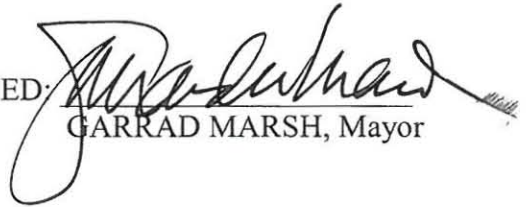
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of May, 2014, Councilmember Lopez moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Madrigal,  
Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Lopez

APPROVED:



GARRAD MARSH, Mayor

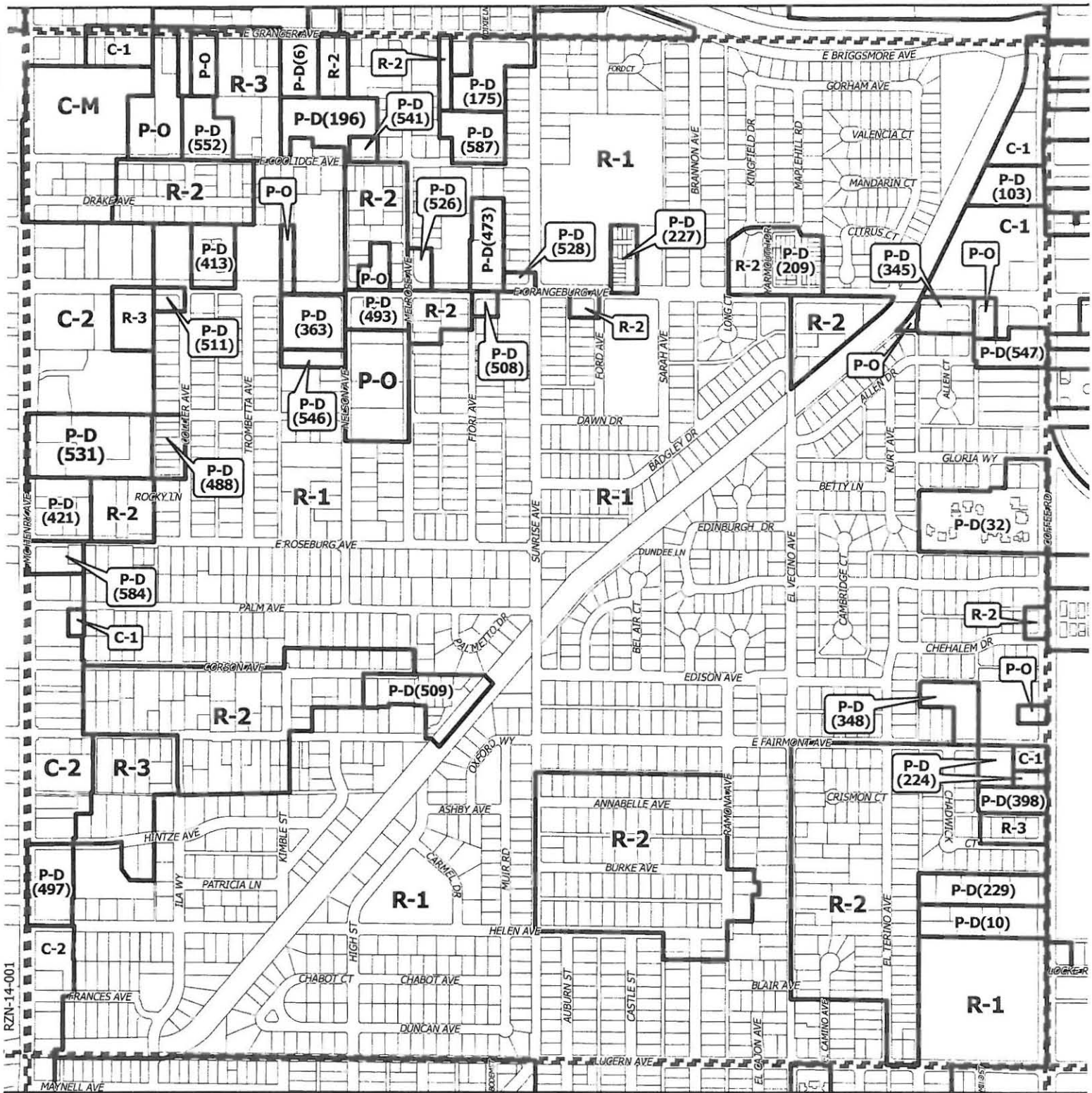
ATTEST:

By:



STEPHANIE LOPEZ, City Clerk





1 inch = 700 feet

Ord. 3603-C.S.

# ZONING MAP OF THE CITY OF MODESTO

21-3-9



**ORDINANCE NO. 3604-C.S.**

AN ORDINANCE ADOPTING THE 2014-2015 ANNUAL AND MULTI-YEAR OPERATING BUDGETS AND THE 2014-2015 CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF MODESTO AND THE RELATED INTER-FUND TRANSFERS

WHEREAS, pursuant to the Charter of the City of Modesto, the Mayor presented the Proposed Operating Budget and Capital Improvement Program for the 2014-2015 Fiscal Year to the Finance Committee at workshops held on May 7, May 8, and May 19, 2014, and

WHEREAS, the Finance Committee reviewed the Proposed Annual and Multi-year Operating Budgets and the Capital Improvement Program in a series of televised public workshops on May 7, May 8, and May 19, 2014 and

WHEREAS, the Finance Committee is recommending the Proposed Operating and Multi-Year budgets to the full City Council, and

WHEREAS, the Finance Committee is recommending the proposed Capital Improvement Program budget to the full City Council, and

WHEREAS, the City Council considered the recommendations of the Finance Committee, and

WHEREAS, in accordance with the City Charter, a duly noticed public hearing was scheduled on June 10, 2014 during which the City Council considered the recommendations of the Finance Committee relating to the Proposed Operating and Multi-year budgets and the Capital Improvement Program, and

WHEREAS, prior to any discussion of the budgets and prior to the final adoption, the City Council by separate motion considered each CIP project that could be the source of a potential conflict of interest to one or more members of the City Council without the participation of those members, and

WHEREAS, copies of the Proposed Operating and Multi-year budgets and the Capital Improvement Program 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. ADOPTION OF BUDGET. That the Proposed Operating and Multi-year Budgets, a copy of which is on file in the City Clerk's Office and as shown in Exhibit 4, 5, 6, 7, 8, and 10 (Exhibit 4-Mayor's Recommended Changes, Exhibit 5-Proposed Position Allocation Addendum, Exhibit 6-Proposed Operating and Multi-Year Budget Addendum, Exhibit 7-Fund Summary, Exhibit 8-Transfer In/Out List, Exhibit 10-Multi-Year Operating Budget List) are hereby adopted as the Fiscal Year 2014-2015 Operating and Multi-year Budgets for the City of Modesto.

SECTION 2. ADOPTION OF BUDGET CONTROLS/FINANCIAL POLICIES. That the Financial Policies for budgetary control and authority as shown in Exhibit 9 and incorporated herein by reference is hereby adopted for the Fiscal Year 2014-2015.

SECTION 3. ADOPTION OF CAPITAL IMPROVEMENT PROGRAM. That the Capital Improvement Program, a copy of which is on file in the City Clerk's office and shown in the proposed CIP budget document and in Exhibit 1 and 2 (Exhibit 1-CIP List, Exhibit 2-CIP Addendum List) and other amounts previously approved for spending on Capital Improvement Projects are hereby adopted as the 2014-2015 Capital Improvement Program for the City of Modesto.

SECTION 4. MULTI-YEAR OPERATING PROGRAMS. That unexpended funds previously approved and appropriated in Multi-Year Programs are hereby re-appropriated for the programs for which they were originally authorized (Exhibit 10-Multi-Year Operating Budget List).

SECTION 6. COUNCIL POLICIES. That the Policy Issues outlined in the 2014-2015 Proposed Operating and Multi-year Budgets have been reviewed and are adopted hereby (Exhibit 3-Proposed Policies).

SECTION 7. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall go in effect and be in full force and operation immediately upon adoption.

SECTION 8. 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 introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 2014, by Councilmember Codgill, who moved its adoption, and passage to print, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,  
Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(seal)

APPROVED AS TO FORM:

By:   
ADAM U. LINDGREN, City Attorney

Ord. No. 3604-C.S.

FINAL ADOPTION CLAUSE

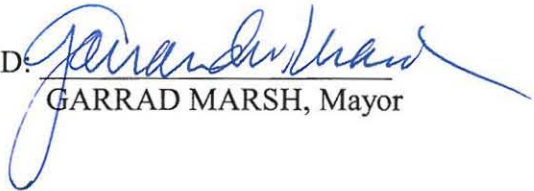
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24<sup>h</sup> day of June, 2014, Councilmember Gunderson moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: Lopez, Kenoyer

ABSENT: Councilmembers: None

APPROVED:

  
GARRAD MARSH, Mayor

ATTEST:

By:

  
STEPHANIE LOPEZ, City Clerk

**ORDINANCE NO. 3605-C.S.**

AN ORDINANCE AMENDING CHAPTER 3, ENTITLED "ADMINISTRATIVE DEPARTMENTS," OF TITLE 2, ENTITLED "ADMINISTRATION," OF THE MODESTO MUNICIPAL CODE.

**WHEREAS**, Article X, Section 1000 of the Modesto City Charter provides that the City Council, after considering the recommendations of the City Manager, shall provide by ordinance for the organization, functions, conduct and operation of the several offices and departments of the City, and may provide for the creation of additional departments, divisions, offices, and agencies, and for their consolidation, alteration or abolition; and

**WHEREAS**, at the January 28, 2014 City Council meeting, the City Council approved the conceptual organizational structure as it relates to City departments, which is established by this Ordinance; and

**WHEREAS**, the structural changes established by this Ordinance are consistent with the City Charter and will allow the City to streamline its organization to operate in a more efficient manner that better provides services to the citizens of Modesto.

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

SECTION 1. AMENDMENT OF CODE. Chapter 3, "Administrative Departments," of Title 2, "Administration," of the Modesto Municipal Code is hereby amended to read as follows:

TITLE 2, CHAPTER 3, "ADMINISTRATIVE DEPARTMENTS," OF THE MODESTO MUNICIPAL CODE

**Chapter 3 ADMINISTRATIVE DEPARTMENTS**

- Article 1. - Office of the City Manager**
- Article 2. - Office of the City Attorney**
- Article 3. - Office of the City Clerk and Auditor**
- Article 4. - Finance Department**
- Article 5. - Fire Department**
- Article 6. - Health Department**
- Article 7. - Parks, Recreation and Neighborhoods Department**
- Article 8. - Community and Economic Development Department**
- Article 9. - Police Department**
- Article 10. - Operations and Maintenance Department**
- Article 11. - Personnel Department\***
- Article 12. - Engineering and Transportation Department\***
- Article 13. - Utility Services Department**

- Article 14. - Office of Economic Development**
- Article 15. - Public Works and Transportation Department**
- Article 16. - Personnel Department\***
- Article 17. - Public Works Department**
- Article 18. - Administrative Services Department**
- Article 19. – Utilities Department**

**Article 1. Office of the City Manager**

**2-3.101 Creation and Functions.**

**2-3.102 Organization and Direction.**

**2-3.103 Acting City Manager.**

**2-3.101 Creation and Functions.**

The office of the City Manager is established by the Charter of the City of Modesto. The City Manager shall have the duties, responsibilities, authority and jurisdiction provided by the Charter, and the ordinances and resolutions adopted by the Council in accordance therewith. (Added by Ord. 244-C.S., as amended by Ord. 2915-C.S., § 1, effective 8-4-94)

**2-3.102 Organization and Direction.**

The City Manager is empowered to make such rules and regulations as the City Manager deems necessary for the conduct of the various administrative departments of the City which are under the City Manager's jurisdiction. The City Manager is authorized to delegate the authority to make such rules and regulations to the heads of the various administrative departments. (Added by Ord. 244-C.S., as amended by Ord. 310-C.S., Ord. 2915-C.S., § 1, effective 8-4-94)

**2-3.103 Acting City Manager.**

There shall be two (2) Deputy City Managers. In the case of absence or disability of the City Manager, either Deputy City Manager, or such other officer of the City as shall be appointed City Manager pro tempore by the Council, shall perform the duties and exercise the powers of the City Manager. (Added by Ord. 244-C.S., as amended by Ord. 487-C.S., Ord. 2915-C.S., § 1, and Ord. 3214-C.S. § 1, effective 5-10-01)

**Article 2. Office of the City Attorney**

**2-3.201 Creation and Functions.**

**2-3.202 Acting City Attorney.**

**2-3.201 Creation and Functions.**

The office of the City Attorney is established by the Charter. It shall be under the direct control of the City Attorney, subject to approval of the Council. The functions of the City Attorney shall include:

- (a) Represent and appear for the Council, commissions, officers and employees of the City in matters, proceedings and actions in which the City is concerned or is a party or in which any

officer or employee or former officer or employee is a party due to the performance of the City Attorney's official duties.

(b) Attend meetings of the Council and commissions and advise them and officers in all matters of law pertaining to their offices.

(c) Prepare ordinances, resolutions, contracts or other instruments for the City as shall be required by the Council and approve as to form all bonds given to and contracts made by the City.

(d) Prosecute on behalf of the City all cases for violation of the Charter and the Modesto Municipal Code and other City laws.

(e) Perform such other duties as may be required by the Council.  
Attorney.

(Added by Ord. 244-C.S., as amended by Ord. 2915-C.S., § 1, effective 8-4-94)

**2-3.202 Acting City Attorney.**

In case of absence or disability of the City Attorney, the Council shall appoint an Acting City Attorney.

(Added by Ord. 244-C.S., as amended by Ord. 2915-C.S., § 1, effective 8-4-94)

**Article 3. Office of the City Clerk and Auditor**

**2-3.301 Combined City Clerk and Auditor.**

**2-3.302 Creation and Functions.**

**2-3.303 Acting City Clerk and Auditor.**

**2-3.301 Combined City Clerk and Auditor.**

In accordance with Section 901 of the Charter, the positions of City Clerk and City Auditor are hereby combined; and the title of the officer so combined shall be City Clerk and Auditor.

(Added by Ord. 244-C.S., as amended by Ord. 2915-C.S., § 1, effective 8-4-94)

**2-3.302 Creation and Functions.**

The office of the City Clerk and Auditor is established by the Charter. This office as an administrative division shall be under the direct control of the City Clerk and Auditor. It shall be the duty of the City Clerk and Auditor to perform all duties and have such authorities and responsibilities as are prescribed by the Charter and ordinances of the City and the laws of the State of California. The City Clerk and Auditor shall perform the following duties:

(a) Attend all meetings of the Council and record, index and maintain a full and true record of all the Council's proceedings.

(b) Maintain appropriately certified and indexed original copies of resolutions and ordinances adopted by the Council and of written contracts made by the City and deeds for property rights obtained or held by the City.

(c) Verify cash receipts, the distribution of revenues to the appropriate funds, and certify as to legality and correctness all bills, invoices, payrolls, demands and charges against the City.

(d) Audit fiscal transactions relating to the deposit, transfer, withdrawal or investment of City monies.

(e) Conduct performance audits, as assigned by the City Council after first being recommended by the Audit Committee. A “performance audit” means a post audit which determines with regard to the purpose, functions and duties of the audited City function all of the following:

(1) Whether the audited department, office, board, or commission is managing or utilizing its resources, including public funds, personnel, property, equipment and space in an economical and efficient manner.

(2) Causes of inefficiencies or uneconomical practices, including inadequacies in management, information systems, internal and administrative procedures, organizational structure, use of resources, allocation of personnel, purchasing policies and equipment.

(3) Whether the desired results are being achieved.

(4) Whether objectives established by the Council are being met.

(f) Conduct special audits and investigations, as assigned by the Council, after having first been recommended by the Audit Committee. “Special audits” and “investigations” means assignments of limited scope intended to determine:

(1) The accuracy of information provided to the Council.

(2) The costs and consequences of recommendations made to the Council.

(3) Other information concerning the performance of City departments, offices, boards or commissions as requested by the Council.

(g) Except as provided in Section 1306 of the Modesto City Charter, perform financial related audits as requested by the Council after first having been recommended by the Audit Committee.

(h) City Clerk and Auditor shall have access to, and authority to examine any and all documents including, but not limited to, books, accounts, internal memoranda, writings and tapes, reports, vouchers, correspondence files and other records, bank accounts, money and other property of any City department, officer, office, board, or commission, whether created by the Charter or otherwise, with the exception of the office of any elected official.

It is the duty of any officer, employee or agent of the City having control of such records to permit access to, and examination thereof, upon the written request of the City Clerk and

Auditor or his or her authorized representative. In circumstances deemed appropriate by the City Clerk and Auditor, in his or her discretion, he or she may issue administrative subpoenas to compel the production of any document described in this subparagraph (h). The failure of any officer, employee, or agent of the City to comply with any such administrative subpoena shall be a violation of this Code and shall be deemed a misdemeanor, punishable as provided for in the Charter of the City of Modesto and Title 1 of this Code. In addition, the City Clerk and Auditor may assess an administrative penalty of five hundred dollars (\$500.00) per calendar day or any portion of a calendar day beyond the day and time set forth in any administrative subpoena for the production of any record described in this subparagraph. The civil and criminal penalties prescribed by this subparagraph (h) shall be cumulative and the use of one remedy shall not bar the use of any other remedy provided for herein.

- (i) Perform such other duties as may be required by the Council.

The City Clerk and Auditor may require any claimant to make oath as to the validity of any claim or demand against the City. The Clerk may investigate any such claim or demand and for such purpose may examine witnesses under oath; and if the Clerk finds it erroneous, fraudulent, or otherwise invalid, the Clerk shall refuse to certify the same for payment. (Added by Ord. 244-C.S., as amended by Ord. 2283-C.S., § 1, Ord. 2915-C.S., § 1, Ord. 2948-C.S., § 1, and Ord. 3210-C.S., § 1, effective 5-3-01)

#### **2-3.303 Acting City Clerk and Auditor.**

In case of the absence or disability of the City Clerk and Auditor, the Assistant City Clerk, or other officer of the City, who shall be appointed Acting City Clerk and Auditor by the Council, shall perform the duties and exercise the powers of the City Clerk and Auditor. (Added by Ord. 244-C.S., as amended by Ord. 2915-C.S., § 1, effective 8-4-94)

### **Article 4. Finance Department**

#### **2-3.401 Creation and Functions.**

#### **2-3.402 Organization and Direction.**

#### **2-3.403 Acting Director of Finance.**

#### **2-3.404 Treasury Duties of the Finance Department.**

#### **2-3.405 Collection of Accounts.**

#### **2-3.406 Write Off Uncollectible of Accounts.**

#### **2-3.401 Creation and Functions.**

A Finance Department is hereby established. The functions of the Finance Department shall include:

- (a) Prepare and submit to the City Manager a monthly statement indicating the financial condition of the City; a complete financial statement and report at the end of each fiscal year; a proposed preliminary budget prior to the beginning of the next succeeding fiscal year.
- (b) Receive or collect all monies or revenues due the City; maintain custody of all public funds and securities belonging to or under the control of the City, depositing and investing funds in accordance with the principles of sound treasury management and the applicable law.

- (c) Maintain a general accounting system for the City government, supervising and controlling disbursements and expenditures, including payroll, through a system of budget control to assure that monies are available and appropriated.
- (d) On behalf of the City Manager procure materials, supplies and general services for the City and prepare and maintain a current inventory of all materials and supplies and an inventory of general assets belonging to the City.
- (e) Provide general office services to other departments of the City as may be determined appropriate.
- (f) Estimate, plan and program the City's financial activities, and advise the City Manager and other City officers.
- (g) Perform such other duties as the City Manager may direct.  
(Added by Ord. 244-C.S., as amended by Ord. 2915-C.S., § 1, effective 8-4-94)

**2-3.402 Organization and Direction.**

There shall be a Director of Finance who shall be appointed by and subject to the administrative direction of the City Manager. The Director of Finance, subject to approval of the City Manager, shall organize and maintain such divisions in the department as in the Director's judgment the operations may require, and shall be responsible for the direction and control of all functions assigned to the department. In addition, the Director of Finance shall have the duties and powers imposed by law on the City Treasurer, City Assessor, and City Tax Collector.  
(Added by Ord. 244-C.S., as amended by Ord. 2915-C.S., § 1, effective 8-4-94)

**2-3.403 Acting Director of Finance.**

In case of the absence or disability of the Director of Finance, the City Manager shall designate a person to perform the duties and exercise the powers of the Director of Finance.  
(Added by Ord. 244-C.S., as amended by Ord. 2915-C.S., § 1, effective 8-4-94)

**2-3.404 Treasury Duties of the Finance Department.**

The Finance Department shall:

- (a) Be responsible for the safe deposit of all moneys in the custody of the City.
- (b) Deposit and invest City funds for the benefit of the City in legally authorized banks and securities in accordance with California Government Code Sections 53601 and/or 53635 as those sections exist and may be amended from time to time.
- (c) Deposit moneys in and enter into contracts with any depository in accordance with California Government Code Section 53682.
- (d) Account for the disbursement of all moneys and audit all expenditures to ensure that appropriations are not exceeded.

(e) Have the authority to examine all contracts, orders and other documents by which the City may incur a financial obligation.

(f) Be responsible for the assessment of all taxable properties within the corporate limits of the City unless such function has been delegated to another governmental agency.

(g) Receive all City revenues; provided, however, that nothing herein shall prohibit contractual agreements for the collection of such revenues on behalf of the City.

(h) Prescribe the form of all receipts.

(i) Have the responsibilities and duties assigned by this Code to the treasurer, and such other duties as the Modesto Municipal Code or the City Manager shall specify.

(Added by Ord. 3321-C.S., § 1, effective 11-13-03)

#### **2-3.405 Collection of Accounts.**

It shall be the duty of the Finance Department to diligently properly bill, record and pursue all moneys due the City. Penalty for late payment or adjudication of overdue accounts will be determined by Council action by classification within the ordinance setting fees or charges, but in no event shall such penalties be less than one (1) percent per month.

(Added by Ord. 3321-C.S., § 1, effective 11-13-03)

#### **2-3.406 Write Off Uncollectible of Accounts.**

Where a fee or charge in excess of twenty-five thousand dollars (\$25,000.00) is incorrectly levied or found to be uncollectible, such accounts will be referred to the City Manager who will promptly report them to the City Council with his/her recommendation. Where a fee or charge of twenty-five thousand dollars (\$25,000.00) or less is incorrectly levied or found to be uncollectible, the City Manager will establish a policy and process its disposition. A report of disposition shall be filed with the City Clerk.

(Added by Ord. 3321-C.S., § 1, effective 11-13-03)

### **Article 5. Fire Department**

#### **2-3.501 Creation and Functions.**

#### **2-3.502 Organization and Direction.**

#### **2-3.503 Acting Fire Chief.**

#### **2-3.501 Creation and Functions.**

The Fire Department is hereby established. The functions of the Fire Department shall include:

(a) Protect life and property by preventing and eliminating fire hazards and by controlling and extinguishing fires.

(b) Enforce laws and ordinances relating to the prevention and extinguishing of fires, and handling of potentially dangerous combustibles and explosives, and investigate and report to the

Police Department in all cases where there is reason to believe that any fire is the result of a crime or that a crime is committed in connection therewith.

(c) Maintain in efficient operable condition those fire-fighting and fire prevention systems and facilities assigned to the Fire Department.

(d) Recruit and train such volunteers and auxiliary personnel as may reasonably be required to augment regular Fire Department manpower.

(e) Perform such other duties as the City Manager may direct.

(Added by Ord. 244-C.S., as amended by Ord. 2915-C.S., § 1, effective 8-4-94)

**2-3.502 Organization and Direction.**

There shall be a Fire Chief, appointed by the City Manager and subject to the City Manager's general administrative direction. The Fire Chief, subject to the approval of the City Manager, shall organize and maintain such divisions in the department as in the Chief's judgment the operations may require, and shall be responsible for the direction and control of all functions assigned to the department.

(Added by Ord. 244-C.S., as amended by Ord. 2915-C.S., § 1, effective 8-4-94)

**2-3.503 Acting Fire Chief.**

In the case of absence or disability of the Fire Chief, the Assistant Fire Chief or such other officer of the City who shall be designated by the City Manager as Acting Assistant Fire Chief, shall perform the duties and exercise the powers of the Fire Chief.

(Added by Ord. 244-C.S., as amended by Ord. 2915-C.S., § 1, effective 8-4-94)

**Article 6. Health Department**

**2-3.601 Consolidation with the County Health Department.**

**2-3.601 Consolidation with the County Health Department.**

Pursuant to the provisions of Section 903 of the Charter of the City of Modesto and of the pertinent sections of the Health and Safety Code, the City Health Department is consolidated with the County Health Department for the purpose of enforcing State laws and regulations relating to public health. The enforcement of the provisions of the Municipal Code relating to health matters shall be provided by the County Health Officer, acting as City Health Officer, under terms of an agreement with the County of Stanislaus.

(Added by Ord. 244-C.S., as amended by Ord. 1730-C.S., § 1, Ord. 2915-C.S., § 1, effective 8-4-94)

**Article 7. Parks, Recreation and Neighborhoods Department**

**2-3.701 Creation and Functions.**

**2-3.702 Organization and Direction.**

**2-3.703 Acting Director of Parks, Recreation and Neighborhoods.**

**2-3.704 References.**

### **2-3.701 Creation and Functions.**

A Parks, Recreation and Neighborhoods Department is hereby established. The functions of the Parks, Recreation and Neighborhoods Department shall include:

- (a) Plan and operate a broad program of public recreation for all age groups, designed to encourage and maintain interest and participation by individuals and by organizations, both public and private.
- (b) Plan, develop and improve park and recreation areas and facilities.
- (c) Plan and establish relationships with community and neighborhood groups in order to initiate and promote improvement of the quality of life in the City of Modesto.
- (d) Housing and Neighborhoods: Provide services related to community housing, including implementation of the Comprehensive Housing Affordability Strategy and other services designed to preserve and enhance existing neighborhoods.
- (e) Perform such other functions as the City Manager may direct.  
(Added by Ord. 2915-C.S., § 1, amended by Ord. 3070-C.S. § 1, Ord. 3158-C.S., § 1, and Ord. 3227-C.S., § 1, effective 8-16-01)

### **2-3.702 Organization and Direction.**

There shall be a Director of Parks, Recreation and Neighborhoods appointed by the City Manager and subject to the City Manager's general administrative direction. The Director of Parks, Recreation and Neighborhoods, subject to the approval of the City Manager, shall organize and maintain such divisions in the Department as in the Director's judgment the operations may require, and shall be responsible for the direction and control of all functions assigned to the Department.

(Added by Ord. 2915-C.S., § 1, amended by Ord. 3070-C.S., § 1, Ord. 3158-C.S., § 1, and Ord. 3227-C.S., § 1, effective 8-16-01)

### **2-3.703 Acting Director of Parks, Recreation and Neighborhoods.**

In the case of absence or disability of the Director of Parks, Recreation and Neighborhoods, the City Manager shall designate a person to perform the duties and exercise the powers of the Director of Parks, Recreation and Neighborhoods.

(Added by Ord. 2915-C.S., § 1, amended by Ord. 3070-C.S., § 1, Ord. 3158-C.S., § 1, and Ord. 3227-CS, § 1, effective 8-16-01)

### **2-3.704 References.**

- (a) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the titles Parks and Recreation Director, Community Services and Neighborhood Connections Director, or Recreation and Neighborhoods Director it shall be deemed to refer to the Director of Parks, Recreation and Neighborhoods of the City of Modesto in relation to any matter under the jurisdiction of that Director.

(b) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the name Parks and Recreation Department, Community Services and Neighborhood Connections Department, or Recreation and Neighborhood Department, it shall be deemed to refer to the Parks, Recreation and Neighborhoods Department of the City of Modesto in relation to any matter under the jurisdiction of that Department. (Added by Ord. 3070-C.S. § 1, amended by Ord. 3158-C.S., § 1, and Ord. 3227-C.S., § 1, effective 8-16-01)

## **Article 8. Community and Economic Development Department**

### **2-3.801 Creation and Functions.**

### **2-3.802 Organization and Direction.**

### **2-3.803 Acting Director of Community and Economic Development.**

### **2-3.804 References.**

### **2-3.801 Creation and Functions.**

A Community and Economic Development Department is hereby established. The functions of the Community and Economic Development Department shall include:

- (a) Long Range Planning: Provide long range planning services, including advance planning, land use, transportation and utility planning services, and provide services associated with updates to and amendments of the City's General Plan.
- (b) Development Services: Provide development services, including the processing of land use entitlements, engineering review and improvement plans, and building and plan check inspection services.
- (c) Business Development: Provide business development services, including the solicitation of new investment and reinvestment opportunities, and providing related services such as redevelopment assistance and advice related to public financing.
- (d) Community Facilities: Oversee the operation of Centre Plaza, John Thurman Field, and City Golf courses.
- (e) Related Services: The Community and Economic Development Department will also be responsible for providing staff support to those City Council appointed boards and commissions whose powers and duties relate to the above four (4) functional areas of responsibility. In addition, the Community and Economic Development Department shall perform such other duties as the City Manager may direct.

(Added by Ord. 2915-C.S., § 1, amended by Ord. 3251-C.S., § 1, effective 4-18-02)

### **2-3.802 Organization and Direction.**

There shall be a Director of Community and Economic Development who shall be appointed by the City Manager and be subject to the City Manager's general administrative direction. The Director of Community and Economic Development, subject to the approval of the City Manager, shall organize and maintain such divisions in the department as in the Director's

judgment the operations may require and shall be responsible for the direction and control of all functions assigned to the department.

(Added by Ord. 2915-C.S., § 1, amended by Ord. 3251-C.S., § 1, effective 4-18-02)

**2-3.803 Acting Director of Community and Economic Development.**

In the absence or disability of the Director of Community and Economic Development, the City Manager shall designate a person to perform the duties and exercise the powers of the Director of Community and Economic Development.

(Added by Ord. 2915-C.S., § 1, amended by Ord. 3251-C.S., § 1, effective 4-18-02)

**2-3.804 References.**

(a) 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 Planning, Planning Director, Economic Development Director, Community Development Director, or Community and Economic Development Director, they shall be deemed to refer to the Director of Community and Economic Development.

(b) Whenever this code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the names Planning Department, or Department of Planning, Department of Planning and Community Development, Economic Development Department, or Community Development Department, they shall be deemed to refer to the Community and Economic Development Department of the City of Modesto in relation to any matter under the jurisdiction of that Department.

(Added by Ord. 2915-C.S., § 1, amended by Ord. 3251-C.S., § 1, effective 4-18-02)

**Article 9. Police Department**

**2-3.901 Creation and Functions.**

**2-3.902 Organization and Direction.**

**2-3.903 Acting Police Chief.**

**2-3.904 Enforcement Authority—Police Officer.**

**2-3.905 Enforcement Authority—Sheriff's Deputy.**

**2-3.906 Enforcement Authority—Security Officer.**

**2-3.907 Enforcement Authority—County Code Enforcement Officer.**

**2-3.901 Creation and Functions.**

A Police Department is hereby created. The principal functions of the Police Department shall include:

(a) Prevent crime and maintain law and order in the City by enforcing the laws of the United States, the State of California and ordinances of the City, except when enforcement is by law vested in another office or officer.

(b) Maintain in efficient operable condition those crime prevention and law enforcement systems and facilities assigned to the Police Department.

(c) Recruit and train such volunteer and reserve personnel as may reasonably be required to augment regular Police Department manpower.

(d) Perform such other duties as the City Manager may direct.

(Added by Ord. 2915-C.S., § 1, effective 8-4-94)

**2-3.902 Organization and Direction.**

There shall be a Police Chief appointed by the City Manager and subject to the City Manager's general administrative direction. The Police Chief, subject to the City Manager's approval shall organize and maintain such divisions in the Department as, in the Chief's judgment the operations may require and shall be responsible for the direction and control of all functions assigned to the Department.

(Added by Ord. 2915-C.S., § 1, effective 8-4-94)

**2-3.903 Acting Police Chief.**

In the case of absence or disability of the Police Chief, the City Manager shall designate a person to perform the duties and exercise the powers of the Police Chief.

(Added by Ord. 2915-C.S., § 1, effective 8-4-94)

**2-3.904 Enforcement Authority—Police Officer.**

All ordinances, resolutions, policies, or other enactment made or approved by the City Council may be enforced by the Police Chief and his/her designated officers who are peace officers pursuant to Penal Code Section 830.1.

(Added by Ord. 3305-C.S., § 1, effective 8-7-03)

**2-3.905 Enforcement Authority—Sheriff's Deputy.**

Notwithstanding any other provision of this Code, a sheriff deputy employed by the County of Stanislaus or any peace officer employed by a Police Department within the County of Stanislaus may enforce the provisions of the Modesto Municipal Code when the deputy is within the Modesto City limits.

(Added by Ord. 3305-C.S., § 1, effective 8-7-03)

**2-3.906 Enforcement Authority—Security Officer.**

Notwithstanding any other provision of this Code, a security officer employed by the City or a security officer employed by the County of Stanislaus may issue citations for infraction violations of the Modesto Municipal Code and the California Vehicle Code relating to parking regulations pursuant to Penal Code Section 831.4.

(Added by Ord. 3305-C.S., § 1, effective 8-7-03)

**2-3.907 Enforcement Authority—County Code Enforcement Officer.**

Notwithstanding any other provision of this Code, a code enforcement officer employed by the County of Stanislaus may enforce the provisions of the Modesto Municipal Code in accordance with the authority and procedure set forth in Section 1-2.10 of this Code when the County Code Enforcement Officer is within the city limits.

(Added by Ord. 3305-C.S., § 1, effective 8-7-03)

**Article 10. Operations and Maintenance Department**

(Ord. 2915-C.S., Ord. 3070-C.S., repealed by Ord. 3362-C.S., effective 12-9-04)

**Article 11. Personnel Department\***

(Added by Ord. 2915-C.S., § 1, effective 8-4-94; repealed by Ord. - C.S., §1, effective - - 2014)

*\* Cross-reference: See Art. 18 of this Chapter for current Personnel Department provisions, to be known as the Human Resources Division within the Administrative Services Department.*

**Article 12. Engineering and Transportation Department\***

(Ord. 3070-C.S., repealed by Ord. 3362-C.S., effective 12-9-04)

**Article 13. Utility Services Department**

(Added by Ord. 2176-C.S., amended by Ord. 2177-C.S., § 2, Ord. 2630-C.S., § 1, and Ord. 2915, deleted per 10-23-97 letter from city)

**Article 14. Office of Economic Development**

(Added by Ord. 2280-C.S., § 1, amended by Ord. 2281-C.S., § 1, and Ord. 2915, deleted per 10-23-97 letter from city)

**Article 15. Public Works and Transportation Department**

(Added by Ord. 2630-C.S., § 1, amended by Ord. 2915, deleted per 10-23-97 letter from city)

**Article 16. Personnel Department\***

(Added by Ord. 2779-C.S., § 1, amended by Ord. 2915, deleted per 10-23-97 letter from city)

*\* Cross-reference: See Art. 18 of this chapter for current Administrative Services Department provisions.*

**Article 17. Public Works Department**

**2-3.1701 Creation and Functions.**

**2-3.1702 Organization and Direction.**

**2-3.1703 Acting Director of Public Works.**

**2-3.1704 References.**

### **2-3.1701 Creation and Functions.**

A Public Works Department is hereby established. The functions of the Public Works Department shall include:

- (a) Perform or direct all phases of engineering work required in connection with the functions of the City and not otherwise assigned to another department by the City Manager.
- (b) Operate and maintain the City's utility services and such other public works facilities, including streets, traffic and lighting operation functions, as are not otherwise assigned to another department by the City Manager.
- (c) Coordinate the planning, design, and inspection of engineering projects and services of the City.
- (d) Prepare and maintain records of the City related to Public Works functions.
- (e) Conduct engineering studies to determine the need for parking facilities, and recommend, plan, design, develop, operate and maintain on- and off-street parking facilities of the City.
- (f) Conduct traffic engineering studies, including accident analysis, to determine the need for and appropriate method for the control of traffic to provide for the safe, convenient and economical movement of persons and vehicles on the public streets and ways of the City.
- (g) Plant and maintain street trees in accordance with a general plan for street trees.
- (h) Perform such other duties as may be assigned or required by the City Manager.
- (i) Manage City contracts to operate City Transit services.
- (j) Manage the operations and maintenance of the Transportation Center and Modesto Amtrak Station.
- (k) Manage and operate the Modesto City/County Airport, as set forth in Article 1, "General Regulations," of Chapter 3, "Modesto City-County Airport," of Title 7, "Public Works" of the Modesto Municipal Code.
- (l) Oversee, operate and maintain the City's Solid Waste functions, and negotiate and monitor City recycling, garbage and green waste contracts.
- (m) Oversee and operate all Buildings and Grounds functions for the City.
- (n) Oversee and operate all Forestry and Pruned Waste functions for the City.
- (o) Ensure compliance with state and federal mandates and regulations for areas of responsibility.

(p) Manage and maintain the City's fleet and equipment with the exception of vehicles and apparatus belonging to the Fire Department.  
(Added by Ord. 3362-C.S., § 1, effective 12-9-04)

**2-3.1702 Organization and Direction.**

There shall be a Director of Public Works appointed by the City Manager and subject to the City Manager's general administrative direction. The Director of Public Works, subject to the approval of the City Manager, shall organize and maintain such divisions in the Department as in the Director's judgment the operations may require, and shall be responsible for the direction and control of all functions assigned to the Department.  
(Added by Ord. 3362-C.S., § 1, effective 12-9-04)

**2-3.1703 Acting Director of Public Works.**

In the case of absence or disability of the Director of Public Works, the City Manager shall designate a person to perform the duties and exercise the powers of the Director of Public Works.  
(Added by Ord. 3362-C.S., § 1, effective 12-9-04)

**2-3.1704 References.**

(a) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the titles Parking and Traffic Director, Director of Parking and Traffic, Engineering Services Director, Director of Engineering Services, Director of Utility Services, Public Works and Transportation Director, Operations and Maintenance Director, ~~or~~ Engineering and Transportation Director, or Public Works Director, they shall be deemed to refer to the Director of Public Works of the City of Modesto in relation to any matter under the jurisdiction of that Director.

(b) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the names Parking and Traffic Department or Department of Parking and Traffic; or Engineering Services Department or Department of Engineering Services; or Utility Services Department or Department of Utility Services or Public Works and Transportation Department; Operations and Maintenance Department; or Engineering and Transportation Department they shall be deemed to refer to the Public Works Department of the City of Modesto in relation to any matter under the jurisdiction of that Department.  
(Added by Ord. 3362-C.S., § 1, effective 12-9-04)

**Article 18. Administrative Services Department**

**2-3.1801 Creation and Functions.**

**2-3.1802 Organization and Direction.**

**2-3.1803 Acting Director of Administrative Services.**

**2-3.1804 References.**

**2-3.1801 Creation and Functions.**

An Administrative Services Department is hereby established. The function of the Administrative Services Department shall include:

- (a) Oversee and direct all services and functions of the Human Resources Division, formerly known as the Personnel Department, and the Information Technology Division, formerly known as the Information Technology Department.
- (b) Prepare and recommend to the Human Resources Manager the adoption, amendment or repeal of personnel rules and regulations.
- (c) Prepare and recommend to the Human Resources Manager a position classification plan, including class specifications, and revisions of the plan.
- (d) Publish and post notices of tests for positions in the Classified Service, receive applications therefor, conduct and grade tests, and certify to the person having the power of appointment a list of all persons eligible for appointment to the appropriate position in the Classified Service.
- (e) Plan, direct and review the activities and operations of the Human Resources Division including personnel, payroll, training and employee benefits, employee relations and risk management.
- (f) Plan, direct, and review the activities and operations of the Information Technology Division including the provision of technology services, support, and guidance to all City departments.
- (g) Perform such other duties as may be assigned or required by the City Manager.

**2-3.1802 Organization and Direction.**

There shall be a Director of Administrative Services appointed by the City Manager and subject to the City Manager's general administrative direction. The Director of Administrative Services, subject to the approval of the City Manager, shall organize and maintain such divisions in the Department as operations may require, and shall be responsible for the direction and control of all functions assigned to the Department.

**2-3.1803 Acting Director of Administrative Services.**

In the case of absence or disability of the Director of Administrative Services, the City Manager shall designate a person to perform the duties and exercise the powers of the Director of Administrative Services.

**2-3.1804 References.**

- (a) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the titles Personnel Director, Director of Personnel, Human Resources Director, or Director of Human Resources, they shall be deemed to refer to the Director of Administrative Services of the City of Modesto in relation to any matter under the jurisdiction of that Director.

(b) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the titles Chief Information Officer, Director of Information technology, Information Technology Director, or CIO, they shall be deemed to refer to the Director of Administrative Services of the City of Modesto in relation to any matter under the jurisdiction of that Director.

(c) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the titles the Personnel Department or the Human Resources Department, they shall be deemed to refer to the Administrative Services Department of the City of Modesto in relation to any matter under the jurisdiction of that Department.

(d) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the title Information Technology Department, they shall be deemed to refer to the Administrative Services Department of the City of Modesto in relation to any matter under the jurisdiction of that Department.

## **Article 19. Utilities Department**

### **2-3.1901 Creation and Functions.**

### **2-3.1902 Organization and Direction.**

### **2-3.1903 Acting Director of Utilities.**

### **2-3.1904 References.**

### **2-3.1901 Creation and Functions.**

A Utilities Department is hereby established. The functions of the Utilities Department shall include:

(a) Oversee and direct all services and functions of the previously identified Utilities Planning and Projects Department, including capital improvement projects, water resource planning, groundwater, surface water and recycled water initiatives, utility rates, and regional partnerships.

(b) Oversee and direct all services, functions, and operations related to Water Operations and Maintenance.

(c) Oversee and direct all services, functions, and operations related to Wastewater Operations and Maintenance, including the Wastewater Lab and Environmental Services functions.

(d) Oversee and direct all services, functions, and operations related to Wastewater Collections functions.

**2-3.1902 Organization and Direction.**

There shall be an Director of Utilities appointed by the City Manager and subject to the City Manager’s general administrative direction. The Director of Utilities, subject to the approval of the City Manager, shall organize and maintain such divisions in the Department as operations may require, and shall be responsible for the direction and control of all functions assigned to the Department.

**2-3.1903 Acting Utilities Director.**

In the case of absence or disability of the Director of Utilities, the City Manager shall designate a person to perform the duties and exercise the powers of the Director of Utilities.

**2-3.1904 References.**

(a) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the titles Utilities Planning and Projects Director, Director of Utilities Planning and Projects, UPP Director, Utility Services Department Director, Director of Utility Services Department, or Utilities Director, they shall be deemed to refer to the Director of Utilities of the City of Modesto in relation to any matter under the jurisdiction of that Director.

(b) Whenever this Code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the titles Utilities Planning and Projects Department, Department of Utilities Planning and Projects, UPP Department, or Utility Services Department, they shall be deemed to refer to the Utilities Department of the City of Modesto in relation to any matter under the jurisdiction of that Department.

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 10<sup>th</sup> day of June 2014, by Councilmember Zoslocki, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Madrigal, Zoslocki,  
Mayor Marsh

NOES: Councilmembers: Lopez

ABSENT: Councilmembers: None

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(seal)

APPROVED AS TO FORM:

By:   
ADAM U. LINDGREN, City Attorney

Ord. No. 3605-C.S.

FINAL ADOPTION CLAUSE

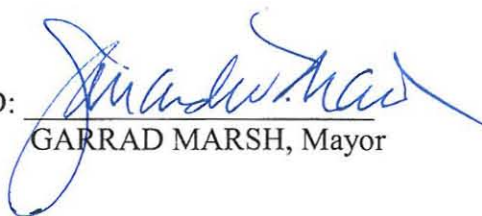
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24<sup>h</sup> day of June, 2014, Councilmember Cogdill moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: Lopez, Kenoyer

ABSENT: Councilmembers: None

APPROVED:

  
GARRAD MARSH, Mayor

ATTEST:

By:

  
STEPHANIE LOPEZ, City Clerk

ORDINANCE NO. 3606-C.S.

AN ORDINANCE AMENDING SECTION 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE FROM PROFESSIONAL OFFICE ZONE, P-O, TO NEIGHBORHOOD COMMERCIAL ZONE, C-1, PROPERTY LOCATED AT 1645 W. ORANGEBURG AVENUE (MAI NGUYEN).

WHEREAS, a verified application for an amendment to Section 19-3-9 of the Zoning Map was filed by Ms. Mai Nguyen on March 13, 2014, to rezone from Professional Office Zone, P-O, to Neighborhood Commercial Zone, C-1, property located at 1645 W. Orangeburg Avenue, and

WHEREAS, after a public hearing held on April 21, 2014, it was found and determined by the Planning Commission that the requested zone change will not be detrimental to the public health, safety or welfare because the rezone to Neighborhood Commercial would facilitate the reuse of an existing vacant office building into a commercial use that is complimentary to adjacent commercial uses without causing substantial impact to nearby residential uses, the requested zone change will result in an orderly planned use of land because it would align the zoning of the property with existing commercial zoning adjacent to the site, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the subject property is located within the Baseline Urbanized Area and the General Plan policies related to the "Neighborhood Plan Prototype" in the Baseline Urbanized Area provides for commercial centers to be located in each neighborhood, and

WHEREAS, by Resolution No. 2014-09, adopted on April 21, 2014, the Planning Commission recommended to the Council that the application of Ms. Mai Nguyen to amend Section 19-3-9 of the Zoning Map to rezone the hereinafter described property from Professional Office Zone, P-O, to Neighborhood Commercial Zone, C-1, be approved,

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

SECTION 1. After a public hearing held on June 24, 2014, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, this Council finds and determines as follows:

1. The requested change will not be detrimental to the public health, safety or welfare because the rezone to Neighborhood Commercial would facilitate the reuse of an existing vacant office building into a commercial use that is complimentary to adjacent commercial uses without causing substantial impact to nearby residential uses.
2. The requested change will result in an orderly planned use of land because it would align the zoning of the property with existing commercial zoning adjacent to the site.
3. The requested change is in accordance with the community’s objectives as set forth in the General Plan and any applicable specific plan(s) because the subject property is located within the Baseline Developed Area, and the General Plan polices related to the “Neighborhood Plan Prototype” in the Baseline Developed Area provides for commercial centers to be located in each neighborhood.

SECTION 2. ZONING CHANGE. Section 19-3-9 of the Zoning Map is hereby amended to rezone the following described property from, Professional Office Zone, P-O, to Neighborhood Commercial, C-1:

P-O to C-1

All that portion of the North Half of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The east 45.21 feet of Lots 4 and 5 in Block 6082 of Wilen Tract according to the Official Map thereof filed in the Office of the Recorder of Stanislaus County, State of California, on April 27, 1945 in Volume 14 of Maps at Page 32.

Also including the northerly 40 feet of West Orangeburg Avenue, being immediately adjacent to the above description.

APN: 117-011-068

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 24th day of June, 2014, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Lopez, Kenoyer, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:

By   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ADAM U. LINDGREN, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Community & Economic Development  
Department, Planning Division

Ord. No. 3606-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 8<sup>th</sup> day of July, 2014, Councilmember Lopez moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,  
Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

  
GARRAD MARSH, Mayor

ATTEST:

By:

  
STEPHANIE LOPEZ, City Clerk







ORDINANCE NO. 3607-C.S.

AN ORDINANCE AMENDING SECTION 8-3.102 OF ARTICLE 1 OF CHAPTER 3 OF TITLE 8 OF THE MODESTO MUNICIPAL CODE RELATING TO CITY CONTRACTS - CONTRACTING AUTHORITY.

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

SECTION 1. AMENDMENT OF CODE. Section 8-3.102 of Article 1 of

Chapter 3 of Title 8 of the Modesto Municipal Code is hereby amended to read as follows:

**8-3.102. CONTRACTING AUTHORITY.**

The City Manager may approve and authorize all contracts and purchase orders involving an expenditure of City funds in the total amount of fifty thousand dollars (\$50,000.00) or less. Except as noted below, no contract involving an expenditure in excess of fifty thousand dollars (\$50,000.00) may be authorized, approved or executed without City Council approval. The fifty thousand dollars (\$50,000.00) limit set forth in the preceding sentences does not apply to the following:

- (a) Contracts for public works projects consisting of the improvement or modification of traffic signals or signal systems including those street improvements which are incidental to or related to the improvement or modification of the traffic signal. The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount of two hundred fifty thousand dollars (\$250,000.00) or less.
- (b) Contracts for public works projects consisting of the construction, improvement, repair, expansion, renovation or modification of any facilities funded by a Mello-Roos Community Facilities District and involving an expenditure of District Facility Taxes in the amount of three million dollars (\$3,000,000.00) or less. The District Administrator may approve and authorize all contracts for such projects.
- (c) Contracts for public works projects consisting of the maintenance, repair, replacement, and improvement of existing water lines. The City Manager may approve and authorize all contracts for such projects involving an

- expenditure of City funds in the amount of three hundred thousand dollars (\$300,000.00) or less.
- (d) Contracts for public works projects consisting of the installation and establishment of water service connections associated with new development. The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount of seventy-five thousand dollars (\$75,000.00) or less.
  - (e) Contracts for public works projects consisting of repairs determined by the City Manager to be of urgent necessity for the preservation of life, health, or property. The City Manager may approve and authorize all contracts for such projects in the amount of two hundred thousand dollars (\$200,000.00) or less. Within ten (10) days of the authorization for any such work, the City Manager shall report to the City Council the circumstances of the emergency.
  - (f) Contracts for public works projects consisting of the construction, improvement, repair, expansion, renovation, or modification of any facilities associated with development and installed by the developer provided:
    - (1) That an agreement is approved by the City Council prior to commencement of construction of the works.
    - (2) The agreement clearly defines the work to be done and the basis for reimbursement.
    - (3) That total reimbursement required by the agreement is less than four hundred thousand dollars (\$400,000.00) in City funds.
  - (g) Contracts for public works projects consisting of the installation, construction, and improvement, of the Coffee-Claratina Dual Use Neighborhood Park/Storm Basin in the City of Modesto. The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount of one million five hundred thousand dollars (\$1,500,000.00) or less.
  - (h) Contracts for public works projects consisting of the installation and construction of any upgrade and/or rebuild of the City's Institutional Network (INET). The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the

amount of four million two hundred thousand dollars (\$4,200,000.00) or less.

- (i) Contracts for public works projects consisting of those improvements to the South Modesto water system identified in that certain technical memorandum prepared by West Yost and Associates dated October 17, 2005, as amended on November 7, 2005, for the benefit of the Galas Brothers Unit II Project bounded by Hatch Road, Estrella Way, Ironside Drive, Salazar Circle and Monticello Lane in the City of Modesto and any incidental work thereto. The City Manager may approve and authorize all contracts for this project involving a total expenditure of City funds not to exceed two million five hundred thousand dollars (\$2,500,000) or less.
- (j) Contracts for public works contracts consisting of the purchase, installation and replacement of water meters including an automated water meter reading (AMR) system and infrastructure work in conjunction with the system-wide water metering program. The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount of five million dollars (\$5,000,000) or less annually.
- (k) Contracts for paving and landscaping work to be done by City forces at the City's Traffic Operations Facility located at 117 Elm Street in the amount of one hundred thousand dollars (\$100,000) or less.
- (l) Contracts for public works projects consisting of the design, purchase and installation of water lines and associated equipment used to blend down contaminants at water well sites in the amount of one million five hundred thousand dollars (\$1,500,000) per project.
- (m) Contracts for public works projects consisting of additions and/or expansion of facilities and structures at John Thurman Field not to exceed two million four hundred thousand dollars (\$2,400,000) per project.
- (n) Contracts for work done by City forces to repair, replace and improve water lines and associated appurtenances for the McHenry Avenue Water System Upgrade Project in the amount of four hundred fifty thousand dollars (\$450,000) or less.
- (o) Contracts for work done by City forces to repair, replace and improve water lines and associated appurtenances for the 9<sup>th</sup> Street Water Main

Replacement Project in the amount of five hundred eighty-five thousand dollars (\$585,000) or less.

- (p) Contracts for Public Works projects consisting of bus stop improvements at various locations on the Modesto Area Express route system. The City Manager may approve all contracts for such projects in the amount of six hundred seventy-five thousand dollars (\$675,000) or less annually.
- (q) Contracts for work done by City forces consisting of roadway and intersection improvements on Oakdale Road between Claratina Avenue and Mable Avenue in the amount of one hundred forty thousand dollars (\$140,000.00) or less.
- (r) Contracts for work done by City forces to repair, replace and improve water lines and associated appurtenances for the Del Rio Water Main Replacement Project in the amount of three hundred ninety thousand dollars (\$390,000.00) or less.
- (s) Contracts for public works projects consisting of energy efficient improvements to City facilities that are funded through the American Recovery and Reinvestment Act (ARRA) of 2009, Energy Efficiency and Conservation Block Grant (EECBG) Program. The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount of six hundred thousand dollars (\$600,000.00) or less.
- (t) Contracts for public works to purchase and construct a Police Officer Memorial and associated appurtenances at the Modesto Police Headquarters in the amount of one hundred twenty-five thousand dollars (\$125,000.00) or less.
- (u) Contracts for public works projects consisting of the design, purchase and installation of water mains and associated appurtenances used to upgrade the water system in the Airport Neighborhood service area in the amount of one million four hundred five thousand one hundred sixty-six dollars (\$1,405,166.00) or less.
- (v) Contracts for public works projects consisting of the design, purchase and installation of street lights and associated appurtenances used to upgrade the street lighting throughout the City in the amount of four million dollars (\$4,000,000) or less.

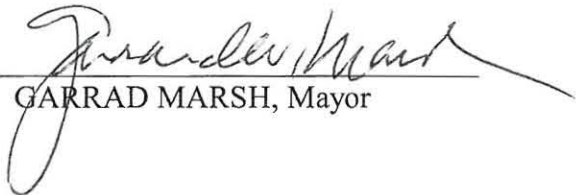
Any contract for a public works project which may be approved as set forth in subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), and (v) above of this section and authorized by the City Manager, District Administrator, or other authorized person, is not subject to the public bidding requirements of articles 2 and 4 of this chapter or of Section 1307 of the Modesto City Charter. This section is adopted pursuant to Sections 801(1c) and 1307 of the Modesto City Charter. The City Manager may delegate his or her authority in a manner consistent with the procedures established by this chapter. As set forth in Section 2-2.03 of this Code, all contract documents that require City Council approval shall be approved as to form by the City Attorney or the City Attorney's authorized representative before presentation to 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 2<sup>nd</sup> day of September, 2014, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Lopez, Kenoyer, Madrigal, Zoslocki, Mayor Marsh  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:

By   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ADAM U. LINDGREN, City Attorney

Ord. No. 3607-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 9<sup>th</sup> day of September, 2014, Councilmember Cogdill moved its final adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,  
Mayor Marsh

NOES: Councilmembers: None

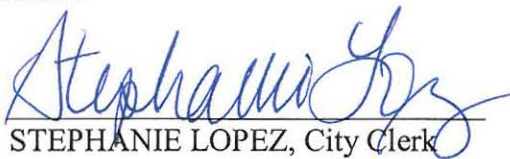
ABSENT: Councilmembers: None

APPROVED:

  
GARRAD MARSH, Mayor

ATTEST:

By:

  
STEPHANIE LOPEZ, City Clerk



ORDINANCE NO. 3608-C.S.

AN ORDINANCE AMENDING SECTION 7-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(316), TO PLANNED DEVELOPMENT ZONE, P-D(597), PROPERTY LOCATED AT 1532 STANDIFORD AVENUE (STANDIFORD PROPERTIES, LLC)

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 Planned Development Zone, P-D(316), to Planned Development, P-D(597):

P-D(316) to P-D(597)

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

COMMENCING at the centerline intersection of Carver Road and Standiford Avenue as shown on that certain map entitled "Tully Manor No. 6" filed in Volume 23 of Maps, at page 55, Stanislaus County Records; thence South 89°08'00" East along said centerline of Standiford Avenue, a distance of 922.92 feet to the POINT OF BEGINNING of this description; thence continuing on said centerline 395.22 feet; thence leaving said centerline South 1°01'24" East, a distance of 270.15 feet, to the North line of said Tully Manor No. 6; thence North 89°08'00" West along said North line of Tully Manor No. 6; thence North 89°08'00" West along said North line of Tully Manor No. 6, a distance of 395.22 feet; thence leaving said North line of Tully Manor No. 6, North 1°01'24" West, 270.15 feet to the Point of Beginning.

CONTAINING 2.0 acres more or less

Also including the southern 50.00 feet of Standiford Avenue immediately adjacent to the above-described property.

APN: 054-010-036

SECTION 2. USES. The following uses shall be permitted in said P-D(597) 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 10-7.108(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 10-7.108(a) or (b) of the Modesto Municipal Code:

1. "All permitted uses and conditional uses allowed in the P-O, Professional Office Zone."

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 adopted at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of September, 2014, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and ordered printed and published by the following vote:

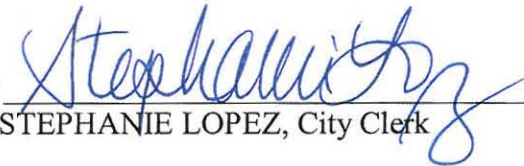
AYES: Councilmembers: Cogdill, Gunderson, Lopez, Kenoyer, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:

By   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ADAM U. LINDGREN, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Community & Economic Development  
Department, Planning Division

Ord. No. 3608-C.S.

FINAL ADOPTION CLAUSE

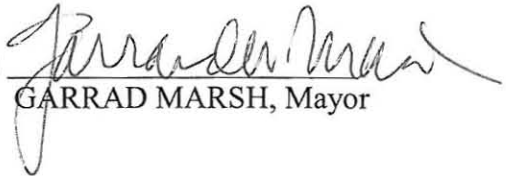
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of October, 2014, Councilmember Lopez moved its final adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,  
Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

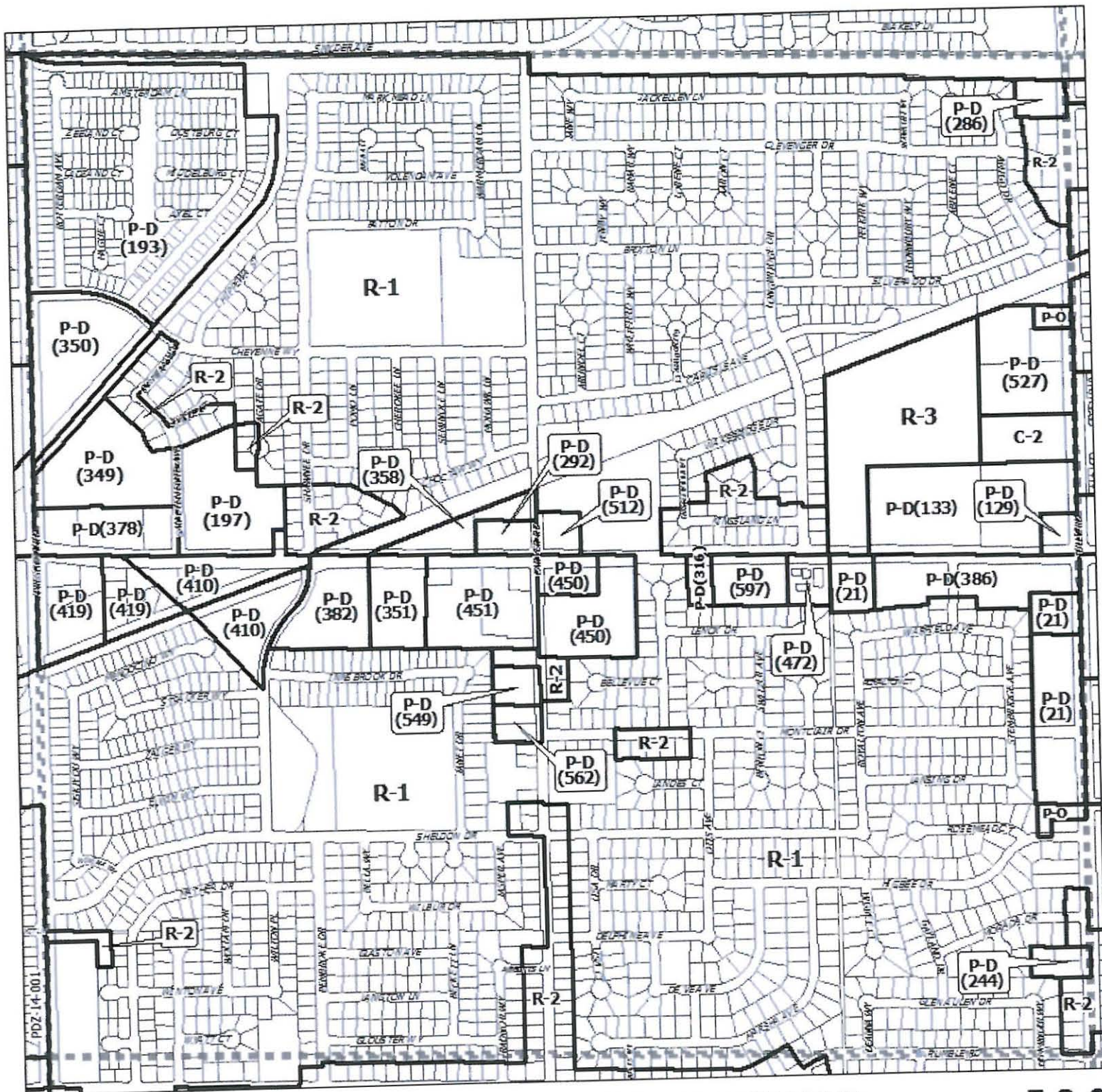
APPROVED:

  
GARRAD MARSH, Mayor

ATTEST:

By:

  
STEPHANIE LOPEZ, City Clerk



# ZONING MAP OF THE CITY OF MODESTO

7-3-9





ORDINANCE NO. 3609-C.S.

AN ORDINANCE AMENDING SECTION 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE FROM MEDIUM DENSITY RESIDENTIAL (R-2), NEIGHBORHOOD COMMERCIAL (C-1), AND PLANNED DEVELOPMENT ZONE P-D (300) TO GENERAL COMMERCIAL (C-2) ZONE FOR APPROXIMATELY 4.7 ACRES LOCATED ON THE NORTH SIDE OF SCENIC DRIVE AND EAST OF COFFEE ROAD (SOLAR COOL PROPERTIES III, L. P.)

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Solar Cool Properties III, L. P. on May 15, 2014, to rezone from Medium Density Residential (R-2), Neighborhood Commercial (C-1), and Planned Development Zone P-D (300) to General Commercial (C-2) Zone for approximately 4.7 acres located on the north side of Scenic Drive and east of Coffee Road, and

WHEREAS, after a public hearing held on September 8, 2014, it was found and determined by the Planning Commission that the requested zone change will not be detrimental to the public health, safety or welfare because the rezone to General Commercial (C-2) Zone will provide for development that is compatible with surrounding land uses which include predominantly commercial uses, medical and professional offices, and multiple family residential uses, the requested zone change will result in an orderly planned use of land because there is a pattern of commercial zones along Scenic Drive in the vicinity including on the project site and the properties to the west and south, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the project site proposed for commercial zone is consistent

with the locational criteria of being located at the intersection of two arterials, Scenic Drive and Coffee Road, and

WHEREAS, by Resolution No. 2014-16, adopted on September 8, 2014, the Planning Commission recommended to the Council that the application of Solar Cool Properties, III, L. P. to amend Section 27-3-9 of the Zoning Map to rezone the hereinafter described property from Medium Density Residential (R-2), Neighborhood Commercial (C-1), and Planned Development Zone P-D (300) to General Commercial (C-2) Zone for approximately 4.7 acres located on the north side of Scenic Drive and east of Coffee Road, be approved,

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

SECTION 1. After a public hearing held on October 14, 2014, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, this Council finds and determines as follows:

1. The requested change will not be detrimental to the public health, safety, or welfare because the rezone to General Commercial (C-2) Zone will provide for development that is compatible with surrounding land uses which include predominantly commercial uses, medical and professional offices, and multiple family residential uses.
2. The requested change will result in an orderly planned use of land because there is a pattern of commercial zones along Scenic Drive in the vicinity including on the project site and the properties to the west and south.
3. The requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the project site proposed for commercial zone is consistent with the locational criteria of being located at the intersection of two arterials, Scenic Drive and Coffee Road.

SECTION 2. ZONING CHANGE. Section 27-3-9 of the Zoning Map is hereby amended to rezone the following described property from Medium Density Residential (R-2), Neighborhood Commercial (C-1), and Planned Development Zone P-D (300) to General Commercial (C-2) Zone:

R-2 to C-2

Lots 25 and 26 as shown on that certain map entitled "Sunnyside Acres", filed in the Office of the County Recorder of Stanislaus County on May 24, 1911, in Volume 5 of Maps, page 45.

Including also all of the east one-half of Coffee Road immediately adjacent to the above described lots 25 and 26.

P-D (300) to C-2

Lots 24, 28, and 29 as shown on that certain map entitled "Sunnyside Acres", filed in the Office of the County Recorder of Stanislaus County on May 24, 1911, in Volume 5 of Maps, page 45.

Including also all of the west one-half of Sunnyside Drive immediately adjacent to the above described lot 24 and the north one-half of Scenic Drive immediately adjacent to the above described lots 28 and 29.

C-1 to C-2

Lot 27 as shown on that certain map entitled "Sunnyside Acres", filed in the Office of the County Recorder of Stanislaus County on May 24, 1911, in Volume 5 of Maps, page 45.

Including also all of the east one-half of Coffee Road and north one-half of Scenic Drive immediately adjacent to the above described lot 27.

APN: 034-006-007, 034-006-011, 034-006-012, 034-006-015, 034-006-16, 034-006-017, and 034-006-023

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 14<sup>th</sup> day of October, 2014, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and ordered printed and published by the following vote:

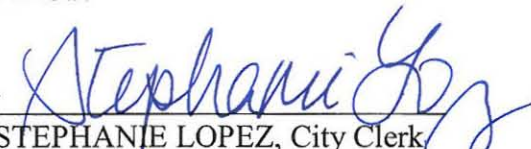
AYES: Councilmembers: Gunderson, Lopez, Kenoyer, Madrigal, Zoslocki,  
Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Codgill

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:

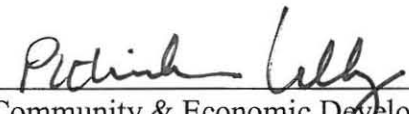
By   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ADAM U. LINDGREN, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Community & Economic Development  
Department, Planning Division

Ord. No. 3609-C.S.

FINAL ADOPTION CLAUSE

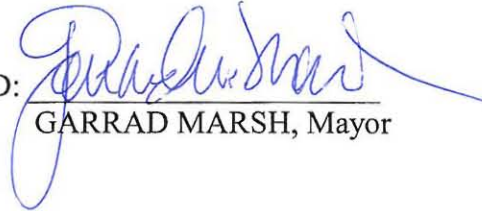
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of October, 2014, Councilmember Lopez moved its final adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,  
Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill


APPROVED:



GARRAD MARSH, Mayor

ATTEST:

By:

  
STEPHANIE LOPEZ, City Clerk





ORDINANCE NO. 3610-C.S.

AN ORDINANCE ADDING ARTICLE 6 “PREVAILING WAGES” TO CHAPTER 3 “CITY CONTRACTS” OF TITLE 8 “FINANCE, REVENUE AND TAXATION” OF THE MODESTO MUNICIPAL CODE TO COMPLY WITH CALIFORNIA LABOR CODE 1782

**WHEREAS**, California Senate Bill No. 7 (“SB 7”), approved October 13, 2013, added Labor Code section 1782 thereby providing that charter cities may not receive state funding or financial assistance unless the city has a local prevailing wage ordinance, applicable to specified public works contracts, that includes requirements that are equal to or greater than the state’s prevailing wage requirements; and

**WHEREAS**, Labor Code section 1782 excludes contracts for projects of \$25,000 or less for construction work, or projects of \$15,000 or less for alteration, demolition, repair, or maintenance work; and

**WHEREAS**, Labor Code section 1782 does not apply to state funding that was awarded or bids advertised or awarded prior to January 1, 2015; and

**WHEREAS** numerous California cities have joined in legal action to challenge the constitutionality of SB 7 and newly enacted Labor Code section 1782, and that legal action is pending as of the date of the enactment of this ordinance; and

**WHEREAS**, in accordance with Labor Code section 1782, the City of Modesto wishes to adopt an ordinance requiring the payment of prevailing wages on specified public works projects.

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

Section 1. Article 6 “Prevailing Wages” is added to Chapter 3 “City Contracts” of Title 8 “Finance, Revenue and Taxation” of the Modesto Municipal code to read as follows:

Title 8. Finance, Revenue and Taxation

Chapter 3 - City Contracts

Article 6. Prevailing Wages

8-3.101- Payment of Prevailing Wages for Public Works Projects.

8-3.102 - Exceptions.

8-3.103 – Effect of Invalidity or Repeal of SB 7 and/or LC 1782

8-3.101- Payment of Prevailing Wages for Public Works Projects.

Except as provided in sections 8-3.102 and 8-3.103, and notwithstanding any conflicting provision of any City Council resolution adopted prior to the effective date of this Ordinance, the City shall require the payment of prevailing wages for all of its public works projects to the same extent and in the same manner such wages would be required to be paid, if the City was subject to the requirements imposed upon contracts entered into by general law cities pursuant to the provisions of Article 2, Chapter 1, Part 7, Division 2 of the California Labor Code, as those provisions may be amended from time to time. Any notice inviting bids for such public works projects shall include notification of the provisions of this section.

8-3.102 Exceptions. In accordance with Labor Code section 1782, the city's prevailing wage requirement does not apply to the following:

- A. A contract of \$25,000 or less when the contract is for construction work;
- B. A contract of \$15,000 or less when the contract is for alteration, demolition, repair, or maintenance work; or
- C. A public works contract that was advertised or awarded prior to January 1, 2015.

8-3.103 Effect of Invalidity or Repeal of SB 7 and/or LC 1782. Section 8-3.101 shall be of no further effect and shall not be enforced in the event SB 7 as approved October 13, 2013 and/or Labor Code section 1782 is, for any reason, held to be invalid or inapplicable to charter cities by any court of competent jurisdiction or is otherwise repealed.

SECTION 2. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

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, but will not apply to public works projects advertised or awarded prior to January 1, 2015.

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 4<sup>th</sup> day of November 2014, by Councilmember Madrigal, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Lopez, Kenoyer, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:

By   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  for:  
ADAM U. LINDGREN, City Attorney

FINAL ADOPTION CLAUSE

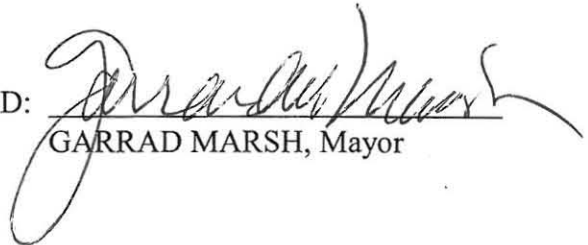
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of December 2014, Councilmember Lopez moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Lopez, Kenoyer, Madrigal, Zoslocki,  
Mayor Marsh

NOES: Councilmembers: None

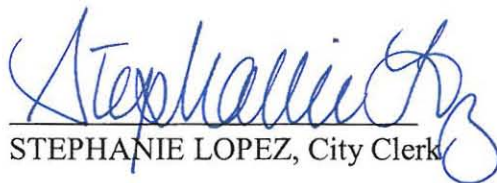
ABSENT: Councilmembers: None

APPROVED:



GARRAD MARSH, Mayor

ATTEST:



STEPHANIE LOPEZ, City Clerk

Effective Date: January 9, 2015

2350920.1

ORDINANCE NO. 3611-C.S.

AN ORDINANCE AMENDING SECTION 11-1.05 OF  
CHAPTER 1 OF TITLE 11 OF THE MODESTO MUNICIPAL  
CODE RELATING TO WATER MAIN CONNECTION  
CHARGES

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

SECTION 1. AMENDMENT OF CODE. Section 11-1.05 of Chapter 1 of Title  
11 of the Modesto Municipal Code is hereby amended to read as follows:

**11-1.05. WATER MAIN CONNECTION CHARGES.**

In addition to the water service installation charges imposed by Section 11-1.04 of this chapter, and in case of metered services, the meter costs imposed by Section 11-1.06 of this chapter, water main connection charges shall be paid in accordance with this section.

- (a) **Territory Within the City.** For water service in all areas within the City, the water main connection charge to existing mains shall be in accordance with a schedule approved by the Council from time to time by resolution.
- (b) **Territory Outside the City.** For water services in territory outside the City limits, the water main connection charge to existing mains shall be in accordance with a schedule approved by the Council from time to time by resolution. The City Manager shall, upon the recommendation of the Director responsible for utility system planning, request City Council approval of extensions of water into unincorporated areas. In considering applications for furnishing water service to property located outside the City limits, the City Manager may impose such reasonable conditions to the granting of such privilege as the City Manager deems to be in the best interest of the City. City Manager shall establish the conditions and City Council shall approve said conditions from time to time by resolution. Any agreements for the provision of such water service shall be approved as to form by the City Attorney. Exception: The City Manager's decision on the extension of water services into unincorporated areas shall be final without City Council approval in all cases where no service upgrades to the city's existing utility system are required, and the property to be served is within the former Del Este Water service area, and areas defined from

time to time by City Council resolution.

- (c) **Main Extensions.** Where water main extensions are required before water service can be provided outside the City, the City may require an agreement with the person desiring water service which shall provide the basis upon which water mains will be constructed and financed. Such an agreement, among other things, may include the requirement of annexation of any territory so served to the City at the earliest opportunity.
  
- (d) **Allocation of Costs.** Notwithstanding the provisions of subsections (a) and (b) above, the Public Works Director is hereby authorized to approve and process applications for water service to portions of parcels of land in accordance with the rates specified in the above subsections subject to all of the following terms and conditions:
  - (1) That the property involved can reasonably be served by the municipal water system.
  - (2) The total area of such parcels of land to be served shall be not less than twenty thousand (20,000) square feet, and the portion of the parcel to be served shall not be less than six thousand (6,000) square feet in area.
  - (3) A fee shall be paid to the City and shall accompany the application for the purpose of covering the costs of inspection of the premises to make the determination specified in subsections (d)(1) and (2) above, and said fee shall be in accordance with a schedule approved by the Council from time to time by resolution.
  - (4) Connection fees shall be payable based on the size of the portion of the parcel to be served and shall be paid in accordance with the applicable provisions of the Municipal Code.
  - (5) Water service fees shall be payable in accordance with the Municipal Code provisions relating to water service generally.
  - (6) The portion of the area to be served shall be recorded by means of a sketch map on the water service card filed in the Public Works Department.
  - (7) In addition to the remedies for violations of the provisions of this

Code, as an additional and alternate remedy, the Public Works Director shall have the authority to immediately discontinue water service without requirement of notification in the event that the Director shall determine that water supplied to serve the area under the permit is used on other premises.

- (e) **Water Mains Installed by Developers.** Notwithstanding the charges set forth in subsections (a) and (b) of this section, the Public Works Director is hereby authorized to waive the square footage portion of the water main connection charge and require water mains to be installed in conjunction with the subdivision of land by the developers of subdivisions as follows:
- (1) All water mains shall be sized in accordance with current City of Modesto Standard Specifications.
  - (2) All six (6) inch and eight (8) inch diameter mains and appurtenances thereto, such as, but not necessarily limited to, fire hydrants, blowoffs, valves and valve boxes shall be furnished and installed by the developer.
  - (3) All ten (10) inch and larger water mains and all water pumping stations shall be furnished and installed by the City.
  - (4) The cost of installation of all fire hydrants, whether connected to water mains installed by the developer or by the City, shall be the responsibility of the developer. Where fire hydrants are installed by the City, the developer shall pay to the City a fee for such installation, the amount of which shall be established by the City Council from time to time by resolution.
- (f) **Water Connection Charges to Subdivisions.** Normally all water mains smaller than ten (10) inches in inside diameter, and appurtenances thereto, will be installed by the developers of subdivisions as set forth in subsection (e)(3) of this section. From time to time, however, in its best interest, the City may elect to install all water mains, and appurtenances thereto, in a particular subdivision.

In the event the City so elects to install all water mains, and appurtenances thereto, water service shall be provided only if the developer of said subdivision agrees that if the water main connection charges set forth in subsections (a), (b) and (c) of this section have not been paid for eighty (80) percent of all lots within

said subdivision within three (3) years and ninety (90) days from the date of recordation of the final map, or within three (3) years of the completion of installation of the waterlines by the City, whichever is the longer period of time, the developer or his/her assignees shall forthwith pay to City water main connection charges for all lots for which said fees have not been paid. Notwithstanding the provisions of this subsection, the City may enter into special agreements with developers of industrial subdivisions which shall provide the basis upon which water mains shall be constructed and financed.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 2014, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and ordered printed and published by the following vote:

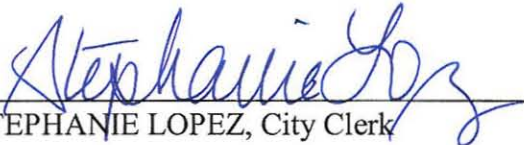
AYES: Councilmembers: Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,  
Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:

By   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ADAM U. LINDGREN, City Attorney

Ord. No. 3611-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 9<sup>th</sup> day of December 2014, Councilmember Lopez moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Lopez, Kenoyer, Madrigal, Zoslocki,  
Mayor Marsh  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:   
STEPHANIE LOPEZ, City Clerk

Effective Date: January 9, 2015

ORDINANCE NO. 3612-C.S.

AN ORDINANCE AMENDING SECTION 5-6.309 OF  
CHAPTER 6 OF TITLE 5 OF THE MODESTO MUNICIPAL  
CODE RELATING TO RULES AND REGULATIONS  
CONCERNING SEWER CONNECTION

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.309 of Chapter 6 of Title 5  
of the Modesto Municipal Code is hereby amended to read as follows:

**5-6.309. RULES AND REGULATIONS.**

- (a) The City Manager, upon the recommendation of the Director responsible for utility system planning, shall request City Council approval for all extensions of sewer services into unincorporated areas. No person shall connect property outside the City to the sewage system without first obtaining Council approval, and paying the fees and charges imposed by the City. In considering applications for furnishing sewer service to property located outside the City, the City Manager may impose such reasonable conditions to the granting of such privilege as the City Manager deems to be in the best interest of the City. The City Manager shall establish the conditions and the City Council shall approve said conditions from time to time by resolution. Any agreements for the provision of such sewer service shall be approved as to form by the City Attorney.  
Exception: The City Manager's decision on the extension of sewer services into unincorporated areas shall be final without City Council approval in all cases where no service upgrades to the City's existing utility system are required, and the property to be served is within service areas defined from time to time by City Council resolution.
- (b) Each user shall be responsible for the construction, maintenance and repair of his or her house sewer line. Each user shall be liable for damages which may result to the sewage system from his or her failure to keep his or her house sewer line in good order. A City inspector shall be admitted at all reasonable hours to all parts of any premises connected with the sewage system for purposes of checking the house sewer line and all fixtures and facilities connected thereto.

- (c) When a sewer connection fee is paid for a particular parcel, it shall be credited to subsequent owners of that parcel. Refunds shall be made for duplicate payments. Additional fees will be required where there are zoning, use density changes that will increase the fees.

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

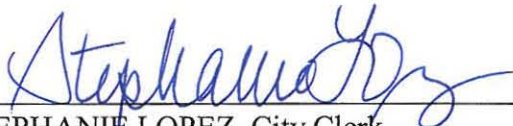
SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of November, 2014, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,  
Mayor Marsh  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Cogdill

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:

By   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ADAM U. LINDGREN, City Attorney

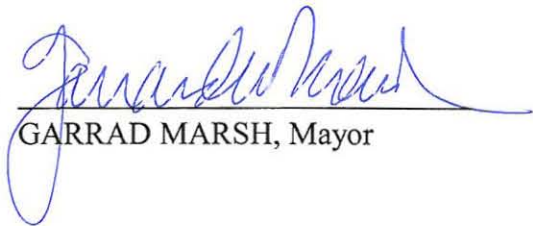
Ord. No. 3612-C.S.

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 9<sup>th</sup> day of December 2014, Councilmember Lopez moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

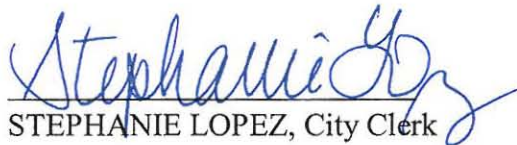
AYES: Councilmembers: Cogdill, Gunderson, Lopez, Kenoyer, Madrigal, Zoslocki,  
Mayor Marsh  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED:



GARRAD MARSH, Mayor

ATTEST:



STEPHANIE LOPEZ, City Clerk

Effective Date: January 9, 2015

ORDINANCE NO. 3613-C.S.

AN ORDINANCE AMENDING SECTION 14-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(522), TO PLANNED DEVELOPMENT ZONE, P-D(598), PROPERTY LOCATED ON THE SOUTHEAST END OF WISDOM WAY EAST OF OAKDALE ROAD (WISDOM PLACE, LLC)

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(522), to Planned Development Zone, P-D(598):

P-D(522) to P-D(598)

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

All that certain Parcel identified as "Remainder" on that certain Parcel Map filed in the Office of the Recorder of Stanislaus County, State of California, on July 19, 1999 in Book 49 of Parcel Maps at Page 60.

Also including all of the right-of-way of Wisdom Way being immediately adjacent to the above description.

APN: 077-007-037

CONTAINING: 2.793 acres, 121,587.738 square feet, more or less and the street right of way.

SECTION 2. USES. The following uses shall be permitted in said P-D(598) 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 10-7.108(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 10-7.108(a) or (b) of the Modesto Municipal Code:

1. 16 medium-density residential units.
2. Residential uses as allowed in the R-2 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 25<sup>th</sup> day of November, 2014, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:


By   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ADAM U. LINDGREN, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Community & Economic Development  
Department, Planning Division

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 9<sup>th</sup> day of December 2014, Councilmember Lopez moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Lopez, Kenoyer, Madrigal, Zoslocki, Mayor Marsh

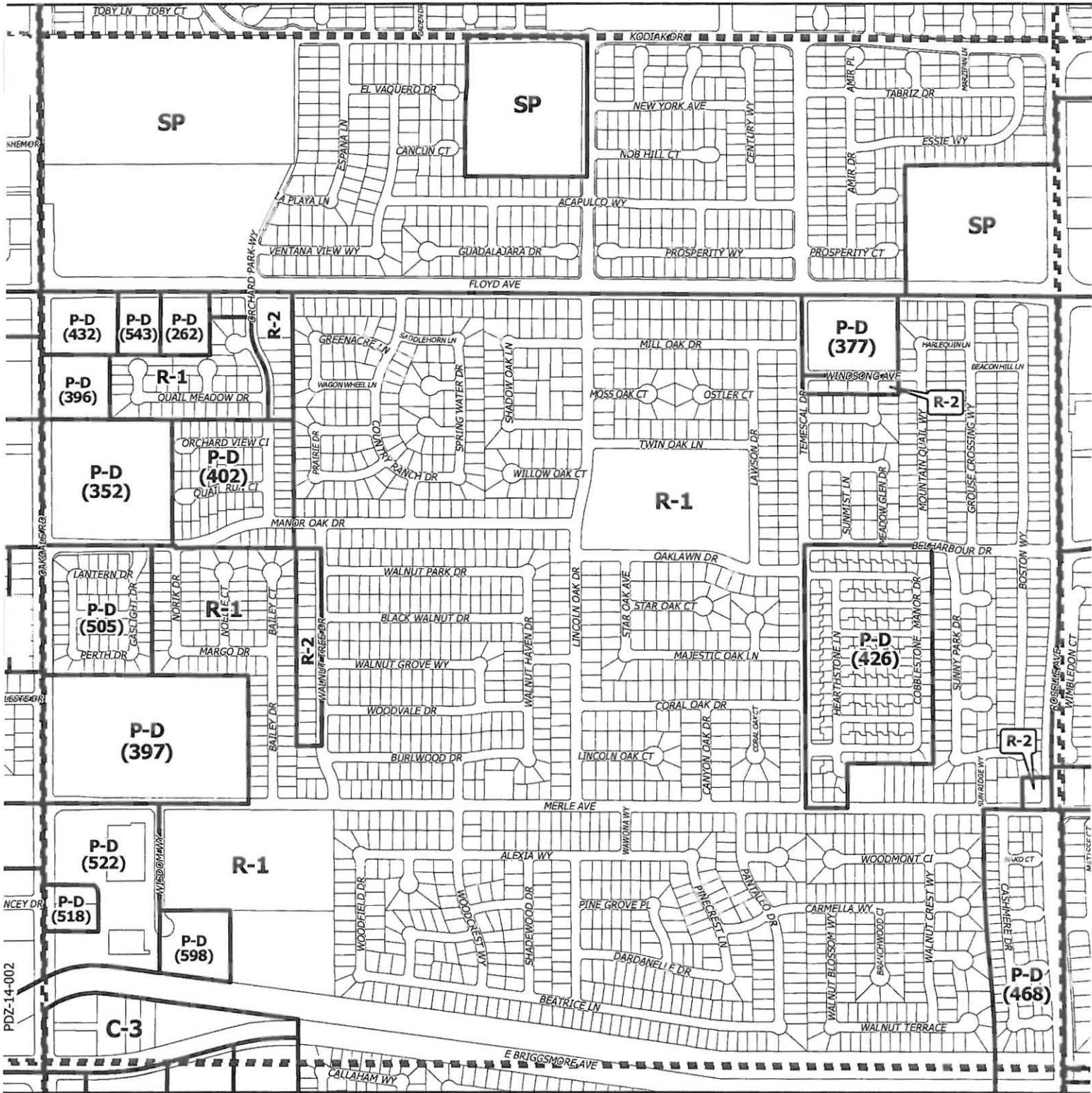
NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
GARRAD MARSH, Mayor

ATTEST:   
STEPHANIE LOPEZ, City Clerk

Effective Date: January 9, 2015



# ZONING MAP OF THE CITY OF MODESTO

14-3-9



1 inch = 700 feet

d. 36xx-C.S.

