

MODESTO CITY COUNCIL
RESOLUTION NO. 94-1

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURB AND SIDEWALK AT 2229 SCENIC DRIVE (SHELDON J. GRAHAM)

WHEREAS, the City Council has adopted a project to eliminate a traffic bottleneck on the north side of Scenic Drive east of Oakdale Road, involving street widening in front of four parcels including sidewalk to improve safety for foot traffic between the shopping center at Oakdale and Scenic and points east; and

WHEREAS, staff commenced eminent domain proceedings to gain possession of right of way at 2229 Scenic Drive so construction on this project can proceed, and Mr. Graham was served notice on November 24, 1993 and the property was posted December 23, 1993.

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

SECTION 1. All protests and objections of any kind or nature whatsoever to the proposed work as set forth in the notice, are hereby overruled or denied.

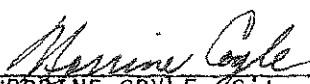
SECTION 2. The Superintendent of Streets is hereby directed to proceed with the project as to the property described in the notice in accordance with the Streets and Highways Code of the State of California.

The Foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-2

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING HEATING, VENTILATING AND AIR CONDITIONING SERVICES AT THE CENTRE PLAZA

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

SECTION 1. The specifications for furnishing heating, ventilating and air conditioning services at the Centre Plaza ,
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 24, 1994 , at 11:05 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January 19 94, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-3

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING PURCHASE AND INSTALLATION OF TWO ADDITIONAL REMOTE TERMINAL UNITS FOR THE CITY SCADA SYSTEM ON BRIGGSMORE AVENUE FROM HSQ TECHNOLOGY

WHEREAS, remote terminal units connected to the City's SCADA System will allow complete control of the Briggsmore Avenue storm drain lift stations from the Wastewater Treatment Plant, located on Sutter Avenue; and

WHEREAS, HSQ Technology was selected to install City SCADA equipment and was approved by previous Council action.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase and installation of two additional remote terminal units for the City SCADA System on Briggsmore Avenue is hereby waived.

BE IT FURTHER RESOLVED that purchase and installation of two additional remote terminal units for the City SCADA System on Briggsmore Avenue from HSQ Technology for an estimated cost of \$21,200 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-4

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
VAIL ENGINEERING TO REVISE THE DRAFT FINANCING PLAN FOR VILLAGE ONE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Vail Engineering to
revise the Draft Financing Plan for Village One

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 4th day of January ,
19 94 , by Councilmember Friedman , who moved its adoption, which motion
being duly seconded by Councilmember Dobbs , was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

Text

MODESTO CITY COUNCIL
RESOLUTION NO. 94-5

A RESOLUTION AMENDING THE FISCAL YEAR 1993-
94 ANNUAL BUDGET TO PROVIDE FUNDING FROM THE
GENERAL FUND FOR THE VILLAGE ONE FINANCING
PLAN.

WHEREAS, on September 8, 1992, the City Council
directed staff to seek a qualified consultant to further assist
City staff to:

1. Revise the Village One Financing Plan to
accommodate recently recommended changes in the
Village One Public Facilities Master Plan, and
2. Provide professional assistance to City staff on
selecting appropriate financing mechanisms in
Village One, and

WHEREAS, staff has selected Vail Engineering to assist
in the financing mechanisms for Village One, and

WHEREAS, this project is to be financed by the
Strategic Planning Fund Contingency Reserve. The General Fund is
to be reimbursed as Village One develops. The project will
reside in Fund 130, and

WHEREAS, this resolution provides the financing for the
project in the amount of \$28,800,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the following adjustments are necessary:

SPECIAL FUND FOR CAPITAL OUTLAYS (130)

<u>Fund/Agy/Organization</u>	<u>Increase (Decrease)</u>
Expenditures	
080-140-1433-0235 Village One Infrastructure Financing Plan	\$28,800
Revenues	
010-800-8000-8003 Strategic Planning Fund Contingency Reserve	(\$28,800)

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

SPECIAL FUND FOR CAPITAL OUTLAYS (130)

<u>Fund/Agy/Organization</u>		<u>Increase (Decrease)</u>
Expenditures		
130-140-C236-6010	Village One Infrastructure Financing Plan	\$28,800
Revenues		
130-700-7000-9010	Transfer in from Strategic Planning Fund	\$28,800

GENERAL FUND (010)

<u>Fund/Agy/Organization</u>		<u>Increase (Decrease)</u>
Expenditures		
080-700-7000-7130	Transfer Out to Special Capital Outlays	\$28,800
080-800-8000-8003	Strategic Planning Fund Contingency Reserve	(\$28,800)

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-6

A RESOLUTION INCREASING THE AMOUNT IN THE PETTY CASH REVOLVING FUND BY \$385.00 AND AUTHORIZING THE TRANSFER OF \$235.00 FROM THE GENERAL FUND TO THE PETTY CASH REVOLVING FUND, AND SUPERSEDING RESOLUTION NO. 89-382.

WHEREAS, because the Parks and Recreation Department wishes to increase the change fund at the 9th Street parking structure and establish change funds at King Kennedy Center and Roosevelt Junior High School, and

WHEREAS, the City's primary petty cash fund which serves to reimburse out-of-pocket expenses to City forces needs to be increased, and

WHEREAS, it is desirable and necessary that the amount in the Petty Cash Revolving Fund be increased to meet the needs for cashiering and provide change for Parks and Recreation Department customers,

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

1. The Petty Cash Revolving Fund be increased by \$385.00 to provide increased cash for the 9th Street parking garage and the Primary Petty Cash fund, and to establish cash funds at King Kennedy Center and Roosevelt Junior High School.
2. The amount of \$235.00 be transferred from the General Fund (Fund 010) to the Petty Cash Revolving Fund (Fund 011).

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-7

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SANDRA B. OSTLER AND SHIRLEE A. COURT FOR THE ACQUISITION OF A 2.13+ ACRE PERMANENT EASEMENT AND A 1.37+ ACRE TEMPORARY EASEMENT FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sandra B. Ostler and Shirlee A. Court for the acquisition of a 2.13+ acre permanent easement and a 1.37+ acre temporary easement for the Lakewood Sewer Trunk Project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January , 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-8

A RESOLUTION REAPPOINTING MEMBERS OF THE AFFIRMATIVE ACTION COMMISSION

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

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

SECTION 1. Terri Amerio, Denise Fontaine, Mark Heinzinger, Donna Huckabay and Eldon Larson are hereby reappointed to the Affirmative Action Commission with terms to expire on January 1, 1996.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed Commission members and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 

Boards and Commissions

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-9

A RESOLUTION REAPPOINTING JAMES VON DOHLEN TO THE BOARD OF ZONING
ADJUSTMENT

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

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

SECTION 1. James Von Dohlen is hereby reappointed to the Board of
Zoning Adjustment with term to expire on January 1, 1998.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the reappointed Board of Zoning Adjustment member and
the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 4th day of January, 1994,
by Councilmember Friedman , who moved its adoption, which motion being
duly seconded by Councilmember Dobbs , was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 94-10

A RESOLUTION REAPPOINTING ROCCI LAMANTIA TO THE CITIZENS ADVISORY
COMMITTEE ON RECYCLING

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

SECTION 1. Rocci Lamantia is hereby appointed to the Citizens
Advisory Committee on Recycling, term to expire January 1, 1998.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the reappointed member of the Citizens Advisory
Committee on Recycling and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 4th day of January, 1994,
by Councilmember Friedman , who moved its adoption, which motion being
duly seconded by Councilmember Dobbs , was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Committees

MODESTO CITY COUNCIL
RESOLUTION NO. 94-11

A RESOLUTION REAPPOINTING VIRGINIA CHOATE AND MICHAEL ROYER TO THE
CULTURE COMMISSION

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

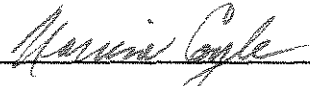
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto as follows:

SECTION 1. Virginia Choate and Michael Royer are hereby
reappointed to the Culture Commission with terms to expire on January 1,
1998.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the reappointed Culture Commission members and the
Secretary thereof.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 4th day of January, 1994,
by Councilmember Friedman, who moved its adoption, which motion being
duly seconded by Councilmember Dobbs, was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 94-12

A RESOLUTION REAPPOINTING DENNIS SMITH TO THE LANDMARK PRESERVATION
COMMISSION

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

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

SECTION 1. Dennis Smith is hereby reappointed to the Landmark
Preservation Commission with term to expire on January 1, 1998.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the reappointed Landmark Preservation Commission
member and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 4th day of January, 1994,
by Councilmember Friedman , who moved its adoption, which motion being
duly seconded by Councilmember Dobbs , was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 94-13

A RESOLUTION REAPPOINTING DON FRASCINELLA AND RICHARD ALTER TO THE LOCAL
CABLE PROGRAMMING COMMITTEE

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

SECTION 1. Don Frascinella and Richard Alter are hereby
reappointed to the Local Cable Programming Committee, terms to expire
January 1, 1998.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the reappointed members of the Local Cable
Programming Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 4th day of January, 1994,
by Councilmember Friedman , who moved its adoption, which motion being
duly seconded by Councilmember Dobbs , was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Committees

MODESTO CITY COUNCIL
RESOLUTION NO. 94-14

A RESOLUTION REAPPOINTING BEVERLY KILPATRICK AND MARGARET LEAMAN TO THE TUOLUMNE RIVER REGIONAL PARK CITIZENS ADVISORY COMMITTEE

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

SECTION 1. Beverly Kilpatrick and Margaret Leaman are hereby reappointed to the Tuolumne River Regional Park Citizens Advisory Committee, terms to expire January 1, 1998.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Tuolumne River Regional Park Citizens Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayon Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Committees

6

MODESTO CITY COUNCIL
RESOLUTION NO. 94-15

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF INSTALLING A PARALLEL OUTFALL.
(GRACE A. SOUZA)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on January 11, 1994, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of installing a parallel outfall,

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

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

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

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

good and the least private injury.

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

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Richard W. ...
Public Works And Transportation
Department - Engineering

EXHIBIT A

**PARALLEL OUTFALL
TEMPORARY SEWER EASEMENT**

APN 17-58-44 (Souza)

GRACE A. SOUZA, a widow

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the East half of the Northwest quarter of Section 26, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 40.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

Commencing at the Northeastern corner of the property conveyed to Tony Morris, et ux, by deed recorded March 23, 1989, as Instrument 20049, Stanislaus County Records, said point being on the East line of said Northwest quarter of Section 26; thence Westerly along the Northern line of said Morris Property, 490.31 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26001, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 34 feet, more or less, to a point on a line which is parallel with and 30.00 feet, measured at right angles, Northerly from said Northern line of the Morris property and the end of this description.

The side lines of said 40.00 foot strip of land shall be prolonged or shortened to make proper intersections.

EXHIBIT B

PERMANENT ACCESS EASEMENT

APN 17-58-44 (Souza)

GRACE A SOUZA, a widow

GRANTS to the CITY OF MODESTO, a municipal corporation, the right of ingress thereto and egress therefrom over and across the following described real property in the State of California, County of Stanislaus:

All that portion of the East half of the Northwest quarter of Section 26, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A strip of land 10.00 feet wide, measured at right angles, lying adjacent to and Northerly of the following described line:

Commencing at the Northeast corner of said Northwest quarter of Section 26; thence Southerly along the East line of said Northwest quarter of Section 26, 1327.26 feet, more or less, to the Northeastern corner of the property conveyed to Tony Morris, et ux, by deed recorded March 23, 1989, as Instrument 20049, Stanislaus County Records, and the true point of beginning of this description; thence Westerly along the Northern line of said Morris property, 490.31 feet, more or less to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26001, Stanislaus County Records, and the end of this description.

The side lines of said 10.00 foot strip of land shall be prolonged or shortened to make proper intersections.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-16

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF INSTALLING A PARALLEL OUTFALL.
(TONY MORRIS, ET UX.)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on January 11, 1994, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of installing a parallel outfall,

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

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

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

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

good and the least private injury.

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

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, MdcClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Richard A. ...
Public Works And Transportation
Department - Engineering

EXHIBIT A

PARALLEL OUTFALL
TEMPORARY SEWER EASEMENT

APN 17-58-45 (Morris)

TONY MORRIS and DELFINA R. MORRIS, Trustees of the MORRIS REVOCABLE TRUST
under instrument dated May 19, 1992

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the East half of the Northwest quarter of Section 26, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 40.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

Commencing at the Southeast corner of said Northwest quarter of Section 26; thence Westerly along the South line of said Northwest quarter of Section 26, 1200.26 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26001, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 1501.05 feet, more or less, to a point on the Northern line of property conveyed to Tony Morris, etux, by deed recorded March 23, 1989, as Instrument 20049, Stanislaus County Records, and lying Westerly along said Northern line, 490.31 feet, more or less, from the East line of said Northwest quarter of Section 26.

The side lines of said 40.00 foot strip of land shall be prolonged or shortened to make proper intersections.

EXHIBIT B

PERMANENT ACCESS EASEMENT

APN 17-58-45 (Morris)

TONY MORRIS and DELFINA R. MORRIS, Trustees of the MORRIS REVOCABLE TRUST under instrument dated May 19, 1992

GRANTS to the CITY OF MODESTO, a municipal corporation, the right of ingress thereto and egress therefrom over and across the following described real property in the State of California, County of Stanislaus:

All that portion of the East half of the Northwest quarter of Section 26, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A strip of land 10.00 feet wide, measured at right angles, lying adjacent to and Southerly of the following described line:

Commencing at the Southeast corner of said Northwest quarter of Section 26; thence Northerly along the East line of said Northwest quarter of Section 26, 1320 feet, more or less, to the Northeastern corner of the property conveyed to Tony Morris, et ux, by deed recorded March 23, 1989, as Instrument 20049, Stanislaus County Records, and the true point of beginning of this description; thence Westerly along the Northern line of said Morris property, 490.31 feet, more or less to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26001, Stanislaus County Records, and the end of this description.

The side lines of said 10.00 foot strip of land shall be prolonged or shortened to make proper intersections.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-17

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF INSTALLING A PARALLEL OUTFALL. (CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION SOLE, ET AL.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on January 11, 1994, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of installing a parallel outfall,

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

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

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

3. The proposed project is planned and located in a

manner which will be most compatible with the greatest public good and the least private injury.

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

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Richard W. [Signature]
Public Works And Transportation
Department - Engineering

EXHIBIT A

TEMPORARY SEWER EASEMENT
OUTFALL SEWER LINE

APN 17-58-46 (LDS)

CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the Southwest quarter of Section 26, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, also being a portion of Lot 3 of WESTPORT COLONY, as per map filed October 21, 1913, in Volume 7 of Maps, Page 47, Stanislaus County Records, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 40.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

Commencing at the Northeast corner of the Southwest quarter of said Section 26; thence Westerly along the North line of said Southwest quarter of Section 26, 1200.25 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26000, Stanislaus County Records, and the true point of beginning of this description; thence Southwesterly along said Southeastern line of said City of Modesto easement, 255.83 feet, more or less, to a point on the Western line of said Lot 3, distant thereon Southerly 224.93 feet, more or less, from said North line of the Southwest quarter of Section 26.

The side lines of said 40.00 foot strip of land shall be prolonged or shortened to make proper intersections.

EXHIBIT B

PARALLEL OUTFALL
TEMPORARY SEWER EASEMENT

APN 17-58-47 (LDS)

CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the Southwest quarter of Section 26, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, also being a portion of Lots 4 and 5 of WESTPORT COLONY, as per map filed October 21, 1913, in Volume 7 of Maps, Page 47, Stanislaus County Records, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 40.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

Commencing at the Southwest corner of said Section 26; thence Easterly along the South line of Section 26, 15.01 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26000, Stanislaus County Records and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 2739.92 feet, more or less, to a point on the Eastern line of said Lot 4, distant thereon Southerly 224.93 feet, more or less, from the North line of said Southwest quarter of Section 26.

The side lines of said 40.00 foot strip of land shall be prolonged or shortened to make proper intersections.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-18

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF INSTALLING A PARALLEL OUTFALL.
(LOUIS R. MENEZES)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on January 11, 1994, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of installing a parallel outfall,

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

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

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

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

good and the least private injury.

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

5. The real property which is hereinafter described in the legal description, marked Exhibit "A", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Mcclanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Richard W. [Signature]
Public Works And Transportation
Department - Engineering

EXHIBIT A

PARALLEL OUTFALL
TEMPORARY SEWER EASEMENT

APN 17-62-03 (Menezes)

LOUIS R. MENEZES and JOYCE H. MENEZES, husband and wife; GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the North half of the Northeast quarter of Section 34, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 40.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

Commencing at the Southeast corner of the North half of the Northeast quarter of said Section 34; thence Westerly along the South line of said North half of the Northeast quarter of Section 34, 1002.79 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 25999, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 1652.65 feet, more or less, to a point on the East line of Section 34, distant Southerly 22.83 feet, more or less, from the Northeast quarter of Section 34.

The side lines of said 40.00 foot strip of land shall be prolonged or shortened to make proper intersections.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-19

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF INSTALLING A PARALLEL OUTFALL.
(JOHANNES T. NIJSKENS, ET UX.)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on January 11, 1994, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of installing a parallel outfall,

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

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

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

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

good and the least private injury.

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

5. The real property which is hereinafter described in the legal description, marked Exhibit "A", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Richard Lee
Public Works And Transportation
Department - Engineering

EXHIBIT A

PARALLEL OUTFALL
TEMPORARY SEWER EASEMENT

APN 17-62-26 (Nijskens)

JOHANNES T. NIJSKENS and MARI L. NIJSKENS, husband and wife,

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the Southeast quarter of Section 34, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 40.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

Commencing at the Northwest corner of said Southeast quarter of Section 34; thence Southerly 823.74 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 25997, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 1045.62 feet, more or less, to a point on the North line of the Southeast quarter of Section 34, distant thereon Easterly 633.95 feet, more or less, from said Northwest corner of the Southeast quarter of Section 34.

The side lines of said 40.00 foot strip of land shall be prolonged or shortened to make proper intersections.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-20

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF INSTALLING A PARALLEL OUTFALL.
(GOMES BROTHERS, A PARTNERSHIP)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on January 11, 1994, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of installing a parallel outfall,

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

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

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

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

good and the least private injury.

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

5. The real property which is hereinafter described in the legal description, marked Exhibit "A", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Richard L. ...
Public Works And Transportation
Department - Engineering

EXHIBIT A

PARALLEL OUTFALL
TEMPORARY SEWER EASEMENT

APN 17-62-29 (Gomes)

GOMES BROTHERS, a partnership composed of VICTOR GOMES and JOSEPH GOMES,

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the Southwest quarter of Section 34, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 40.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

Commencing at the Southeast corner of said Southwest quarter of Section 34; thence Westerly along the South line of Section 34, 1399.66 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded July 26, 1968, as Instrument 22802, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 2308.61 feet, more or less, to a point on the East line of the Southwest quarter of Section 34, distant thereon Southerly 823.74 feet, more or less, from the Northeast corner of the Southwest quarter of Section 34, and the end of this description.

The side lines of said 40.00 foot strip of land shall be prolonged or shortened to make proper intersections.

6

**MODESTO CITY COUNCIL
RESOLUTION NO. 94-21**

A RESOLUTION ACCEPTING THE BID OF PATCHMASTER OF CENTRAL CALIFORNIA FOR THE I STREET WATERLINE - 6TH TO 8TH STREET

WHEREAS, Resolution No. 93-635 , adopted by the Council of the City of Modesto on November 9 , 1993 , approved the plans and specifications for the "I" Street waterline - 6th to 8th Street

and authorized the calling for bids; and

WHEREAS, the bids received for the "I" Street waterline - 6th to 8th Street were opened at 11:05 a.m. on December 9, 1993 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Patchmaster of Central California in the amount of \$57,358.85

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Patchmaster of Central California in the amount of \$57,358.85 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January , 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan , Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

8

**MODESTO CITY COUNCIL
RESOLUTION NO. 94-22**

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$11,000 TO COMPLETE THE "I" STREET WATERLINE - 6TH TO 8TH STREET

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

FROM: Water Tank No. 5 Account \$11,000
 (612 480 C118 6040)

TO: "I" Street Waterline Account \$11,000
 (612 480 C111 6040)

A larger than anticipated percentage of the project cost was spent on design, leaving the construction amount slightly short. The extra funds are needed to complete this project.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January , 19⁹⁴ , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: **Councilmembers:** Cogdill, Dobbs, Friedman, McClanahan,
 Muratore, Mayor Lang

NOES: **Councilmembers:** None

ABSENT: **Councilmembers:** Patterson

ATTEST:



NORRINE COYLE, City Clerk

7

MODESTO CITY COUNCIL
RESOLUTION NO. 94-23

A RESOLUTION ACCEPTING THE LA LOMA LIFT STATION REMODELING PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the La Loma lift station remodeling project

has been completed by Clyde Wheeler Pipeline, Inc.

in accordance with the contract agreement dated September 8, 1992 .

NOW, THEREFORE, BE IT RESOLVED that the La Loma lift station
remodeling project

be accepted from said contractor, Clyde Wheeler Pipeline, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$214,607.60 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 11th day of January,
1994, by Councilmember Friedman, who moved its adoption, which
motion being duly seconded by Councilmember Dobbs, was upon
roll call carried and the resolution adopted by the following vote:

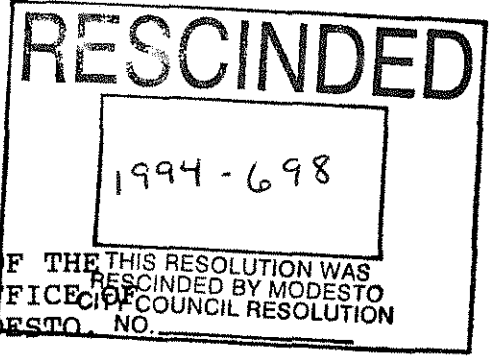
AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clark



MODESTO CITY COUNCIL
RESOLUTION NO. 94-24

A RESOLUTION AMENDING EXHIBIT "A" OF THE CONFLICT OF INTEREST CODE OF THE OFFICE OF THE CITY MANAGER OF THE CITY OF MODESTO.

WHEREAS, by Resolution No. 77-27, the City Council, pursuant to Government Code Section 87300, designated the agencies of the City of Modesto required to adopt a Conflict of Interest Code, which resolution was superseded by Resolution No. 88-586, and

WHEREAS, by Resolution No. 92-194, the Council approved the Conflict of Interest Code of the Office of the City Manager, and

WHEREAS, due to changed circumstances said Code should be amended, and

WHEREAS, the Council held a public hearing on January 11, 1994, to consider the proposed amendment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Exhibit "A" of the Conflict of Interest Code of the Office of the City Manager of the City of Modesto is hereby amended, as attached hereto, to delete Code Enforcement Officer, with Disclosure Category No. 2, and Public Services Supervisor, with Disclosure Category No. 2, and said amendments to be effective upon the adoption of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

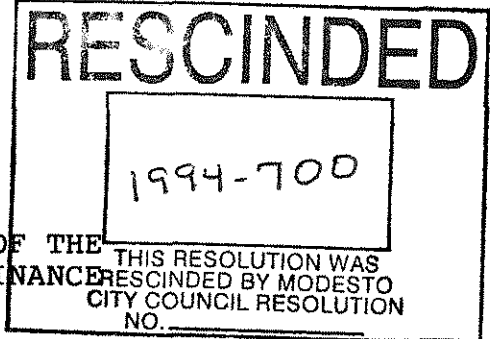
By Michael D. Milich
MICHAEL D. MILICH, City Attorney

OFFICE OF THE CITY MANAGER CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Administrative Analyst II	2
Assistant to the City Manager	2
City Manager	1
Consultant	3
Deputy City Manager	2
Management Analyst	2
Public Information Officer	2

Clark



MODESTO CITY COUNCIL
RESOLUTION NO. 94-25

A RESOLUTION AMENDING EXHIBIT "A" OF THE
CONFLICT OF INTEREST CODE OF THE FINANCE
DEPARTMENT OF THE CITY OF MODESTO.

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

WHEREAS, by Resolution No. 77-27, the City Council,
pursuant to Government Code Section 87300, designated the
agencies of the City of Modesto required to adopt a Conflict of
Interest Code, which resolution was superseded by Resolution No.
88-586, and

WHEREAS, by Resolution No. 92-196, the Council approved
the Conflict of Interest Code of the Finance Department, and

WHEREAS, due to changed circumstances said Code should
be amended, and

WHEREAS, the Council held a public hearing on
January 11, 1994, to consider the proposed amendment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that Exhibit "A" of the Conflict of Interest Code
of the Finance Department of the City of Modesto is hereby
amended, as attached hereto, to change Buyer, with Disclosure
Categories No. 3 and 4, to Senior Buyer, with Disclosure
Categories No. 3 and 4; and to add Purchasing Assistant, with
Disclosure Categories No. 3 and 4, and said amendments to be
effective upon the adoption of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

FINANCE DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Consultant	5
Data Processing Manager	3
Director of Finance	1
Finance Division Manager	2
Financial Analyst	2
Principal Accountant	2
Purchasing Assistant	3, 4
Purchasing Officer	2
Senior Accountant	2
Senior Buyer	3, 4
Warehouse Supervisor	3

MODESTO CITY COUNCIL
RESOLUTION NO. 94-26

A RESOLUTION AMENDING EXHIBIT "A" OF THE
CONFLICT OF INTEREST CODE OF THE FIRE
DEPARTMENT OF THE CITY OF MODESTO.

WHEREAS, by Resolution No. 77-27, the City Council,
pursuant to Government Code Section 87300, designated the
agencies of the City of Modesto required to adopt a Conflict of
Interest Code, which resolution was superseded by Resolution No.
88-586, and

WHEREAS, by Resolution No. 92-197, the Council approved
the Conflict of Interest Code of the Fire Department, and

WHEREAS, due to changed circumstances said Code should
be amended, and

WHEREAS, the Council held a public hearing on
January 11, 1994, to consider the proposed amendment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that Exhibit "A" of the Conflict of Interest Code
of the Fire Department of the City of Modesto is hereby amended,
as attached hereto, to delete Fire Engineer, with Disclosure
Category No. 1, and Inspectors, with Disclosure Category No. 2,
and said amendments to be effective upon the adoption of this
resolution.

RESCINDED
1994-901
THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

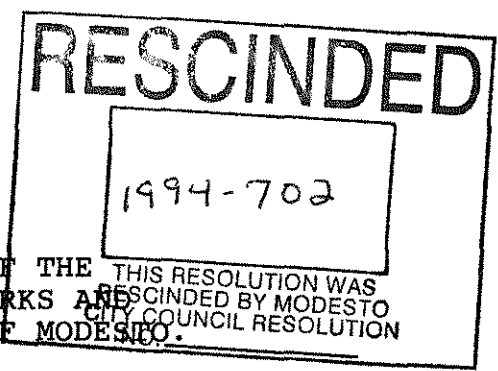
By Michael D. Milich
MICHAEL D. MILICH, City Attorney

FIRE DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Buyer	1
Consultant	3
Fire Chief	1
Fire Division Chief	1
Fire Battalion Chief	1
Fire Prevention Bureau Captain	2
Haz/Mat Inspector	2
Plan Checker	2

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 94-27

A RESOLUTION AMENDING EXHIBIT "A" OF THE CONFLICT OF INTEREST CODE OF THE PARKS AND RECREATION DEPARTMENT OF THE CITY OF MODESTO.

WHEREAS, by Resolution No. 77-27, the City Council, pursuant to Government Code Section 87300, designated the agencies of the City of Modesto required to adopt a Conflict of Interest Code, which resolution was superseded by Resolution No. 88-586, and

WHEREAS, by Resolution No. 92-198, the Council approved the Conflict of Interest Code of the Parks and Recreation Department, and

WHEREAS, due to changed circumstances said Code should be amended, and

WHEREAS, the Council held a public hearing on January 11, 1994, to consider the proposed amendment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Exhibit "A" of the Conflict of Interest Code of the Parks and Recreation Department of the City of Modesto is hereby amended, as attached hereto, to add Building Maintenance Supervisor, with Disclosure Category No. 2; Building Superintendent, with Disclosure Category No. 1; Custodian Supervisor, with Disclosure Category No. 2; Events Supervisor, with Disclosure Category No. 2; Golf Superintendent, with Disclosure Category No. 1; Golf Supervisor, with Disclosure Category No. 2; and Operations Supervisor, with Disclosure

Category No. 2, and said amendments to be effective upon the adoption of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

PARKS AND RECREATION DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Administrative Analyst	2
Arborist	2
Assistant Director - Community Center	1
Assistant Director of Parks and Recreation	1
Building Maintenance Supervisor	2
Building Superintendent	1
Consultant	3
Custodian Supervisor	2
Director of Parks and Recreation	1
Events Coordinator	1
Events Supervisor	2
Golf Superintendent	1
Golf Supervisor	2
Historical Buildings Supervisor	2
Landscape Designer	2
Museum Supervisor	2
Operations Supervisor	2
Parks Maintenance Supervisor I	2
Parks Maintenance Supervisor II	2
Parks Superintendent	1
Recreation Superintendent	1
Recreation Supervisor	2

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-28

A RESOLUTION AMENDING EXHIBIT "A" OF THE
CONFLICT OF INTEREST CODE OF THE PLANNING AND
COMMUNITY DEVELOPMENT DEPARTMENT OF THE CITY
OF MODESTO.

WHEREAS, by Resolution No. 77-27, the City Council,
pursuant to Government Code Section 87300, designated the
agencies of the City of Modesto required to adopt a Conflict of
Interest Code, which resolution was superseded by Resolution No.
88-586, and

WHEREAS, by Resolution No. 92-200, the Council approved
the Conflict of Interest Code of the Planning and Community
Development Department, and

WHEREAS, due to changed circumstances said Code should
be amended, and

WHEREAS, the Council held a public hearing on
January 11, 1994, to consider the proposed amendment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that Exhibit "A" of the Conflict of Interest Code
of the Planning and Community Development Department of the City
of Modesto is hereby amended, as attached hereto, to add
Community Development Program Specialist, with Disclosure
Category No. 1; and Neighborhood Preservation Supervisor, with
Disclosure Category No. 1; and to delete Zoning Inspector, with
Disclosure Category No. 1, and said amendments to be effective
upon the adoption of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Michael D. Milich
MICHAEL D. MILICH, City Attorney

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Assistant Planner	1
Associate Planner	1
Code Enforcement Officer I, II	1
Community Development Program Manager	1
Community Development Program Specialist	1
Consultant	2
Housing Program Supervisor	1
Housing Financial Specialist	1
Housing Rehabilitation Specialist I, II	1
Neighborhood Preservation Supervisor	1
Planning and Community Development Director	1
Planning Assistant	1
Principal Planner	1
Senior Housing Rehabilitation Specialist	1

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-29

A RESOLUTION AMENDING EXHIBIT "A" OF THE
CONFLICT OF INTEREST CODE OF THE PUBLIC WORKS
AND TRANSPORTATION DEPARTMENT OF THE CITY OF
MODESTO.

WHEREAS, by Resolution No. 77-27, the City Council,
pursuant to Government Code Section 87300, designated the
agencies of the City of Modesto required to adopt a Conflict of
Interest Code, which resolution was superseded by Resolution No.
88-586, and

WHEREAS, by Resolution No. 92-202, the Council approved
the Conflict of Interest Code of the Public Works and
Transportation Department, and

WHEREAS, due to changed circumstances said Code should
be amended, and

WHEREAS, the Council held a public hearing on
January 11, 1994, to consider the proposed amendment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that Exhibit "A" of the Conflict of Interest Code
of the Public Works and Transportation Department of the City of
Modesto is hereby amended, as attached hereto, to add
Administrative Service Officer, with Disclosure Categories No. 1
and 2a; Associate Traffic Engineer, with Disclosure Categories
No. 1, 2a, 2h, 20, and 2p; Fleet Manager, with Disclosure
Categories No. 1, 2a, and 2c; Industrial Waste Supervisor, with
Disclosure Categories No. 1, 2a, and 2i; Integrated Waste
Specialist, with Disclosure Categories No. 1, 2a, 2k, and 2l;

Junior Assistant Civil Engineer, with Disclosure Categories No. 1, 2a, 2e, and 2h; Laboratory Supervisor, with Disclosure Categories No. 1, 2a, and 2i; Land Surveyor, with Disclosure Categories No. 1, 2a, and 2e; Public Improvement Specialist, with Disclosure Categories No. 1, 2a, and 2e; Wastewater Collection Superintendent, with Disclosure Categories No. 1, 2a, and 2i; and Water Superintendent, with Disclosure Categories 1, 2a, and 2f; and to delete Assistant Equipment Maintenance Superintendent, with Disclosure Categories No. 1, and 2a; Building Maintenance Supervisor, with Disclosure Categories No. 2d, and 2e; Custodian Supervisor, with Disclosure Categories No. 2d and 2e; Equipment Maintenance Superintendent, with Disclosure Categories No. 1 and 2a; and Parking and Traffic Superintendent, with Disclosure Categories No. 1 and 2a, and said amendments to be effective upon the adoption of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Administrative Analyst II	1, 2a
Administrative Services Officer	1, 2a
Airport Manager	1, 2a, 2b
Assistant Water Quality Control Superintendent	1, 2a, 2i
Assistant Civil Engineer	1, 2a, 2e, 2h
Assistant Traffic Engineer	1, 2a, 2h, 2o, 2p
Associate Civil Engineer	1, 2a, 2e, 2h
Associate Traffic Engineer	1, 2a, 2h, 2o, 2p
Building Inspector I	1, 2a, 2e
Building Inspector II	1, 2a, 2e
Chief Building Official	1, 2a, 2e
Civil Engineering Assistant	1, 2a, 2e, 2h
Construction Inspector	1, 2a, 2e
Consultant	3
Deputy Chief Building Official	1, 2a, 2e
Deputy Public Works and Transportation Director	1, 2q
Electrical Supervisor	1, 2a, 2g, 2p
Engineering Systems Manager	1, 2a, 2h
Equipment Maintenance Supervisor I and II	1, 2a, 2c
Fleet Manager	1, 2a, 2c
Industrial Waste Inspector	1, 2o, 2i
Industrial Waste Supervisor	1, 2a, 2i

Integrated Waste Specialist	1, 2a, 2k, 2l
Junior Assistant Civil Engineer	1, 2a, 2e, 2h
Laboratory Supervisor	1, 2a, 2i
Land Surveyor	1, 2a, 2e
Plan Review Engineer	1, 2a, 2e, 2h
Plant Mechanic Supervisor	1, 2a, 2e, 2i
Public Improvement Specialist	1, 2a, 2e,
Public Works Supervisor	1, 2a
Public Works and Transportation Director	1, 2q
Recycling Program Coordinator	1, 2a, 2k, 2l
Secondary Treatment Site Supervisor	1, 2a, 2i
Senior Building Inspector	1, 2a, 2e
Senior Civil Engineer	1, 2a, 2e, 2f, 2h
Senior Civil Engineering Assistant	1, 2a, 2e, 2h
Senior Construction Inspector	1, 2a, 2e
Solid Waste Program Manager	1, 2a, 2k, 2l
Streets Maintenance Superintendent	1, 2a, 2e
Supervising Building Inspector	1, 2a, 2e
Supervising Construction Inspector	1, 2a, 2e
Traffic Engineer	1, 2a, 2h, 2o, 2p
Transit Manager	1, 2a, 2l, 2m
Transportation Planner	1, 2a
Wastewater Collection Superintendent	1, 2a, 2i
Water Quality Control Superintendent	1, 2a, 2i
Water Superintendent	1, 2a, 2f

MODESTO CITY COUNCIL
RESOLUTION NO. 94-30

A RESOLUTION AUTHORIZING A GRANT APPLICATION IN THE AMOUNT OF \$97,600 FOR FUNDING OF A REFUELING STATION AT THE CITY'S CORPORATION YARD UNDER AB 2766 FUNDING FROM THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT.

WHEREAS, under the provisions of AB 2766, the SJVUAPCD offers grant funding for projects which either: 1) reduce air pollution emissions from motor vehicles; 2) implement the transportation control measures; 3) assist in attaining the transportation mandates of the California Clean Air Act; or 4) provide public education programs which support any of the District's goals; and

WHEREAS, in the 1992-93 funding cycle, a grant of \$12,000 was awarded to upgrade the City's existing methane refueling station at the Corporation Yard; and

WHEREAS, staff has found that the \$12,000 allocated to upgrade the methane refueling station is inadequate for the amount of work required and is preparing a new proposal which will completely fund the refueling station upgrade.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the grant application in the amount of \$97,600 for funding of a refueling station at the City's Corporation Yard under AB 2766 funding from the San Joaquin Valley Unified Air Pollution Control District be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-31

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SELF-HELP ENTERPRISES FOR A HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) GRANT IN THE AMOUNT OF \$20,000 FOR OPERATING EXPENSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Self-Help Enterprises for a Home Investment Partnership Program (HOME) Grant in the amount of \$20,000 for operating expenses

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January , 19 94 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-32

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT REGARDING THE USE OF MORTGAGE CREDIT CERTIFICATES IN THE CITY OF MODESTO AND THE ADMINISTRATION OF THE PROGRAM BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS.

WHEREAS, there is a continued need for affordable home ownership opportunities within the City of Modesto (the "City") and the County of Stanislaus (the "County"), particularly for households at the lower end of the purchasing spectrum, and

WHEREAS, the Internal Revenue Code of 1986, as amended, established the Mortgage Credit Certificate Program (hereinafter referred to as the "MCC Program") as a means of assisting qualified individuals with the acquisition of new and existing single family housing, and

WHEREAS, Division 31, Part 1, Chapter 3.5, Article 4 of the California Health and Safety Code Sections 50197 et seq (the "Act") authorizes a housing authority, or other local entity, authorized by State law to issue qualified mortgage bonds to establish and participate in MCC Programs, and

WHEREAS, Sections 34312.4 and 34350 of the California Health and Safety Code authorize a housing authority to issue qualified mortgage bonds, and

WHEREAS, Section 8869.85 of the Government Code requires a local agency to file an application for a portion of the State ceiling with or upon the direction of the California

Debt Limit Allocation Committee ("CDLAC") prior to the issuance of qualified mortgage bonds or mortgage credit certificates, and

WHEREAS, the Housing Authority of the County of Stanislaus ("Housing Authority") has heretofore determined to engage in a MCC Program pursuant to the "Act" in order to assist individual home purchasers throughout the county to afford both new and existing homes within the statutory limits as provided for in said Act, and

WHEREAS, a request by the Housing Authority for an initial MCC Program allocation will be heard by the California Debt Limit Allocation Committee (CDLAC) at its February 17, 1994 meeting, and

WHEREAS, the City requests that this initial MCC allocation from CDLAC and any subsequent MCC allocations be available to eligible first time home buyers within the corporate limits of the City, and

WHEREAS, the Housing Authority and City wish to cooperate with one another for the purposes of the MCC Program, and

WHEREAS, pursuant to Section 34209 of the California Health and Safety Code, the Housing Authority is authorized to operate within the jurisdiction of the City, and

WHEREAS, the Housing Authority has the capacity to administer a MCC Program,

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

SECTION 1. The Cooperative Agreement ("Agreement"), dated as of January 11, 1994, between the Housing Authority and the City of Modesto, in the form presented to this meeting, is hereby approved and the City Manager is hereby authorized and directed to execute and deliver the Agreement, for and in the name and on behalf of the City. The City Manager is authorized to approve and execute any additions to or changes in the form of the Agreement deemed necessary or advisable, subject to approval as to form by the City Attorney. The City Manager is further authorized to enter into such additional agreements with the Housing Authority, execute such other documents, or take such other actions as he may deem necessary or appropriate to carry out the purpose and intent of the Agreement or to cooperate in the implementation of the Program.

SECTION 2. This resolution shall take effect from and after its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-33

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MARY RUSSELL FOR PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mary Russell to compensate her for any damages done in conjunction with the parallel outfall project, and to acquire a temporary easement to allow enough room to work in
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January , 19 94 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

RESOLUTION NO. 94-34 unused

MODESTO CITY COUNCIL
RESOLUTION NO. 94-35

A RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO, AND SUPERSEDING RESOLUTION NO. 92-679.

WHEREAS, Section 5-5.32 of the Modesto Municipal Code provides that charges to customers for garbage service in the City of Modesto shall be set by the City Council by resolution and may be revised from time to time after holding a public hearing thereon, and

WHEREAS, the City Council has previously, by Resolution No. 92-679, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the Council Utility Services and Franchise Committee has recommended to the City Council a revised schedule of rates and charges for garbage service in the City of Modesto, commencing March 1, 1994, and

WHEREAS, January 18, 1994, at 7:30 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for consideration of said recommended revisions of rates and charges for garbage service in the City of Modesto, and

WHEREAS, a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and

WHEREAS, a report dated January 12, 1994, from the Public Works Department, a copy of which is on file in the office

of the City Clerk, sets forth recommended revisions of rates and charges for the collection of garbage in the City of Modesto, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Schedule of Rates and Charges, which is attached hereto, is hereby adopted as the revised schedule of rates and charges to be charged by all licensed collectors of garbage in the City of Modesto for garbage service effective March 1, 1994, until revised by the City Council.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 92-879 is hereby superseded, effective March 1, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

Monthly Rates
(Once a Week Pickup Service)

One 60 gallon container	\$10.83
One 90 gallon container	13.07
Each additional container	10.00

The standard container rates shall apply for service when containers are placed in a location set forth in Section 5-5.10 of the Municipal Code Container Locations (a-1) (a-2) (a-3) (a-4) (a-5).

DETACHABLE CONTAINERS

Number of Collections Per Week

Container Size	1	2	3	4	5	6
1 CY	26.80	43.60	60.40	77.20	94.00	110.80
1 1/2 CY	35.20	60.40	85.60	110.80	136.00	161.20
2 CY	43.60	77.20	110.80	144.40	178.00	211.60
3 CY	60.40	110.80	161.20	211.60	262.00	312.40
4 CY	77.20	144.40	211.60	278.80	346.00	413.20
5 CY	94.00	178.00	262.00	346.00	430.00	514.00
6 CY	110.80	211.60	312.40	413.20	514.00	614.80

DETACHABLE CONTAINER RENTAL RATES
ARE INCLUDED IN ABOVE SCHEDULE

Detachable container size	1 CY to 6 CY
Monthly rental rate	10.00

DROP BOX CONTAINERS

Pickup charge	\$88.00	Pickup
Rental	2.00	Day with \$50.00 maximum for each 30-day rental period
Disposal charge		Actual charge to be paid by customer

Garbage company will provide up to 40 CY Drop-box containers for above stated charges subject only to load limit of transfer vehicle.

COMPACTORS

Number of collections per week

Front Loader Type Size	1	2	3	4	5	6
3 CY	79.64	159.28	238.92	318.56	398.20	477.62
4 CY	102.52	205.04	307.56	410.08	512.60	615.12

Roll-Off Type - 6 CY to 40 CY 91.85 per pickup
Washing of compactor at the request of customer \$30. Disposal charge: Actual charge to be paid by customer.

EXTRA PICKUPS

Standard containers or equivalent	\$3.50 plus \$0.60/container
Detachable containers	\$8.80 plus \$1.26/CY

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer. In case of dispute the Public Works and Transportation Director shall make a determination and his decision shall be final.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

1 CY	1 1/2 CY	2 CY	3 CY	4 CY	5 CY	6 CY
10.12	11.00	12.10	15.40	20.24	25.08	29.92

NOTATIONS

- The above residential rates include the 10 cent per month per household recycling surcharge.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-36

A RESOLUTION GRANTING THE APPEAL OF LARRY J. JOHN ON BEHALF OF STONE & ASSOCIATES RELATING TO AN AMENDMENT TO SECTION 10-3-9 OF THE ZONING MAP TO REZONE PROPERTY FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PROFESSIONAL OFFICE ZONE, P-O, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF COFFEE ROAD AND MABLE AVENUE, OVERRULING THE DECISION OF THE PLANNING COMMISSION, AND CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT.

WHEREAS, a verified application for an amendment to Section 10-3-9 of the Zoning Map was filed by Stone & Associates, on October 1, 1993, to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at the southeast corner of Coffee Road and Mable Avenue, described as follows:

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

All of Lots 7, 8, 9, 10, 13, 14, 15, 16, and 17 in Block 12587 of Sylvan Meadows No. 4, as per map filed January 25, 1977 in Volume 26 of Maps, Page 50, Stanislaus Records.

Including also all of the southern portion of Mable Avenue and the Eastern portion of Coffee Road located between the North and West Section lines of said Section 10 and the northern one half of 50.00 foot wide Fernview Drive and all immediately adjacent to the above described property.

WHEREAS, a public hearing was held by the Planning Commission on December 6, 1993, in the City Council Chambers,

City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 93-55, and

WHEREAS, an appeal of the Planning Commission's denial of the request to rezone the property was filed with the Office of the City Clerk by Larry J. John on behalf of Stone & Associates by letter dated December 7, 1993, and

WHEREAS, said appeal was set for public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers in City Hall, 801 11th Street, Modesto, California, on January 18, 1994, at 7:30 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council of the City of Modesto found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, should be granted for the following reasons:

1. Professional office use of this property will be compatible with adjacent residential properties to the south and east due to conditions of approval of P-O plot plan review required as a prerequisite to property development.

2. Office use of this corner will be compatible with existing county approved commercial type uses to the west, and a proposed office complex to the north.

and

WHEREAS, on January 18, 1994, the City Council introduced Ordinance No. 2886-C.S. giving approval to a project relating to an amendment to Section 10-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at the southeast corner of Coffee Road and Mable Avenue, and

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

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

SECTION 1. APPEAL GRANTED. The appeal of Larry J. John on behalf of Stone & Associates for an amendment to Section 10-3-9 of the Zoning Map to reclassify the property described above from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, is hereby granted and the decision of the Planning Commission is overruled for the reasons set forth above.

SECTION 2. NOTICE OF DETERMINATION. The Planning And Community Development Director of the City of Modesto is hereby

directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 10-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at the southeast corner of Coffee Road and Mable Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By William D. Proctor
Department of Planning and Community
Development

MODESTO CITY COUNCIL
RESOLUTION NO. 94-37

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF PICNIC AREA AND SHADE STRUCTURE AT EAST LA LOMA PARK

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

SECTION 1. The specifications for the construction of picnic area and shade structure at East La Loma Park copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 17, 1994 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January 19⁹⁴ , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-38

A RESOLUTION ACCEPTING THE GRADE CROSSING IMPROVEMENTS AT WHITMORE AVENUE AND UNION PACIFIC RAILROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the grade crossing improvements at Whitmore Avenue and Union Pacific Railroad has been completed by Teichert Construction, Inc. in accordance with the contract agreement dated September 21, 1993.

NOW, THEREFORE, BE IT RESOLVED that the grade crossing improvements at Whitmore Avenue and Union Pacific Railroad

be accepted from said contractor, Teichert Construction, Inc. ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$51,655.54 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson, Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-39

A RESOLUTION ACCEPTING THE ROCKWELL REPLACEMENT/ADDITION PROJECT FOR
1993-94 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the rockwell replacement/addition project for 1993-94

has been completed by Teichert Construction, Inc.

in accordance with the contract agreement dated August 17, 1993 .

NOW, THEREFORE, BE IT RESOLVED that the rockwell replacement/
addition project for 1993-94

be accepted from said contractor, Teichert Construction, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$248,420.60 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 18th day of January ,
19 94, by Councilmember Friedman , who moved its adoption, which
motion being duly seconded by Councilmember Dobbs , was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-40

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF A PROFESSIONAL SERVICE TO DEVELOP A RADIO COMMUNICATIONS MASTER PLAN FROM FRANK THATCHER ASSOCIATES

WHEREAS, a study has been proposed to review the City's current radio communication plan to identify deficiencies and recommend improvements and/or replacement of the system; and

WHEREAS, Frank Thatcher Associates was determined to be the lowest responsive bidder of eleven Request for Proposals received.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of a professional service to develop a Radio Communications Master Plan is hereby waived.

BE IT FURTHER RESOLVED that purchase of a professional service to develop a Radio Communications Master Plan from Frank Thatcher Associates in the amount of \$27,100 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-41

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1993-94 TO TRANSFER FUNDS FROM FUND 130, SPECIAL FUND FOR CAPITAL OUTLAYS TO FUND 010, GENERAL FUND, FOR A RADIO COMMUNICATIONS MASTER PLAN.

WHEREAS, a critical lack of capacity in our local government radio system has been identified, and

WHEREAS, funds were identified in Fund 130 Special Fund for Capital Outlay during the 1993-94 budget process, but not appropriated,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1993-94 Annual Budget be amended as follows:

GENERAL FUND

Revenue:

010-700-7000-9130 Transfer in from Fund 130 \$27,100

Appropriations:

010-020-0201-0235 Professional Services \$27,100

SPECIAL FUND FOR CAPITAL OUTLAY

Appropriations:

130-700-7000-7010 Transfer out to Fund 010 \$27,100

130-800-8000-8003 Contingency Reserve (\$27,100)

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-42

A RESOLUTION DESIGNATING AIRPORT DISTRICT,
HIGHWAY VILLAGE, AND 400 BLOCKS OF MAPLE, OAK
AND PINE STREETS IN THE CITY OF MODESTO AS
TARGET AREAS NUMBER 4, NUMBER 5, AND NUMBER 6
FOR THE CITY'S HOUSING MAINTENANCE PROGRAM.

WHEREAS, the City has a mandatory Housing
Rehabilitation Program that includes making loans to persons
other than low and moderate income persons, and

WHEREAS, in order to receive federal funding, it is
necessary to qualify the City's Housing Rehabilitation Program
pursuant to U.S. Department of Housing And Urban Development
regulations, and

WHEREAS, such regulations require that the City's
program will aid in the prevention or elimination of slums,
blight and/or deterioration as defined under state or local law,
and

WHEREAS, the Council finds that each of the above-
described areas are blighted within the meaning of California
Health & Safety Code sections 33030, et seq., (hereinafter "H & S
Code"), in that they are predominantly urbanized within the
meaning of H & S Code section 33320.1 and that the following
physical conditions exist in the above-described areas:

(a) Buildings in which it is unsafe or unhealthy for
persons to live or work due to serious Building Code violations,
dilapidation and deterioration, inadequate utilities, and other

similar factors.

and

WHEREAS, further, that the following economic factors that cause blight exist in the above-described areas:

(a) Economic conditions of depreciated and stagnant property values, abnormally high business vacancies, abnormally low lease rates, high turnover rates, abandoned buildings, excessive vacant lots.

(b) A lack of necessary commercial facilities that are normally found in neighborhoods, including grocery stores, drug stores, banks and other lending institutions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Airport District, Highway Village and the 400 Blocks of Maple, Oak and Pine Streets designated as Target Areas number 1, number 2 and number 6, and as more specifically defined by street boundaries on the attached Exhibits 1, 2, and 3, respectively, are declared to be blighted areas within the meaning of state law as set forth in H & S Code section 33030, et seq.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

CANDIDATE TARGET AREA #1



Exhibit 1

CANDIDATE TARGET AREA #2

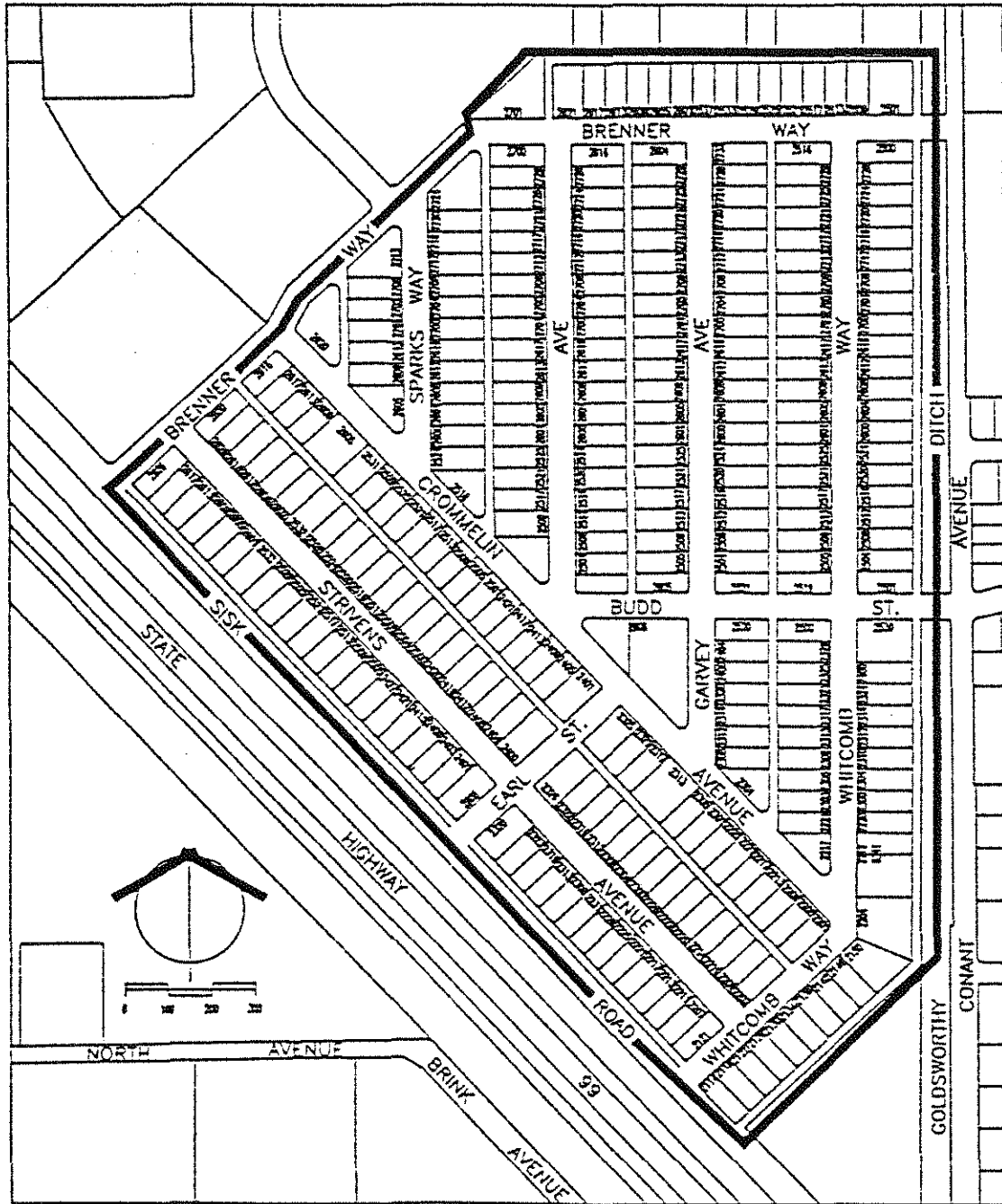
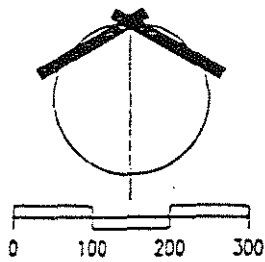
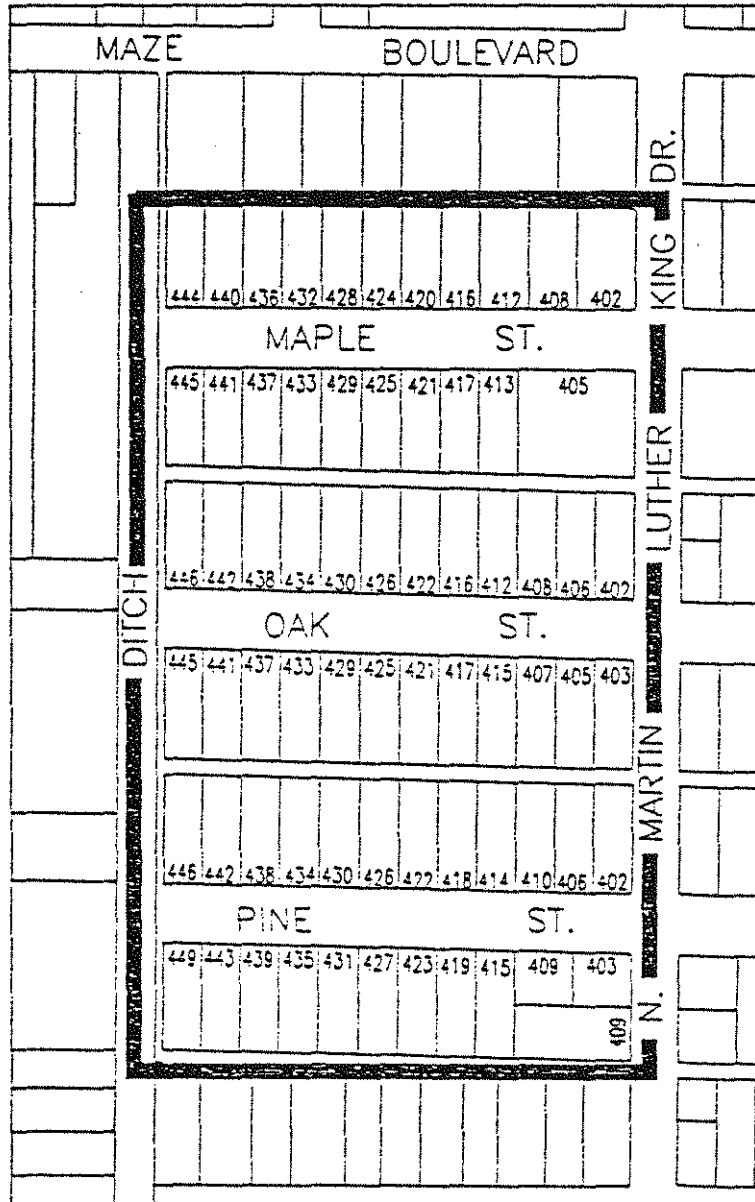


Exhibit 2

CANDIDATE TARGET AREA #6



MODESTO CITY COUNCIL
RESOLUTION NO. 94-43

A RESOLUTION APPROVING AN AGREEMENT, ACCEPTING REAL PROPERTY AND ALLOWING ENTRY TO 1.17+ ACRES OF PROPERTY BELONGING TO JOHN LUST, et.al. TO CONSTRUCT THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and John Lust, et. al. for the acquisition of 1.17+ acres of their property for the Lakewood Sewer Trunk Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from John Lust, et. al, for the Lakewood Sewer Trunk Project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson, Muratore

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-44

A RESOLUTION FINDING THAT THE RIGHT OF ENTRY ONTO PROPERTY OWNED BY LUST, LAMATIS AND SATRILES TO CONSTRUCT THE LAKEWOOD SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the Right of Entry onto property owned by Lust, Lamatis and Satriles to construct the Lakewood Sewer Trunk project in the Village One Area is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-45

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT CALCAGNO, et. al., FOR THE ACQUISITION OF A 0.1793+ ACRE PERMANENT EASEMENT AND A 0.1795+ ACRE TEMPORARY EASEMENT FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Robert Calcagno, et. al., for the acquisition of a 0.1793+ acre permanent easement and a 0.1795+ acre temporary easement for the Lakewood Sewer Trunk Project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January , 19 94 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson , Muratore

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-46

A RESOLUTION FINDING THAT THE ACQUISITION OF PERMANENT AND TEMPORARY EASEMENTS FOR THE LAKEWOOD SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the acquisition of permanent and temporary easements from Robert Calcagno, et al., for permanent and temporary easements for the Lakewood Sewer Trunk Project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-47

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO VENTURE 168, FOR THE ACQUISITION OF A 0.665+ ACRE PERMANENT EASEMENT AND A 0.665+ ACRE TEMPORARY EASEMENT FOR THE SONOMA SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Venture 168, for the acquisition of a 0.665+ acre permanent easement and a 0.665+ acre temporary easement for the Sonoma Sewer Trunk Project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January , 19 94 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-48

A RESOLUTION FINDING THAT THE ACQUISITION OF A PERMANENT EASEMENT FOR THE SONOMA SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the acquisition of a permanent easement from Modesto Venture 168, a California General Partnership, for acquisition of a permanent easement for the Sonoma Sewer Trunk Project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-49

A RESOLUTION APPROVING AN AMENDED LEASE AGREEMENT WITH HENDLEY-SKYTREK AVIATION FUEL, INC. FOR THE PURPOSE OF CHANGING THEIR CORPORATE NAME TO SKYTREK AVIATION FUELS, INC.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended lease agreement with Hendley-Skytrek Aviation Fuel, Inc. for the purpose of changing their corporate name to Skytrek Aviation Fuels, Inc. be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Mavor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Muratore

ATTEST: 
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-50

A RESOLUTION ADOPTING THE SOURCE REDUCTION AND RECYCLING AND HOUSEHOLD
HAZARDOUS WASTE ELEMENTS

WHEREAS, the California Integrated Waste Management Act of 1989 (AB 939) requires Cities and Counties to develop comprehensive, Source Reduction and Recycling Elements detailing how the jurisdiction will reach State-mandated waste diversion goals of 25% by 1995 and 50% by the year 2000.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Source Reduction and Recycling and Household Hazardous Waste Elements be and are hereby adopted, a copy of which is on file in the Office of the City Clerk.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs and Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-52

A RESOLUTION CONTINUING THE TIPPING FEES,
WHICH INCLUDE THE \$1.50 PER TON SOLID WASTE
MANAGEMENT FEE AND THE \$1.50 PER TON
HOUSEHOLD HAZARDOUS WASTE FEE, AT THE WASTE
TO ENERGY FACILITY.

WHEREAS, the City of Modesto and the County of
Stanislaus are joint partners in the Waste-to-Energy facility
which is owned by Ogden-Martin, Inc., and

WHEREAS, on September 25, 1990, the Stanislaus County
Board of Supervisors approved an increase of \$3.00 per ton at the
Waste-to-Energy facility which consisted of a \$1.50 per ton Solid
Waste Management fee for AB 939 plan preparation, and a \$1.50 per
ton Household Hazardous Waste fee, which \$3.00 fee was also
approved by the City Council by Resolution No. 90-799, adopted on
October 2, 1990, and

WHEREAS, Council Resolution 92-678 adopted on December
15, 1992, revised the tipping fees at the Waste-to-Energy
facility to \$26.50 per ton, and

WHEREAS, the \$26.50 per ton fee included the \$1.50 per
ton Solid Waste Management fee and the \$1.50 per ton Household
Hazardous Waste fee, and

WHEREAS, said fees, which are set forth in Council
Resolution No. 92-678, became effective on January 1, 1993,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby concurs with the continuation of
the \$3.00 per ton tipping fees at the Waste-to-Energy facility.

Said \$3.00 per ton fee shall include the \$1.50 per ton Solid Waste Management fee, the City of Modesto's portion of which shall be used to fund implementation of its Source Reduction and Recycling Element pursuant to Public Resources Code Section 41901; and the \$1.50 per ton Household Hazardous Waste fee, the City of Modesto's portion of which shall be used to fund implementation of its Household Hazardous Waste Element pursuant to Public Resources Code Section 41901.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-53

A RESOLUTION DENYING THE APPEAL OF TIM FISHER, ARCHITECTURE PLUS, INC., TO A PLANNING COMMISSION DECISION DENYING AN APPLICATION TO AMEND SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PROFESSIONAL OFFICE ZONE, P-O, AT THE NORTHWEST CORNER OF COFFEE ROAD AND GLORIA WAY.

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Tim Fisher, Architecture Plus, on October 25, 1993, to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located on the northwest corner of Coffee Road and Gloria Way, described as follows:

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

BEGINNING at the intersection of the center lines of original 50.00 foot wide Coffee Road and 60.00 foot wide Gloria Way; thence along the centerline of said Gloria Way Westerly, 210.00 feet to the Southern prolongation of the West line of Lot 15 of Block 1145 as shown on the Amended Map of El Vecino Gardens No. 2 filed with the Stanislaus County Recorder on May 26, 1952, in Volume 17 of Maps at Page 35; thence along said Southern prolongation and West line of Lot 15, Northerly 151.91 feet to the Northwest corner of said Lot 15; thence along the Northerly prolongation of said West line of Lot 15, 20.00 feet to the Northern line of the adjacent public alley; thence along said Northern alley line, East 210.00 feet to said centerline of Coffee Road; thence along said centerline South 171.92 feet to the point of beginning of this description.

and

WHEREAS, a public hearing was held by the Planning Commission on December 20, 1993, in the City Council Chambers, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission by its Resolution No. 93-59 denied the application for the reason set forth in said Planning Commission Resolution, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the application to amend Section 21-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located on the northwest corner of Coffee Road and Gloria Way was filed with the Office of the City Clerk by letter dated December 21, 1993, from Timothy S. Fisher, Architecture Plus, Inc., and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on January 25, 1993, at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at the northwest corner of Coffee Road and Gloria Way, should be denied and the decision of the Planning

Commission should be affirmed for the reason set forth below:

The proposed Professional Office Zone, P-O, is in conformance with the location criteria for professional office development as provided for in the Land Use Element of the General Plan. However, due to the immediate location and relationship of the potential office use with the adjacent residential neighborhood to the west and north, including alley access, compatibility cannot be adequately provided.

and

WHEREAS, the City Council certifies it has reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the requested rezoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Tim Fisher, Architecture Plus, Inc., to the decision of the Planning Commission denying the application to rezone from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at the northwest corner of Coffee Road and Gloria Way, is denied for the reason set forth above, and the decision of the Planning Commission is hereby affirmed.

BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

Click

MODESTO CITY COUNCIL
RESOLUTION NO. 94-51

A RESOLUTION CERTIFYING REVIEW OF AND CONCURRENCE WITH THE INITIAL STUDY AND NOTICE OF DETERMINATION PREPARED BY THE STANISLAUS COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES RELATING TO THE SOURCE REDUCTION AND RECYCLING ELEMENT AND THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF MODESTO.

WHEREAS, Public Resources Code Section 18762 requires that jurisdictions comply with the California Environmental Quality Act (CEQA) in preparing their Source Reduction and Recycling (SRR) and Household Hazardous Waste (HHW) Elements; and,

WHEREAS, said planning activity is "nonspecific" and conceptual in nature, and will be used as a planning tool to achieve State mandated goals; and,

WHEREAS, future projects contained "in concept" in said SRR and HHW Elements will each be subject to CEQA on an individual basis as developed; and,

WHEREAS, draft environmental documentation was prepared for the SRR and HHW Elements by the Stanislaus County Department of Environmental Resources, and was submitted to the State Clearinghouse for review in July, 1991; and,

WHEREAS, on September 5, 1991, the State Clearinghouse acknowledged that the County has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA; and,

WHEREAS, the Final Drafts of the Source Reduction and Recycling and Household Hazardous Waste Elements remain consistent with the environmental documents previously prepared by Stanislaus County; and,

WHEREAS, Stanislaus County apparently did not complete and submit its Final Notice of Environmental Determination within the required time.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby certifies review of and concurrence with the Stanislaus County Department of Environmental Resource, Solid Waste Division, Initial Study and Notice of Determination relating to the Source Reduction and Recycling Element, (State Clearinghouse #91082033), and the Household Hazardous Waste Element for the City of Modesto, (State Clearinghouse #91082026).

BE IT FURTHER RESOLVED, that staff is directed to assume the lead agency role, with respect to the City's SRR and HHW Elements, in complying with CEQA and preparing a Final Notice of Environmental Determination.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Roland D. Stevens, Asst.
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-54

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(181), AS AN
ADDITION AND AN AMENDMENT TO P-D(181).
(BETHANY CHRISTIAN SERVICES)

WHEREAS, a verified application for an amendment to
Section 12-3-8 of the Zoning Map was filed by Bethany Christian
Services on November 29, 1993, to rezone from Medium Density
Residential Zone, R-2, to Planned Development Zone, P-D(181), as
an addition and an amendment to P-D(181), to allow expansion of
the existing facility including a modular office addition to the
adoption/counseling ministry, property located at 3048 Hahn Drive
on the east side of Hahn Drive south of Standiford Avenue and
north of the Hetch Hetchy right-of-way, described as follows:

R-2 to P-D(181)

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

All of Parcel A as shown on that Parcel Map filed
August 17, 1977, in Book 25 of Parcel Maps at Page 83,
Stanislaus County Records.

Including the easterly 30.00 feet of Hahn Drive and the
northern 55.00 feet of the 110.00-foot wide Hetch
Hetchy right-of-way and all immediately adjacent to the
above described property.

WHEREAS, after a public hearing on December 20, 1993,
in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, it was found and determined by the Planning
Commission, by its Resolution No. 93-58, that rezoning of the

property as requested is required by public necessity,
convenience and general welfare for the following reasons:

1. The proposed addition to P-D(181) for the counseling office addition to the existing site of Bethany Christian Services constitutes a limited and integral part of the overall ministry.
2. The proposed addition in terms of site plan and conditions is compatible both internally and with the surrounding developments.

WHEREAS, after a public hearing held on January 25, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Bethany Christian Services for an addition and an amendment to Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 93-58 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2887-C.S. on the 25th day of January, 1994, reclassifying the above-described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(181), as an addition and an amendment to P-D(181).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(181), as an addition and an amendment to P-D(181), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan - Bethany Christian Services" as amended in red, stamped approved by the Planning Commission on December 20, 1993."
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Six-foot (6') high wood fence with decorative masonry pilasters at 16 foot on centers along the south property line.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Trash cans shall be screened from view from any public street or trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
6. All signs shall comply with the sign requirements of the R-1 Zone.
7. All conditions of Board of Zoning Adjustment Resolution No. 1173 not in conflict with this action shall remain in full force and effect.
8. The office building addition shall be made to relate to the existing dwelling with features including but not limited to paint, trim colors, and roofing as required by the Planning and Community Development Department Director.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(181), as an addition and an amendment to P-D(181):

The entire construction program be accomplished in one phase, construction to begin on or before December 20, 1995, and completion to be not later than December 20, 1996.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zone and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(181), as an addition and an amendment to P-D(181), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Mcclanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 94-55

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING THREE NEW LAWN SWEEPERS

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

SECTION 1. The specifications for the purchase of three new lawn sweepers

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 28, 1994 , at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 1994 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-56

A RESOLUTION AUTHORIZING THE SALE OF ONE (1) SURPLUS 1965 CROWN COACH FIRE PUMPER TRUCK AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON MARCH 5, 1994, AT 824 KIERNAN AVENUE.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, it is desirable to authorize the sale of one (1) surplus 1965 Crown Coach Fire Pumper Truck at an auction to be held on March 5, 1994,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that one (1) 1965 Crown Coach Fire Pumper Truck has become surplus property to the City's needs and the Council does hereby authorize the sale of said surplus property.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, March 5, 1994, at 824 Kiernan Avenue, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 4th day of October, 1988, and which agreement was approved by Council Resolution No. 88-757; subject also to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause

notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

11
**MODESTO CITY COUNCIL
RESOLUTION NO. 94-57**

A RESOLUTION ACCEPTING THE BID OF MBM CONSTRUCTION FOR THE BRIGGSMORE AVENUE WATERLINE FROM MCHENRY AVENUE TO COFFEE ROAD PROJECT

WHEREAS, Resolution No. 93-693 , adopted by the Council of the City of Modesto on December 7 , 1993 , approved the plans and specifications for the Briggsmore Avenue waterline construction from McHenry Avenue to Coffee Road project and authorized the calling for bids; and

WHEREAS, the bids received for the Briggsmore Avenue waterline from McHenry Avenue to Coffee Road project were opened at 11:00 a.m. on January 6, 1994 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of MBM Construction in the amount of \$150,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of MBM Construction in the amount of \$150,000 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January , 1994 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Patterson

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION 94-58

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO APPROPRIATE FUNDS FROM RESERVE TO FUND A NEW CIP PROJECT.

WHEREAS, the McHenry Mansion Fund had a \$19,271 fund balance as of 6/30/93.

WHEREAS, it was determined that this money could be used for McHenry Mansion renovations and improvements.

WHEREAS, it is necessary to appropriate this funds and create a new CIP project titled McHenry Mansion Restoration.

THEREFORE, the following adjustment is necessary:

McHenry Mansion Fund		Increase (Decrease)
Fund/Agy/Org/Rev-Obj		
Expenditures		
180-800-8000-8003	Contingency Reserve	(\$17,000.)
180-360-D403-6040	McHenry Mansion Restoration	\$17,000.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-59

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND OAKDALE PARK L.P. FOR THE ACQUISITION OF A 0.304+ ACRE PERMANENT EASEMENT AND A 0.223+ ACRE TEMPORARY EASEMENT FOR THE SONOMA SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Oakdale Park, L.P. for the acquisition of a 0.304+ acre permanent easement and a 0.223+ acre temporary easement for the Sonoma Sewer Trunk project

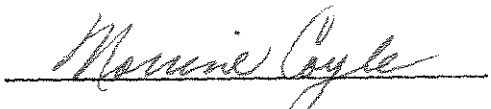
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January , 19⁹⁴ , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-60

A RESOLUTION FINDING THAT THE ACQUISITION OF A PERMANENT EASEMENT FOR THE SONOMA SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT (OAKDALE PARK LP).

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the acquisition of a permanent easement from Oakdale Park, a California Limited Partnership, for acquisition of a permanent easement for the Sonoma Sewer Trunk Project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-61

A RESOLUTION APPROVING A GRANT AGREEMENT WITH UNIVERSITY OF CALIFORNIA DAVIS, INSTITUTE OF TRANSPORTATION STUDIES FOR \$100,000 IN FUNDING TO PROVIDE PLANNING, DEVELOPING, OPERATING AND DATA COLLECTION SERVICES IN CONNECTION WITH NEIGHBORHOOD TELECENTERS OCCUPIED BY TELECOMMUTERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant agreement between the City of Modesto and the University of California Davis, Institute of Transportation Studies for \$100,000 in funding to provide planning, developing, operating and data collection services in connection with neighborhood telecenters occupied by telecommuters be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94- 62

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FY1993-94 TO PROVIDE FOR GRANT FUNDING REVENUE FROM THE UNIVERSITY OF CALIFORNIA DAVIS, INSTITUTE OF TRANSPORTATION STUDIES FOR DEVELOPING A NEIGHBORHOOD TELECENTER.

WHEREAS, the Council of the City of Modesto has been notified of a grant from the University of California Davis, Institute of Transportation Studies to provide for University planning, developing, operating and data collection services in connection with neighborhood telecenter(s) occupied by telecommuters, and

WHEREAS, it is necessary to amend the annual budget of the City of Modesto for FY1993-94 to estimate grant related revenues and appropriate grant related expenditures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the General Fund, Fund No. 010 of the City of Modesto for FY 1993-94.

		<u>93-94</u>	<u>94-95</u>
<u>Revenue</u>			
010-080-0802-3302	Telecenter Grants	19,000	81,000

Sub revenue 02 = SHVUAPCD
Sub revenue 04 = U C Davis

		<u>Appropriations</u>	
010-080-0802-0140	Part Time Salaries	3,500	18,000
010-080-0802-0189	Benefits	500	1,620
010-080-0802-0235	Professional Services	5,000	30,153
010-080-0802-0301	Office Supplies	3,000	12,474
010-080-0802-5779	Telecenter Equipment	7,000	18,753

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-63

A RESOLUTION APPROVING THE SUBMITTAL OF A MODESTO CITY-COUNTY AIRPORT PREAPPLICATION FOR FEDERAL FUNDS TO COMPLETE IMPROVEMENT PROJECTS BETWEEN FISCAL YEARS 1995-2000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PREAPPLICATION ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) funds to complete needed airport capital improvements, and

WHEREAS, the Federal Aviation Administration (FAA) has informed the nation's airport operators that the Administration is requiring sponsors (owners) to submit a multi-year preapplication, and

WHEREAS, the multi-year preapplication will include two projects which staff will submit with its FY 1995 capital improvement program budget that the City Council will consider later this year, the projects are the resurfacing and extension of Airport Way and the rehabilitation of the general aviation area apron pavement, and

WHEREAS, it is estimated that the two projects will cost approximately \$631,000 and that local participation will require \$63,100,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a Modesto City-County Airport preapplication for federal funds in the amount of \$2,749,770 to complete the airport's improvement projects

between fiscal years 1995-2000.

BE IT FURTHER RESOLVED that the City Manager or his authorized designated City officials are hereby authorized to sign the preapplication on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-64

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$149,072 FOR THE
12TH STREET WATERLINE PROJECT

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

FROM:	Neece Avenue waterline (612 480 178 6030)	\$149,072
TO:	12th and B Street waterline (612 480 D359 6000)	\$149,072

This is a new project that is not in the C.I.P. Stanislaus Foods
Cannery on 12th Street is experiencing low water pressure during the
summer when they are operating. This project would provide plenty
of pressure and volume for fire protection and use for the area.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 25th day of January
19 94, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-65

A RESOLUTION TO PROVIDE FOR THE REGULATION OF
BASIC SERVICE TIER RATES AND RELATED
EQUIPMENT, INSTALLATION AND SERVICE CHARGES
OF ANY CABLE TELEVISION SYSTEM OPERATING IN
THE CITY OF MODESTO.

WHEREAS, on October 5, 1992, Congress enacted the Cable
Television Consumer Protection and Competition Act of 1992 which,
among other things, provided that the basic service tier rates,
and the charges for related equipment, installation and services,
of a cable television system (hereinafter, "Basic Service Rates
and Charges") shall be subject to regulation by a franchising
authority in accordance with regulations prescribed by the
Federal Communications Commission (hereinafter the "FCC"), and

WHEREAS, on April 1, 1993, the FCC prescribed such
regulations in the Report and Order, In the Matter of
Implementation of Sections of Cable Television Consumer
Protection and Competition Act of 1992: Rate Regulation, MM
Docket 92-266, FCC 93-177 (released May 3, 1993) (hereinafter the
"FCC Rate Regulations"), and

WHEREAS, the City of Modesto (hereinafter, the "City")
is a franchising authority with the legal authority to adopt, and
the personnel to administer, regulations with respect to the
Basic Service Rates and Charges of any cable television system
operating in the City, including, without limitation, the system
currently being operated by Post-Newsweek Cable (hereinafter "the
Company") pursuant to Ordinance No. 2293-C.S., Granting a

Nonexclusive Franchise to Construct, Operate and Maintain a Cable Communication System Within the City of Modesto, as amended by Ordinance Nos. 2946-C.S. and 2759-C.S., relating to the Non-exclusive Franchise Granted to Post-Newsweek Cable, Inc., (hereinafter the "Franchise"), and

WHEREAS, the City desires to regulate the Basic Service Rates and Charges of the Company and any other cable television system operating in the City and shall do so in accordance with the FCC Rate Regulations, notwithstanding any different or inconsistent provisions in the Franchise,

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

1. The City will follow the FCC Rate Regulations in its regulation of the Basic Service Rates and Charges of the Company and any other cable television system operating in the City, notwithstanding any different or inconsistent provisions in the Franchise; and

2. In connection with such regulation, the City will ensure a reasonable opportunity for consideration of the views of interested parties; and

3. The City Manager, or his or her designee, is hereby authorized to execute on behalf of the City and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the City to regulate Basic Service Rates and Charges; and

4. This Resolution shall be effective immediately.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-66

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PROJECT SENTINEL FOR A GRANT OF \$9,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Project Sentinel for a grant of \$9,000 under the Community Development Block Grant Program to act as the recipient and provide overall training, management and legal expertise for fair housing complaints be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January , 19 94 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-67

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$200,000 TO FUND THE EMERGENCY HOME REPAIR PROGRAM

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

FROM: Housing Rehabilitation Loan Program \$200,000
(113 140 1456 0497)

TO: Emergency Home Repair Program \$200,000
(113 140 1456 0495)

Funds for needed to reactivate the Emergency Home Repair Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January , 19 94, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-68

A RESOLUTION APPROVING SUBMISSION OF THE
ANNUAL TRANSPORTATION DEVELOPMENT ACT FUND
CLAIM TO THE STANISLAUS AREA ASSOCIATION OF
GOVERNMENTS (SAAG).

WHEREAS, the greatest portion of the City's funding for
the Bus Service Fund other than farebox revenues is the Local
Transportation Fund, and

WHEREAS, the funding is apportioned by the State in
accordance with the Transportation Development Act through the
Stanislaus Area Association of Governments (SAAG) to the City of
Modesto, and

WHEREAS, the City of Modesto's claim for fiscal year
1993-94 has been prepared in the amount of \$3,547,346, which
includes some funds for bicycle lanes and street maintenance
purposes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the City Manager is hereby authorized to
execute said Transportation Development Act claim on behalf of
the City of Modesto, and that submission of the City of Modesto's
Transportation Development Act Fund claim to the Stanislaus Area
Association of Governments (SAAG) in the amount of \$3,547,346 for
fiscal year 1993-94 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-69

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF WILLIAM COVEY FROM THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE AND THE HOUSING REHABILITATION LOAN COMMITTEE, EFFECTIVE JANUARY 25, 1994

WHEREAS, William Covey was appointed a member of the Community Housing and Community Development Committee and the Housing Rehabilitation Loan Committee in 1984 and 1989 respectively; and

WHEREAS, William Covey has tendered his resignation from the Citizens Housing and Community Development and Housing Rehabilitation Loan Committees, effective January 25, 1994.

NOW, THEREFORE, BE IT RESOLVED that the resignation of William Covey is hereby accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to William Covey for his service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-70

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DARTH MILLER FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE JANUARY 25, 1994

WHEREAS, Darth Miller was appointed a member of the Affirmative Action Commission on May 7, 1991; and

WHEREAS, Darth Miller has tendered his resignation from the Affirmative Action Commission, effective January 25, 1994.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Darth Miller is hereby accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Darth Miller for his service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT; Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-70A

A RESOLUTION REAPPOINTING MEMBERS TO THE COMMUNITY QUALITIES FORUM

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

SECTION 1. The following persons are hereby reappointed to the Community Qualities Forum for the respective terms as indicated:

Juanita Jackson
David McKean
Claudia Moorad
Howard Spivak
Terry Swehla

All terms to expire 12/31/97

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Community Qualities Forum and the Secretary thereof.

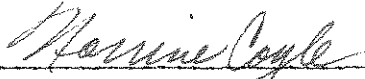
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-71

A RESOLUTION APPROVING A PLAN TO REMOVE
TRAINS FROM NINTH STREET AND TO BUILD TWO
GRADE SEPARATIONS.

WHEREAS, the City of Modesto received a federal
Demonstration Grant to remove the trains from Ninth Street
between P Street and D Street, and

WHEREAS, the removal of the trains from Ninth Street
has been of interest to City Councils since 1951, when the
original franchise allowing the trains to use Ninth Street
expired, and

WHEREAS, a plan to remove the trains from Ninth Street
was previously provided to the City Council in July 1991 by the
consultant, DeLeuw, Cather & Company, and

WHEREAS, a duly noticed public hearing was held by the
Council at its meeting of February 1, 1994, to consider approving
the updated plan to remove the trains from Ninth Street and to
build two grade separations as presented in the report from the
Public Works and Transportation Department, dated January 24,
1994, a copy of which report is on file in the Office of the City
Clerk, and

WHEREAS, there are three major elements to the plan, as
follows:

1. Remove the Union Pacific trains from Ninth Street,
all the way north to Bangs Avenue. The removal of
the tracks, or their retention, is not part of the
plan, and need not be decided now as it will be
1997 before any removal could take place.

2. Build an overpass connecting Needham Street and Kansas Avenue above the Southern Pacific tracks.
3. Extend Tuolumne Boulevard easterly along the north side of the Tuolumne River to beyond the Ninth Street bridge by going under the various bridges and trestles.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said plan, to remove the Union Pacific trains from Ninth Street in the City of Modesto, all the way north to Bangs Avenue, is hereby approved as set forth in a report from the Public Works and Transportation Department dated January 24, 1994, a copy of said report is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that staff is hereby directed to proceed with the development of the plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)
APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

4

MODESTO CITY COUNCIL
RESOLUTION NO. 94-71A

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE MODESTO RAILROAD AND GRADE SEPARATION DEMONSTRATION PROJECT.

WHEREAS, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the Modesto Railroad and Grade Separation Demonstration project might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft draft mitigated negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, the Federal Highways Administration determined that this project will not have a significant impact on the environment and on November 24, 1993, issued a Finding of No Significant Impact in regard to this project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

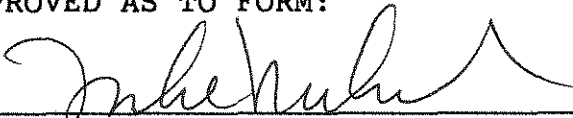
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February , 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
 NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
 MICHAEL D. MILICH, City Attorney

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 94-72

A RESOLUTION APPROVING THE VILLAGE ONE
SPECIFIC PLAN AMENDMENT NO. 3.

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on October 16, 1990, by Resolution No. 90-828A the Council adopted the Village One Specific Plan, and by Resolutions No. 91-407 and 92-222, the Council amended said Village One Specific Plan, and

WHEREAS, the Planning Commission held a duly noticed public hearing on December 20, 1993, and by Planning Commission Resolution No. 93-64, the Planning Commission recommended to the City Council adoption of the Amended Village One Specific Plan as Village One Specific Plan Amendment No. 3, and

WHEREAS, the proposed Village One Specific Plan Amendment No. 3 was set for a City Council public hearing to be held on February 1, 1994, which public hearing was duly noticed and held at 7:30 p.m., in the City Council Chambers, 801 11th Street, Modesto, California, for the purpose of receiving public comment on the proposed Village One Specific Plan Amendment No. 3, and

WHEREAS, the City's Environmental Assessment Committee has reviewed each of the proposed changes in the comprehensive rewrite in detail and has recommended that the City Council find that the proposed Specific Plan amendments are within the scope of the project described in the approved Village One Environmental Impact Report, certified by the City Council on September 11, 1990, by Resolution No. 90-757, and

WHEREAS, the City Council has reviewed and considered the public input and other information concerning Village One Specific Plan Amendment No. 3,

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

1. That the attached amendment of the Village One Specific Plan relating to the comprehensive rewrite is consistent with the Village One Specific Plan and the City of Modesto's General Plan.
2. That the Village One Specific Plan Amendment No. 3 is within the scope of the Village One Environmental Impact Report, which adequately describes the proposed Specific Plan Amendments for the purposes of the California Environmental quality Act, therefore, the proposed amendments have undergone adequate environmental review under the California Environmental Quality Act.

BE IT FURTHER RESOLVED, that the Council hereby adopts the Specific Plan Amendment No. 3 in the form of the Amended Specific Plan, a copy of which is on file in the Office of the City Clerk, and rescinds the Village One Specific Plan adopted by Resolution No. 92-222.

BE IT FURTHER RESOLVED that should an additional time extension be granted to P-D(484), the following text regarding P-D(484) shall become operative:

Page II-31, Subparagraph c)

..."This approval expired on December 20, 1993. However, a time extension for P-D(484) to December 20, 1994 was approved."...

Page II-32, Second Paragraph

..."If building permits have not been applied for by December 20, 1994, in reliance on P-D(484), then commercial uses will no longer be permitted on this site."...

Page III-82, Subparagraph f

..."If building permits have not been applied for by December 20, 1994, for P-D(484), then commercial uses will no longer be permitted on that site."...

BE IT FURTHER RESOLVED that should an additional time extension for P-D(484) be denied, the textual changes above shall be inoperative, and the following text requiring the repeal of P-D(484) shall become operative:

Page II-31, Subparagraph c)

..."This approval expired on December 20, 1993."...

Page II-32, Second Paragraph

..."Commercial uses will no longer be permitted on this site."...

Page III-82, Subparagraph f

..."Commercial uses will no longer be permitted on this site."...

BE IT FURTHER RESOLVED that the City Council hereby

adopts the proposed amendments to the Village One Specific Plan, these amendments include revisions to the December 1993 Draft Specific Plan Amendment No. 3 document as indicated on page 3 of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-72 A

A RESOLUTION FINDING THAT REZONING OF THE VILLAGE ONE AREA FROM SPECIFIC PLAN ZONE, (SP), TO SPECIFIC PLAN HOLDING, (SP-H), IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, on December 1, 1994, the City's Environmental Assessment Committee (EAC) conducted an analysis to determine if a proposed Village One Specific Plan Amendment #3 might have a significant effect on the environment, and

WHEREAS, the EAC made the findings that the proposed Village One Specific Plan Amendment #3 project is within the scope of the Village One Specific Plan, and the Program EIR (SCH No. 90020181) for the Village One Specific Plan adequately describes the project for the purposes of CEQA (Section 15168, State CEQA Guidelines), and the proposed changes to the project pose no new significant environmental impacts that were not considered in the Program EIR (Section 15162 State CEQA Guidelines), and no substantial changes have occurred which will require important revisions in the Program EIR due to the involvement of new significant environmental impacts not covered in the previous EIR (Section 15162, State CEQA Guidelines), and

WHEREAS, the EAC identified no long-term environmental

impacts with the proposed amendment,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the proposed Specific Plan Amendment #3 project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

RESCINDED

1994-145

MODESTO CITY COUNCIL
RESOLUTION NO. 94-73

A RESOLUTION DENYING THE APPEAL OF RESOURCE DEVELOPMENT, TO PLANNING COMMISSION DECISIONS DENYING AN APPLICATION TO AMEND THE GENERAL PLAN FROM A COMMERCIAL DESIGNATION TO A RESIDENTIAL DESIGNATION; DENYING AN AMENDMENT TO SECTION 19-3-10 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(456), TO LOW DENSITY RESIDENTIAL ZONE, R-1, AND A NEW PLANNED DEVELOPMENT ZONE ON THE SOUTH SIDE OF BRIGGSMORE AVENUE EAST OF CLAUS ROAD; AND DENYING THE VESTING TENTATIVE MAP OF PARKER PLACE SUBDIVISION. (REDEV., Inc.)

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Redev., Inc., on October 22, 1993, to reclassify from Planned Development Zone, P-D(456), to Low Density Residential Zone, R-1, and to a new Planned Development Zone, for a small commercial site, property located on the south side of Briggsmore Avenue east of Claus Road, described as follows:

P-D(456) to R-1:

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

BEGINNING at the Southwest corner of Parcel 2 as shown on the Parcel Map filed in Book 18 of Parcel Maps at Page 9, Stanislaus County Records; thence North 0°39'16" West, 320.00 feet along the west line of said Parcel 2 and the East right-of-way line of Claus Road; thence North 89°20'44" East, 336.00 feet; thence North 0°39'16" West, 200.75 feet to the South right-of-way line of Parker Road; thence North 89°38'36" East, 594.46 feet along said South right-of-way line to the Northeast corner of Parcel 3 of said Parcel Map; thence South 0°31'18" East, 537.07 feet along the east line of

said Parcel 3 to the Southeast thereof; thence North 89°27'29" West, along the South line of said Parcel 2 and 3 a distance of 929.41 feet to the point of beginning.

Including the East 50.00 feet of Claus Road located between the above described property at the West section line of said Section 19.

Also including all of Parker Road and that portion of Modesto Irrigation Lateral No. 3 located between the north line of said Section 19 and the above described property.

P-D(456) to P-D

All that certain real property situate in a portion of Parcel 2 as shown on the Parcel Map filed in Book 18 of Parcel Maps at Page 9, Stanislaus County Records, lying in a portion of the North half of the Northwest quarter of the Northwest quarter of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the Southwest corner of said Parcel 2; thence North 0°39'16" West along the West line of said Parcel 2 and the East right-of-way line of Claus Road, a distance of 320.00 feet to the Point of Beginning; thence continuing North 0°39'16" West along said East right-of-way line a distance of 127.42 feet to a tangent curve concave to the Southeast; thence 23.65 feet along said curve having a central angle of 90°19'14" and a radius of 15.00 feet to the South right-of-way line of Parker Road and the North line of said Parcel 2; thence continuing along said South right-of-way line North 89°39'58" East, 66.19 feet to a tangent curve concave to the Northwest; thence 109.46 feet along said curve having a central angle of 27°16'04" and a radius of 230.00 feet to a tangent line; thence North 62°23'54" East along said tangent line a distance of 34.18 feet to a tangent curve concave to the Southeast; thence 80.84 feet along said curve having a central angle of 27°14'42" and a radius of 170.00 feet to a tangent line; thence North 89°38'36" East along said tangent line a distance of 40.82 feet; thence South 0°39'16"

East, 200.75 feet; thence South 89°20'44"
West, 336.00 feet to the point of beginning.

Including the East 50.00 feet of Claus Road located
between the above described property at the West
section line of said Section 19.

Also including all of Parker Road and that portion of
Modesto Irrigation Lateral No. 3 located between the
north line of said Section 19 and the above described
property.

and

WHEREAS, an application was submitted by Redev., Inc.
to amend the Land Use Element of the Modesto Urban Area General
Plan from a Commercial Designation for a Neighborhood Shopping
Center to a Residential Designation regarding property located on
the south side of Briggsmore Avenue and east of Claus Road, and

WHEREAS, the vesting tentative map of the Parker Place
Subdivision was filed in the office of the Secretary of the
Planning Commission on October 28, 1993, in accordance with the
provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, a public hearing were held by the Planning
Commission on December 20, 1993, in the City Council Chambers,
801 11th Street, Modesto, California, at which hearing evidence
both oral and documentary was received and considered relating to
said matters, and

WHEREAS, the Planning Commission by its Resolution No.
93-60 denied the application filed by Redev., Inc., for an
amendment to the Land Use Element of the Modesto Urban Area
General Plan for the reasons set forth in said Planning
Commission Resolution, and

WHEREAS, the Planning Commission by its Resolution No. 93-61 denied the application filed by Redev., Inc., for an amendment to Section 19-3-10 of the Zoning Map to Rezone from P-D(456) to Low Density Residential Zone, R-1, and a new Planned Development Zone, P-D, for the reasons set forth in said Planning Commission Resolution, and

WHEREAS, the Planning Commission by its Resolution No. 93-62 denied the vesting tentative map of Parker Place Subdivision filed by Redev., Inc., on October 28, 1993, for the reasons set forth in said Planning Commission Resolution, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the application to amend the Land Use Element of the Modesto Urban Area General Plan from a Commercial Designation for a Neighborhood Shopping Center to a Residential Designation, the denial of the application to amend Section Map 19-3-10 of the Zoning Map to rezone from Planned Development Zone, P-D(456), to Low Density Residential Zone, R-1, and a new Planned Development Zone, P-D, and the denial of the Vesting Tentative Map of Parker Place Subdivision, was filed with the Office of the City Clerk by letter dated December 21, 1993, from Resource Development, and

WHEREAS, said appeal was duly noticed and set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on February 1, 1994, at 7:30 p.m., and

WHEREAS, said public hearing was held at the date and time noted above, and after hearing evidence both oral and documentary, the Council found and determined as follows:

SECTION 1. That said appeal to the Planning Commission's decision denying a proposed amendment to the Land Use Element of the Modesto Urban Area General Plan from a Commercial Designation for a Neighborhood Shopping Center to a Residential Designation on the south side of Briggsmore Avenue east of Claus Road, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth below:

- 1). A neighborhood shopping center to serve the Lakewood and Lakewood East Neighborhoods is desirable, as provided for by Objective 4c and Standard 2c of the Land Use Element of the Modesto Urban Area General Plan.
- 2). The proposed project design does not take into account the proposed urban interchange at Claus Road and Briggsmore Avenue/Parker Road, both in terms of dimension and in terms of potential noise impact.
- 3). The proposed one-acre commercial site is not supported by the Planning Commission.

and

SECTION 2. That said appeal to the Planning Commission's decision denying a proposed amendment to the Section 19-3-10 of the Zoning Map to Rezone from P-D(456) to R-1 and a new P-D, property located on the south side of Briggsmore Avenue east of Claus Road, should be denied and the decision of the

Planning Commission should be affirmed for the reasons set forth below:

- 1). That the proposed rezone from P-D(456) to R-1, Low Density Residential and a new P-D for a one-acre commercial development is not in accordance with the community objectives as set forth in the General Plan, which provides for a Neighborhood Commercial Shopping Center at this location.
- 2). That the proposed design does not accommodate plans for an urban interchange in the Village One Facilities Master Plan and the SAAG County-wide expressway study, at the intersection of Claus Road and Parker Road.

SECTION 3. That said appeal to the Planning Commission's decision denying the vesting tentative map of Parker Place Subdivision, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth below:

- 1). That the proposed subdivision map is not consistent with the General Plan which designates Neighborhood Commercial at this location.
- 2). That the proposed subdivision design ignores plans for an urban interchange by the Village One Facilities Master Plan and the SAAG County-wide expressway study at the intersection of Claus Road and Parker Road.

and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Resource Development to the decision of the Planning Commission denying the application to amend the Land Use Element of the Modesto Urban Area General Plan, to amend Section 19-3-10 of the Zoning Map to rezone from P-D(456) to Low Density Residential Zone, R-1, and a new Planned Development Zone, P-D, property located at on the south side of

Briggsmore Avenue East of Claus Road, and the vesting tentative map of Parker Place Subdivision are hereby denied for the reasons set forth above, and the decisions of the Planning Commission are hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor
Lang
NOES: Councilmembers: Dobbs, McClanahan
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-74

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS FOR FURNISHING TRAFFIC SIGNAL EQUIPMENT

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

SECTION 1. The specifications for furnishing traffic signal equipment

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 22, 1994 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February 19 94 , by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-75

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS FOR REPLACING H STREET SEWER FROM 9TH STREET TO 19TH STREET

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

SECTION 1. The specifications for the replacement of the H Street
sewer from 9th Street to 19th Street
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
March 3, 1994, at 11:00 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 1st day of February
19 94, by Councilmember Dobbs, who moved its adoption, which motion
being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-76

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR RECOATING THE DISSOLVED AIR FLOTATION THICKENERS (DAFT) TANK

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

SECTION 1. The specifications for the recoating of the dissolved air flotation thickeners (DAFT) tank

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 3, 1994, at 11:05 a.m, the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 94-77**

A RESOLUTION ACCEPTING THE BID OF DELTA EXCAVATING, INC. FOR THE SONOMA TRUNK SEWER FROM FLOYD AVENUE TO SYLVAN AVENUE PROJECT

WHEREAS, Resolution No. 93-725 , adopted by the Council of the City of Modesto on December 21 , 19 93 , approved the plans and specifications for the Sonoma Trunk Sewer from Floyd Avenue to Sylvan Avenue

and authorized the calling for bids; and

WHEREAS, the bids received for the Sonoma trunk sewer from Floyd Avenue to Sylvan Avenue project were opened at 11:00 a.m. on January 20, 1994 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Delta Excavating, Inc. in the amount of \$508,936 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Delta Excavating, Inc. in the amount of \$508,936 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February , 19 94 , by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

- AYES:** Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-78

A RESOLUTION APPROVING A GRANT AGREEMENT FOR \$1,500 TO CENTER FOR HUMAN SERVICES FOR ITS PROGRAM REGARDING YOUTH COURT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant agreement between the City of Modesto and the Center for Human Services for its program regarding Youth Court, in the amount of \$1,500 be, and it is hereby approved.

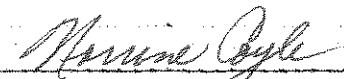
BE IT FURTHER RESOLVED that the execution of said grant agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-79

A RESOLUTION APPROVING A GRANT AGREEMENT FOR \$1,500 TO COMMUNITY HOSPICE FOR ITS PROGRAM REGARDING SERVICES AVAILABLE TO THE COMMUNITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant agreement between the City of Modesto and the Community Hospice for its program regarding services available to the community, and in the amount of \$1,500 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-80

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LAIDLAW TRANSIT, INC. FOR THE LEASE OF SPACE IN THE TRANSPORTATION CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Laidlaw Transit, Inc. for the lease of space in the Transportation Center

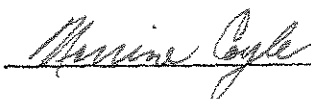
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-81

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GOMES BROTHERS FOR PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gomes Brothers for property rights needed for the Parallel Outfall Project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-82

A RESOLUTION ACCEPTING A GRANT OFFER IN STATE OF CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION FUNDS FOR THE PURCHASE OF TREES TO BE PLACED IN CITY EASEMENTS.

WHEREAS, on April 27, 1993, the City Council authorized the City Manager to sign an application to the State of California Department of Forestry and Fire Protection for funding from the California Coastal, Wildlife and Park Land Conservation Act (1988 Proposition 70 Bond Act) for the purchase of trees to be planted in City easements, and

WHEREAS, these funds will pay for purchase of bareroot and 15 gallon containerized trees, and

WHEREAS, up to ten percent of total grant funds requested may be used for public education, and

WHEREAS, City staff is proposing to purchase 900 15 gallon container trees and 450 bare root trees, and

WHEREAS, City staff also proposes to spend \$4,000 of the requested funding to distribute a comprehensive tree care brochure specific to the City's urban forestry program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the State of California Department of Forestry and Fire Protection for funding from the California Coastal, Wildlife and Park Land Conservation Act (1988 Proposition 70 Bond Act) for the purchase of trees to be planted in City easements.

BE IT FURTHER RESOLVED that the execution of the grant acceptance by the City's designated official, J. Edward Tewes, City Manager, be and it is hereby authorized.

BE IT FURTHER RESOLVED that the City Manager is also authorized to execute and submit all documents, including but not limited to amendments, payment requests and other documents which may be necessary regarding the aforementioned grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-83

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FY 1993-94 TO PROVIDE FOR GRANT FUNDING REVENUE FROM THE STATE OF CALIFORNIA IN THE AMOUNT OF \$40,000 FOR PLANTING OF STREET TREES.

WHEREAS, the Council of the City of Modesto has been notified of a grant from the State of California for planting street trees to be planted in City easements, and

WHEREAS, it is necessary to amend the annual budget of the City of Modesto for FY 1993-94 to estimate grant related revenues and appropriate grant related expenditures, for tree planting and the distribution of a comprehensive tree care brochure specific to the City's urban forestry program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the General Fund, Fund No. 010 of the City of Modesto for FY 1993-94.

Revenue

010-320-3212-3134 State Grant \$40,000

Appropriations

010-320-3212-0310 Gardening/Hort Supplies \$36,000
010-320-3212-0301 Office Supplies \$ 4,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

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**MODESTO CITY COUNCIL
RESOLUTION NO. 94-84**

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RALPH ANDERSEN AND ASSOCIATES TO PERFORM A COMPREHENSIVE AUDIT OF THE BUSINESS LICENSE TAX ORDINANCE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ralph Andersen and Associates to perform a comprehensive audit of the Business License Tax Ordinance

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February , 1994 , by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-85

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING FIFTEEN NEW UTILITY TRUCKS

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

SECTION 1. The specifications for furnishing fifteen new utility trucks

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 7, 1994 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-86

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GUILLERMO OCHOA FOR THE PURPOSE OF REHABILITATING PROPERTY AT 430 LEON AVENUE PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Guillermo Ochoa for the purpose of rehabilitating property at 430 Leon Avenue pursuant to the City of Modesto's Housing Rehabilitation Program

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February , 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-87

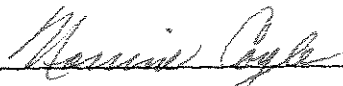
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ANDREGG, INC. TO ESTABLISH A HORIZONTAL CONTROL NETWORK OF HIGH PRECISION SURVEYING POINTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Andregg, Inc. to establish a horizontal control network of high precision surveying points to be used as survey control for the City of Modesto Geographic Information System base map be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February , 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-88

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHANNES T. AND MARI L. NIJSKENS FOR PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Johannes T. and Mari L. Nijskens for property rights needed for the Parallel Outfall Project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February , 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-89

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE BECK FAMILY TRUST FOR THE ACQUISITION OF A 0.78+ ACRE PERMANENT EASEMENT FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Beck Family Trust for the acquisition of a 0.78+ acre permanent easement for the Lakewood Sewer Trunk Project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February , 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-90

A RESOLUTION FINDING THAT THE ACQUISITION OF
A PERMANENT EASEMENT FOR THE LAKEWOOD SEWER
TRUNK PROJECT IN THE VILLAGE ONE AREA IS
CONSISTENT WITH THE PROGRAM ENVIRONMENTAL
IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted
Resolution No. 90-757 certifying that the Village One Final EIR
is complete and adequate pursuant to Section 15090 of the
California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto hereby finds that the acquisition of a permanent
easement from the Beck Family Trust for a permanent easement for
the Lakewood Sewer Trunk Project is consistent with the Village
One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will
occur and no new mitigation measures will be required, beyond
what is contained in the Program Environmental Impact Report for
the Village One Specific Plan (Section 15168(c)(2) of the State
CEQA Guidelines).

2. The proposed project is within the scope of the
Village One Specific Plan (Section 15168(c)2) of the State CEQA
Guidelines).

3. No substantial changes are desired and no new
information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-91

A RESOLUTION AUTHORIZING THE CITY MANAGER TO
SUBMIT AN APPLICATION FOR AB 2766 FUNDS FOR
CERTAIN PROJECTS.

WHEREAS, AB 2766 funds are available through the San
Joaquin Valley Unified Air Pollution Control District for
projects which are geared towards reducing air pollution, and

WHEREAS, the funds are available for capital assistance
and for one year of operating costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the City Manager or his authorized
representative is hereby authorized to submit a grant application
for \$247,000 in AB 2766 funds for the following projects:
transit system marketing, bus engine replacement, bus service
expansion and an electric vehicle for the planned Telework
Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-92

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF SHARON LEICHAM FROM THE LOCAL CABLE PROGRAMMING COMMITTEE, EFFECTIVE FEBRUARY 8, 1994

WHEREAS, Sharon Leicham was appointed a member of the Local Cable Programming Committee on May 7, 1991; and

WHEREAS, Sharon Leicham has tendered her resignation from the Local Cable Programming Committee, effective February 8, 1994; and


WHEREAS, Sharon Leicham has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Sharon Leicham be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Sharon Leicham for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-93

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR FURNISHING LINEN SERVICES AT ELEVEN FIRE DEPARTMENT LOCATIONS

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

SECTION 1. The specifications for furnishing linen services at eleven Fire Department locations

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 7, 1994 at 11:05 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February 19⁹⁴ , by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 94-94**

A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL ELECTRICAL FOR GENERATOR INSTALLATION AT WELLS 6, 40, 41, AND 42

WHEREAS, Resolution No. 93-738 , adopted by the Council of the City of Modesto on December 28 , 19 93 , approved the plans and specifications for generator installation at Wells 6, 40, 41 and 42

and authorized the calling for bids; and

WHEREAS, the bids received for generator installation at Wells 6, 40, 41 and 42 were opened at 11:00 a.m. on January 27, 19 94 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Industrial Electrical

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Industrial Electrical

be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February , 19 94 , by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan,
NOES:	Councilmembers:	Muratore, Mayor Lang
		None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-95

A RESOLUTION ACCEPTING THE BID OF MAITA CHEVROLET-GEO FOR FURNISHING NINETEEN PATROL SEDANS THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, Resolution No. 93-709 , adopted by the Council of the City of Modesto on December 14 , 1993 , approved the plans and specifications for the purchase of twenty-three various types of vehicles

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing twenty-three various types of vehicles were opened at 11:00 a.m. on January 10, 19 94 , and later tabulated by the Director of Finance for the consideration of the Council; and

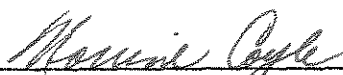
WHEREAS, the Director of Finance has recommended that the bid of Maita Chevrolet-Geo in the amount of \$294,662.80 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Maita Chevrolet-Geo in the amount of \$294,662.80 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February , 19 94 , by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-96

A RESOLUTION REJECTING THE BID FOR FOUR POLICE VEHICLES, OPENED IN THE OFFICE OF THE CITY CLERK ON JANUARY 10, 1994, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 93-709, adopted by the Council of the City of Modesto on December 14, 1993, approved the plans and specifications for furnishing twenty-three various types of vehicles, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of various types of vehicles were opened at 11:00 a.m. on January 10, 1994.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for furnishing four police vehicles are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for furnishing four police vehicles, to be opened March 14, 1994, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-97

A RESOLUTION AMENDING THE ANNUAL BUDGET OF
THE CITY OF MODESTO FOR FY 1993-94.

WHEREAS, it has been determined that certain
adjustments are required to the Annual Budget of the City of
Modesto for Fiscal Year 1993-94,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the changes listed in Exhibit "A" attached
hereto be made to the Annual Budget of the City of Modesto for FY
1993-94.

BE IT FURTHER RESOLVED that the Finance Director is
hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

**CITY OF MODESTO
MID YEAR REPORT
BUDGET TRANSACTION
FY 1993-94**

EXHIBIT "A"

Document Number: BT 050
Page 1

Council Date: FEB 15, 1994

Action	Fund	Agency	Orgn	Appr	Object Revenue/	Sub Opt	Spend Ind	Current Budget	Revised Budget	Inc/Dec Amount
Revenue Gen Fund 010										
C	10	80	801		3302			40,000	20,000	(20,000)
C	10	510	9510		1404			4,392,605	4,442,605	50,000
C	10	510	9510		7113			272,500	237,500	(35,000)
									4,680,105	
C	10	160	1601		4050			0	9,000	9,000
C	10	180	1832		8122			95,000	55,000	(40,000)
A/C	10	180	1832		8202			0	6,300	6,300
									61,300	
C	10	190	1941		4021			13,000	17,000	4,000
C	10	190	1961		4043			186,000	36,000	(150,000)
C	10	190	1964		2104			402,257	200,000	(202,257)
									253,000	
C	10	310	3111		6201			0	9,974	9,974
C	10	320	3212		3134			126,710	132,622	5,912
C	10	370	3712		4071			43,344	34,844	(8,500)
C	10	370	3712		4072			131,344	122,826	(8,518)
C	10	370	3712		4074			60,984	57,706	(3,278)
									215,376	
C	10	380	3812		8155			0	1,250	1,250
C	10	410	4112		2210			55,000	29,000	(26,000)
C	10	410	4112		4000			0	5,000	5,000
									34,000	
C	10	420	4212		4011			33,600	12,000	(21,600)
C	10	440	4412		4001			262,500	200,500	(62,000)
C	10	440	4412		4002			363,000	350,000	(13,000)
C	10	440	4412		4003			36,750	50,750	14,000
C	10	440	4412		4004			65,100	56,100	(9,000)
C	10	440	4412		4006			12,600	4,600	(8,000)
C	10	440	4412		4007			238,500	250,500	12,000
									912,450	
C	10	480	4802		3316			160,000	320,000	160,000

**CITY OF MODESTO
BUDGET TRANSACTION
FY 1993-94**

Document Number: BT 050

Council Date: FEB 15, 1994

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Action	Fund	Agency	Orgn	Appr	Object Revenue/	Sub Opt	Spend Ind	Current Budget	Revised Budget	Inc/Dec Amount
Rev C	131	190			4015			136,678	61,346	(75,332)
Rev C	131	190			6101			41,158	26,780	(14,378)
									88,126	
Ex C	131	800	8000	13U	8003			1,103,838	1,014,128	(89,710)
Rev C	132	180			4015			81,006	36,551	(44,455)
Rev C	132	180			6101			1,894	72	(1,822)
									36,623	
Rev C / A	132	701	7001		9010			0	80,965	80,965
Ex C	132	800	8000	13V	8003			935	35,623	34,688
Rev C	135	310			4015			668,652	282,541	(386,111)
Rev C	135	310			6101			40,000	65,000	25,000
									347,541	
Ex C	135	800	8000	13W	8003			398,006	36,895	(361,111)
Rev C	137	480			6101			3,090	6,970	3,880
Ex C	137	800	8000	13X	8003			106,118	109,998	3,880
Rev C	138	490			4015			119,828	54,196	(65,632)
Rev C	138	490			6101			32,571	18,360	(14,211)
									72,556	
Ex C	138	800	8000	13Y	8003			778,279	698,436	(79,843)
Rec C	139	120			4015			69,134	28,309	(40,825)
Ex C	139	800	8000	13Z	8003			113,949	73,124	(40,825)
Rev C	140	510	9510		1101			256,650	263,196	6,546
Rev C	140	510	9510		1104			12,680	18,931	6,251
Rev C	140	510	9510		1107			16,195	12,015	(4,180)
Rev C	140	510	9510		3104			8,190	6,337	(1,853)
									300,479	
Ex C	140	800	8000	40H	8003			33,956	40,720	6,764
Rev C	141	430			4015			1,590,290	667,690	(922,600)
Rev C	141	430			6101			80,000	100,000	20,000
									767,690	
Ex C	141	800	8000	55H	8003			1,695,261	792,661	(902,600)

**CITY OF MODESTO
BUDGET TRANSACTION
FY 1993-94**

Document Number: BT 050

Council Date: FEB 15, 1994

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Action	Fund	Agency	Orgn	Appr	Object Revenue/	Sub Opt	Spend Ind	Current Budget	Revised Budget	Inc/Dec Amount
Rev C	142	160			4015			28,588	10,845	(17,743)
Rev C	142	160			6101			5,000	3,118	(1,882)
									13,963	
Ex C	142	800	8000	--	8003			166,293	146,668	(19,625)
Rev C	143	430			4015			49,667	20,209	(29,458)
Rev C	143	430			6101			9,000	5,226	(3,774)
									25,435	
Ex C	143	800	8000	54H	8003			102,601	69,369	(33,232)
Ex C / A	600	700	7000	60G	7732			0	84	84
Ex C	600	800	8000	60H	8003			195,309	195,225	(84)
Ex C	610	480	5099	61D	436			0	600	600
Ex C	610	480	5099	61D	437			0	8,150	8,150
									8,750	
Ex C / A	610	700	7000	61G	7732			0	7,775	7,775
Ex C / A	610	700	7000	61G	7751			0	16,837	16,837
									24,612	
Ex C	610	800	8000	61H	8003			1,779,480	1,746,118	(33,362)
Ex C	621	480	5299	62D	436			0	3,272	3,272
Ex C	621	480	5299	62D	437			0	8,150	8,150
									11,422	
Ex C	621	700	7000	62G	7627			1,143,000	1,365,178	222,178
Ex C / A	621	700	7000	62G	7732			0	34,185	34,185
Ex C / A	621	700	7000	62G	7751			0	38,322	38,322
									1,437,685	
Ex C	621	800	8000	62H	8003			973,463	667,356	(306,107)
Ex C	627	120			452			0	222,178	222,178
Rev C	627	700	7000		9621			1,143,000	1,365,178	222,178
Ex C	628	480	5312	68A	113			1,827	4,827	3,000
Ex C	628	480	5312	68A	130			18,000	28,000	10,000
									32,827	
Ex C	628	480	5399	68D	436			0	289	289
Ex C	628	480	5399	68D	437			0	2,684	2,684
									2,973	

**CITY OF MODESTO
BUDGET TRANSACTION
FY 1993-94**

Document Number:

BT 050
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Council Date:

FEB 15, 1994

Action	Fund	Agency	Orgn	Appr	Object Revenue/	Sub Opt	Spend Ind	Current Budget	Revised Budget	Inc/Dec Amount
Ex C/A	628	700	7000	68G	7732			0	36,099	36,099
Ex C/A	628	700	7000	68G	7751			0	8,259	8,259
									44,358	
Ex C	628	800	8000	68H	8003			546,034	485,703	(60,331)
Ex C/A	631	700	7000	63G	7732			0	1,404	1,404
Ex C/A	631	700	7000	63G	7751			0	4,204	4,204
									5,608	
Ex C	631	800	8000	63H	8003			349,232	343,624	(5,608)
Rev C	651	510	9510		3301			375,576	398,576	23,000
Ex C	651	160	1672	65B	232			2,421,885	2,444,885	23,000
Ex C/A	651	700	7000	65G	7732			0	2,083	2,083
Ex C/A	651	700	7000	65G	7751			0	5,682	5,682
									7,765	
Ex C	651	800	8000	65H	8003			1,050,155	1,042,390	(7,765)
Ex C/A	660	700	7000	33G	7732			0	4,135	4,135
Ex C/A	660	700	7000	33G	7751			0	9,164	9,164
									13,299	
Ex C	660	800	8000	33H	8003			124,027	110,728	(13,299)
Rev C	670	340	3413		4080			74,000	85,260	11,260
Ex C	670	340	3412	34A	110			224,245	215,794	(8,451)
Ex C	670	340	3412	34A	140			157,308	177,308	20,000
Ex C	670	340	3412	34E	5210			1,680	1,391	(289)
									394,493	
Ex C/A	670	700	7000	34G	7732			0	13,544	13,544
Ex C/A	670	700	7000	34G	7751			0	6,488	6,488
									20,032	
Ex C	670	800	8000		8003			333	(19,699)	(20,032)
Rev C	732	30	6610		6101			190,000	120,000	(70,000)
Rev C/A	732	700	7000		9010			0	667,172	667,172
Rev C/A	732	700	7000		9113			0	1,892	1,892
Rev C/A	732	700	7000		9600			0	84	84
Rev C/A	732	700	7000		9610			0	7,775	7,775
Rev C/A	732	700	7000		9621			0	34,185	34,185
Rev C/A	732	700	7000		9628			0	36,099	36,099
Rev C/A	732	700	7000		9631			0	1,404	1,404

**CITY OF MODESTO
BUDGET TRANSACTION
FY 1993-94**

Document Number: BT 050
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Council Date: Feb 15, 1994

Action	Fund	Agency	Orgn	Anpr	Object Revenue/	Sub Opt	Spend Ind	Current Budget	Revised Budget	Inc/Dec Amount
Rev C / A	732	700	7000		9651			0	2,083	2,083
Rev C / A	732	700	7000		9660			0	4,135	4,135
Rev C / A	732	700	7000		9670			0	13,544	13,544
Rev C / A	732	700	7000		9733			0	70,000	70,000
Rev C / A	732	700	7000		9885			0	939	939
Rev C / A	732	700	7000		9890			0	642	642
Rev C / A	732	700	7000		9905			0	44	44
									839,998	
Ex C	732	30	6610	----	410			1,250,002	1,520,000	269,998
Ex C	732	800	8000	----	8003			982,550	1,482,550	500,000
Rev C	733	30	6611		6101			44,000	18,000	(26,000)
Rev C	733	30	6611		8128			595,230	691,230	96,000
									709,230	
Ex C / A	733	700	7000	----	7732			0	70,000	70,000
Rev C / A	751	700	7000		9010			0	561,902	561,902
Rev C / A	751	700	7000		9113			0	5,729	5,729
Rev C / A	751	700	7000		9610			0	16,837	16,837
Rev C / A	751	700	7000		9621			0	38,322	38,322
Rev C / A	751	700	7000		9628			0	8,259	8,259
Rev C / A	751	700	7000		9631			0	4,204	4,204
Rev C / A	751	700	7000		9651			0	5,682	5,682
Rev C / A	751	700	7000		9660			0	9,164	9,164
Rev C / A	751	700	7000		9670			0	6,488	6,488
Rev C / A	751	700	7000		9885			0	3,883	3,883
									660,470	
Ex C	751	30	6650	75X	127			0	550,000	550,000
Ex C	751	30	6651	75X	163			58,786	169,256	110,470
									719,256	
Ex C / A	885	700	7000	88G	7732			0	939	939
Ex C / A	885	700	7000	88G	7751			0	3,883	3,883
									4,822	
Ex C	885	800	8000	88H	8003			362,144	357,322	(4,822)
Ex C / A	890	700	7000	89G	7732			0	642	642
Ex C	890	800	8000	89H	8003			146,411	145,769	(642)

**CITY OF MODESTO
BUDGET TRANSACTION
FY 1993-94**

Document Number: BT 050
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Council Date: Feb 15, 1994

Action	Fund	Agency	Orgn	Appr	Object Revenue/	Sub Opt	Spend Ind	Current Budget	Revised Budget	Inc/Dec Amount
Ex C	113	140	1456		255			79,326	75,326	(4,000)
	113	140	1456		496			23,500	0	(23,500)
	113	140	1456		497			830,988	818,085	(12,903)
	113	700	7000		7732			0	1,892	1,892
	113	700	7000		7751			0	5,729	5,729
	113	800	8000		8003			200	(7,923)	(8,123)
	114	140	1453		497			0	23,500	23,500
	117	800	8000		8003			0	35,951	35,951
Rev C										
	113	140	1454		3513			228,950	248,950	20,000
	113	140	1456		3513			1,644,945	1,609,696	(35,249)
	113	140	1457		3513			196,221	266,221	70,000
	114	140	1453		3513			0	23,500	23,500
	117	140	1458		3517			1,220,000	1,004,857	(215,143)
	117	140	1459		3517			0	215,143	215,143

Prepared By _____

RESOLUTION 94-98 UNUSED

MODESTO CITY COUNCIL
RESOLUTION NO. 94-99

A RESOLUTION ESTABLISHING CHARGES FOR METERED WATER SERVICES AND UNMETERED WATER SERVICES, ESTABLISHING DISCOUNTS FOR SENIOR AND DISABLED CITIZENS, AND RESCINDING RESOLUTION NO. 93-90.

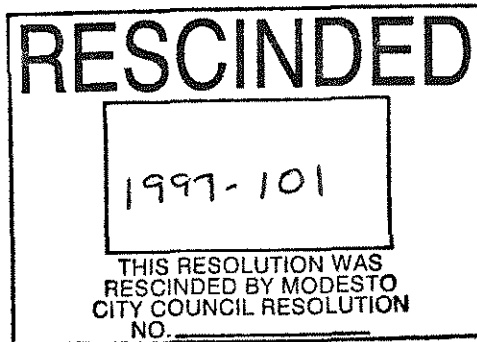
WHEREAS, Sections 11-1.07 and 11-1.10 of the Modesto Municipal Code authorize the Council, by resolution, to establish charges for metered and unmetered water services,

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

SECTION 1. CHARGES FOR METERED WATER SERVICES. The charge for all water delivered through water meters shall be as follows:

Ready to Serve Charge:
On and After April 1, 1994

<u>Size of Meter</u>	<u>Monthly Rate</u> <u>March 1, 1994</u>
¾ "	\$ 14.35
1 "	19.10
1½ "	23.73
2 "	28.63
3 "	38.18
4 "	49.65
6 "	74.63
8 "	95.32
10 "	114.91
12 "	134.56



The charge for each additional
100 cf over 1,680 cf on a
monthly rate .86

Commodity Charge:

For the first one thousand six hundred eighty (1,680) cubic feet of water delivered through a water meter,

per monthly period the monthly ready-to-serve charge shall apply for each meter size. For all water over one thousand six hundred eighty (1,680) cubic feet delivered through a water meter per monthly period, the charge shall be eighty-six (\$.86) cents per one hundred (100) cubic feet.

If a meter shall be found out of order, the monthly charge shall be determined by the Finance Director based upon previous water consumption.

If a consumer has more than one meter, a separate ready-to-serve charge will be made for each meter as well as the amount of water registered for each meter. Compound meters, however, shall be construed to be a single meter.

SECTION 2. CHARGES FOR UNMETERED WATER SERVICES. The charge for all water delivered from an unmetered service after March 1, 1994, shall be as follows:

<u>Lot Area</u>	<u>Monthly Rate March 1, 1994</u>
3,500 SF, or less	\$18.80
3,501 to 7,000 SF	21.68
7,001 to 10,500 SF	24.30
10,501 to 14,000 SF	26.91
14,001 to 17,500 SF	32.40
17,501 to 21,000 SF	37.99
For each 3,500 SF or fraction thereof over 21,000	5.11

When water is turned on or off at any time between the beginning and end of the monthly period, the amount charged shall be pro-rated to the nearest one-half ($\frac{1}{2}$) month.

A five (5) percent discount will be made in all billings on unmetered services paid one year in advance.

SECTION 3. WATER DISCOUNT RATES FOR SENIOR CITIZENS AND DISABLED PERSONS. The following water discount rates for senior citizens and disabled persons shall apply as follows:

<u>Annual Income Levels</u>	<u>Discount</u>
\$ 7,560 or less	25%
\$ 7,561 to \$10,394	15%
\$10,395 to \$13,230	10%

Criteria to receive the discount is as follows:

1. Must be 60 years old.
2. Must live alone or with spouse.
3. Living with children will not qualify the household for a discount.
4. Must be able to prove the qualifying income level.
5. If living with a spouse, the combined income level will determine the level of discount.
6. If a disabled person, not necessarily a senior citizen, all qualifications of the senior citizen discount will apply except age.
7. All applicants must complete an application.

SECTION 4. PREPAID UNMETERED WATER SERVICE CHARGES.

Any person who has prepaid water service charges for unmetered water service and the period for which said unmetered water service charges were prepaid include any part or all of the period covered by Section 2 of this resolution shall be entitled to receive unmetered water service for said period for the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 93-90 adopted on February 23, 1993, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-100

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FY1993-94 TO APPROPRIATE \$6,554,000. FOR THE CITY'S SHARE OF DEBT SERVICE ON THE SURFACE WATER TREATMENT PLANT.

WHEREAS, when the 93-94 Annual Budget was adopted the timing of payments to Modesto Irrigation District for debt payments on the Surface Water Treatment Plant were not known, although funds were set aside in the Contingency Reserve for that purpose, and

WHEREAS, Bonds have now been issued and Modesto Irrigation District is requesting reimbursement for those payments

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the City of Modesto for FY 1993-94.

Appropriations

611-800-8000-8003	Contingency Reserve	(\$6,554,000)
611-480-5013-0320	Water Purchases	\$6,554,000

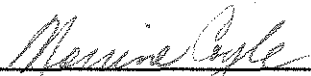
BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-101

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE
A REQUEST FOR INTEREST AND QUALIFICATIONS FOR
A CLASS "A" PROFESSIONAL MODESTO BASEBALL
STADIUM.

WHEREAS, pursuant to a report from the Parks and
Recreation Director dated February 11, 1994, a request was
submitted to the City Council to authorize City staff to issue a
request for interest and qualifications for a Class "A"
professional Modesto Baseball Stadium, and

WHEREAS, said report also requested that the City
Council authorize City staff to advertise, solicit and receive
responses from firms that have interest and qualification to
conceptualize a stadium for Class "A" professional baseball, as
well as for other cultural and recreational activities, based on
preliminary work completed by the City, and

WHEREAS, said report was considered by the City Council
at its meeting of February 15, 1994, and a copy of said report is
on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby authorizes City staff to issue a
request for interest and qualifications for a Class "A"
professional Modesto baseball stadium, to seek submittals from
firms that have interest, qualifications and desire to develop a
stadium in Modesto for Class "A" professional baseball, as well
as other cultural and recreational activities, based on the

City's guidelines attached as Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

REQUEST FOR INTEREST AND QUALIFICATIONS

I. GOAL

The City of Modesto is seeking submittals from firms that have interest, qualifications and desire to develop a stadium in Modesto for Class "A" professional baseball, as well as other cultural and recreational activities based on the City's guidelines.

II. BACKGROUND

Threatened with the possibility that professional baseball might leave Modesto because John Thurman Field does not meet Professional Baseball Agreement (PBA) standards, the City Council agreed to form the Mayor's Baseball Stadium Committee to determine the feasibility of financing, constructing and operating a professional baseball stadium in Modesto.

Four sub-committees were formed to evaluate data, assess options and provide recommendations. The Market Interest and Community Support sub-committee used customer surveys, focus groups and special interest groups to assess interest and support. The Financing sub-committee examined the various options to finance the design, construction and operation of the stadium. The Site Selection sub-committee developed a criteria for site needs and researched and rated potential sites. The Stadium Scope and Program Justification sub-committee identified a potential program for professional baseball, other baseball related activities and other non-baseball related activities and researched other stadiums' responses to program needs to develop a "scope of project".

In addition, the firm of Coopers & Lybrand was retained to validate data and provide additional recommendations, and a Stadium Master Plan was prepared by Hellmuth, Obata & Kassabaum, Inc. Sports Facilities Group (HOK Sport).

Finally, staff toured similar facilities and assessed all of the data and conclusions. After evaluating anticipated revenue and amending the scope of the project, a revised cost estimate was prepared.

Data collected during the evaluation process indicate a high level of interest in the community for a new baseball stadium. The City feels that there may be interested companies who would develop a financial proforma, design and construct a stadium at a cost supported by projected revenue.

The Following Reports are attached:

- HOK Study of John Thurman Field
- Mayor's Baseball Stadium Committee, final reports
- Coopers & Lybrand study
- HOK Master Plan
- Staff report to City Council

III. GUIDELINES

- A. Stadium development and operating costs will not be offset by further impacts to the City's General Fund.
- B. HOK Master Plan may be used as the guideline for the design program. However, the City encourages firms to consider alternative design programs, sites and/or renovation of the existing facility (John Thurman Field).
- C. Stadium must be operational for professional baseball no later than April 1995.
- D. Existing recreational uses that are impacted by the stadium development must be mitigated.
- E. If a firm proposes an acceptable concept, environmental review must be undertaken immediately thereafter so that it is completed prior to project approval. Even so, some documentation of environmental consideration will be required from the outset.

IV. SCOPE OF WORK

Firms should provide a conceptional development and operating plan. As a minimum, the plan should include the following:

- A. Design/construction methodology
- B. Management plan
 - 1. Management responsibilities of owner, developer, baseball franchise and other.
 - 2. Stadium proforma.
 - 3. Operating and maintenance plan.

C. Financing plan

1. Development cost estimate. Note: Environmental certification has not been obtained.
2. Financing mechanisms.
3. Financial obligations of the City, baseball franchise and developer.

V. QUALIFICATIONS AND REFERENCES

- A. The purpose of the Request for Interest and Qualifications is to determine the qualifications and experience of prospective firms and/or consultant teams to develop a multi-purpose stadium for Class "A" professional baseball as well as other recreational and cultural activities. Candidate firms are specifically requested to focus their Statements of Interest and Qualifications on multi-purpose stadium development.

Prospective consultants should pay particular attention to Section VI., Submittal Format. Close adherence to this format is strongly encouraged, to facilitate staff review.

- B. All Statements of Interest and Qualifications will be screened by City staff to determine minimum qualifications. A limited number of firms will be invited to an interview. Upon recommendation of staff and approval of a Request for Proposal process by City Council, the most qualified firms will be sent a detailed Request for Proposal. The anticipated tasks to be covered in this RFP will most likely relate to Section IV., with possible subsequent revisions by staff. Submitted Proposals will be further screened and ranked.

It is important to stress that these future steps are tentative and should in no way influence the preparation of the Statements of Interest and Qualification.

VI. SUBMITTAL FORMAT

Prospective firms should structure their Statement of Interest and Qualifications into the following format:

- A. Brief cover letter (1-2 pages), signed by a Principal in the firm.
- B. Expanded Resumes of Active Principals and Potential Project Manager(s). (None need to be designated at this time.)
- C. Expanded Resumes of those individuals who have experience with multi-purpose stadium development.
- D. Three (3) Summary Descriptions (no more than three pages each) of multi-purpose stadium development projects prepared by the firm. Selection of these examples should illustrate involvement of personnel listed in B. and C. above.
- E. Three professional references who are in a position to attest to the overall time- and cost- effectiveness of the firm and its key staff, as well as the firm's ability to develop effective mitigation measures which are tailored to the local agency's discretionary approval process.
- F. If subconsultants are listed in this Statement of Qualifications, all of the above information (A-E) should be provided for each subconsultant. Past collaborations between Prime and Sub should also be presented.

VII. SUBMITTAL GUIDELINES

- A. Statements of Interest and Qualifications should be brief and to the point. Detailed explanations, expensive graphics, and excessive length are not desired. The Statement of Interest and Qualifications will be evaluated as an example of the consultant's writing ability and internal quality control process.

Request for Interest and Qualifications
Modesto Stadium Project
page 5

- B. Promptness of submittals is strongly desired. The City views consultants' performance during the selection process as a prediction of their expected performance once selected. Timely and complete submittal of requested information is required.
- C. All proposals will remain confidential during the selection process.
- D. Requests for further information and other inquiries should be directed to:

James E. Niskanen, Assistant Director of Parks and Recreation

(209) 577-5351

FAX (209) 576-7069

- E. Please remit five (5) copies of your submittals no later than 5:00 p.m. on March 11, 1994, to the City of Modesto Parks and Recreation Department, Court Floor, City Hall, 801 11th Street, Modesto, CA 95354. The mailing address for the above location is: P.O. Box 642, Modesto, CA 95353.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-102

A RESOLUTION COMMENDING JEFFREY P. COWAN FOR HIS CONTRIBUTION TO THE MODESTO COMMUNITY BY SERVING AS A MEMBER OF THE MODESTO IRRIGATION DISTRICT BOARD OF DIRECTORS.

WHEREAS, Jeffrey P. Cowan has retired from the Modesto Irrigation District Board of Directors, effective December 3, 1993, and

WHEREAS, during his twelve years with the Modesto Irrigation District Board of Directors Mr. Cowan contributed to the leadership and direction of the M.I.D. to secure long-term power resources, and

WHEREAS, the M.I.D.'s water users and electric customers in this community will benefit in the years to come from Mr. Cowan's efforts on their behalf,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby commends Jeffrey P. Cowan for his many years of service to the community in his capacity as a member of the Modesto Irrigation District Board of Directors.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-103

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DOROTHY M. McCLURE FOR THE PURPOSE OF REHABILITATING PROPERTY AT 419 SUTTER AVENUE, PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dorothy M. McClure for the purpose of rehabilitating property at 419 Sutter Avenue, pursuant to the City of Modesto's Housing Rehabilitation Program

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February , 19 94 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL,
RESOLUTION NO. 94-104**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
GALLO VINEYARDS, INC. FOR THE LEASE OF MARK TWAIN PARK SITE**

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Gallo Vineyards, Inc.
for the lease of Mark Twain Park site

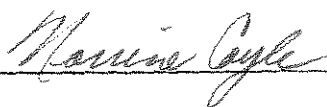
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 15th day of February ,
19 94 , by Councilmember Muratore , who moved its adoption, which motion
being duly seconded by Councilmember McClanahan , was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman, Patterson

ATTEST:



NORRINE COYLE, City Clerk

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**MODESTO CITY COUNCIL
RESOLUTION NO. 94-105**

AMENDED

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
ALCORN FARMS FOR THE LEASE OF PROPERTY NEEDED FOR THE SURFACE WATER TREATMENT
PLANT**

**BE IT HEREBY RESOLVED by the Council of the City of Modesto that
amended
the agreement/ between the City of Modesto and Alcorn Farms for
the lease of property needed for the Surface Water Treatment Plant**

be, and it is hereby approved.

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

**The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 15th day of February ,
19 94 , by Councilmember Friedman , who moved its adoption, which motion
being duly seconded by Councilmember Cogdill , was upon roll call
carried and the resolution adopted by the following vote:**

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:

Horrine Coyle

HORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-106

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING RIGHT OF ENTRY FROM GARRARD W. MARSH, et.al., ALLOWING ENTRY TO 0.94+ ACRES OF HIS PROPERTY TO CONSTRUCT THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Garrard W. Marsh, et.al., allowing entry to 0.92+ acres of his property to construct the Lakewood Sewer Trunk Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Garrard W. Marsh, et.al., for the project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-107

A RESOLUTION FINDING THAT THE RIGHT OF ENTRY FROM GARRARD W. MARSH, ET AL., FOR THE LAKEWOOD SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the right of entry from Garrard W. Marsh, et al., for the Lakewood Sewer Trunk Project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-108

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING RIGHT OF ENTRY FROM MCHENRY BOWL, et.al., ALLOWING ENTRY TO 0.72+ ACRES OF THEIR PROPERTY TO CONSTRUCT THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and McHenry Bowl, et.al., allowing entry to 0.72+ acres of their property to construct the Lakewood Sewer Trunk Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from McHenry Bowl, et.al., for the project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-109

A RESOLUTION FINDING THAT THE RIGHT OF ENTRY FROM MC HENRY BOWL, INC., ET AL., FOR THE LAKEWOOD SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the right of entry from McHenry Bowl, Inc., et al., for the Lakewood Sewer Trunk Project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 94-110**

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND E.B. AND YOULA E. POLAKIS FOR THE ACQUISITION OF 0.569+ ACRE AND 0.0050+ PERMANENT EASEMENTS AND 0.290+ ACRE AND 0.1196+ ACRE TEMPORARY EASEMENTS FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and E.B. and Youla E. Polakis for the acquisition of 0.569+ acre and 0.0050+ acre permanent easements and 0.290+ acre and 0.1196+ acre temporary easements for the Lakewood Sewer Trunk Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February , 19⁹⁴ , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:

Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-111

A RESOLUTION FINDING THAT THE ACQUISITION OF PERMANENT EASEMENTS FOR THE LAKEWOOD SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA ARE CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT. (E. B. AND YOULA E. POLAKIS)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the acquisition from E. B. and Youla E. Polakis for permanent easements for the Lakewood Sewer Trunk Project are consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-112

A RESOLUTION APPROVING THE FINAL MAP OF THE
ABEL PLACE SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, T & L Holding, Inc., a California corporation,
is possessed of a tract of land situate in the City of Modesto,
County of Stanislaus, consisting of 2.857 acres, known as the
Abel Place Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission of the City of Modesto on the 7th day of
December, 1992, and

WHEREAS, the Secretary of the Planning Commission of
the City of Modesto has certified that the final map of said
tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has
certified that the final map of said Abel Place Subdivision meets
all of the provisions of the California Subdivision Map Act and
the provisions of the Modesto Municipal Code relating to
subdivisions, and that the map is technically correct,

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

determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-113

A RESOLUTION AUTHORIZING THE PURCHASE OF SURPLUS MATERIAL FROM THE "FEDERAL SURPLUS PROPERTY DONATION PROGRAM", AND AUTHORIZING CERTAIN CITY EMPLOYEES AS CITY OF MODESTO REPRESENTATIVES TO ACQUIRE SUCH PROPERTY.

WHEREAS, the Federal Government, through the State of California Department of General Services, is offering for sale various surplus and excess property through the "Federal Surplus Property Donation Program", and

WHEREAS, some of the property is new and unused and could be used by various departments of the City of Modesto, and

WHEREAS, the Modesto Police Department has been advised of certain material being surplused by the Federal Government, located in Sacramento, that the Modesto Police Department may have a need for, and

WHEREAS, in order to have access, view and ultimately purchase the property a resolution allowing yearly access is required, and

WHEREAS, the Council desires to designate certain City employees as representatives to acquire such property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Officer of the City of Modesto will submit to the State Department of General Services the names of the persons authorized to view the property and make purchases.

BE IT FURTHER RESOLVED that the following City employees are hereby authorized as City of Modesto representatives to acquire federal surplus property from the California State Agency for Surplus Property:

Bob Guthrie, Police Captain
Russ Serna, Police Lieutenant
Joe Aja, Police Sergeant
Jim Pregler, Purchasing Officer
Peter Lucido, Buyer

BE IT FURTHER RESOLVED that the Purchasing Officer is directed to assure that all purchases made are within City of Modesto's established procedures and that appropriate funds are available for said purchases.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-114

A RESOLUTION ACCEPTING WITH REGRET, THE RESIGNATION OF J. B. PICCO FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE FEBRUARY 15, 1994

WHEREAS, J.B. Picco was appointed a member of the Community Qualities Forum on December 22, 1992; and

WHEREAS, J.B. Picco has tendered his resignation from the Community Qualities Forum, effective February 15, 1994.

NOW, THEREFORE BE IT RESOLVED that the resignation of J.B. Picco from the Community Qualities Forum be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to J.B. Picco for his service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:



NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-115

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR WATER TANK NO. 4 AND WELL NO. 54 INSTALLATION

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

SECTION 1. The specifications for water tank No. 4, and Well No. 54 installation copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 24, 1994 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-116

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS FOR FURNISHING READY-MIX CONCRETE

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

SECTION 1. The specifications for furnishing ready-mix concrete

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 14, 1994 at 11:05 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-117

A RESOLUTION REJECTING ALL BIDS FOR THE LAKEWOOD TRUNK SEWER FROM BRIGGSMORE AVENUE TO SYLVAN AVENUE PROJECT, OPENED IN THE OFFICE OF THE CITY CLERK ON JANUARY 20, 1994, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 93-724, adopted by the Council of the City of Modesto on December 21, 1993, approved the plans and specifications for the Lakewood Trunk Sewer from Briggsmore Avenue to Sylvan Avenue Project, and authorized the calling for bids; and

WHEREAS, the bids received for the Lakewood Trunk Sewer from Briggsmore Avenue to Sylvan Avenue, were opened at 11:05 a.m. on January 20, 1994; and

WHEREAS, a bid protest disclosed that City specifications incorporating California Department of Transportation Specification 8-1.01, required elaboration and clarification.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for the Lakewood Trunk Sewer from Briggsmore Avenue to Sylvan Avenue Project, opened in the office of the City Clerk on January 20, 1994, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for the Lakewood Trunk Sewer from Briggsmore Avenue to Sylvan Avenue Project to be opened March 9, 1994, at 11:00 a.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-118

A RESOLUTION ACCEPTING THE INSTALLATION OF WATER TANK NO. 5 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the installation of Water Tank No. 5

has been completed by Scrimsher & Mineni Construction, Inc.
in accordance with the contract agreement dated March 9, 1993 .

NOW, THEREFORE, BE IT RESOLVED that the installation of
Water Tank No. 5

be accepted from said contractor, Scrimsher & Mineni Construction, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$621,084.01 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 22nd day of February,
19 94, by Councilmember Friedman, who moved its adoption, which
motion being duly seconded by Councilmember Dobbs, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-119

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94
ANNUAL BUDGET TO ESTABLISH A NEW CAPITAL
PROJECT FOR VILLAGE ONE LAND ACQUISITION.

WHEREAS, the City Council has approved a hardship
policy whereby property owners may request that the City purchase
property designated for future City use if the inability to sell
is related to the proposed use and is creating a financial
hardship, and

WHEREAS, funds in the amount of \$10,000 are needed for
acquisition related expenses prior to actual acquisition. Since
acquisition of property in the Northeast McHenry Neighborhood has
been postponed, the funds are available from this project
(135-310-P950-6030),

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the following adjustment is necessary

Parks Capital Facilities Fee Fund

<u>Fund/Agy/Org/Rev-Obj</u>		<u>Increase (Decrease)</u>
<u>Expenditures</u>		
135-310-P950-6030	Northeast McHenry Neighborhood Acquisition	(\$10,000)
135-310-D406-6030	Village One Park Land Acquisition	\$10,000

BE IT FURTHER RESOLVED that the Finance Director is
hereby authorized to take the necessary steps to implement the
provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-120

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LARRY A. AND PATRICIA L. ASKEW, AND DAVID AND SANDRA MESENHIMER, dba MODESTO FLIGHT CENTER FOR THEIR OPERATION AT THE MODESTO AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Larry A. and Patricia L. Askew, and David and Sandra Mesenhimer, dba Modesto Flight Center for their operation at the Modesto Airport

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-121

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING RIGHT OF ENTRY FROM RONALD L. LaFORCE, ALEX G. LIAKOS, AND ANDREW N. LUND, ALLOWING ENTRY TO 0.608+ ACRE OF THEIR PROPERTY TO CONSTRUCT THE SONOMA SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ronald L. LaForce, Alex G. Liakos, and Andrew N. Lund for the acquisition of 0.608+ acre of their property to construct the Sonoma Sewer Trunk Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Ronald L. LaForce, Alex G. Liakos, and Andres N. Lund for the Sonoma Sewer Trunk Project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-122

A RESOLUTION FINDING THAT THE RIGHT OF ENTRY FROM RONALD L. LA FORCE, ET AL., FOR THE SONOMA SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the right of entry from Ronald L. La Force, et al., for the Sonoma Sewer Trunk Project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL,
RESOLUTION NO. 94-123

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
BRUCE BECK FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Bruce Beck for the
Lakewood Sewer Trunk Project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 22nd day of February ,
19 94 , by Councilmember Friedman , who moved its adoption, which motion
being duly seconded by Councilmember Dobbs , was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-124

A RESOLUTION FINDING THAT AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BRUCE BECK NOT TO PLANT A CROP ON FIVE ACRES OF LAND BECK IS LEASING FROM LUST, ET AL., LOCATED IN THE LAKEWOOD SEWER TRUNK PROJECT AREA IN THE VILLAGE ONE AREA, IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that an agreement between the City of Modesto and Bruce Beck to compensate Beck for not planting a crop on land that Beck is leasing from John Lust, et al., known as Assessor's Parcel No. 52-20-51, located in the Lakewood Sewer Trunk Project area in the Village One area is consistent with the Village One Specific Plan and the program EIR for the Lakewood Sewer Trunk Project for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA

Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Coggill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL,
RESOLUTION NO. 94-125

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LOUIS R. AND JOYCE H. MENEZES FOR PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Louis R. and Joyce H. Menezes for property rights needed for the Parallel Outfall Project

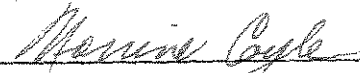
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February , 19 94 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL,
RESOLUTION NO. 94-126

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WADE D. AND KAY S. SMITH FOR THE LEASE OF 1204 RIVER ROAD (MANCINI HOUSE)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Wade D. and Kay S. Smith for the lease of 1204 River Road (Mancini house)

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February , 19 94, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Morrine Coyle
MORRINE COYLE, city clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-127

A RESOLUTION TERMINATING THE LEASE OF CHANI AND REBECCA VILLANEUVA FOR THE MANCINI HOUSE AT 1204 RIVER ROAD

BE IT HEREBY RESOLVED by the City Council of the City of Modesto that the agreement between the City of Modesto and Chani and Rebecca Villaneuva for the lease of 1204 River Road (Mancini house) be, and it hereby is terminated.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-128

A RESOLUTION REVISING THE POSITION
CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Community Development Program Specialist

The revised specification for the classification of Community Development Program Specialist I/II (Range 124 and 128), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall

become effective on and after February 22, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

COMMUNITY DEVELOPMENT PROGRAM SPECIALIST I/II

DEFINITION

Under general direction from the Community Development Program Manager, provides administrative and technical support to the Community Development Program Office. Also initiates and maintains contact with property owners, residents, organizations and governmental entities involved in community development programs offered through the Community Development Program Office.

DISTINGUISHING CHARACTERISTICS

Community Development Program Specialist I - This position is distinguished from the Community Development Program Specialist II by the performance of the more routine tasks and duties assigned to the position.

Community Development Program Specialist II - Employees within this class are distinguished from the Community Development Program Specialist I by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies of the work unit. Positions in this class are flexibly staffed and are normally filled by advancement from the I, or when filled from the outside, require prior work experience directly related to the area of assignment.

EXAMPLES OF DUTIES: Duties may include, but are not limited to, the following:

Provide administrative and technical support to the Community Development Program Manager.

Compile and analyze data and prepare annual reports including the Grantee Performance Report, Community Development Block Grant (CDBG) Application, HOME Application and Comprehensive Housing Affordability Strategy (CHAS).

Provide statistical methodology for major projects.

Coordinate informational seminars and workshops.

Prepare data and reports for citizen committees, primarily the Economic Development Loan Committee and Citizens Housing and Community Development Committee.

Assist in the marketing of community development programs administered through the Community Development Program Office; write and prepare brochures and flyers, video tape segments, newspaper and magazine advertising copy.

CITY OF MODESTO
COMMUNITY DEVELOPMENT PROGRAM SPECIALIST I/II

Assist in monitoring Mortgage Revenue Bonds and other tax-exempt financing.

Monitor small-business loans, nonprofit organizations and other governmental entities for proper expenditures according to loan or grant agreements and Federal regulations.

Responsible for the implementation of the Affordable Housing Task Force and Housing Trust Fund.

Develops and maintains automated systems for compilation of economic data, housing data and participant files.

Monitors the low income benefit and the effectiveness of existing community development programs, and recommends the addition, expansion, or modification of programs and public outreach to respond to diverse and changing community needs.

Reviews and analyzes proposals and makes funding recommendations.

Advises prospective first-time home buyers about the availability of local, state and federal housing programs.

Acts as Budget Officer for the division; prepares and administers the division budget; manages the day-to-day fiscal operation and funding allocation; responsible for gathering and compiling financial data for annual reports.

Prepares and/or updates policies and procedures of existing community development programs.

Assist residents with relocation under the Housing Rehabilitation Program

Assist with loan package preparation to applicants under the Small Business Loan Program.

Performs related duties as assigned.

DESIRABLE QUALIFICATIONS

Community Development Program Specialist I -

Knowledge Of:

Federal, State and local housing and community development programs and regulations.

Effective communication skills with a diversity of clients.

Technical report writing.

CITY OF MODESTO
COMMUNITY DEVELOPMENT PROGRAM SPECIALIST I/II

Basic statistical and record-keeping methods.

Principles and practices of basic small business operations.

Basic computer skills and operations.

Ability To:

Gather data and prepare recommendations

Prepare statistical charts, graphs and exhibits.

Foster cooperative working relationships with the general public.

Deal effectively with individuals from a variety of ethnic and socio-economic groups.

Prepare and present reports for public meeting and funding workshops.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Community Development Program Specialist II -

In addition to the Desirable Qualifications for the Community Development Program Specialist I:

Knowledge Of:

Principles and practices of loan packaging and underwriting.

Principles and practices of contract monitoring.

Principles and practices of budget preparation and administration.

Computer and software knowledge, including spreadsheets.

Ability To:

Organize and implement comprehensive reports and community development programs.

Interpret and apply Federal, State, and local policies, procedures, laws and regulations.

Ability to analyze pro-formas and financial statements.

CITY OF MODESTO
COMMUNITY DEVELOPMENT PROGRAM SPECIALIST I/II

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

FOR BOTH COMMUNITY DEVELOPMENT PROGRAM SPECIALIST I AND II:

Education:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in finance, business or public administration or related field.

License:

Possession of, or the ability to obtain, an appropriate and valid California driver's license.

Experience:

SPECIALIST I:

Two year of increasingly responsible experience in finance, community development, or related field. Familiarity with housing programs is highly desirable.

SPECIALIST II:

At least three years increasingly responsible experience in finance, community development, or a related field with a minimum of one year in a community development or housing agency.

15 Mark

MODESTO CITY COUNCIL
RESOLUTION NO. 94-129

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 91-724 TO APPROVE A REVISED
CLASS RANGE TABLE FOR GENERAL NON-SWORN
CLASSES.

WHEREAS, Exhibit "A" of Resolution No. 91-724 has been
previously amended by Resolution No. 92-18, and

WHEREAS, the City Council desires to further amend
Exhibit "A" of Resolution No. 91-724,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-724.

Exhibit "A" entitled "City of Modesto Class Range Table General
Non-Sworn Classes Effective November 26, 1991", attached to
Resolution No. 91-724, is hereby amended as shown on the amended
Exhibit "A" entitled, "City of Modesto Class Range Table General
Non-Sworn Classes Effective February 22, 1994", which is attached
hereto and made a part hereof as though set forth in full herein.
Said amended Exhibit "A" splits the class specification for
Community Development Program Specialist into two levels,
Community Development Program Specialist I at Range 124 and
Community Development Program Specialist II at Range 128.

SECTION 2. EFFECTIVE DATE. This resolution shall
become effective on and after February 22, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective February 22, 1994

RANGE	TITLE
103	Administrative Clerk I Printing Services Operator I
104	
105	
106	
107	Printing Services Operator II Administrative Clerk II Animal Control Officer I Custodian
108	
109	Police Clerk
110	Maintenance Worker I Equipment Service Worker I
111	Account Clerk Sr. Printing Service Operator Animal Control Officer II Evidence & Property Specialist
112	Code Enforcement Officer I
113	Computer Operator Administrative Technician Drafting & Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Equipment Service Worker II

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective February 22, 1994

RANGE	TITLE
115	Accounting Technician Planning Technician I Wastewater Treatment Plant Attendant Community Service Officer Assistant to the Events Coordinator
116	Code Enforcement Officer II Equipment Operator Fire Prevention Technician I Meter Reader/Repair Worker Motor Sweeper Operator Traffic Technician Traffic Painter Traffic Sign Worker Water Line Worker
117	Electrical Technician II Storm Water Inspector
118	Tree Trimmer Senior Storeskeeper Street Trees Crewleader Parking Lot Maintenance Crewleader Parks Crewleader
119	Maintenance Mechanic - Parks Planning Technician II Maintenance Mechanic - Pumps Wastewater Treatment Plant Operator Civil Engineering Technician I Building Maintenance Mechanic Police Administrative Assistant

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective February 22, 1994

RANGE	TITLE
120	Welder/Fabricator Senior Equipment Operator Fire Prevention Technician II Equipment Mechanic Assistant Electrician Traffic Painter Crewleader Accountant I Assistant Lab Technician
121	
122	Coach Mechanic Fire Equipment Mechanic Tree Trimmer Crewleader Programmer Analyst I Industrial Waste Inspector I Cross Connection Specialist
123	Sr. Wastewater Treatment Plant Operator Maint. Mech. Crewleader - Pumps Civil Engineering Technician II Maint. Mech. Crewleader - Parks
124	Plant Mechanic Laboratory Technician Equipment Mechanic Crewleader Planning Assistant Equipment Crewleader Community Development Program Specialist I
125	Crime Analyst

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective February 22, 1994

RANGE	TITLE
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector II Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist Community Development Program Specialist II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Materials Inspector Senior Crime Analyst
131	Sr. Civil Engineering Asst.
132	
133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

RODESTO CITY COUNCIL
RESOLUTION NO. 94-130

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF RODESTO AND EDWIN S. DARDIN ASSOCIATES, INC. FOR CONSULTANT SERVICES FOR ARCHITECTURAL AND ENGINEERING PLANS FOR THE JOHANSEN POOL SUPPORT FACILITY

BE IT HEREBY RESOLVED by the Council of the City of Rodesto that the agreement between the City of Rodesto and Edwin S. Dardin Associates, Inc. for consultant services for architectural and engineering plans for the Johansen Pool support facility

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Rodesto held on the 22nd day of February , 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-131

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF BONNIE JOHNSON FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE FEBRUARY 22, 1994

WHEREAS, Bonnie Johnson was appointed a member of the Human Relations Commission on December 7, 1993; and

WHEREAS, Bonnie Johnson has tendered her resignation from the Human Relations Commission, effective February 22, 1994; and

WHEREAS, Bonnie Johnson has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Bonnie Johnson from the Human Relations Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Bonnie Johnson for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-132

A RESOLUTION APPOINTING LYNNE GONZALES AS THE PLANNING COMMISSION REPRESENTATIVE TO THE BOARD OF ZONING ADJUSTMENT

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

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

SECTION 1. The following person is hereby appointed to the Board of Zoning Adjustment as the Planning Commission representative for the respective term as indicated:

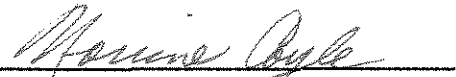
Lynne Gonzales
Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Board of Zoning Adjustment and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



Boards and Commissions

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-133

A RESOLUTION APPOINTING DENNIS JACKMAN TO THE CITIZENS ADVISORY COMMITTEE
ON RECYCLING

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

SECTION 1. The following person is hereby appointed to the Citizens
Advisory Committee on Recycling for the respective term as indicated:

Dennis Jackman

Term to expire 1/1/97

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Citizens Advisory
Committee on Recycling and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 22nd day of February, 1994,
by Councilmember Friedman, who moved its adoption, which motion being
duly seconded by Councilmember Dobbs, was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-134

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 12-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(479) AS AN ADDITION TO P-D(479). (STANISLAUS COUNTY HOUSING AUTHORITY)

WHEREAS, on December 8, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 12-3-8 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(479), as an addition to P-D(479), property located on the west side of Conant Avenue, south of the Hetch Hetch right-of-way might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

RESOLUTION NO. 94-135 UNUSED

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-136

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REMODELING THE RESTROOMS AT DOWNEY AND DAVIS PARKS TO MAKE THEM ACCESSIBLE TO THE HANDICAPPED

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

SECTION 1. The specifications for remodeling the restrooms at Downey and Davis Parks to make them accessible to the handicapped , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 31, 1994 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March 19 94, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-137

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
FURNISHING DISCING SERVICES

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

SECTION 1. The specifications for furnishing discing services copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 21, 1994 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March 19⁹⁴, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-138

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR FURNISHING TRAFFIC SIGNAL ACCESSORIES

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

SECTION 1. The specifications for furnishing traffic signal accessories

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 21, 1994 at 11:05 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March 19 94 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-139

A RESOLUTION ACCEPTING THE MELLIS, SENIOR CITIZENS AND BEYER PARKING AREAS
REHABILITATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,
that the Mellis, Senior Citizens and Beyer Parking areas rehabilitation
has been completed by Graham Contractors, Inc.

in accordance with the contract agreement dated July 6, 1993 .

NOW, THEREFORE, BE IT RESOLVED that the Mellis, Senior Citizens
and Beyer Parking areas rehabilitation

be accepted from said contractor, Graham Contractors, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$27,182.43 as provided
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 1st day of March ,
19 94, by Councilmember Friedman , who moved its adoption, which
motion being duly seconded by Councilmember Cogdill , was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-140

A RESOLUTION ACCEPTING THE ZEFF ROAD STREET IMPROVEMENTS AT WATER TANK NO. 5 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the Zeff Road street improvements at water tank No. 5

has been completed by Ross Carroll, Inc. in accordance with the contract agreement dated September 21, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Zeff Road street improvements at water tank No. 5

be accepted from said contractor, Ross Carroll, Inc. ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$54,947.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-141

A RESOLUTION APPROVING THE CONCEPT OF A REORGANIZATION OF THE STRUCTURE OF THE FINANCE DEPARTMENT TO IMPLEMENT ORGANIZATIONAL RECOMMENDATIONS RESULTING FROM AN AUDIT OF THE FINANCE DEPARTMENT WHICH WAS CONDUCTED BY ARROYO SECO ASSOCIATES, INC.

WHEREAS, in June 1993, a report relating to the Finance Department Organization Study, which was conducted by Arroyo Seco Associates, Inc., "Consultants" was presented to the City Council, and a copy of said report is on file in the Office of the City Clerk, and

WHEREAS, the Consultants' report provided a comprehensive analysis of the Department's organization, operations and policies, and

WHEREAS, the Consultants' report contained recommendations, that if implemented, would enhance the efficiency and effectiveness of the Finance Department, and

WHEREAS, the proposed adjustments, as well as other adjustments, without fiscal impacts, are discussed in detail in a report from the Finance Director to the Council entitled "Response to Management: Proposed (Re)organization" dated February 24, 1994, a copy of which is on file in the office of the City Clerk, and

WHEREAS, proposed organizational adjustments with fiscal impacts are outlined in the document entitled, "Costs and Savings by Position of Proposed Finance Department

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

(Re)organization", marked Attachment "A", which is attached hereto,

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

SECTION 1. That the proposed reorganization of the structure of the Finance Department to implement organizational recommendations resulting from an audit of the Finance Department which was conducted by Arroyo Seco Associates, Inc., is hereby approved in concept.

SECTION 2. That the proposed organizational adjustments with fiscal impacts as outlined in the document entitled, "Costs and Savings by Position of Proposed Finance Department (Re)organization", marked Attachment "A", which is attached hereto, are hereby approved in concept.

SECTION 3. That the proposed reorganizational adjustments relating to personnel title changes that have no fiscal impact which are set forth on Attachment "B", which is attached hereto, are hereby approved in concept, pending specific approval by Resolution of the Council at a later date providing for appropriate amendments to job specifications/titles and class range tables.

SECTION 4. That the City Manager is hereby authorized to take the necessary steps to implement the provisions of this resolution.

ATTACHMENT A

COSTS AND SAVINGS BY POSITION OF
PROPOSED FINANCE DEPARTMENT (RE)ORGANIZATION

<u>Division</u>	<u>Position and Proposed Action</u>	<u>(Full-Year Savings)</u>	<u>Full-Year Cost</u>
Customer Services	Delete: Vacant funded Accountant I	(\$39 K)	
	Add: New Customer Services Supervisor		39 K
	Delete: Vacant, funded Account Clerk	(32 K)	
	Add: New Customer Services Supervisor		39 K
	Add: New Customer Services Specialist		48 K
Accounting	Delete: Principal Accountant	(64 K)	
	Add: Accountant II at .75 FTE (up from .25 FTE currently)		28 K
	Delete: Vacant, funded Accountant II	(48 K)	
	Add: New Account Clerk		31 K
Budget and Financial Analysis	Add: New Manager of Budget and Financial Analysis		67 K
	Add: Budget Analyst at 1.0 FTE (up from .75 FTE currently),		12 K
		<u>(183 K)</u>	<u>265 K</u>
	Net additional cost of position changes (1/2 General Fund, 1/2 Enterprise Funds)		<u>82 K</u>
	FY 1994-95 increased audit revenue (General Fund)	(50 K)	
	Annual hard-dollar cost (all Enterprise Funds)		<u>\$32 K</u>

NOTE: Savings and cost include salary and benefits

FINANCE REORGANIZATION
TITLE CHANGES

NAME	FROM	TO
John Enero	Financial Analyst	Financial/Investment Officer
Debra Eggerman	Budget Analyst	Senior Budget Analyst
Catherine Brown	Asst Budget Analyst	Budget Analyst
Barry Newlin	Finance Division Manager	Accounting Division Manager
Bill Young	Finance Division Manager	Customer Service Division Manager
Tracy Hancock	Warehouse Supervisor	Stores Manager

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RODESTO CITY COUNCIL
RESOLUTION NO. 94-142

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF RODESTO AND ALLEN R. BECK, et al FOR THE ACQUISITION OF A 2.91+ ACRE PERMANENT EASEMENT AND A 0.43+ ACRE TEMPORARY EASEMENT FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Allen R. Beck, et al for the acquisition of a 2.91+ acre permanent easement and a 0.43+ acre temporary easement for the Lakewood Sewer Trunk Project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 19 94, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-143

A RESOLUTION FINDING THAT THE ACQUISITION OF PERMANENT AND TEMPORARY EASEMENTS FOR THE LAKEWOOD SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT. (Allen R. Beck, et al.)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the acquisition of permanent and temporary easements from Allen R. Beck, et al., for permanent and temporary easements for the Lakewood Sewer Trunk Project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

RODESIO CITY COUNCIL,
RESOLUTION NO. 94-144

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF RODESIO AND JALA INTERNATIONAL, INC. FOR PROFESSIONAL SERVICES FOR PREPARATION OF A VILLAGE ONE TELECOMMUNICATIONS STUDY

BE IT HEREBY RESOLVED by the Council of the City of Rodesio that the agreement between the City of Rodesio and JALA International, Inc. for professional services for preparation of a Village One Telecommunications Study

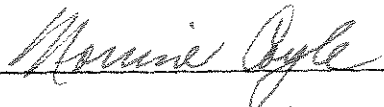
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Rodesio held on the 1st day of March , 19 94, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



NORRINE COYLE, City Clerk

Work

MODESTO CITY COUNCIL
RESOLUTION NO. 94-145

A RESOLUTION DENYING THE APPEAL OF RESOURCE DEVELOPMENT WITHOUT PREJUDICE, TO PLANNING COMMISSION DECISIONS DENYING AN APPLICATION TO AMEND THE GENERAL PLAN FROM A COMMERCIAL DESIGNATION TO A RESIDENTIAL DESIGNATION; DENYING AN AMENDMENT TO SECTION 19-3-10 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(456), TO LOW DENSITY RESIDENTIAL ZONE, R-1, AND A NEW PLANNED DEVELOPMENT ZONE ON THE SOUTH SIDE OF BRIGGSMORE AVENUE EAST OF CLAUS ROAD; DENYING THE VESTING TENTATIVE MAP OF PARKER PLACE SUBDIVISION; AND RESCINDING RESOLUTION 94-73. (REDEV., Inc.)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Redev., Inc., on October 22, 1993, to reclassify from Planned Development Zone, P-D(456), to Low Density Residential Zone, R-1, and to a new Planned Development Zone, for a small commercial site, property located on the south side of Briggsmore Avenue east of Claus Road, described as follows:

P-D(456) to R-1:

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

BEGINNING at the Southwest corner of Parcel 2 as shown on the Parcel Map filed in Book 18 of Parcel Maps at Page 9, Stanislaus County Records; thence North 0°39'16" West, 320.00 feet along the west line of said Parcel 2 and the East right-of-way line of Claus Road; thence North 89°20'44" East, 336.00 feet; thence North 0°39'16" West, 200.75 feet to the South right-of-way line of Parker Road; thence North 89°38'36" East, 594.46 feet along said South right-of-way line to the Northeast corner of Parcel 3 of said Parcel Map; thence South 0°31'18" East, 537.07 feet along the east line of

said Parcel 3 to the Southeast thereof; thence North 89°27'29" West, along the South line of said Parcel 2 and 3 a distance of 929.41 feet to the point of beginning.

Including the East 50.00 feet of Claus Road located between the above described property at the West section line of said Section 19.

Also including all of Parker Road and that portion of Modesto Irrigation Lateral No. 3 located between the north line of said Section 19 and the above described property.

P-D(456) to P-D

All that certain real property situate in a portion of Parcel 2 as shown on the Parcel Map filed in Book 18 of Parcel Maps at Page 9, Stanislaus County Records, lying in a portion of the North half of the Northwest quarter of the Northwest quarter of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the Southwest corner of said Parcel 2; thence North 0°39'16" West along the West line of said Parcel 2 and the East right-of-way line of Claus Road, a distance of 320.00 feet to the Point of Beginning; thence continuing North 0°39'16" West along said East right-of-way line a distance of 127.42 feet to a tangent curve concave to the Southeast; thence 23.65 feet along said curve having a central angle of 90°19'14" and a radius of 15.00 feet to the South right-of-way line of Parker Road and the North line of said Parcel 2; thence continuing along said South right-of-way line North 89°39'58" East, 66.19 feet to a tangent curve concave to the Northwest; thence 109.46 feet along said curve having a central angle of 27°16'04" and a radius of 230.00 feet to a tangent line; thence North 62°23'54" East along said tangent line a distance of 34.18 feet to a tangent curve concave to the Southeast; thence 80.84 feet along said curve having a central angle of 27°14'42" and a radius of 170.00 feet to a tangent line; thence North 89°38'36" East along said tangent line a distance of 40.82 feet; thence South 0°39'16" East, 200.75 feet; thence South 89°20'44" West, 336.00 feet to the point of beginning.

Including the East 50.00 feet of Claus Road located between the above described property at the West section line of said Section 19.

Also including all of Parker Road and that portion of Modesto Irrigation Lateral No. 3 located between the north line of said Section 19 and the above described property.

and

WHEREAS, an application was submitted by Redev., Inc. to amend the Land Use Element of the Modesto Urban Area General Plan from a Commercial Designation for a Neighborhood Shopping Center to a Residential Designation regarding property located on the south side of Briggsmore Avenue and east of Claus Road, and

WHEREAS, the vesting tentative map of the Parker Place Subdivision was filed in the office of the Secretary of the Planning Commission on October 28, 1993, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, a public hearing were held by the Planning Commission on December 20, 1993, in the City Council Chambers, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered relating to said matters, and

WHEREAS, the Planning Commission by its Resolution No. 93-60 denied the application filed by Redev., Inc., for an amendment to the Land Use Element of the Modesto Urban Area General Plan for the reasons set forth in said Planning Commission Resolution, and

WHEREAS, the Planning Commission by its Resolution No. 93-61 denied the application filed by Redev., Inc., for an amendment to Section 19-3-10 of the Zoning Map to Rezone from P-D(456) to Low Density Residential Zone, R-1, and a new Planned Development Zone, P-D, for the reasons set forth in said Planning Commission Resolution, and

WHEREAS, the Planning Commission by its Resolution No. 93-62 denied the vesting tentative map of Parker Place Subdivision filed by Redev., Inc., on October 28, 1993, for the reasons set forth in said Planning Commission Resolution, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the application to amend the Land Use Element of the Modesto Urban Area General Plan from a Commercial Designation for a Neighborhood Shopping Center to a Residential Designation, the denial of the application to amend Section Map 19-3-10 of the Zoning Map to rezone from Planned Development Zone, P-D(456), to Low Density Residential Zone, R-1, and a new Planned Development Zone, P-D, and the denial of the Vesting Tentative Map of Parker Place Subdivision, was filed with the Office of the City Clerk by letter dated December 21, 1993, from Resource Development, and

WHEREAS, said appeal was duly noticed and set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on February 1, 1994, at 7:30 p.m., and

WHEREAS, said public hearing was held at the date and time noted above, and after hearing evidence both oral and documentary, the Council found and determined as follows:

SECTION 1. That said appeal to the Planning Commission's decision denying a proposed amendment to the Land Use Element of the Modesto Urban Area General Plan from a Commercial Designation for a Neighborhood Shopping Center to a Residential Designation on the south side of Briggsmore Avenue east of Claus Road, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth below:

1. A neighborhood shopping center to serve the Lakewood and Lakewood East Neighborhoods is desirable, as provided for by Objective 4c and Standard 2c of the Land Use Element of the Modesto Urban Area General Plan.
2. The proposed project design does not take into account the proposed urban interchange at Claus Road and Briggsmore Avenue/Parker Road, both in terms of dimension and in terms of potential noise impact.
3. The proposed one-acre commercial site is not supported by the Planning Commission.

SECTION 2. That said appeal to the Planning Commission's decision denying a proposed amendment to the Section 19-3-10 of the Zoning Map to Rezone from P-D(456) to R-1 and a new P-D, property located on the south side of Briggsmore Avenue east of Claus Road, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth below:

1. That the proposed rezone from P-D(456) to R-1, Low Density Residential and a new P-D for a one-acre commercial development is not in accordance with the community objectives as set forth in the General Plan, which provides for a Neighborhood Commercial Shopping Center at this location.
2. That the proposed design does not accommodate plans for an urban interchange in the Village One Facilities Master Plan and the SAAG County-wide expressway study, at the intersection of Claus Road and Parker Road.

SECTION 3. That said appeal to the Planning Commission's decision denying the vesting tentative map of Parker Place Subdivision, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth below:

1. That the proposed subdivision map is not consistent with the General Plan which designates Neighborhood Commercial at this location.
2. That the proposed subdivision design ignores plans for an urban interchange by the Village One Facilities Master Plan and the SAAG County-wide expressway study at the intersection of Claus Road and Parker Road.

and

WHEREAS, by Council Resolution No. 94-73, the Council denied the appeal of Resource Development to the decision of the Planning Commission denying the application to amend the Land Use Element of the Modesto Urban Area General Plan, to amend Section 19-3-10 of the Zoning Map to rezone from P-D(456) to Low Density Residential Zone, R-1, and a new Planned Development zone, P-D, property located at the south side of Briggsmore Avenue East of Claus Road, and the vesting tentative map of Parker Place

Subdivision for the reasons set forth above, and the decisions of the Planning Commission were affirmed, and

WHEREAS, a request was filed with the City Clerk by letter dated February 25, 1994, from Resource Development, requesting that the City Council consider amending its decision denying the appeal to denying the appeal "Without Prejudice", and

WHEREAS, at its Council Meeting of March 1, 1994, said request to deny the appeal "Without Prejudice" filed by Resource Development was considered by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Resource Development to the decisions of the Planning Commission denying the application to amend the Land Use Element of the Modesto Urban Area General Plan, denying an amendment to Section 19-3-10 of the Zoning Map to rezone from P-D(456) to Low Density Residential Zone, R-1, and a new Planned Development Zone, P-D, property located at on the south side of Briggsmore Avenue East of Claus Road, and denying a vesting tentative map of Parker Place Subdivision, is hereby denied "Without Prejudice" for the reasons set forth above, and the decisions of the Planning Commission are hereby affirmed.

BE IT FURTHER RESOLVED that Council Resolution No. 94-73 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-146

A RESOLUTION ACCEPTING THE BID OF THORCON, INC. FOR THE EAST LA LOMA PARK SHADE STRUCTURE PROJECT

WHEREAS, Resolution No. 94-37 , adopted by the Council of the City of Modesto on January 18 , 1994 , approved the plans and specifications for the East La Loma Park shade structure project

and authorized the calling for bids; and

WHEREAS, the bids received for the East La Loma Park shade structure project were opened at 11:00 a.m. on February 17, 1994 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Thorcon, Inc. in the amount of \$75,059.96 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Thorcon, Inc. in the amount of \$75,059.96 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March , 1994 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-147

A RESOLUTION ACCEPTING THE BID OF GRAYBAR ELECTRIC FOR FURNISHING TRAFFIC SIGNAL EQUIPMENT

WHEREAS, Resolution No. 94-74 , adopted by the Council of the City of Modesto on February 1 , 19 94 , approved the plans and specifications for furnishing traffic signal equipment

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing traffic signal equipment

were opened at 11:00 a.m. on February 22 , 19 94 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Graybar Electric in the amount of \$26,607.33

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Graybar Electric in the amount of \$26,607.33

be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March , 19⁹⁴ , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City City

MODESTO CITY COUNCIL
RESOLUTION NO. 94-148

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO DECLARING ITS INTENTION TO FORM A BUSINESS IMPROVEMENT AREA TO BE KNOWN AS "DOWNTOWN BUSINESS IMPROVEMENT AREA POLICE BIKE PATROL", FIXING THE TIME AND PLACE FOR HEARING, AND GIVING NOTICE THEREOF.

The Council of the City of Modesto, California, does hereby resolve, determine, and order as follows:

SECTION 1. Authority. The proceedings herein are taken pursuant to the authority of the "Parking and Business Improvement Area Law of 1989", Streets and Highways Code Section 36500, et seq.

SECTION 2. Intention. The Council hereby declares its intention to form a Business Improvement Area in the City of Modesto in accordance with the provisions of said law.

SECTION 3. Name. The name of the proposed Business Improvement Area to be formed is: "Downtown Business Improvement Area Police Bike Patrol", hereinafter referred to as "AREA".

SECTION 4. AREA Description. A description of the exterior boundaries of the "Downtown Business Improvement Area Police Bike Patrol" is as follows:

All that portion of Sections 28, 29, 32 and 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of the City of Modesto, as per map filed December 21, 1942, in Volume 15 of Maps, Stanislaus County Records, described as follows:

Beginning at the intersection of the center lines of 9th Street and D Street; thence Southwesterly along the centerline of D

Street to its intersection with the centerline of the Southern Pacific Company main line railroad tracks; thence Northwesterly along said centerline of the main line rails to the Westerly extension of the centerline of Needham Street; thence Easterly along said centerline of Needham Street to its intersection with the Section line between Section 28 and 29, said line lying within a portion of a City street known as McHenry Avenue; thence South along said Section line to the West Quarter Corner of Section 28; thence East along the 1/2 Section line of Section 28, said line being parallel, more or less, and lying within a City street known as Downey Avenue, to its intersection with the Northerly extension of the center line of Burney Street; thence Southerly along said center line of Burney Street to its intersection with the Northeasterly extension of D Street; thence Southwesterly along said center line of D Street to the point of beginning.

SECTION 5. Proposed Activities. The proposed activities to be funded by the levy of assessments on businesses within the AREA, as hereinafter provided, are the furnishing of three full-time uniformed police officers to serve as a downtown bicycle patrol for the benefit of businesses within the AREA. The assessments will be used to fund all monthly operating costs, salaries, benefits, overtime and reserve pay, and to purchase and maintain support equipment for the program.

SECTION 6. Proposed Method and Basis of Assessment. It is proposed that the levy of assessments on the businesses conducting their activities within the AREA be fixed and determined by the following schedule:

(1) Class I Businesses ("Small Businesses"): Every business conducting its activities within the AREA, wherein 10 or

fewer persons, including owners and employees, are employed, whether full-time, part-time, permanent or temporary, shall be subject to an assessment of \$15.50 per month.

(2) Class II Businesses ("Medium Businesses"): Every business conducting its activities within the AREA, and wherein not less than 11 nor more than 25 persons, including owners and employees, are employed, whether full-time, part-time, permanent or temporary, shall be subject to an assessment of \$30 per month.

(3) Class III Businesses ("Large Businesses"): Every business conducting its activities within the AREA, and wherein 26 or more persons, including owners and employees, are employed, whether full-time, part-time, permanent or temporary, shall be subject to an assessment of \$45 per month.

SECTION 7. Collection of Assessments. The proposed assessments on businesses within the AREA shall be imposed annually and shall be payable, in advance, on the 1st day of January, April, July and October and delinquent at 5 o'clock p.m. on the last day of the month. Delinquent assessments shall be subject to a 25% penalty.

SECTION 8. New Businesses. It is proposed that new businesses shall not be exempt from the levy of assessment as hereinabove provided for.

SECTION 9. Proposed Exemption: Voluntary Contribution. It is proposed that any business, person, or institution located within the AREA which is exempt from payment of the levy of assessment by reason of the provisions of the

United States or State Constitutions, may make a voluntary contribution to the City to be used for the purposes provided in this resolution.

SECTION 10. Proposed Reduction of Assessment: Undue Burden. It is proposed that in any case in which the annual gross receipts resulting from the operation of a business do not exceed the sum of \$2,000.00 and the payment of the levy of assessment would cause an undue hardship to the business on whom an assessment is to be levied, the business may be entitled to an reduction of the standard levy of assessment. Every business which has been granted such a reduction shall be subject to an assessment of \$5.00 per month.

SECTION 11. Time and Place of Hearing; Notice. Notice is hereby given that on the 5th day of April, 1994, at 7:30 p.m. in the Council Chambers of the City Council in the City Hall, located at 801 - 11th Street in the City of Modesto, California, is the time and place fixed for the public hearing on this resolution of intention for the proposed formation and establishment of the "Downtown Business Improvement Area Police Bike Patrol". Any person interested in and/or objecting to or desiring to protest the formation and establishment of the AREA, the extent thereof, the boundaries thereof, the proposed amount of the levy of assessment, the classification of businesses, or any other proposal or matter set forth in this resolution of intention, may appear before the Council at said time and place above specified and be heard.

Written protests against the establishment of the AREA, the extent of the AREA, the furnishing of the proposed activities within the AREA, or any other matter contained in this resolution of intention must be filed with the City Clerk at or before the time fixed for the public hearing. Each written protest must contain a sufficient description of the business in which the person protesting is interested in so that he or she may be identified in official records of the City as the owner of the business therein, or be accompanied by written evidence that the person protesting is the owner of said business.

If written protests are received from owners of businesses in the proposed AREA which will pay 50 percent or more of the proposed assessments, and those protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceeding to create the AREA or to levy the proposed assessment shall be taken for a period of one year.

SECTION 12. Publication and Mailing of Notice. The City Clerk has caused notice of this public hearing to be published at least three times in the Modesto Bee, a newspaper of general circulation, printed and published in the City of Modesto, in accordance with Government Code Sections 54954.6 and 6063.

The City Clerk shall also cause to be mailed a copy of this resolution by first class mail, postage prepaid, to each business in the proposed AREA, as described herein, which mailing shall be completed within seven (7) days of the date this

resolution is adopted, all in accordance with Sections 36523 and 36523.5 of the Streets and Highways Code, and Section 54954.6 of the Government Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Cogdill, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-149

A RESOLUTION URGING LOCAL LEGISLATORS TO SUPPORT AN AMENDMENT TO STATE LAW ALLOWING CITIES AND OTHER PUBLIC AGENCIES TO ADOPT ORDINANCES IMPOSING FINANCIAL RESPONSIBILITY ON BOTH THE PERPETRATOR AND THE PARENTS OF MINOR CHILDREN WHO COMMIT ACTS OF GRAFFITI VANDALISM.

WHEREAS, the City Council desires to develop a new ordinance which would deal effectively with the rampant graffiti problem and which would make parents of minors who commit acts of graffiti vandalism financially responsible for both restitution and a fine, and

WHEREAS, it is possible that without a change in State law, such an ordinance could be subject to challenge, and

WHEREAS, graffiti victims do have recourse against a minor offender and the minor's parents pursuant to Civil Code Section 1714.1, as that section gives a victim the right to file a civil action in court to recover damages of up to \$10,000, and

WHEREAS, although victims do have recourse as stated above, the City Council prefers to adopt its suggested legislation as a preferable alternative because it provides for an administrative procedure that is outside the overburdened court system, a copy of the proposed legislation is attached hereto entitled "New Government Code §53069.4", and

WHEREAS, existing law permits cities to clean up graffiti with City funds, however, the City's proposed legislation would go further to allow the City to recover the

clean-up costs plus an administrative fine of up to \$1,000 from the minor and the minor's parents in an administrative proceeding, and

WHEREAS, in most cases if an administrative proceeding is held, no court action would be required, as the administrative order would have the same effect as a money judgment and could be collected through a lien procedure on any real property owned by the parent or parents,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby urges local legislators to support an amendment to state law allowing cities and other public agencies to adopt ordinances imposing financial responsibility on both the perpetrator and the parents of minor children who commit acts of graffiti vandalism, a copy of said proposed legislation is attached hereto entitled "New Government Code §53069.4".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

NEW GOVERNMENT CODE §53069.4

A. "Notwithstanding anything to the contrary contained in Government Code Section 53069.3, or Civil Code Section 1714.1, or Penal Code Sections 594(a)(1), 640.5(a), or 640.6, a city, county, or city and county, (hereinafter "local public entity") may provide by ordinance for payment of an administrative fine and for restitution by both the minor, and the parent or parents having custody and control of such minor, administratively found to have created or caused graffiti as that term is defined in Government Code Section 53069.3. Such fines may include or separately state all costs reasonably incurred by the local public entity in removing, cleaning up or covering over the minor's graffiti. The administrative proceeding may be held upon ten (10) days notice as provided in subdivision (c) to such minor and/or parent as the case may be, providing an opportunity to be heard before the legislative body of such entity or hearing officer appointed by it.

B. Any fine or restitution ordered pursuant to this section shall be irrespective of and cumulative to any criminal conviction for an act of graffiti, or any final adjudication by a juvenile court, or placement on a supervised program by a probation officer under the provisions of the Welfare and Institutions Code for such act. Provided further, that in no event may the combined sum of restitution and any fine ordered to be paid pursuant to an ordinance passed in accordance with this section exceed the amount of the actual costs as determined by the local public entity to remove, cover or repair the graffiti by more than \$1,000.00.

Any administrative order made pursuant to an ordinance adopted pursuant to this section shall have the same force and effect for enforcement and collection purposes as an order or judgment of the Superior Court of the State of California. In addition, the ordinance may provide for the collection of such sum by the creation of a lien on any parcel of property owned by the minor or the parents or parent having custody and control of the minor as set forth in subdivision (c).

C. An ordinance creating the lien authorized by subdivision (b) shall require at least ten (10) days notice prior to the recordation of the lien to the owner of record of the parcel of land. The notice shall be served in the same manner as summons in a civil action in accordance with Article 3 (commencing with section 415.10) of Chapter 4 of Title V of Part 2 of the Code of Civil Procedure. If the owner of

record, after a diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to Section 6062.

- (1) A lien authorized by this section shall be recorded in the county recorder's office in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien. The lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the administrative order referred to in subdivision (b), the street address, legal description and assessor's parcel no. of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.
- (2) In the event that the lien is discharged, released, or satisfied, either through payment or through foreclosure, notice of the discharge containing the information specified in subdivision (c) shall be recorded by the governmental agency. The lien authorized by this section and the release of the lien shall be indexed in the grantor-grantee index.
- (3) The lien authorized by this section may be collected in the manner provided by Sections 39581 and 39583 of the Government Code.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-150

A RESOLUTION APPROVING TERMINATION OF AN AGREEMENT WITH VITA DEEDS FOR THE LEASE OF FIRE STATION NO. 10 AT WHITMORE AND USTICK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Vita Deeds for the lease of Fire Station No. 10 at Whitmore and Ustick be, and it is hereby terminated.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-151

A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION TO THE STATE OF CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR FEDERAL GRANT FUNDING FROM THE SMALL BUSINESS ADMINISTRATION, AND AUTHORIZING THE CITY MANAGER TO SIGN SAID APPLICATION.

WHEREAS, the Parks and Recreation Department has been notified of the opportunity to submit an application to the State of California Department of Forestry and Fire Protection for Federal Grant Funding under the Small Business Administration, and

WHEREAS, the grant would allow the City to purchase trees from small businesses and contract with other small businesses for planting of the trees as part of the City's street tree program, and

WHEREAS, project costs are \$145,364, and at least thirty-seven percent (37%) of the total project costs (\$56,514) must be paid by the applicant (the City), which includes a cash match of twenty percent (20%) of the grant amount paid to the Department of Forestry and Fire Protection to administer the grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the submittal of an application to the State of California Department of Forestry and Fire Protection for Federal grant funding in the amount of \$88,850 from the Small Business Administration.

BE IT FURTHER RESOLVED that the Council hereby appoints the City Manager as the agent of the City of Modesto to conduct all negotiations, execute and submit all documents including but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-152

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CHAMBER OF COMMERCE FOR AN AUTOEXPO TO BE HELD AT THE MODESTO CENTRE PLAZA DURING GRAFFITI USA 1994, JUNE 10 - 13

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Chamber of Commerce for an AutoExpo to be held at the Modesto Centre Plaza during Graffiti USA 1994, June 10 - 13, be, and it is hereby approved.

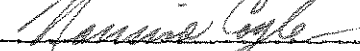
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

4

MODESTO CITY COUNCIL
RESOLUTION NO. 94-153

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR PRINTING OF THE MONTHLY UTILITY BILL INSERT AND QUARTERLY EMPLOYEES' NEWSLETTER ON RECYCLED PAPER FOR UP TO THREE YEARS

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

SECTION 1. The specifications for printing the monthly utility bill insert and quarterly employees' newsletter, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 15, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March 19 94, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 94-154**

A RESOLUTION ACCEPTING THE BID OF HERCULES ENTERPRISES FOR THE "H" STREET SEWER REPLACEMENT FROM 9TH STREET TO 19TH STREET

WHEREAS, Resolution No. 94-75 , adopted by the Council of the City of Modesto on February 1, , 1994 , approved the plans and specifications for the "H" Street sewer replacement from 9th Street to 19th Street

and authorized the calling for bids; and

WHEREAS, the bids received for the "H" Street sewer replacement from 9th Street to 19th Street

were opened at 11:00 a.m. on March 3, 1994 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Hercules Enterprises in the amount of \$297,110

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Hercules Enterprises in the amount of \$297,110

be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March , 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore,
NOES:	Councilmembers:	Mayor Lang
ABSENT:	Councilmembers:	None
		Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-155

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$45,000 TO FUND
THE "H" STREET SEWER REPLACEMENT FROM 9TH STREET TO 19TH STREET

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

FROM:	Annual Sewer Rehabilitation (621 480 D349 6040)	\$45,000
TO:	H Street sewer replacement (621 480 D316 6050 and 6060)	\$45,000

The low bid for the project exceeded the original budget estimate.
One contributing factor was that all work must be done at night to
minimize impacts to traffic and sewer service.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 15th day of March
19 94 , by Councilmember Friedman , who moved its adoption, which motion
being duly seconded by Councilmember Cogdill , was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:

Norrine Coyle

NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 94-156**

A RESOLUTION ACCEPTING THE BID OF DELTA EXCAVATING, INC. FOR LAKEWOOD SEWER FROM BRIGGSMORE AVENUE TO SYLVAN AVENUE

WHEREAS, Resolution No. 94-117 , adopted by the Council of the City of Modesto on February 22, 1994 , approved the plans and specifications for the Lakewood sewer from Briggsmore Avenue to Sylvan Avenue

and authorized the calling for bids; and

WHEREAS, the bids received for Lakewood sewer from Briggsmore Avenue to Sylvan Avenue

were opened at 11:00 a.m. on March 9, 1994 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Delta Excavating in the amount of \$828,661

be accepted as the lowest responsible bid.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Delta Excavating in the amount of \$828,661

be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March , 19⁹⁴ , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-157

A RESOLUTION CHANGING THE STREET NAME OF
COULTERVILLE DRIVE TO COULTERVILLE COURT IN
THE CITY OF MODESTO.

WHEREAS, it is proposed by most of the residents/homeowners on Coulterville Drive to change the name of Coulterville Drive to Coulterville Court in an effort to reduce traffic by persons who may otherwise think it is a through street, and

WHEREAS, it is appropriate that a cul-de-sac such as this street carry the suffix "Court", and

WHEREAS, said matter was considered by the City Council at its meeting held at 7:30 p.m. on March 15, 1994, in the Council Chambers located at 801 11th Street in the City of Modesto, and

WHEREAS, although fifteen of the sixteen residents/homeowners on the street signed the petition to rename the street, staff received correspondence from 2 persons who would prefer the street name not be changed, and

WHEREAS, Section 3409.1 of the Government Code of the State of California provides that when the existing name of any city street should be changed, the legislative body is authorized to adopt a resolution to change the name of existing streets, and

WHEREAS, the City has adopted Street Name Change Policy No. 3.017 to give affected property owners adequate time to adjust to the street name change by notifying banks, friends,

etc., and said policy provides that street name changes shall not take effect until at least 180 days from City Council action,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the proposal to change the street name of Coulterville Drive to Coulterville Court.

BE IT FURTHER RESOLVED that in accordance with Government Code Section 34092 the City Clerk is directed to transmit a certified copy of this resolution to the Stanislaus County Board of Supervisors.

BE IT FURTHER RESOLVED that the street name change shall become effective September 24, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-158

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RONALD L. LaFORCE, et.al. FOR THE ACQUISITION OF A 0.357+ ACRE PERMANENT EASEMENT AND A 0.251+ ACRE TEMPORARY EASEMENT FOR THE SONOMA SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ronald L. LaForce, et.al, for the acquisition of a 0.357+ acre permanent easement and a 0.251+ acre temporary easement for the Sonoma Sewer Trunk Project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-159

A RESOLUTION FINDING THAT THE ACQUISITION OF A PERMANENT EASEMENT AND A TEMPORARY EASEMENT FROM RONALD L. LA FORCE, ET AL., FOR THE SONOMA SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the acquisition of a 0.357± acre permanent easement and a 0.251± acre temporary easement from Ronald L. La Force, et al., for the Sonoma Sewer Trunk Project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

RODESTO CITY COUNCIL
RESOLUTION NO. 94-160

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF RODESTO AND EVANS-EXECUTONE TO PROVIDE MAINTENANCE AND SERVICE COVERAGE FOR THE CITY'S TELEPHONE SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Rodesto that the agreement between the City of Rodesto and Evans-Executone to provide maintenance and service coverage for the City's telephone system

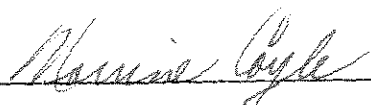
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Rodesto held on the 15th day of March , 19 94 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-161

A RESOLUTION GRANTING PERMISSION TO HANG AN
"EARTH DAY IN THE PARK 1994" BANNER FROM THE
MODESTO ARCH AT 9TH AND I STREETS.

WHEREAS, a request from Kim Franklin, 1994 Earth Day in
the Park Chairperson, to hang an "Earth Day in the Park 1994"
banner from the Modesto Arch has been received,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the request to hang an "Earth Day in the
Park 1994" banner from the Modesto Arch at 9th and I Streets is
hereby approved in order to promote the event.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 15th
day of March, 1994, by Councilmember Muratore, who moved its
adoption, which motion being duly seconded by Councilmember
Friedman, was upon roll call carried and the resolution adopted
by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

Mark

MODESTO CITY COUNCIL
RESOLUTION NO. 94-162

A RESOLUTION ADOPTING THE CITY OF MODESTO
AMERICANS WITH DISABILITIES ACT 1994
COMPLEMENTARY PARATRANSIT PLAN UPDATE.

WHEREAS, pursuant to the requirements of the Federal
Transit Administration, staff prepared the City of Modesto
Americans with Disabilities Act Complementary Paratransit Plan,
and

WHEREAS, a public hearing was held on March 22, 1994,
to accept public comments on the draft plan,

NOW, THEREFORE, BE IT RESOLVED that the City Council of
the City of Modesto does hereby adopt the plan entitled "The City
of Modesto Americans with Disabilities Act 1994 Complementary
Paratransit Plan Update", a copy of which is on file in the
office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 94-163

A RESOLUTION DESIGNATING THE RALPH M. BROWN
HOUSE AT 309 MAGNOLIA AVENUE AS A MODESTO
LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto
Municipal Code establishes Landmark Preservation Site status as a
way to recognize, preserve, enhance and perpetuate significant
landmarks in the community, and

WHEREAS, a public hearing was held on November 15,
1993, in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, in which the Landmark Preservation
Commission found and recommended in their Resolution No. 27, that
the Ralph M. Brown House at 309 Magnolia Avenue is eligible for
designation as a Landmark Preservation Site for the following
reasons:

1. The location and setting is compatible with future preservation and use.
2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.
3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.
4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on March 22, 1994,
in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, the Council found and determined that the

Ralph M. Brown House at 309 Magnolia Avenue is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 309 Magnolia Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Ralph M. Brown House at 309 Magnolia Avenue has historic, architectural, archaeological, cultural, engineering or aesthetic significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. The house, built in 1923, is the California bungalow style of architecture, is the home of Ralph M. Brown, Speaker of the California Assembly, who is well known for his contribution to good government in the form of the anti-secrecy laws known as the Brown Act.
2. It is economically viable.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Lot 15 and 16 of Block 536 of City of Modesto as per map filed
12/21/42 in Volume 15 of Maps, Page 536, Stanislaus County
Records.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-164

A RESOLUTION DESIGNATING THE GALLO FOUNDERS
BUILDING AT 401 11TH STREET AS A MODESTO
LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto
Municipal Code establishes Landmark Preservation Site status as a
way to recognize, preserve, enhance and perpetuate significant
landmarks in the community, and

WHEREAS, a public hearing was held on November 15,
1993, in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, in which the Landmark Preservation
Commission found and recommended in their Resolution No. 26, that
the Gallo Founders Building at 401 11th Street is eligible for
designation as a Landmark Preservation Site for the following
reasons:

1. The location and setting is compatible with future
preservation and use.
2. The physical condition is such that preservation,
maintenance, or adaptive use is economically
feasible.
3. The distinguishing characteristics of significance
are for the most part original and intact or
capable of restoration.
4. The existing or proposed use is compatible with
the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on March 22, 1994,
in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, the Council found and determined that the

Gallo Founders Building at 401 11th Street is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 401 11th Street is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Gallo Founders Building at 401 11th Street has historic, architectural, archaeological, cultural, engineering or aesthetic significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. The building, built in 1928, is the original site of the E & J Gallo Winery, a partnership between Ernest and his brother, Julio Gallo.
2. It is economically viable.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

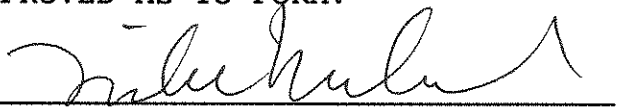

MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Lot 14, 15 and 16 of Block 73 of City of Modesto as per map filed 12/21/42 in Volume 15 of Maps, Page 73, Stanislaus County Records.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-165

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS TO REMOVE AND REPLACE FUEL TANKS AT THE WASTEWATER TREATMENT FACILITY

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

SECTION 1. The specifications for removal and replacement of
fuel tanks at the Wastewater Treatment Facility
copies of which are on file, are hereby accepted and approved.

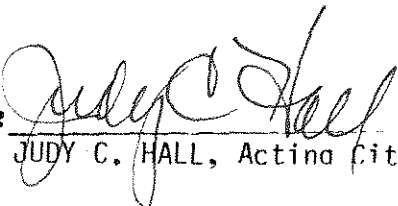
SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
April 21, 1994 at 11:00 a.m. , the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 22nd day of March
1994 , by Councilmember Dobbs , who moved its adoption, which motion
being duly seconded by Councilmember Friedman , was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

8

MODESTO CITY COUNCIL
RESOLUTION NO. 94-166

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE 12TH AND "B" STREETS WATERLINE PROJECT

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

SECTION 1. The specifications for the 12th and "B" Streets waterline project

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

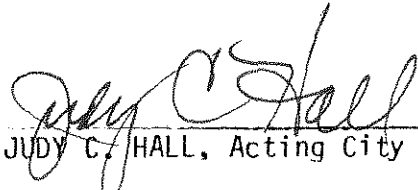
SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 6, 1994 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March 19 94, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-167

A RESOLUTION ACCEPTING THE BID OF SANCON ENGINEERING, INC. FOR THE DISSOLVED AIR FLOTATION THICKENERS - RECOAT EQUIPMENT AND TANK PROJECT

WHEREAS, Resolution No. 94-76 , adopted by the Council of the City of Modesto on February 1 , 19 94 , approved the plans and specifications for the dissolved air flotation thickeners - recoat equipment and tank project

and authorized the calling for bids; and

WHEREAS, the bids received for the dissolved air flotation thickeners - recoat equipment and tank project were opened at 11:05 a.m. on March 3, 19 94 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Sancon Engineering, Inc. in the amount of \$188,300

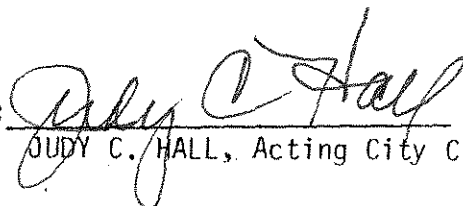
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Sancon Engineering, Inc. in the amount of \$188,300 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March , 19 94 , by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-168

A RESOLUTION APPROVING STANDARD AND SPECIFIC
INSURANCE REQUIREMENTS FOR VARIOUS PERMITTEES
AND/OR LICENSEES AS PROVIDED FOR IN THE
MODESTO MUNICIPAL CODE.

WHEREAS, various permittees/licensees are required to
provide insurance coverage in accordance with the provisions of
the Modesto Municipal Code, and

WHEREAS, it is necessary to adopt by resolution adopted
from time-to-time by the City Council standard and specific
insurance requirements as provided for in the Modesto Municipal
Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the standard and specific insurance
requirements that various permittees and/or licensees are
required to provide for insurance coverage in accordance with the
provisions of the Modesto Municipal Code are hereby approved as
set forth on Exhibit "A", entitled STANDARD AND SPECIFIC
INSURANCE REQUIREMENTS, dated March, 1994, a copy of which is
attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that any current evidence of
insurance coverage already approved by the Risk Manager shall
remain on file with the City as being acceptable to the City
until the expiration date of each such current evidence of
insurance coverage; however, upon renewal of any such permit or
insurance certificate, the new requirements for insurance

coverage as set forth in this resolution shall be effective and required upon the effective date of this resolution.

Upon the effective date of this resolution, any new permittee/licensee shall be required to submit evidence of insurance coverage as required by this resolution.

BE IT FURTHER RESOLVED that this resolution shall not become effective until the effective date of Ordinance Nos. 2893-C.S. , 2894-C.S. , 2895-C.S. , 2896-C.S. , 2897-C.S. and 2898-C.S. .

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March , 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

STANDARD AND SPECIFIC INSURANCE REQUIREMENTS
March 1994

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3. Automobile Liability	
I. Public Works Permit: (MMC §§ 7-1.109 & 7-2.29)	5
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L.	Motor Vehicles and Motorized Equipment On Air Operations Areas of Airport Premises: (MMC § 7-3.108.2)	6
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M.	Fixed Base Operators: (MMC § 7-3.108.3)	7
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	2. General Liability	
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	1. Workers' Compensation	
	2. General Liability	
	3. Automobile Liability	

I. STANDARD INSURANCE REQUIREMENTS:

The permittee/licensee shall provide at its own expense and maintain at all times the specified insurance policies with insurance companies licensed in the State of California and shall provide evidence of such insurance to the CITY as may be required by the Risk Manager of the CITY. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the City Clerk of the CITY by registered mail, return receipt requested.

If at any time any of said policies shall be unsatisfactory to the CITY, as to form or substance or if a company issuing such policy shall be unsatisfactory to the CITY, the permittee/licensee shall promptly obtain a new policy, submit the same to the Risk Manager for approval and submit a certificate thereof as hereinabove provided. Upon failure of the permittee/licensee to furnish, deliver or maintain such insurance and certificates as above provided, the permit/license, at the election of the CITY, may be forthwith declared suspended, or terminated. Failure of the permittee/licensee to obtain and/or maintain any required insurance shall not relieve the permittee/licensee from any liability under the permit/license, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the permittee/licensee concerning indemnification. The CITY, its agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required, except workers' compensation. The workers' compensation insurer shall agree to waive all rights of subrogation against the CITY, its agents, officers, employees, and volunteers for losses arising from work performed by permittee/licensee. The permittee/licensee's insurance policy(ies) shall include a provision that the coverage is primary as respects the CITY; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk Manager.

II. SPECIFIC INSURANCE REQUIREMENTS:

A. Ambulance Operators:

(MMC §§ 3-8.06 & 3-9.09)

1. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of \$500,000.
2. General Liability insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and \$100,000 for property damage or \$1,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; products and completed operations; and medical malpractice liability.
3. Automobile Liability insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and \$100,000 for property damage or \$1,000,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

B. Towing Service Operators:

(MMC § 3-10.23(c))

1. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of \$500,000.
2. General Liability insurance with a minimum limit of liability per occurrence of \$50,000 for bodily injury and \$500,000 for property damage or \$500,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy

aggregate limit applying to: premises and operations; broad form contractual; products and completed operations; garage keepers liability and towing and wrecker liability.

3. Automobile Liability insurance with a minimum limit of liability per occurrence of \$50,000 for bodily injury and \$500,000 for property damage or \$500,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

C. Sidewalk Food Vendors:
(MMC § 4-1.1206)

1. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of \$500,000.
2. General Liability insurance with a minimum limit of liability per occurrence of \$500,000 for bodily injury and \$50,000 for property damage or \$500,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.

D. Building Movers:
(MMC § 4-3.07)

1. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of \$500,000.
2. General Liability insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and \$1,000,000 for property damage or \$1,000,000 combined single limit. This insurance shall indicate on

the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.

3. Automobile Liability insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and \$100,000 for property damage or \$1,000,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

E. Taxicab Operators:
(MMC § 4-6.901)

1. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of \$50,000.
2. General Liability insurance with a minimum limit of liability per occurrence of \$500,000 for bodily injury and \$500,000 for property damage or \$500,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.
3. Automobile Liability insurance with a minimum limit of liability per occurrence of \$500,000 for bodily injury and \$50,000 for property damage or \$500,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

F. Trampoline Operators:
(MMC § 4-7.1609)

1. Workers' Compensation - in compliance with the statutes of the State of

California, plus employer's liability with a minimum limit of liability of \$500,000.

2. General Liability insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and \$100,000 for property damage or \$1,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.

G. Refuse Disposal Operators:

(MMC § 5-5.28)

1. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of \$500,000.
2. General Liability insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and \$100,000 for property damage or \$1,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.
3. Automobile Liability insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and \$100,000 for property damage or \$1,000,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

H. Motor Bus Operators:

(MMC § 6-7.207)

1. Workers' Compensation - in compliance

with the statutes of the State of California, plus employer's liability with a minimum limit of liability of \$500,000.

2. General Liability insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and \$100,000 for property damage or \$1,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.
3. Automobile Liability insurance with a minimum limit of liability per occurrence of \$15,000,000 for bodily injury and \$100,000 for property damage or \$15,000,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

I. Public Works Permit:
(MMC §§ 7-1.109 & 7-2.29)

1. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of \$500,000.
2. General Liability insurance with a minimum limit of liability per occurrence of \$500,000 for bodily injury and \$50,000 for property damage or \$500,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.

J. Commercial Aircraft:
(MMC § 7-3.108)

1. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of \$500,000.
2. General Liability insurance with a minimum limit of liability per occurrence of \$15,000,000 for bodily injury and \$1,000,000 for property damage or \$15,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.

K. Permanently Based Private Aircraft:
(MMC § 7-3.108.1)

1. General Liability insurance with a minimum limit of liability per occurrence of \$300,000 for bodily injury and \$100,000 for property damage or \$300,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.

L. Motor Vehicles and Motorized Equipment on Air Operations Areas of Airport Premises:
(MMC § 7-3.108.2)

1. Automobile Liability insurance with a minimum limit of liability per occurrence of \$300,000 for bodily injury and \$100,000 for property damage or \$300,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

M. Fixed Base Operators:
(MMC § 7-3.108.3)

1. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of \$500,000.
2. General Liability insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and \$100,000 for property damage or \$1,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; products and completed operations; and hanger keepers liability.

N. Cable Television Franchise:
(MMC § 11-4.33)

1. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of \$500,000.
2. General Liability insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and \$100,000 for property damage or \$1,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.
3. Automobile Liability insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and \$100,000 for property damage or \$1,000,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

D. L. M.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-169

A RESOLUTION REVISING THE POSITION
CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Manager of Budget & Financial Analysis

Customer Services Supervisor

Customer Services Specialist

The specifications for the classification of Manager of Budget & Financial Analysis (Range 442), as shown on the attached Exhibit "A", and Customer Services Supervisor (Range 420), as shown on the attached Exhibit "B", and Customer Services

Specialist (Range 428), as shown on the attached Exhibit "C", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after March 22, 1994.

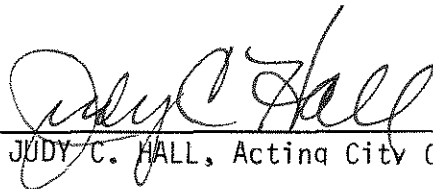
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MANAGER OF BUDGET AND FINANCIAL ANALYSIS

DEFINITION

Plans, organizes, and directs the activities and operations of the Budget and Financial Analysis Division of the Finance Department.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

Exercises direct supervision over professional, technical, and clerical staff in assigned area.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Plan, coordinate and administer the operations of the Budget and Financial Analysis Division.

Conduct special financial analyses requiring research, analysis, and interpretation in areas such as: long-range financial planning for the City's infrastructure, capital improvement program, and operating budget; land-use financial impact; utility rates; revenue estimation and monitoring; redevelopment financing and analysis; and bond financing and analysis.

Develop and administer long-range financial planning strategies and forecasts.

Integrate such special financial analyses with the City budget; assist the City Manager and Finance Director in assessing budget implications of various long-range projects, plans, and scenarios; oversee staff involved in the process, with particular emphasis on balancing staff resources devoted to budget preparation and monitoring versus long-range financial planning.

Negotiate with outside parties and agencies on behalf of the City.

Research special issues, problems, and procedures; prepare various reports for City Council regarding special projects.

Recommend goals and objectives; assist in the development and implementation of division and department policies and procedures.

March, 1994

Duties, Continued:

Oversee and participate in the development of the division workplan; assign work activities, projects, and programs; monitor work flow; review and evaluate work products, methods, and procedures.

Participate in recommending the appointment of personnel; provide or coordinate staff training; coach employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and techniques of economic, financial, and statistical analysis.

Principles and practices of effective team leadership and employee supervision including selection, training, work evaluation, and discipline.

Advanced financial modeling and software, particularly relating to budgeting and financial analysis.

General relationships between local, state, and federal governments, public interest groups, and private enterprise as they affect the City.

Technical report writing procedures.

Principles and practices of public administration and organization.

Principles and procedures of municipal budget preparation and administration.

Ability to:

Conduct complex economic and financial analyses; to interpret data and draw sound conclusions.

Forecast economic conditions and the impact thereof on the City budget and operations.

March, 1994

Abilities, Continued:

Create and facilitate a team-oriented approach to problem solving.

Successfully negotiate contracts and agreements.

Interact with a variety of individuals including state and local elected officials, representatives of business and the legal community, and local government managers.

Coach, supervise, train, and evaluate subordinate staff in a team setting.

Exercise sound judgment within general policy guidelines.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Make effective recommendations on administrative, management, budgetary, and fiscal practices, procedures, and problems.

Prepare and administer a budget.

Experience and Training Guidelines:

Any combination of education and/or experience which has provided the knowledge, skills, and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience in professional finance, budgeting, or economics including at least two years of supervisory responsibility.

March, 1994

Education:

Equivalent to a Bachelor's degree from an accredited college or university. A Master's degree with major course work in economics, business, finance, or a related field is highly desirable.

License:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

CUSTOMER SERVICES SUPERVISOR

DEFINITION:

To plan, coordinate and administer assigned sections of the Customer Services Division to include Utilities, Collections, Cashiering, and Business License.

SUPERVISION RECEIVED AND EXERCISED:

Receives general direction from upper management staff.

Exercises direct supervision over technical and clerical staff.

EXAMPLES OF DUTIES: - Duties may include, but are not limited to the following:

Recommend goals and objectives; assist in the development and implementation of policies and procedures.

Prepare and coordinate completed staff work in the areas of utilities, collections, cashiering, and business license operations.

Direct, oversee, and participate in the development of the Division's work plan; assign work activities, projects, and programs; monitor work flow; review and evaluate work products, methods, and procedures.

Respond to requests for information and advise City Departments, governmental agencies, and the public of City utility, collections, cashiering, and business license policies.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with management staff to correct deficiencies; implement discipline procedures; recommend employee terminations.

Prepare the Division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Participate in intergovernmental meetings for the purpose of developing cooperative methods and practices.

Confer with members of the public to respond to complaints and requests for information. Refer difficult cases to the Customer Services Specialist.

Duties, Continued:

Assist in the development and implementation of utility, collections, and licensing systems and reporting procedures.

Conduct fiscal analyses and studies.

Review, develop, and modify collections and utility control methods to improve existing procedures; ensure conformity to policy and increase effectiveness.

Perform related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Customer relations practices and techniques.

Principles and practices of organization and public administration.

Principles and practices of effective employee supervision, including selection, training, work evaluation, and discipline.

Laws regulating public utilities, collections, cashiering, or business license activities. Pertinent Federal, State, and local laws, codes, and regulations.

Budget procedures and techniques.

Mainframe and personal computer applications.

Methods and techniques of effective technical report preparation and presentation.

Ability to:

Analyze problems, identify options, project consequences of proposed actions, and recommend changes in policies and procedures.

Interpret and apply complex rules, regulations, and policies.

Prepare and analyze technical and administrative reports,

statements, and correspondence.

CITY OF MODESTO
Customer Services Supervisor
Page 3

March, 1994

Abilities, Continued:

Work with and control sensitive, confidential information.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with others.

Experience and Training Guidelines: - Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible financial experience in a public or utility agency with emphasis in professional utility, collections, cashiering, or business license work; including two years of supervisory or lead responsibility.

Training:

Equivalent to completion of the twelfth grade supplemented by college level business administration, accounting, or marketing courses. An Associate of Arts Degree in one of these areas is desirable.

License:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

CUSTOMER SERVICES SPECIALIST

DEFINITION:

To act as liaison between the City and the utility customer. Research and provide responsible and timely responses to customer inquiries. Provide complex administrative support to the Customer Services Manager.

SUPERVISION RECEIVED:

May exercise technical and functional supervision over clerical staff.

Receives general direction from the Customer Services Manager

EXAMPLES OF DUTIES: - Duties may include, but are not limited to the following:

Provide technical support and advice to clerical and technical staff.

Assist phone or walk-in customers with major utility account problems.

Research account problems; if origin of problem is related to City operations, take necessary steps to prevent future occurrences.

Respond to requests from organizations or special interest groups regarding Utility, Collections, Cashiering, and Business License policies or procedures.

Develop and maintain a Customer Services Information Booklet for the utility customer.

Respond to requests for information and advise City departments, governmental agencies, and the public of City utility and collections policies.

Attend quarterly "open house" hosted by the City Council and answer questions presented by the public regarding departmental Customer Services operations. Coordinate this event through the City's Public Information Office.

Develop or revise forms related to utility billing or business license activities.

Duties, Continued:

Participate in intergovernmental meetings for the purpose of developing cooperative methods and practices.

Research, prepare, and present special projects as assigned by the Customer Services Manager.

Assist in the development and implementation of utility, collections, and licensing systems and reporting procedures.

Conduct fiscal analyses and studies.

Review, develop, and modify collections and utility control methods to improve existing procedures; ensure conformity to policy and increase effectiveness.

Perform related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Principles and practices of effective communications and team approaches to problem solving.

Customer and community relations practices and techniques.

Effective marketing tools and practices, particularly in a public sector setting.

Principles and practices of organization and public administration.

Laws regulating public utilities, collections, cashiering or business license activities. Pertinent Federal, State and local laws, codes, and regulations.

Advanced financial modeling and software, particularly relating to utility billing, accounting, and other financial systems.

Principles and techniques of financial and statistical analysis.

Methods and techniques of effective technical report preparation and presentation.

Ability to:

Exercise sound judgment within general policy guidelines.

Handle difficult customer situations with tact and diplomacy, resulting in effective resolutions.

Analyze problems, identify options, project consequences of proposed actions, and recommend changes in policies and procedures.

Interpret and apply complex rules, regulations, and policies.

Prepare and analyze technical and administrative reports, statements, and correspondence.

Prepare and analyze complex spreadsheets.

Create and facilitate a team-oriented approach to problem solving.

Make effective, tactful presentations to both individuals and public groups.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines: - Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of increasingly responsible experience in a public or utility agency in customer services work.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business administration, public administration, marketing, or a related field.

License:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-170

A RESOLUTION AMENDING EXHIBIT "G" OF
RESOLUTION NO. 91-464 TO AMEND THE CLASS
RANGE TABLE TO ADD MANAGER OF BUDGET AND
FINANCIAL ANALYSIS, CUSTOMER SERVICES
SUPERVISOR, AND CUSTOMER SERVICES SPECIALIST.

WHEREAS, Exhibit "G" of Resolution No. 91-464 has been
previously amended by Resolution Nos. 92-62, 92-592, 92-632, 93-
39, 93-127, 93-620, and 93-688, and

WHEREAS, the City Council desires to further amend
Exhibit "G" of Resolution No. 91-464,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464.

Exhibit "G" entitled City of Modesto Class Range Table Management
And Confidential Non-Sworn Classes Effective July 2, 1991",
attached to Resolution No. 91-464, is hereby amended as shown on
the amended Exhibit "G" entitled, "City of Modesto Class Range
Table Management And Confidential Non-Sworn Classes Effective
March 22, 1994", which is attached hereto and made a part hereof
as though set forth in full herein. Said amended Exhibit "G"
adopts class specifications for Manager of Budget And Financial
Analysis at range 442, Customer Services Supervisor at range 420,
and Customer Services Specialist at range 428.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after March 22, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective March 22, 1994

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	
420	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary Customer Services Supervisor

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective March 22, 1994

RANGE	TITLE
421	
422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Warehouse Supervisor Museum Supervisor
427	Events Supervisor
428	Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I Building Maintenance Supervisor Customer Services Specialist
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective March 22, 1994

RANGE	TITLE
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Training Coordinator Assistant Risk Manager Recycling Program Coordinator Budget Analyst
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Senior Accountant Youth Program Supervisor Industrial Waste Supervisor
433	Assistant Civil Engineer Laboratory Supervisor Assistant Traffic Engineer
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supt. Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Secondary Treatment Site Supv. Parks Maintenance Supervisor II Operations Supervisor Landscape Designer Arborist Trees Maintenance Supv. II Land Surveyor Equipment Maintenance Supervisor II

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective March 22, 1994

RANGE	TITLE
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Public Information Officer Budget Officer Financial Analyst Administrative Services Officer Integrated Waste Specialist Project Manager
436	Senior Planner Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor
439	Deputy City Attorney II Associate Civil Engineer Associate Traffic Engineer
440	Principal Accountant Purchasing Officer
441	Community Development Program Manager Sr. Deputy City Attorney I Airport Manager Solid Waste Program Manager Transit Manager Streets Maintenance Supt. Parks Superintendent Risk Manager Assistant Personnel Director Recreation Superintendent Golf Superintendent Fleet Manager Wastewater Collections Superintendent Water Superintendent Building Maintenance Superintendent

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective March 22, 1994

RANGE	TITLE
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector Manager of Budget and Financial Analysis
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Finance Division Manager
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir. - Civic Center Asst. Parks & Recreation Dir. - Parks Asst. Parks & Recreation Dir. - Recreation
448	Sr. Deputy City Attorney II
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	
452	Assistant City Attorney

RODESTO CITY COUNCIL
RESOLUTION NO. 94-171

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF RODESTO AND BI TRAN SYSTEMS, INC. FOR PROVIDING THE HARDWARE AND SOFTWARE FOR THE ADVANCED TRAFFIC MANAGEMENT SYSTEM PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Rodesto that the agreement between the City of Rodesto and BI Tran Systems, Inc. for providing the hardware and software for the Advanced Traffic Management System Project

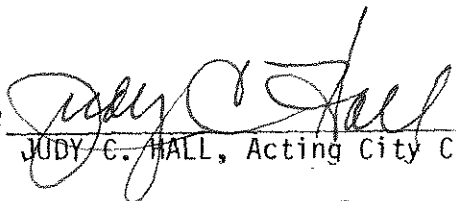
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Rodesto held on the 22nd day of March , 19 94 , by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

Clock

MODESTO CITY COUNCIL
RESOLUTION 94-172

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE FUNDS TO FUND A NEW CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, The City has a project entitled "Automated Traffic Management System (ATMS) - System Vendor". This project will provide the required system hardware and software for the ATMS project.

WHEREAS, the total estimated cost of this project is \$206,204.

WHEREAS, a federal CMAG grant in the amount of \$182,697 has been awarded for this project. The additional needed funding of \$23,507 will be provided by the original ATMS project 141-160-P854 by an appropriation transfer.

WHEREAS, it is necessary to estimate and appropriate the Federal revenue for this new CIP project.

Streets Capital Facility Fee Fund

Fund/Agy/Org		Increase (Decrease)
Expenditures		
141-160-D853-6040	ATMS-System Vendor-Construction	\$182,697
Revenues		
141-430-0000-3504	Federal Share of Street Projects	\$182,697

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

14

MODESTO CITY COUNCIL
RESOLUTION NO. 94-173

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$23,507 TO FUND THE SYSTEM HARDWARE AND SOFTWARE FOR THE ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS) PROJECT

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

FROM: T/S Central Contro. System Project \$23,507
(141 160 1601 P854)

TO: ATMS System Vendor \$23,507
(141 160 1601 D853)

Staff has negotiated a contract with BI Tran Systems, Inc. to provide hardware and software for the Advanced Traffic Management System Project. The entire project cost is \$206,204, of which \$182,697 is from Federal funds. The remaining \$23,507 in matching funds is being transferred from the T/S Central Control System project account.

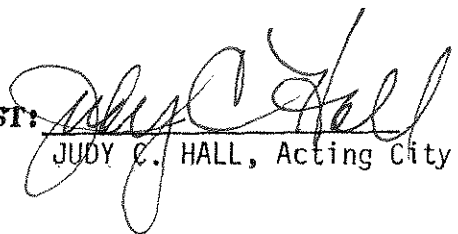
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March , 19⁹⁴ , by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MADERA CITY COUNCIL
RESOLUTION NO. 94-174

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MADERA AND THE CALIFORNIA POLICE ATHLETIC FEDERATION TO HOST THE 1995 POLICE SUMMER GAMES

BE IT HEREBY RESOLVED by the Council of the City of Madera that the agreement between the City of Madera and the California Police Athletic Federation to host the 1995 Police Summer Games

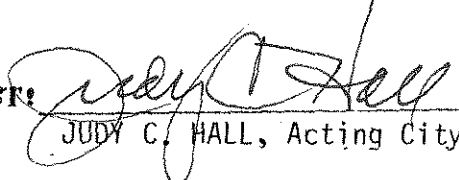
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Madera held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

Black

MODESTO CITY COUNCIL
RESOLUTION NO. 94-175

A RESOLUTION AMENDING THE ANNUAL BUDGET OF
THE CITY OF MODESTO FOR FY 1993-94 TO
APPROPRIATE \$10,000 FOR THE 1995 POLICE
SUMMER GAMES.

WHEREAS, the Modesto Police Department has been notified that the California Police Athletic Federation has selected Modesto as the site for the 1995 Police Summer Games to be held June 24 through July 1, 1995, and

WHEREAS, a deposit of \$10,000 must be made to the California Police Athletic Federation, and

WHEREAS, it is anticipated that the \$10,000 will be returned to the City from the revenue from event sponsorships and registrations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the General Fund, Fund No. 010, of the City of Modesto for FY 1993-94:

Appropriations

010-190-1901-0235	Professional Services	\$10,000
010-800-8000-8003	General Fund Reserve	(\$10,000)

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

W. J. ...

MODESTO CITY COUNCIL
RESOLUTION NO. 94-176

A RESOLUTION SUPPORTING ASSEMBLY BILL 2787
(AB 2787) TO PROVIDE AUTHORITY FOR A LOCAL
SALES TAX VOTE IN STANISLAUS COUNTY TO
SUPPORT COUNTYWIDE LIBRARY SERVICES.

WHEREAS, the Modesto City Council has consistently supported a stable, independent funding source for library services, and

WHEREAS, at the request of Stanislaus County, Assemblymember Snyder has introduced AB 2787 to authorize a vote on a 1/8-cent sales tax increase to support library services, and

WHEREAS, under the bill, two-thirds voter approval is required for adoption, and the sales tax would then cease to operate after five years, and

WHEREAS, under existing law, the County may place a 1/4-cent sales tax measure on the ballot, but special legislation is needed to allow a vote on a lesser tax rate, and

WHEREAS, the 1/8-cent sales tax is estimated to raise \$4.5 million in the first year, and

WHEREAS, the current budget for countywide library services is \$2.7 million which is reflected in less than adequate hours and services at the Central Branch, and

WHEREAS, in order to provide the necessary legal authority for a vote on the 1/8-cent sales tax, AB 2787 or similar legislation must be adopted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the

City of Modesto that it hereby supports the adoption of AB 2787 to provide authority for a local 1/8-cent sales tax vote in Stanislaus County to support countywide library services for the reasons set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-177

A RESOLUTION SUPPORTING ASSEMBLY BILL 3062
(AB 3062) TO EXTEND THE DATE ON LEGISLATION
ALLOWING STANISLAUS AND PLACER COUNTIES TO
CONDUCT ELECTIONS BY MAIL TO JANUARY 1, 1996.

WHEREAS, in 1992 a bill was passed by the State
Legislature to allow all agencies in Stanislaus and Placer
Counties, which chose to do so, to conduct their regular
elections by mail, with the legislation to cease to operate on
January 1, 1995, and

WHEREAS, most of the agencies in Stanislaus County
chose to conduct their regular elections by mail, including the
City of Modesto, and

WHEREAS, the election held by mail cost the City of
Modesto and the Modesto City School District about half the cost
of conducting the election in the traditional manner, and

WHEREAS, both the City of Modesto and the Modesto City
School District had over twice the voter turn-out by conducting
the election by mail, and

WHEREAS, extending the date on the legislation by one
year will allow the City of Modesto and the Modesto City Schools
District the opportunity to conduct one more regular election by
mail,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby supports AB 3062 to extend the
date on the legislation to January 1, 1996, to allow Stanislaus

and Placer Counties to conduct elections by mail for the reasons set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-178

A RESOLUTION APPOINTING BENNO HEUNE TO THE COMMUNITY QUALITIES FORUM

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

SECTION 1. The following person is hereby appointed to the Community
Qualities Forum for the respective term as indicated:

Benno Heune
1205 Willeen Court
Modesto, Ca. 95350
Term to expire 12/31/95

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Community Qualities
Forum and the Secretary thereof.

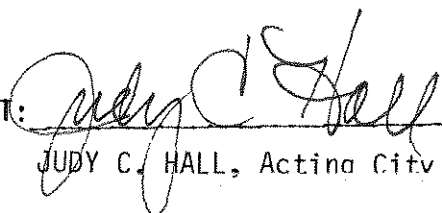
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 22nd day of March, 19 94,
by Councilmember Friedman, who moved its adoption, which motion being
duly seconded by Councilmember Cogdill, was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-179

A RESOLUTION AUTHORIZING RIGHT OF WAY CERTIFICATION FOR THE "H" STREET AND
"I" STREET RECONSTRUCTION PROJECT

WHEREAS, the City of Modesto has acquired the required right of way
needed for the proposed "H" Street and "I" Street reconstruction project;
and

WHEREAS, it is necessary for the City of Modesto to make a certification
to the State of California that the right of way has been acquired for the
proposed "H" Street and "I" Street reconstruction project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the City Manager and City Clerk are hereby authorized to sign a Right
of Way Certificate setting forth the status of the right of way acquisition
for the proposed "H" Street and "I" Street reconstruction project.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 5th day of April, 1994, by
Councilmember Friedman , who moved its adoption, which motion being duly
seconded by Councilmember Dobbs , was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-180

A RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS TO PARTICIPATE IN UPGRADING TRAFFIC SIGNALS AT McHENRY AVENUE (STATE ROUTE 108) AND ORANGEBURG AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the cooperative agreement between the City of Modesto and Caltrans to participate in upgrading traffic signals at McHenry Avenue (State Route 108) and Orangeburg Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION 94-181

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE FUNDS FROM RESERVE TO FUND A NEW CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, City staff has negotiated an equal-share cooperative agreement with Caltrans to provide protected/permissive left-turn movements from Orangeburg to McHenry.

WHEREAS, the project has been delayed by repeated obstacles, ranging from Caltran's original objections, to local business opposition to loss of on-street parking, to changes in design standards. It appears that all obstacles have been overcome and this project can now proceed.

WHEREAS, the total estimated cost of this project is \$74,350, one-half City money and one-half Caltrans matching grant.

WHEREAS, it is necessary to appropriate the City's portion from the Gas Tax Contingency Reserve and create a new CIP project titled McHenry/Orangeburg Traffic Signal Modification.

Special Gas Tax Fund

Fund/Agy/Org		Increase (Decrease)
Expenditures		
070-160-D407-6010	McHenry/Orangeburg TS Mod.-Engineering	\$ 7,350
070-160-D407-6040	McHenry/Orangeburg TS Mod.-Construction	\$55,000
070-160-D407-6060	McHenry/Orangeburg TS Mod.-Construction Admin.	\$11,000
070-800-8000-8003	Gas Tax Contingency Reserve	(\$36,675)
Revenues		
070-510-9510-3138	State Share of Street Projects	\$36,675

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

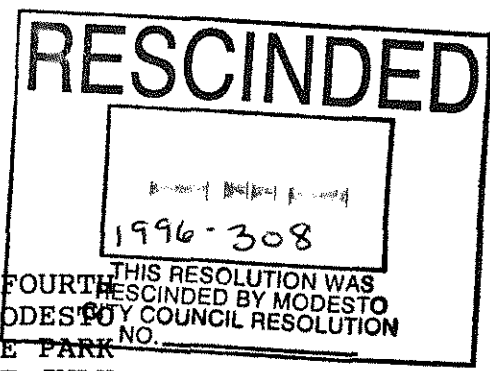
ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Check



MODESTO CITY COUNCIL
RESOLUTION NO. 94-182

A RESOLUTION GRANTING APPROVAL TO THE FOURTH OF JULY CELEBRATION COMMITTEE OF THE MODESTO JAYCEES TO HOLD A PARADE, PICNIC IN THE PARK AND FIREWORKS DISPLAY FOR THE FOURTH OF JULY CELEBRATION IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS AND RESCINDING RESOLUTION NO. 91-162.

WHEREAS, the Fourth of July Celebration Committee of the Modesto Jaycees (hereinafter referred to as the Committee) has filed a request with the City Council for permission to have a parade, picnic in the park, and fireworks display which will be held to celebrate the Fourth of July, and

WHEREAS, the Committee has requested the use of Graceada Park for the Fourth of July Celebration, and

WHEREAS, the Council deems it appropriate to grant approval and assistance to the Committee relating to its Fourth of July celebration, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the following, subject to the conditions set forth, relating to the Committee's Fourth of July Celebration parade, picnic in the park and fireworks display:

1. The Committee is granted permission to use the bluff land adjacent to Dryden Park Golf Course (part of Tuolumne River Regional Park) for display of fireworks on the evening of the Fourth of July, subject to the following conditions:

(a) That the weather conditions will not create any fire hazard to the surrounding area;

(b) That the City be reimbursed for any damages which may occur to the bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses, and John Thurman Field;

(c) That arrangements be cleared by the Parks and Recreation Director and the Police Chief;

(d) That the fireworks display be conducted according to the requirements of the Fire Chief of the City of Modesto.

2. The City will supply two (2) standby fire trucks for the fireworks display.

3. The City will provide twelve (12) chemical toilets for use in the Dryden Park Driving Range for the fireworks display on the Fourth of July.

4. "I" Street, between 11th and 12th Streets will be barricaded between 9:30 a.m. and 2:30 p.m. on the Fourth of July, for the parade.

5. The City's personnel will erect City's reviewing stand with canvas top on "I" Street close to the cannon in the Courthouse Park prior to 8:00 a.m. for use for the parade on the Fourth of July, and will remove said reviewing stand thereafter.

6. The Committee is granted permission to use a public address system at the reviewing stand for the parade. Said public address system to be furnished by the Committee.

7. The following parade route is approved as the parade route to be used on the Fourth of July, subject to approval of the Police Chief and Public Works and Transportation Director: starting at 10th and F Streets, north on 10th to J Street; east on J Street to 11th Street; south on 11th to I Street; east on I Street to 16th Street; then disband.

8. The City will supply three (3) street sweepers for the parade.

9. The City will pay the Committee a total of Ten Thousand and no/100ths Dollars (\$10,000.00) to help defray some of the Committee's expenses such as insurance, postage, etc. for the Fourth of July fireworks display and parade.

10. The City will provide policy assistance during the parade, picnic in the park, and fireworks display as deemed necessary by the Police Chief.

11. The City will provide barricades to be placed on the streets around the perimeter of Graceada Park to provide curb side parking for the Committee during park activities.

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

1. That the Committee's request to use Graceada Park relating to the Picnic in the Park Fourth of July Celebration is hereby approved subject to the following conditions:

- a. There shall be no amplified music in the Park.
- b. Alcoholic beverages shall not be sold.
- c. The number of booths in the park shall be limited to craftsman/purveyors of original art.
- d. The sale of food will be limited to one booth per kind of food.
- e. The Picnic in the Park Fourth of July Celebration shall not continue beyond the hour of 6:00 o'clock p.m. on said dates(s).
- f. If the Fourth of July falls on Friday, Saturday, Sunday or Monday, the Fourth of July Celebration Committee has the option to use Graceada Park for two (2) consecutive days.

2. That the City of Modesto will supply a minimum of ten (10) chemical toilets for use in the Graceada Park for the Picnic in the Park.

3. Dial-A-Ride Service will operate on its regular schedule for handicapped and senior citizens on the Fourth of July.

BE IT FURTHER RESOLVED that the following conditions shall apply to the request of the Committee relating to its parade, picnic in the park and fireworks display:

1. That the City of Modesto shall indemnify and hold harmless the Committee from any and all liability, costs,

damages, or injuries to persons or damage to property, which may arise out of or in any way be connected with the ordinary and customary condition of City property and facilities, or which may arise out of the negligent acts or omissions of any officer, agent, or employee of the City of Modesto.

2. That the Committee shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees, from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Committee's sponsored Fourth of July parade, use of the bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses and John Thurman Field, and the streets and areas adjacent thereto for the Committee's fireworks display and the use of the City facilities for the Committee's parade and picnic in the park.

3. That the Committee shall furnish to the City Clerk of City current and valid certificate(s) of insurance evidencing coverages of general and automobile liability insurance as shall protect the Committee and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the Committee's use of Graceada Park and the areas adjacent thereto for the Committee's use of City facilities for the Picnic in the Park and the Committee's use of the bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses and John Thurman Field, and the areas adjacent thereto

for the Committee's fireworks display and the use of City facilities for the Committee's parade.

The amounts of Public Liability insurance shall be as follows:

Combined Single Limits of not less than One Million and no/100ths Dollars (\$1,000,000.00) per occurrence for bodily injury, sickness and disease, including death resulting therefrom, and Two Hundred Thousand and no/100ths Dollars (\$200,000.00) for claims for property damage, subject to the approval of the Risk Manager.

The City, its elected or appointed officers, officials, employees and volunteers shall be included as additional insureds with regard to damages and defense of any and all claims arising from the named insureds' use of City property for the Fourth of July parade, fireworks display, bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses and the areas adjacent thereto as well as John Thurman Field and the picnic in the park.

The Committee shall provide to the City Clerk copies of valid certificate(s) of insurance and an original endorsement naming the City as an additional insured. The certificates shall contain contractual liability certification provisions stating that the policies are extended to cover the liability assumed by the Committee under the terms of this resolution. The certificate(s) of insurance must be on file with the City Clerk

and shall not permit cancellation of said insurance unless ten (10) days' written notice is furnished to the City Clerk of the City of Modesto, 30 days prior the event.

BE IT FURTHER RESOLVED that future Fourth of July celebrations consisting of parades, picnics in the park and/or fireworks display are approved so long as each such event and activity complies with all ordinances, rules, regulations, orders, conditions or the like as the same now exists or as hereafter may be promulgated and all authorizations or approvals are first obtained from the City Manager, Police Chief, the Fire Chief, the Parks and Recreation Director or such other City officers as may be appropriate.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Modesto Committee with a copy of this resolution. The Committee shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

BE IT FURTHER RESOLVED that Resolution No. 91-162 adopted March 19, 1991, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

ACCEPTANCE

I do hereby agree with and accept all of the terms and conditions set forth in Resolution No. 94-182 pertaining to the Fourth of July Celebration.

Dated: April 5, 1994

FOURTH OF JULY CELEBRATION
COMMITTEE OF THE MODESTO JAYCEES

By Amelia L. Hann
(Name & Title)
AMELIA L. HANN, CHAIRMAN

By Jerry Rival
(Name & Title)
Jerry Rival

MODESTO CITY COUNCIL,
RESOLUTION NO. 94-183

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PRO SPORTS MARKETING FOR A YOUTH SUMMER FOOTBALL CAMP TO BE HELD JUNE 27, 28 AND 29, 1994, AT MODESTO JUNIOR COLLEGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pro Sports Marketing for a youth summer football camp to be held June 27, 28 and 29, 1994, at Modesto Junior College

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-184

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THRIFTY REALTY COMPANY FOR LEASE OF OFFICE PROPERTY AT 409 PARADISE ROAD, BUILDING C, FOR A POLICE DEPARTMENT SUBSTATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Thrifty Realty Company for lease of office property at 409 Paradise Road, Building C, for a Police Department substation

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April , 19 94 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-185

A RESOLUTION APPROVING THE CITY OF MODESTO'S PARTICIPATION IN THE FEDERAL GOVERNMENT'S ENTERPRISE COMMUNITY PROGRAM AND AUTHORIZING THE CITY OF MODESTO TO FILE A NOTICE OF INTENT TO PARTICIPATE.

WHEREAS, the Enterprise Community Program is an important element of the Federal government's strategy to revitalize America's poverty-stricken communities, and

WHEREAS, the Enterprise Community Program is designed to empower people and communities to work together to create jobs and opportunities, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto's participation in the Federal Government's Enterprise Community Program.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute and file a Notice of Intent to Participate in the application for the Federal Government Enterprise Community Program with the Federal Department of Housing and Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO.94-186

A RESOLUTION APPOINTING STERLING FOUNTAIN TO THE AFFIRMATIVE ACTION COMMISSION

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

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

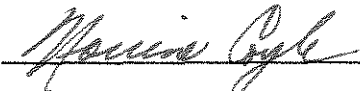
SECTION 1. The following person is hereby appointed to the Affirmative Action Commission for the respective term as indicated:

Sterling Fountain
1605 Bellevue Court
Modesto, Ca. 95350
Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Affirmative Action Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 94-187

A RESOLUTION OF INTENTION TO DRAFT A
GROUNDWATER MANAGEMENT PLAN IN ACCORDANCE
WITH AB 3030, THE GROUNDWATER MANAGEMENT ACT.

WHEREAS, in 1992, AB 3030, the Groundwater Management Act, was signed into law and became effective on January 1, 1993, and

WHEREAS, pursuant to the Groundwater Management Act, a local agency is required to publish a notice of a public hearing to be held on whether or not to adopt a resolution of intention to draft a groundwater management plan, and

WHEREAS, a duly noticed public hearing was held by the Council at its meeting of April 12, 1994, at 4:00 p.m., in the City Council Chambers, located at 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered relating to said matter,

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

1. The Council hereby declares its intention to draft a groundwater management plan.
2. The City Clerk is hereby directed to publish a copy of this resolution.
3. Within two years after adoption of this resolution of intention, the City is required to prepare a groundwater management plan. Should the plan not be prepared within the two-year time frame, this resolution of intention will expire and the

process must be re-initiated.

4. After the groundwater management plan has been prepared, the City must hold a second public hearing to determine whether or not to adopt the plan. The plan must be available to the general public for review.

5. If during the public hearing written protests are received from more than 50% of the assessed value of the land within the local agency subject to groundwater management, then the groundwater management plan should not be adopted. If protests are received as noted in this paragraph, then the City cannot restart the process for one year after the second public hearing.

6. If a majority protest has not been filed, the City may, within 35 days after the conclusion of the second hearing, adopt, by ordinance, a groundwater management plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-188

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE MEMORANDUM OF UNDERSTANDING RELATING TO THE FORMATION AND OPERATION OF THE STANISLAUS AND TUOLUMNE RIVERS' GROUNDWATER BASIN ASSOCIATION.

WHEREAS, for the past twelve months, City staff has been meeting with representatives from the County of Stanislaus, Del Este Water Company, Oakdale Irrigation District, the City of Oakdale, City of Riverbank, City of Waterford, and the Modesto Irrigation District, and

WHEREAS, the purpose of these meetings has been to draft a Memorandum of Understanding (MOU) establishing an association that would draft a groundwater management plan, and

WHEREAS, the final number of participating agencies will be determined by the number of resolutions of intention passed by the various governing boards and the number of participants who sign the Memorandum of Understanding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding (MOU) between the County of Stanislaus, Del Este Water Company, Oakdale Irrigation District, the City of Oakdale, City of Riverbank, City of Waterford, City of Modesto, and the Modesto Irrigation District, relating to the formation and operation of the Stanislaus and Tuolumne Rivers' Groundwater Basin Association.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee are hereby authorized to execute said Memorandum of Understanding on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 94-189**

**A RESOLUTION ACCEPTING THE BID OF ALLEN A. WAGGONER CONSTRUCTION, INC.
FOR THE 12TH TO B STREETS WATERLINE PROJECT**

**WHEREAS, Resolution No. 94-166 , adopted by the Council of the
City of Modesto on March 22 , 1994 , approved the plans and
specifications for the 12th to B Streets waterline project**

and authorized the calling for bids; and

**WHEREAS, the bids received for the 12th to B Streets waterline
project**

**were opened at 11:00 a.m. on April 6, 1994 , and later tabulated
by the Director of Public Works & Transportation for the consideration
of the Council; and**

**WHEREAS, the Director of Public Works & Transportation has
recommended that the bid of Allen A. Waggoner Construction, Inc.
in the amount of \$131,419.50**

be accepted as the lowest responsible bid.

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the bid of Allen A. Waggoner Construction, Inc. in the amount of
\$131,419.50 be accepted and the execution of a contract for the
completion of the project by the City's designated officials be
authorized.**

**The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 12th day of April ,
19 94 , by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Dobbs , was upon roll call
carried and the resolution adopted by the following vote:**

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-190

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$10,000 TO FUND THE
12TH TO B STREET WATERLINE PROJECT

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

FROM: Tank 5 Construction (612 480 C118 6040)	\$10,000
TO: 12th Street waterline (612 480 D359 6040)	\$10,000

The transfer is needed to fully fund this project. The higher
bid price can most likely be attributed to the tight schedule
required for the project.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 12th day of April
1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Dobbs, was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-191

A RESOLUTION ACCEPTING THE BRIGGSMORE WIDENING - STATE ROUTE 99 TO TULLY ROAD AD COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the Briggsmore widening - State Route 99 to Tully Road

has been completed by Ross'F. Carroll, Inc.

in accordance with the contract agreement dated June 8, 1993 .

NOW, THEREFORE, BE IT RESOLVED that the Briggsmore widening - State Route 99 to Tully Road

be accepted from said contractor, ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$2,277,142.60 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 94-192**

A RESOLUTION ACCEPTING THE BID OF COUNTRY FORD TRUCKS, INC. FOR FURNISHING ONE EVIDENCE COLLECTION VAN FOR THE POLICE DEPARTMENT

WHEREAS, Resolution No. 94-96 , adopted by the Council of the City of Modesto on February 15 , 1994 , approved the plans and specifications for furnishing four police vehicles

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing four police vehicles were opened at 11:00 a.m. on March 14, 1994 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Country Ford Trucks, Inc. in the amount of \$20,261.67 be accepted as the lowest responsible bid.

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

be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April , 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 94-193**

A RESOLUTION ACCEPTING THE BID OF HERITAGE FORD FOR FURNISHING TWO COMMUNITY SERVICE TRUCKS AND ONE ANIMAL CONTROL TRUCK FOR THE POLICE DEPARTMENT

WHEREAS, Resolution No. 94-96 , adopted by the Council of the City of Modesto on February 15 , 1994 , approved the plans and specifications for furnishing four police vehicles

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing four police vehicles were opened at 11:00 a.m. on March 14, 1994 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Heritage Ford in the amount of \$45,050.84 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Heritage Ford in the amount of \$45,050.84 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April , 1994 , by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-194

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 220,000 POUNDS OF GRANULAR ACTIVATED CARBON FROM NORTHWESTERN CARBON

WHEREAS, the activated carbon water systems the City currently owns have reached the point where the absorption capacity has been reached on eleven vessels; and

WHEREAS, there are only two known firms that offer the services required by the City, both of which were solicited for proposals.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of granular activated carbon is hereby waived.

BE IT FURTHER RESOLVED that purchase of granular activated carbon from Northwestern Carbon for the total price of \$207,400.00 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-195

A RESOLUTION SUPPORTING SENATE BILL 2002 (SB 2002) ALLOWING LOCAL AGENCIES TO CONDUCT ELECTIONS BY MAIL.

WHEREAS, existing law authorizes, until January 1, 1995, any election in Placer County or Stanislaus County to be conducted as an all-mail ballot election, under certain conditions, and

WHEREAS, SB 2002 would allow cities, counties and districts to conduct their regular and/or special elections by mail, and

WHEREAS, most of the agencies in Stanislaus County, including the City of Modesto, conducted their November 1993 elections by mail, and

WHEREAS, the election cost the City of Modesto and the Modesto City School District about half of what it would cost if held in the traditional manner, and both agencies had over twice the voter turn-out by holding the election by mail, and

WHEREAS, approval of SB 2002 will allow the City of Modesto, Modesto City Schools District, and other agencies the opportunity to continue holding elections by mail,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports SB 2002 to allow local agencies to conduct elections by mail for the reasons set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-196

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN IRRIGATION RIGHTS WAIVER TO THE CHRYSLER 99 NO. 2 PARK SITE, WHICH IS REQUIRED BY THE MODESTO IRRIGATION DISTRICT.

WHEREAS, the City of Modesto is the owner of the Chrysler 99 No. 2 Park Site, and

WHEREAS, the County Housing Authority is constructing a project to the east of this park site, and the removal of pipeline serving this 5.58 acres is required, and

WHEREAS, in such instances, the Modesto Irrigation District requires a formal waiver of irrigation rights, and

WHEREAS, City staff has recommended that the Council authorize the City Manager to sign off on the irrigation facilities,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute an irrigation rights waiver to the Chrysler 99 No. 2 Park Site, which is required by the Modesto Irrigation District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

Corrected 4/19/94

MODESTO CITY COUNCIL
RESOLUTION NO. 94-197

A RESOLUTION ORDERING THE MORSE-POUST
REORGANIZATION TO THE CITY OF MODESTO.
(UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission (LAFCO) by Resolution No. 94-02 dated February 23, 1994, approved the proposed Morse-Poust Reorganization to the City of Modesto upon the condition that it be processed as a reorganization pursuant to the provisions of the Government Code of the State of California, and designated said Reorganization the Morse-Poust Reorganization, and

WHEREAS, said LAFCO resolution also found that the subject territory is within the primary area of the Modesto Sphere of Influence, and

WHEREAS, said LAFCO resolution also found that the proposed Morse-Poust Reorganization is consistent with all applicable local general plans, and

WHEREAS, said LAFCO resolution also found that the subject territory involved in the proposed Morse-Poust Reorganization is uninhabited territory, and

WHEREAS, said LAFCO resolution also found that all property owners within the subject territory have signed the petition for the Morse-Poust Reorganization; and

WHEREAS, said LAFCO resolution also found that the Morse-Poust Reorganization of the subject territory into the City will promote the planned, orderly and efficient development of the area, and

WHEREAS, said Reorganization is comprised of an area of approximately 34.64 acres, located at the north of Blue Gum Avenue between Morse Avenue and Poust Road and south of the middle line of the MID Lateral No. 3, and

WHEREAS, LAFCO by said Resolution No. 94-02 designated the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization pursuant to Section 56852 of the Government Code of the State of California, and

WHEREAS, on February 23, 1994, LAFCO certified that it considered the environmental documentation prepared by the City and finds that the City of Modesto shall be responsible for the City monitoring and reporting to insure California Environmental Quality Act (CEQA) compliance, and

WHEREAS, LAFCO by said resolution approved the proposal subject to the following conditions:

1. That it be processed as a reorganization consisting of the annexation of the subject territory to the City of Modesto and the Modesto Municipal Sewer District No. 1 and the detachment from the Woodland Avenue Fire Protection District.
2. That the approved lot line adjustment be completed prior to the recording of the Certificate of Completion by the Executive Officer.

3. That the boundary include only the territory to the centerline of the MID Lateral No. 3 and the adjacent McDonald Avenue right-of-way, as shown on the attached map.

WHEREAS, the reasons for this annexation are as follows:

1. The proposed annexation is consistent with the goals and objectives of the City of Modesto General Plan, as amended, and annexation policies.
2. The proposed annexation will allow the City of Modesto to provide full urban services to the Morse-Poust Reorganization.
3. The reorganization of this territory into the City will minimize the number of governmental agencies providing services to this territory.

and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution designated the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization pursuant to Section 56852 of the Government Code of the State of California and authorized the Council of the City of Modesto to proceed without notice, hearing, or election pursuant to Section 56837 of the Government Code of the State of California, and

WHEREAS, the regular county assessment roll is utilized by the City of Modesto, and

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

1. All requirements of the Cortese/Knox Local Government Reorganization Act of 1985, and as revised in 1989, have been complied with.

2. That the area or territory shall be designated as the Morse-Poust Reorganization and is described on Exhibit "A" attached hereto and made a part hereof by reference as though set forth in full herein.

3. Said territory is hereby annexed to and made a part of the City of Modesto pursuant to Government Code §57080.

4. Said territory is hereby detached from the Woodland Avenue Protection District.

5. Said territory is hereby annexed to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer district.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

BE IT FURTHER RESOLVED that the mitigated negative declaration as to the environmental impact of this Reorganization has previously been reviewed and considered.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By George Osner, PSC
Planning and Community Development

MORSE - POUST REORGANIZATION
TO THE CITY OF MODESTO

All that certain real property situated in a portion of the Northwest quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California, described as follows;

Beginning at the Southeast corner of the Southwest quarter of the Northwest quarter of said Section 24; thence South $89^{\circ}25'20''$ West, 1326.99 feet along the East-West quarter section line of said Section 24 and the current Modesto City Limits Line, to the West quarter corner of said Section 24; thence North $0^{\circ}07'05''$ West, 919.45 feet along the West line of said Section 24, to the center line of Modesto Irrigation District Lateral No. 3; thence North $71^{\circ}18'49''$ East, 1304.15 feet along said center line of M.I.D. Lateral No. 3 to the intersection with the center line of McDonald Avenue; thence North $0^{\circ}37'39''$ West, 20.00 feet, to the Northerly right-of-way line of McDonald Avenue; thence North $89^{\circ}22'21''$ East 90.29 feet, to the East quarter - quarter section line of the Northwest quarter of said Section 24, and the current Modesto City Limits Line; thence South $0^{\circ}08'33''$ East, 1344.89 feet along said East quarter - quarter section line to the point of beginning.

Containing 34.64 Acres

Approved as to description

ON 3-13-94

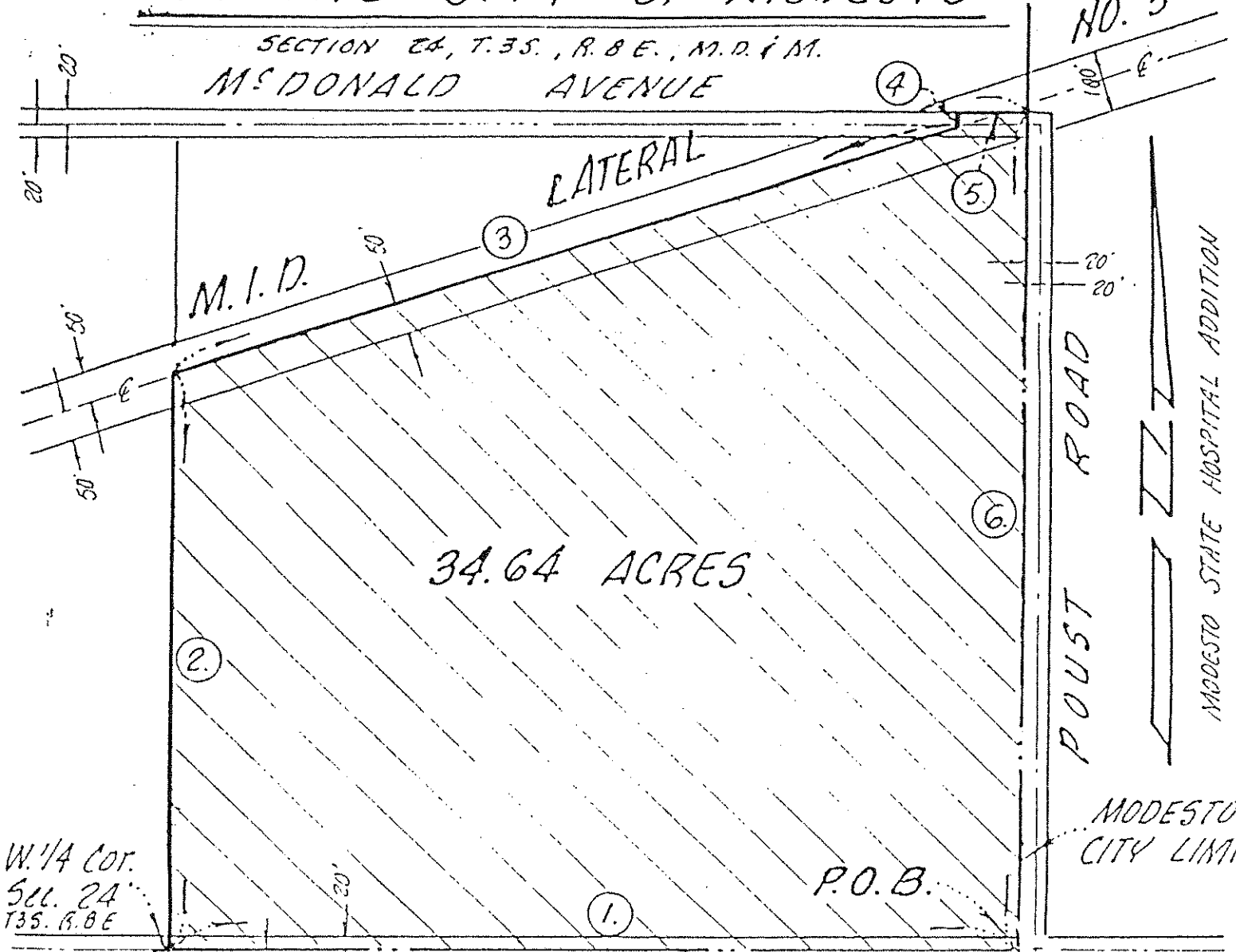
BY [Signature]

EXHIBIT A

MORSE — POUST REORGANIZATION TO THE CITY OF MODESTO

SECTION 24, T. 35., R. 8 E., M. D. & M.
MCDONALD AVENUE

NO. 3



34.64 ACRES

W. 1/4 COR.
SEC. 24
T35. R. 8 E

MORSE AVE.

BLUE GUM
BLUE GUM-MORSE ANNEXATION
COURSES: (4-1-80)

AVENUE
BLUE GUM ADDITION
(6-12-75)
MODESTO CITY LIMITS

S.E. COR. of
S.W. 1/4 of NW 1/4
SEC. 24, T35
R. 8 E.

- | | |
|------------------------------|-----------------------------|
| ① S. 89° 25' 20" W. 1326.99' | ④ N. 0° 37' 39" W. 20.00' |
| ② N. 0° 07' 05" W. 919.45' | ⑤ N. 89° 22' 21" E. 90.29' |
| ③ N. 71° 18' 49" E. 1304.15' | ⑥ S. 0° 08' 33" E. 1344.89' |

Approved as to description

ON 3-8-77

BY [Signature]

MODESTO STATE HOSPITAL ADDITION
(14-70-77)

MODESTO CITY COUNCIL
RESOLUTION NO. 94-198

A RESOLUTION REQUESTING THAT THE COUNTY BOARD OF SUPERVISORS DISSOLVE THE SHERWOOD FOREST ROCKWELL MAINTENANCE DISTRICT AND TRANSFER THE FUNDS TO THE CITY OF MODESTO.

WHEREAS, on January 6, 1994, the Stanislaus County Public Works Division informed the City of Modesto that the County has a residual of approximately \$54,680 in the Sherwood Forest Rockwell Maintenance District, and

WHEREAS, the District provided maintenance of the rockwells in the Sherwood Forest neighborhood before its annexation to the City of Modesto, and

WHEREAS, Streets and Highways Code Section 5851 sets forth that when annexation of a County maintenance district area by a City occurs, at the request of the City the County may dissolve the district and transfer the duties and residual funds to the City, and

WHEREAS, since the City now provides these services to the neighborhood, it would be appropriate that the residual funds be transferred to the City of Modesto for the continued rockwell maintenance for this neighborhood,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Stanislaus County Board of Supervisors is hereby requested to dissolve the Sherwood Forest rockwell maintenance district and to transfer the residual funds in the approximate amount of \$54,680 to the City of Modesto. Said funds

to be transferred to the City of Modesto's Stormdrain Enterprise Fund, (628).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-199

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY, GIVING THE CITY AUTHORITY TO CONSTRUCT A WATERLINE WITHIN COUNTY RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County, giving the City authority to construct a waterline within County right of way on Paradise and Hatch Roads

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April , 19 94 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-200

A RESOLUTION APPROVING AN AMENDED AGREEMENT WITH CALTRANS TO EXTEND THE COMPLETION DATE FROM MARCH 1, 1994, TO MARCH 1, 1996, FOR INSTALLING WHEEL-CHAIR RAMPS AND TRAFFIC SIGNAL MODIFICATIONS AT 9TH AND D STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Caltrans to extend the completion date from March 1, 1994, to March 1, 1996, for installing wheel-chair ramps and traffic signal modifications at 9th and D Streets be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-201

A RESOLUTION APPROVING THE MODESTO CITY-COUNTY AIRPORT'S APPLICATION FOR FEDERAL FUNDS IN THE AMOUNT OF \$567,900 TO COMPLETE THE AIRPORT'S FY 1994/95 CAPITAL IMPROVEMENTS

WHEREAS, on January 25, 1994, the Council of the City of Modesto approved the submittal of a preapplication for federal funds to complete Airport Improvement Program projects for FY 1994/95 consisting of resurfacing and extension of Airport Way and the slurry sealing of the general aviation aircraft parking apron; and

WHEREAS, the Federal Aviation Administration has tentatively approved funding in the amount of \$567,900.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the grant application on behalf of the City of Modesto with the Federal Aviation Administration for funding in the amount of \$567,900 for the above-mentioned projects be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant application by the designated City officials be authorized

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-202

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN INFECTIOUS (MEDICAL) WASTE CONTROL TRANSFER STATION PROJECT LOCATED AT 1025 LONE PALM AVENUE.

WHEREAS, on February 23, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if an Infectious (Medical) Waste Control Transfer Station project located at 1025 Lone Palm Avenue might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC

including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-203

A RESOLUTION SETTING TIME AND PLACE FOR HEARING FOR APRIL 26, 1994,
REGARDING RECOGNITION OF MODESTO POLICE MANAGEMENT ASSOCIATION AS AN INDEPENDENT
BARGAINING GROUP

BE IT HEREBY RESOLVED by the Council of the City of Modesto
that April 26, 1994 , at 4:00 P.M. in the Council Cham-
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby
set as the time and place for consideration of the Modesto Police
Management Association being recognized as an independent bargaining group.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 12th day of
April, 1994, by Councilmember McClanahan, who
moved its adoption, which motion being duly seconded by Councilmember
Friedman, was upon roll call carried and the resolution
adopted by the following vote:

- AYES: Councilmembers: Cogdill, Friedman, McClanahan,
Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-204

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF TERRY SWEHLA FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE APRIL 14, 1994

WHEREAS, Terry Swehla was appointed a member of the Community Qualities Forum on September 22, 1992; and

WHEREAS, Terry Swehla has tendered his resignation from the Community Qualities Forum, effective April 14, 1994; and

WHEREAS, Terry Swehla has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Terry Swehla from the Community Qualities Forum be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Terry Swehla for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Mcclanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-204A

A RESOLUTION APPOINTING MAYOR LANG TO THE MID DRINKING WATER PROJECT POLICY COMMITTEE

WHEREAS, Section 18.6.1 of the Treatment and Delivery Agreement between the City of Modesto, Del Este Water Company, and the Modesto Irrigation District establishes a Policy Committee to oversee major decisions of the Drinking Water Project; and

WHEREAS, the City's representation consists of two City Councilmembers. Staff recommends that Mayor Lang serve on the Committee until Councilmember Patterson returns.

NOW THEREFORE, BE IT RESOLVED the City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the MID Drinking Water Project Policy Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94- 94-205

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING THE ISSUANCE OF AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$8,905,000 COMPRISED OF MULTIFAMILY MORTGAGE REVENUE REFUNDING BONDS, SERIES 1994A (GNMA COLLATERALIZED-STONEBRIDGE APARTMENTS PROJECT) AND TAXABLE MULTIFAMILY MORTGAGE REVENUE REFUNDING BONDS, SERIES 1994B (GNMA COLLATERALIZED-STONEBRIDGE APARTMENTS PROJECT) FOR THE PURPOSE OF REFINANCING THE STONEBRIDGE APARTMENTS PROJECT AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Modesto (the "City") is a charter city and municipal corporation organized and existing under the Constitution and laws of the State of California; and

WHEREAS, pursuant to the provisions of Chapter 7 of Part 5 of Division 31 of the Health and Safety Code of the State of California, as amended (the "Law"), the City is authorized (i) to engage in certain activities related to the provision of decent, safe and adequate housing for persons residing in the City, including the financing of multifamily housing and (ii) to issue bonds for the purpose of making loans to finance such residential construction; and

WHEREAS, pursuant to the Law the City has implemented a residential construction financing program and in furtherance of such program, on March 12, 1984, issued its Mortgage Revenue Bonds, Series 1984 (FHA Insured Mortgage Loan - Stonebridge Apartments Project) in the aggregate principal amount of \$8,905,000 (the "Original Bonds"), under and pursuant to that certain Indenture, dated as of March 1, 1984 (the "Original Indenture"), by and between the City and Bank of America National Trust and Savings Association (as successor by merger to Security Pacific National Bank), as trustee thereunder (the "Original Bonds Trustee"), for the purpose of financing the construction of a 286-unit multifamily housing development known as the Stonebridge Apartments located in the City of Modesto, California (the "Project"), occupied partially (at least 20%) by individuals of low and moderate income within the meaning of Sections 103(b)(4)(A) and 103(b)(12)(C) of the Internal Revenue Code of 1954, as amended (the "1954 Code"); and

WHEREAS, in order to finance the Project, the Original Bonds Trustee made a loan (the "Mortgage Loan") to Stonebridge Associates, a California limited partnership (the "Owner"), secured by a non-recourse deed of trust note in respect of the Project and insured by the Secretary of Housing and Urban Development ("HUD") acting by and through the Federal Housing Administrator, Federal Housing Administration ("FHA") pursuant to Section 221(d)(4) of the National Housing Act of 1934, as amended (the "National Housing Act"); and

WHEREAS, the Occupancy Restrictions, as described in the Financing and Regulatory Agreement, dated as of March 1, 1984, by and between the City and the Owner commenced on March 1, 1985, the first day on which 10 percent of the units in the Project were occupied; and

WHEREAS, the Original Bonds are subject to optional redemption in whole on each June 1 and December 1, on or after June 1, 1994; and

WHEREAS, the Owner desires to restructure the financing for the Project through the refinancing of the Mortgage Loan with a new loan (the "New Loan") made to the Owner by TRI Capital Corporation (the "Lender") and insured by FHA under Section 221(d)(4) pursuant to Section 223(a)(7) of the National Housing Act, the issuance of a Government National Mortgage Association ("GNMA") mortgage-backed security (the "GNMA Security") for the benefit of the Trustee and the refunding of the Original Bonds; and

WHEREAS, pursuant to a Financing Agreement, dated as of April 1, 1994 (the "Financing Agreement") by and among the City, the Owner, the Lender and Bank of America National Trust and Savings Association, the Lender will fund the New Loan and deposit the proceeds thereof with the Original Bonds Trustee who shall be directed by the City to transfer such moneys to the Trustee (as defined below) to provide for the acquisition of the GNMA Security; and

WHEREAS, the City has determined to assist in the refinancing of the Project through the issuance, pursuant to Section 53570 et seq. of the Government Code of the State of California (the "Act") and pursuant to a Trust Indenture, dated as of May 1, 1994 (the "Trust Indenture"), by and between the City and Bank of America National Trust and Savings Association (the "Trustee"), of an aggregate principal amount of not to exceed \$8,905,000 comprised of its Multifamily Mortgage Revenue Refunding Bonds, Series 1994A (GNMA Collateralized - Stonebridge Apartments Project) (the "Series 1994A Bonds"), and its Taxable Multifamily Mortgage Revenue Refunding Bonds, Series 1994B (GNMA Collateralized -- Stonebridge Apartments Project) (the "Series 1994B Bonds" and, together with the Series 1994A Bonds, the "Bonds"); and

WHEREAS, in connection with the issuance and delivery of the Bonds, the Trustee shall be directed by the City to transfer the proceeds of the Bonds to the Original Bonds Trustee to be applied by the Original Bonds Trustee, together with other moneys available for such purpose, to the redemption of the original Bonds on June 1, 1994; and

WHEREAS, pursuant to an Amended and Restated Tax and Regulatory Agreement, dated as of May 1, 1994 (the "Tax Regulatory Agreement") by and among the Owner, the City and the

Trustee, the Owner covenants that it will comply with all requirements of Section 103(b)(4)(A) and 103(b)(12)(C) of the 1954 Code and the Internal Revenue Code of 1986, as amended (the "1986 Code"), and the regulations and ruling promulgated thereunder, and with all other requirements of the Act and any and all rules and regulations of the City; and

WHEREAS, the New Loan will be insured by the FHA under Section 221(d)(4) pursuant to Section 223(a)(7) of the National Housing Act, and will be evidenced by a Deed of Trust Note of the Owner (the "Mortgage Note") in favor of the Lender and secured by a Deed of Trust in respect of the Project (the "Mortgage"); and

WHEREAS, following execution and delivery of the Mortgage Note and Mortgage, GNMA will authorize the Lender to issue the GNMA Security and deliver it to the Trustee under and pursuant to the terms of the Lender Commitment Letter (as defined in the Indenture); and

WHEREAS, the Bonds are proposed to be issued and sold to First Interstate Bank (the "Underwriter") pursuant to the terms of a Bond Purchase Agreement, to be dated on or about April 27, 1994 among the City, the Owner and the Underwriter (the "Bond Purchase Agreement"); and

WHEREAS, the City has caused to be prepared and lodged with the City Clerk, the following instruments:

- (1) the form of Trust Indenture;
- (2) the form of Financing Agreement;
- (3) the form of Tax Regulatory Agreement;
- (4) the form of Preliminary Official Statement to be dated on or about May 11, 1994 to be used in connection with the offer and sale of the Bonds; and
- (5) the form of Bond Purchase Agreement;

WHEREAS, pursuant to the requirements of Section 147(f) of the 1986 Code, the City is required to obtain the approval of the City Council of the City of Modesto or the Mayor of the City of Modesto prior to issuing the Series 1994A Bonds, which approval is to be preceded by a duly noticed public hearing; and

WHEREAS, the City has given notice of the required public hearing pursuant to the 1986 Code, and the issuance of the Bonds is contingent upon the approval by the City Council of the City of Modesto or the Mayor of the City of Modesto; and

WHEREAS, the City is now duly authorized and empowered, pursuant to each and every requirement of law, to issue the Bonds for the purpose and in the manner herein provided;

WHEREAS, the City now wishes to provide for the issuance of the Bonds;

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

Section 1. Findings. The City Council hereby specifically finds and declares that the actions authorized hereby constitute, and are in furtherance of, the municipal affairs of the City and that the statements, findings and determinations of the City Council set forth in the preambles of the documents approved herein are true and correct.

Section 2. Authorization of Issuance of Bonds; Special Obligations of City. In order to provide funds to refund the Original Bonds and to provide funds to pay the costs of issuance associated therewith, the City Council hereby authorizes and approves the issuance of an aggregate principal amount of not to exceed \$8,905,000 of its Multifamily Mortgage Revenue Refunding Bonds, Series 1994A (GNMA Collateralized--Stonebridge Apartments Project), and its Taxable Multifamily Mortgage Revenue Refunding Bonds, Series 1994B (GNMA Collateralized -- Stonebridge Apartments Project), maturing and bearing interest at the rates provided and subject to all of the terms provided in the Trust Indenture hereinafter approved; provided, however, that the interest rate on the Series 1994A Bonds shall not exceed 8.50% and the interest rate on the Series 1994B Bonds shall not exceed 11.00%.

The Bonds shall be special obligations of the City and shall be payable as to principal, premium and interest, and the obligations of the City under the Trust Indenture shall be paid and satisfied, solely from the revenues, receipts and other moneys pledged therefor under the Trust Indenture. The Bonds shall not constitute a debt of the City, the State of California or any political subdivisions thereof (except the City as aforesaid), and neither the City, the State nor any of its political subdivisions (except the City as aforesaid) is liable thereon, nor in any event shall the Bonds or interest thereon be payable out of any funds or properties other than funds as set forth in the Trust Indenture. The Bonds shall not be a debt of the United States of America, HUD, GNMA or any other governmental agency, and are not guaranteed by the full faith and credit of the United States of America, HUD, GNMA or any other governmental agency.

Section 3. Approval of Trust Indenture. The City Council hereby approves the form of a Trust Indenture, to be dated as of May 1, 1994, by and between the City and the Trustee, substantially in the form lodged with the City Clerk and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to execute the Trust Indenture, but with such changes therein, deletions therefrom and modifications thereto as the City Manager or the Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. Approval of Tax Regulatory Agreement. The City Council hereby approves the form of Tax Regulatory Agreement, to be dated as of May 1, 1994, by and among the City, the Owner and the Trustee substantially in the form lodged with the City Clerk and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Tax Regulatory Agreement, but with such changes therein, deletions

therefrom and modifications thereof as the City Manager or the Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof.

Section 5. Approval of Financing Agreement. The City Council hereby approves the form of Financing Agreement, to be dated as of April 1, 1994, by and among the City, the Owner, the Lender and the Trustee (the "Financing Agreement") substantially in the form lodged with the City Clerk and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Financing Agreement, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof.

Section 6. Approval of Preliminary Official Statement and Official Statement. The City Council hereby approves the form of the Preliminary Official Statement substantially in the form lodged with the City Clerk. The City Manager or the Finance Director (as the case may be) of the City is authorized (i) to make such changes in the Preliminary Official Statement, deletions therefrom and modifications thereof as the City Manager or the Finance Director (as the case may be) shall approve in connection with the preparation of the Preliminary Official Statement and the preparation of a final Official Statement to be dated on or about the date of sale of the Bonds (the "Official Statement"), and (ii) to execute and deliver the Official Statement on or following the date of sale of the Bonds, the execution of the Official Statement by any of said persons to be conclusive evidence of the approval thereof. The City Manager or the Finance Director (as the case may be) is hereby authorized and directed to execute a certificate deeming the Preliminary Official Statement final for purposes of Rule 15c2-12 of the Securities Exchange Commission. The City Manager or the Finance Director (as the case may be) shall cause copies of the Official Statement to be delivered to the Underwriter no later than seven business days following the sale of the Bonds to the Underwriter. The City Council hereby consents to and approves the distribution and circulation of the Preliminary Official Statement and the Official Statement by the Underwriter in connection with the offering, marketing and sale of the Bonds.

Section 7. Approval of Bond Purchase Agreement; Award of Bonds. The City Council hereby approves the form of Bond Purchase Agreement by and among the City, the Owner and First Interstate Bank (the "Underwriter") substantially in the form lodged with the City Clerk and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Bond Purchase Agreement, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof. The City Manager or the Finance Director is hereby authorized to award the Bonds on the terms as provided in the Bond Purchase Agreement and in this Resolution.

Section 8. Further Action Authorized. The City Manager, the Mayor, the City Clerk, the City Attorney, the Finance Director and the other officers of the City are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or

advisable in order to consummate the offer of sale of the Bonds and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved. It is hereby covenanted that all conditions, acts and things required by the Act or this Resolution to exist, to have happened; and to have been performed precedent to or in the issuance of the Bonds shall exist, have happened and have been performed.

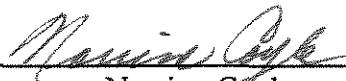
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April 1994, by Councilmember Cogdill who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore

NOES: Councilmembers: None


AYES: Councilmembers: McClanahan, Patterson, Mayor Lang

ATTEST:

By: 
Norrine Coyle,
City Clerk

(S E A L)

APPROVED AS TO FORM:

By: 
Michael D. Milich
City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-206

A RESOLUTION TRANSFERRING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A LIMITED AMBULANCE SERVICE IN THE CITY OF MODESTO, PREVIOUSLY ISSUED TO 911 EMERGENCY SERVICES, INC., dba MOBILE LIFE SUPPORT, TO AMERICAN MEDICAL RESPONSE, INC.

WHEREAS, 911 Emergency Services, Inc., dba Mobile Life Support, has operated an ambulance company within the City of Modesto for several years, and

WHEREAS, 911 Emergency Services, Inc., has entered into a merger/acquisition agreement with American Medical Response, Inc., and

WHEREAS, 911 Emergency Services has applied for a transfer of the license to the new corporation, American Medical Response, Inc., and

WHEREAS, Chapter 8 of Title III of the Modesto Municipal Code regulates the licensing of ambulances in the City of Modesto, and Section 3-8.07 of the Modesto Municipal Code states that no license for the operation of an ambulance may be sold, assigned, mortgaged, or otherwise transferred without the consent of the Council, and

WHEREAS, Section 3-8.05.1 of the Modesto Municipal Code requires that in determining whether the public convenience and necessity require the operation of an ambulance service for which application is made, in this instance a transfer of the ambulance certificate, the Council shall hold a public hearing as may be

necessary to determine that fact, and

WHEREAS, as required by Section 3-8.05.2 of the Modesto Municipal Code, the City Manager has caused the Police Chief of the City of Modesto to make an investigation and report, in writing, to the City Council on said request to transfer the ambulance certificate, and

WHEREAS, the City Council held a duly noticed public hearing at 7:30 p.m., in the City Council Chambers in City Hall, located at 801 11th Street, Modesto California, to consider the transfer of the ambulance certificate,

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

1. That the public convenience and necessity requires the operation of the limited ambulance service which will be furnished by American Medical Response, Inc., and that such service will promote the convenience, safety and welfare of the general public.

2. That the vehicles described in the application and proposed to be used are adequate and safe for the purpose of carrying or transporting wounded, injured or sick persons.

3. That the name American Medical Response, Inc., and the color scheme, insignia, monogram or other distinguishing characteristics proposed to be used upon such ambulances are not in conflict with and do not imitate any color scheme, insignia, monogram or other distinguishing characteristics used by any

other company, in such a manner as to mislead or tend to mislead, deceive, or defraud the public.

4. That such ambulance service in the City is required by the public convenience and necessity and that American Medical Response, Inc., is a company fit, willing, and able to perform ambulance service and able to conform to the provisions of Chapter 8 of Title III of the Modesto Municipal Code, and such rules and regulations as may be promulgated by the Council.

BE IT FURTHER RESOLVED that the permit previously issued to 911 Emergency Services, Inc., doing business as Mobile Life Support is hereby transferred to American Medical Response, Inc., to operate a limited ambulance service in the City of Modesto. Said ambulance service shall operate under the name of American Medical Response, Inc., and a total number of eight (8) ambulances may be operated under said certificate.

BE IF FURTHER RESOLVED that after American Medical Response, Inc., has complied with all of the requirements of Chapter 8 of Title III of the Modesto Municipal Code, the City Clerk of the City of Modesto is hereby authorized to issue a Certificate of Public Convenience and Necessity to American Medical Response, Inc., for the purpose of operating eight (8) ambulances as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, and
Mayor pro tem Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson, Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-207

A RESOLUTION ESTABLISHING FEES FOR ADULT-RELATED ESTABLISHMENT PERMITS.

WHEREAS, on March 22, 1994, the City Council introduced Ordinance No. 2899-C.S., which added Chapter 9 entitled "Adult-Related Establishments" to Title V of the Modesto Municipal Code, and

WHEREAS, Chapter 9 of Title V of the Modesto Municipal Code provides that certain fees related to "Adult-Related Establishments" shall be established by Resolution adopted by the City Council from time to time,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby establishes fees for "Adult-Related Establishment Permits" as provided for in Chapter 9 of Title V of the Modesto Municipal Code as follows:

SECTION 1. An Application Fee to maintain, operate, or conduct an adult-related establishment, as provided for in Section 5-9.201(a) of the Modesto Municipal Code, is hereby established in the amount of \$165.00. Said fee is nonrefundable.

SECTION 2. An Application Fee to be employed by an adult-related establishment, as provided for in Section 5-9.201(b) of the Modesto Municipal Code, is hereby established in the amount of \$35.00. Said fee is nonrefundable.

SECTION 3. An Application Fee for the renewal of a permit for an adult-related establishment, as provided for in

Section 5-9.206 of the Modesto Municipal Code, is hereby established in the amount of \$25.00. Said fee is nonrefundable.

SECTION 4. An Application Fee for the transfer or change of location of a permit to be employed as an escort, figure model, or other employee in an adult-related establishment, as provided for in Section 5-9.207 of the Modesto Municipal Code, is hereby established in the amount of \$5.00. Said fee is nonrefundable.

SECTION 5. An Application Fee for an escort or figure model permit, as provided for in Section 5-9.209 of the Modesto Municipal Code, is hereby established in the amount of \$75.00 to reimburse the City for the cost of investigation. Said fee is nonrefundable.

SECTION 6. An application fee for renewal of an escort or figure model permit, as provided for in Section 5-9.212 of the Modesto Municipal Code, is hereby established in the amount of \$25.00. Said fee is nonrefundable.

BE IT FURTHER RESOLVED that this resolution shall not become effective until the effective date of Ordinance No. 2899-C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-208

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS FOR FURNISHING TWO GRANULAR ACTIVATED CARBON ADSORPTION SYSTEMS FOR
TWO WELLS

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

SECTION 1. The specifications for furnishing two granular activated
carbon adsorption systems for two wells

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

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
May 3, 1994, at 10:00 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 19th day of April
19 94 , by Councilmember Friedman , who moved its adoption, which motion
being duly seconded by Councilmember Cogdill , was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore.

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan and Patterson, Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-209

A RESOLUTION APPROVING SUBSTITUTION OF SUBCONTRACTOR BY SCHRIMSHER & MINENI CONSTRUCTION, CONTRACTOR FOR THE REHABILITATION OF SEWER LIFT STATIONS - MURIEL AVENUE, MAZE BOULEVARD AND MARK RANDY PLACE PROJECT

WHEREAS, the City of Modesto has contracted with Schrimsher & Mineni Construction for the rehabilitation of sewer lift stations - Muriel Avenue, Maze Boulevard, and Mark Randy Place project; and

WHEREAS, the prime contractor on the job listed Woehrle Drywall & Painting as their polyurethane lining subcontractor in their original bid; and

WHEREAS, the listed subcontractor, Woehrle Drywall & Painting, is not an approved applicator of the protective coating specified for use on the project.

WHEREAS, Section 4107 of the Public Contract Code allows the awarding authority to consent to the substitution of another firm as a subcontractor when the listed subcontractor fails or refuses to perform his or her subcontract.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the substitution of Jeffco Painting & Coating, Inc. as subcontractor for the polyurethane lining installation, replacing Woehrle Drywall & Painting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson, Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-210

A RESOLUTION GRANTING AN EASEMENT TO MODESTO IRRIGATION DISTRICT FOR AN ELECTRICAL SERVICE EASEMENT NEEDED TO THE NEW HANGAR BEING CONSTRUCTED AT THE MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District granting an easement to M.I.D. for an electrical service easement needed to the new hangar being constructed by Modesto Air Charter, Inc. at the Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson, Mayor Lang

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-211

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SELDON J. GRAHAM FOR THE ACQUISITION OF 4,418+ FEET OF RIGHT OF WAY NEEDED FOR THE SCENIC, EAST OF OAKDALE WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Seldon J. Graham for the acquisition of 4,418+ feet of right of way needed for the Scenic, east of Oakdale widening project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April , 19 94 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore
- NOES: Councilmembers: None
- ABSENT: Councilmembers: McClanahan, Patterson, Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-212

A RESOLUTION APPROVING A REVISED AGREEMENT WITH SAAG TO PROVIDE TRAFFIC MODELLING SERVICES TO SAAG, USING A CONSULTING TRANSPORTATION PLANNING FIRM IN LIEU OF CITY TRANSPORTATION STAFF IF NECESSARY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the revised agreement between the City of Modesto and SAAG to provide traffic modelling services to SAAG, using a consulting transportation planning firm in lieu of City Transportation staff if necessary be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore.

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson , Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

Clock

MODESTO CITY COUNCIL
RESOLUTION 94-213

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO SHIFT FUNDING FROM SALARIES TO SERVICES FOR CONSULTANT FEES.

WHEREAS, the City Manager has been authorized to sign a revised agreement with SAAG wherein City Transportation Division staff will provide traffic modelling services to SAAG on a reimbursable basis, using a consulting transportation planning firm in lieu of City Transportation staff if necessary.

WHEREAS, the City has already estimated the revenue from SAAG for this work. However, the Transportation staff that was going to do this work has left the City and is now working with a consulting firm. There are salary savings due to his departure.

WHEREAS, it is necessary to transfer some of the salary savings to outside services in order to pay the consultant for this work as it is done.

WHEREAS, the following adjustments are necessary.

General Fund		Increase (Decrease)
Fund/Agy/Org		
Expenditures		
010-160-1601-0110	Salaries & Wages Regular	(\$10,000)
010-160-1601-0235	Services Professional & Other	\$10,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-214

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GREGG E. MILLER & ASSOCIATES, INC. FOR PROFESSIONAL ELECTRICAL ENGINEERING SERVICES AND PREPARATION OF ENGINEERING BID DOCUMENTS FOR TENNIS COURT LIGHTING RENOVATION AT DAVIS AND DOWNEY COMMUNITY PARKS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gregg E. Miller & Associates, Inc. for professional electrical engineering services and preparation of engineering bid documents for tennis court lighting renovation at Davis and Downey Community Parks be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April , 19 94 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Muratore.
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan and Patterson, Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-215

A RESOLUTION URGING THE EMERGENCY MEDICAL SERVICE AGENCY BOARD OF DIRECTORS TO INSURE AN EQUITABLE DISTRIBUTION OF PATIENTS BETWEEN DOCTOR'S MEDICAL CENTER AND MEMORIAL HOSPITAL.

WHEREAS, the Mayor of the City of Modesto formed an Ad Hoc Committee consisting of three Councilmembers to attempt to mediate an ongoing dispute between Doctor's Medical Center ("DMC"), and Memorial Hospital in relation to competition between the two hospitals for trauma patients, which has led to a helicopter controversy, and

WHEREAS, neighbors in the area adjacent to Doctor's Medical Center have complained to the City of Modesto about the impacts of DMC's helicopter service, and

WHEREAS, at a recent meeting of the Emergency Medical Service Agency ("EMS"), the EMS Agency has determined that there is a need for only one service provider in the region, and

WHEREAS, by a report dated April 14, 1994, the Mayor's Ad Hoc Committee presented its recommendation to the City Council that the City Council should adopt a resolution urging the EMS Agency Board of Directors to insure an equitable distribution of patients between Doctor's Medical Center and Memorial Hospital for the following reasons:

1. To the extent that one hospital gets more patients, there is an economic incentive for the other to establish a competing but unnecessary helicopter service.

2. Two air ambulance services could result in higher costs to patients and the entire community.
3. The resulting competition for trauma patients has led to the unnecessary involvement of the City of Modesto by each hospital in the hopes of using the City's regulatory power to gain an advantage over the other.
3. A requirement for equitable distribution of patients could decrease the likelihood that DMC would want to continue its own service thereby decreasing the number of flights to DMC and benefiting the neighbors who have complained about the impacts of DMC's helicopter service.
4. Both hospitals have made major investments in state of the art trauma centers and the equitable distribution of patients would result in better utilization of those facilities.

and

WHEREAS, the City Council considered the recommendation of the Mayor's Ad Hoc Committee at its meeting of April 19, 1994,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, in an effort to resolve the controversy which has arisen between Doctor's Medical Center and Memorial Hospital, the City Council hereby urges the Emergency Medical Service Agency Board of Directors to insure an equitable distribution of patients between Doctor's Medical Center and Memorial Hospital at such time that the Agency selects a single air ambulance provider for the Alpine, Motherlode and San Joaquin region for the reasons mentioned above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman, McClanahan, Patterson

ATTEST: 
for NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-216

A RESOLUTION APPOINTING JEANNETTE GOULD MAINO AS POET LAUREATE OF THE CITY OF MODESTO FOR THE PERIOD FROM JULY 1, 1994 TO JUNE 30, 1996

WHEREAS, a non-salaried honorary position of "Poet Laureate of the City of Modesto" was established on July 13, 1993, by Resolution No. 93-412, for the purpose of presenting original poems at various official occasions.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that Jeannette Gould Maino be appointed Poet Laureate of the City of Modesto for the period from July 1, 1994 to June 30, 1996.

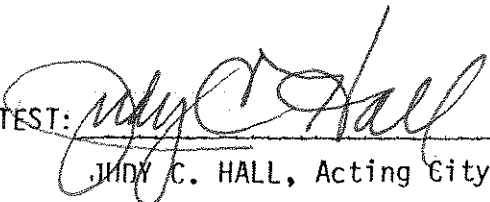
BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed Poet Laureate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-217

A RESOLUTION AMENDING THE CITY OF MODESTO POLICY REGARDING THE POET
LAUREATE OF THE CITY OF MODESTO

WHEREAS, a non-salaried honorary position of Poet Laureate of the
City of Modesto was approved on July 13, 1993, by Resolution No. 93-412;
and

WHEREAS, by Resolution No. 93-412, a policy regarding said non-
salaried honorary Poet Laureate position was adopted; and

WHEREAS, the Culture Commission has recommended certain changes to
the policy, a copy of which is attached hereto.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto
that the policy regarding the Poet Laureate of the City of Modesto is
hereby amended.

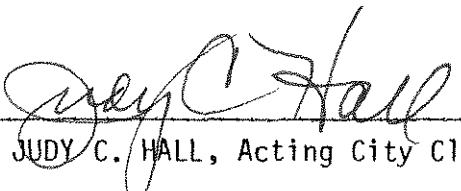
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 26th day of April, 1994, by
Councilmember McClanahan , who moved its adoption, which motion being
duly seconded by Councilmember Friedman , was upon roll call carried
and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

CITY OF MODESTO POLICY REGARDING POET LAUREATE

It is the desire of the Culture Commission and the Modesto City Council to establish a non-salaried position to be known as *The Poet Laureate of the City of Modesto*, and that this position, while largely honorary, would carry with it certain expectations and obligations.

I. Qualifications

- A. Those nominated for this position should have reputations within the community as creators and lovers of poetry.
- B. Those nominated for this position should have some public speaking ability.
- C. Those nominated for this position should be published authors.

II. Terms of Office

- A. The normal term of office shall be for two years, commencing on the first day of July.
- B. An individual may serve no more than four consecutive years.

III. Nomination/Selection Procedure

- A. At least three months prior to the ending of a term, the Culture Commission shall announce the vacancy, and declare itself open for nominations.
- B. Nominations may come from any citizen of the City of Modesto.
- C. Nominations will be received by the Department of Parks and Recreation.
 - An application/Nomination Form is attached to this document for use by those wishing to apply or to nominate someone else for the position.
- D. The Poet Laureate Selection Committee (a sub-committee established by the Modesto Culture Commission) will review and screen the nominations, selecting two for further consideration by the Culture Commission.
- E. The Culture Commission will make the final recommendation to the Modesto City Council.
- F. The City Council will formally appoint an individual to the position.
- G. The Mayor will notify the selected poet by way of a letter of congratulations.

-continued-

IV. Continuity

- A. The Poets Laureate Selection Committee will maintain a list of all eligible nominated poets, and review this entire list every two years (or more frequently, if necessary) before making subsequent selections.
- B. Persons who have published new works, received additional awards, or feel that in other ways their Applications should be updated are encouraged to do so at any time.
- C. Poems created by the Poet Laureate while acting in a formal capacity will be preserved in a book by the Poets' Corner Committee as part of their collection on the Poets' Bookshelf at the McHenry Museum.

V. Expectations

- A. The Poet Laureate will be expected to present a poem written especially for the event at a variety of Special Occasions involving the City of Modesto. These include, but not be limited to, such activities as:
 - 1. Installation of new City Council members, or new Mayor
 - 2. Sister City receptions
 - 3. Dedications of new city buildings
 - 4. Openings of various cultural events
 - 5. Civic and community functions directly involving city government, as invited
 - 6. Other events and occasions befitting the Poet Laureate's position
- B. The Poet Laureate will be expected to present an original poem which will be included in each *Anthology* of the Poets' Corner Contest, beginning in 1994.
- C. The Poet Laureate will be expected at all times to be an ambassador for the literary arts to the community.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-218

A RESOLUTION GRANTING THE APPEAL OF MID-VALLEY ENGINEERING ON BEHALF OF CHARLES CRANE RELATING TO AN AMENDMENT TO SECTION 31-3-9 OF THE ZONING MAP TO REZONE PROPERTY FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(503), PROPERTY LOCATED ON THE WEST SIDE OF MARTIN LUTHER KING DRIVE, NORTH OF VINE STREET AND OVERRULING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by Charles Crane on December 20, 1993, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(503), property located on the west side of Martin Luther King Drive, North of Vine Street, described as follows:

R-1 to P-D(503)

All that Certain real property situate in a portion of the Northeast one-quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, described as follows:

Being a portion of the South half of Lot 9 of Spencer Colony, according to the official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on December 16, 1904 in Volume 2 of Maps, at Page 3, described as follows:

Beginning at the Northeast corner of said south half of Lot 9 at a point on the centerline of Martin Luther King Blvd. (Franklin Street), and running thence South 89°58'30" West, 665.58 feet, to the Northwest corner of said south half of Lot 9; thence South 0°10' West, along the West line of said lot and the centerline of the Modesto Irrigation District Canal, 97.05 feet; thence North 89°58'30" East, 125 feet; thence South 0°10' West, 100 feet; thence North 89°59' East, 391.60 feet; thence North 0°10'00" East, 79.00 feet; thence South 89°59'00" West, 20.92 feet; thence North 0°10'00"

East, 61.00 feet; thence North 89°59'00" East, 170.00 feet to the centerline of Martin Luther King Blvd. (Franklin Blvd.); thence North along said centerline, 57.05 feet to the point of beginning.

WHEREAS, a public hearing was held by the Planning Commission on February 14, 1994, and continued to February 28, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 94-13, and

WHEREAS, an appeal of the Planning Commission's denial of the request to rezone the property was filed with the Office of the City Clerk by Mid-Valley Engineering on behalf of Charles Crane by letter dated March 8, 1994, and

WHEREAS, said appeal was set for public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers in City Hall, 801 11th Street, Modesto, California, on April 12, 1994, and continued to April 26, 1994, at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council of the City of Modesto found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1,

to Planned Development Zone, P-D(503), should be granted for the following reasons:

1. The proposed P-D Zone for elderly housing is an in-fill development that helps fulfill a need for this special type of housing.
2. The proposed P-D Zone conforms to the General Plan which calls for a variety of housing types in all neighborhoods.

and

WHEREAS, on April 26, 1994, the City Council introduced Ordinance No. 2904-C.S. giving approval to a project relating to an amendment to Section 31-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(503), property located on the west side of Martin Luther King Drive, north of Vine Street,

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

SECTION 1. APPEAL GRANTED. The appeal of Mid-Valley Engineering on behalf of Charles Crane for an amendment to Section 31-3-9 of the Zoning Map to reclassify the property described above from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(503), is hereby granted and the decision of the Planning Commission is overruled for the reasons set forth above.

SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(503), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Preliminary Site Plan Senior Citizens Housing-Revised for Neighbor Access", as amended in red, stamped approved by the City Council on April 26, 1994.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Six-foot (6') high wood fence with decorative masonry pilasters at 16 foot on centers along the entire north, west and east boundary lines. Double board construction shall be employed where parking is adjacent to adjoining properties as indicated on the plans.
 - b. Any security fencing desired along Martin Luther King Drive, Risso Court, and the Vine Street frontage shall be of open iron construction as required by the Planning and Community Development Director.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. The north 28-feet of Vine Street and the developed portion of Risso Court shall be improved to R-2 residential alley standards consistent to Standard Specifications which improvements shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
6. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

7. Prior to issuance of a building permit, the applicant shall obtain a written agreement from owners of the Vine Street road easement to improve and maintain the north 28 feet of this easement as required by the Public Works and Transportation Director. This agreement shall acknowledge continuous responsibility for maintenance by the developer and not by City of Modesto.
8. Prior to issuance of a building permit the developer shall dedicate public utility easements and an eight-foot sidewalk and planting easement as required by the utility companies and the Public Works and Transportation Director.
9. Prior to issuance of a building permit, the applicant shall obtain quit claim or abandonment all but the south 100 feet of a 40-foot north-south road easement identified as Risso Court and shall obtain written agreement of the owner of adjoining property to the west as to common access in a form approved by the City Attorney.
10. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.
11. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
12. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures. The four-plex structure at the northwest corner of the site shall be sprinklered as required by the Fire Chief. Prior to issuance of a building permit, the developer shall satisfy the Fire Chief as to adequacy of fire flow requirements.
13. All signs shall comply with the sign requirements of the R-2 Zone.

14. This development shall be designed specifically for occupancy by the elderly, and to the extent permitted by law, occupancy shall be limited to persons 62 years of age and older, their spouses, and persons who are physically handicapped. Any proposed change in occupancy shall be preceded by notice to the respective school district by the applicant.

SECTION 3. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(503):

Said development schedule shall be completed in two phases:

Phase I to include the east 24 units and all on-site and off-site improvements, construction to start on or before May 1, 1996, completion by May 1, 1997.

Phase II to include the remaining units or westerly portion of parcel, construction to start on or before May 1, 1997, and completion to be by May 1, 1998.

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

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

SECTION 6. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the

above-described property to Planned Development Zone, P-D(503), becomes effective.

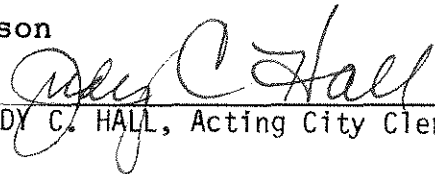
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Planning and Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 94-219

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(503). (CHARLES CRANE)

WHEREAS, on January 19, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 31-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(503), property located on the west side of Martin Luther King Drive, north of Vine Street might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

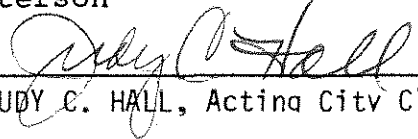
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Patterson


ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM: ✓

By


MICHAEL D. MILICH, City Attorney

C. J. L.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-220

A RESOLUTION GRANTING THE APPEAL FILED BY
GENE WILKINSON, ON BEHALF OF THE MODESTO
POLICE MANAGEMENT ASSOCIATION (MPMA), TO THE
DECISION OF THE CITY MANAGER, FOR A
BARGAINING UNIT CONSISTING OF POLICE
CORPORALS, SERGEANTS AND LIEUTENANTS.

WHEREAS, Personnel Rule 17 on Employer-Employee Relations provides that an employee organization may file a petition with the City Manager seeking to be formally recognized as representing employees in a unit claimed to be appropriate for the purpose of meeting and conferring in good faith, and

WHEREAS, Gene Wilkinson, on behalf of the Modesto Police Management Association (MPMA), petitioned the City Manager for formal recognition as an employee organization for a bargaining unit consisting of Police Corporals, Sergeants and Lieutenants, and

WHEREAS, said petition was filed in compliance with applicable provisions of Rule 17, however, the City Manager did not agree with the bargaining unit as proposed by the MPMA, and

WHEREAS, the City Manager met jointly with the MPMA and the Modesto Police Officers Association (MPOA) to hear their respective views before making a final determination, and

WHEREAS, after having considered comments from the MPMA and the MPOA and reviewing the job responsibilities of the various classifications involved, the City Manager, by letter dated March 28, 1994, addressed to Gene Wilkinson, on behalf of

the MPMA, advised that he determined that Corporals should be excluded from the MPMA bargaining unit and should be included in the Modesto Police Officers Association (MPOA) unit, and

WHEREAS, by letter dated April 5, 1994, Gene Wilkinson, on behalf of the MPMA, filed an appeal with the City Council to the decision of the City Manager, and

WHEREAS, by City Council Resolution No. 94-203 adopted on April 12, 1994, said appeal was duly noticed and set for a public hearing to be held at 4:00 p.m., on April 26, 1994, in the City Council Chambers located in City Hall, 801 Eleventh Street, Modesto, California, at which time evidence, both oral and documentary, was received and considered, and

WHEREAS, thereafter, the City Council found and determined that said appeal should be granted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal to the decision of the City Manager filed by Gene Wilkinson, on behalf of the Modesto Police Management Association, petitioning for a bargaining unit consisting of Police Corporals, Sergeants and Lieutenants is hereby granted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: McClanahan

ABSENT: Councilmembers: Cogdill, Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

BY 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-221

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(501).
(HAGOPIAN, LUST, AND CALLAWAY)

WHEREAS, a verified application for an amendment to
Section 10-3-9 of the Zoning Map was filed by Hagopian,
Lust, and Callaway on October 11, 1993, to reclassify from
Low Density Residential Zone, R-1, to Planned Development
Zone, P-D(501), to allow a neighborhood shopping center,
property located on the northwest corner of Sylvan Avenue
and Oakdale Road described as follows:

All that certain real property situate in a portion of
the Northeast one-quarter of Section 10, Township 3
South, Range 9 East, Mount Diablo Base and Meridian and
lying in the City of Modesto, State of California, more
particularly described as follows:

COMMENCING at the Northeast corner of Parcel "1", as
shown on the map, filed in Book 29 of Parcel Maps, at
Page 100, Stanislaus County Records, said corner lies
on the West Right-of-Way line of Oakdale Road; thence
South 0°53'20" East along said Right-of-Way line,
651.90 feet; thence South 16°25'54" West, 32.76 feet to
the point of beginning of a tangent curve, concave to
the Northwest, having a radius of 25.00 feet and a
central angle of 2°27'24"; thence Southwesterly along
the arc of said curve, 1.07 feet to a point on a curve,
from which a radial line bears South 1°30'43" West,
said curve being concave to the South, having a radius
of 5050.00 feet and a central angle of 2°04'49"; thence
Westerly along the arc of said curve, 183.35 feet;
thence South 89°25'54" West, 375.63 feet to the point
of beginning of a tangent curve, concave to the
Northeast, having a radius of 15.00 feet and a central
angle of 89°40'57"; thence Northwesterly along the arc
of said curve, 23.48 feet; thence North 0°53'09" West,
665.58 feet; thence North 89°23'25" East, 583.89 feet
to the point of beginning of this description.
Including the East 30.00 feet of 60.00 foot wide Carson

Oak Drive, North 50.00 feet of 100.00 foot wide Sylvan Avenue, West 50.00 feet of 100.00 foot wide Oakdale Road and all immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on February 14, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 94-9 that the rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D Zone conforms to the General Plan which calls for a neighborhood shopping center with a supermarket anchor tenant at this major/major street intersection.
2. The proposed P-D Zone will serve the best interests of the general public by providing needed goods and services and at the same time providing compatibility with the low-density residential areas to the west, northwest and southwest.

and

WHEREAS, after a public hearing held on April 26, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Hagopian, Lust, and Callaway for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the

reasons set forth in Planning Commission Resolution No. 94-9 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2905-C.S. on the 26th day of April, 1994, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(501),

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned-Development Zone, P-D(501), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan/Village Centre" as amended in red, stamped approved by the City Council on April 26, 1994. The developer shall provide a finished appearance to the west elevations of Buildings C and D as required by the Planning and Community Development Director.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the entire north and west property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan. Tree planting along the periphery shall be at a minimum five (5) gallon size and shall be selected such as to provide a 15 foot high screen within five (5) years.
3. Fences or walls shall be constructed prior to occupancy of any use and shall be as follows:

Eight-foot (8') high decorative masonry wall along the entire north and west property

lines. Provision shall be made for vines and irrigation to be included on the north side of the wall adjoining the R-2 zoned vacant lot as indicated in red on the approved plans. Said vines and irrigation systems shall be as approved by the Director of Parks and Recreation.

4. The following street right-of-way dedication and improvements are traffic impact mitigation measures and shall be provided prior to issuance of a building permit and prior to occupancy respectively, or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area:
 - a. The developer shall dedicate and improve the project's Sylvan Avenue frontage in accordance with the Village One Public Facilities Master Plan concept for the Sylvan/Oakdale intersection.
 - b. The developer shall dedicate and improve the project's Oakdale Road frontage in accordance with the Village One Public Facilities Master Plan concept for the Sylvan/Oakdale intersection.
 - c. The developer shall install curbed medians per City of Modesto Standard Specifications on the southbound and eastbound approaches of the Sylvan/Oakdale intersection.
 - d. The developer shall restripe the north and west legs of the intersection in accordance with the Village One Public Facilities Master Plan concept for the Sylvan/Oakdale intersection, or in accordance with a interim modified striping plan approved by the Public Works and Transportation Director.
 - e. The developer shall reconstruct the improvements at the northwest corner of the Sylvan/Oakdale intersection in accordance with City of Modesto Standard

Specifications, including traffic islands, traffic signal equipment relocation, traffic loop detectors relocation and additions.

- f. The developer shall make such modifications and additions to the existing traffic signal system, traffic striping, and other traffic control measures at the Sylvan/Oakdale intersection as may be determined by the Public Works and Transportation Director to be necessary to implement the required medians, reconstruction, and restriping of the north and west legs of the intersection.
- g. The developer shall receive credit against the Streets portion of the applicable Capital Facilities Fees for any traffic signal and median improvements which are eligible for CFF funding, as determined by the Director of Public Works and Transportation. Credit shall be limited to the lesser of the amount of the CFF Streets fees payable for the development or the cost of the CFF eligible improvements constructed.
- h. The developer shall restripe all legs of the Sylvan/Carson Oak/Hashem intersection to conform to the concept presented in Figure 9 of the October 27, 1993, Barton-Aschman Associates Traffic Impact Analysis for the project, or a modified concept approved by the Director of Public Works and Transportation. The developer shall modify the median on the south leg as required to implement this re-striping.
- i. Prior to issuance of a building permit, the developer shall pay one-half of the cost of signaling the Sylvan/Carson Oak/Hashem intersection, which funds shall be held by the City in a trust account for this improvement until such time as the other one-half of the cost to signalize this location is received

through developer exactions or other means.

With regard to the foregoing condition, the Planning Commission finds pursuant to Government Code Section 66001 that the documentary and oral evidence introduced at the hearing establishes:

- 1) That the purpose of the sum to be paid to the City is to partially mitigate impact of traffic generated by the project.
- 2) That the funds will be used by the City to fund a portion of improvements to the Sylvan/Carson Oak/Hashem intersection.
- 3) As set forth in the applicant's traffic study, shopping centers generate traffic, therefore there is a reasonable relationship between the use of the sum (to fund a portion of the cost of a traffic signal) and the type of development project on which the sum is imposed.
- 4) That as set forth in the applicant's traffic study, there is a reasonable relationship between the need for improvements to the Sylvan/Carson Oak/Hashem intersection and development projects of this type because the intersection will receive a large portion of the approximate 7,600 daily trips that will be generated by this project.
- 5) That as set forth in the letter from City of Modesto Transportation Planner, Joe Holland, dated November 8, 1993, there is a reasonable relationship between the amount of the sum and the portion of the costs of improving the Sylvan/Carson Oak/Hashem inter-

section attributable to this development.

- j. The developer may enter into a reimbursement agreement with the City for any required roadway improvement costs which are to be included in the Village One financing plan.
5. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
6. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.
7. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
8. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
9. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
10. Any business may be open to the public only between the hours of 7 a.m. and 10 p.m. seven days a week, unless a use permit for each business seeking additional hours is obtained from the Board of Zoning Adjustment.

11. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.
12. The loading dock area on the north and west sides of the shopping center may not be used for outside storage of any type of material.
13. Any activity in the loading dock area, including the parking of trucks, may be conducted only between the hours of 7 a.m. and 10 p.m.
14. The supermarket shall be the first use to open for business in the shopping center.
15. Two freestanding shopping center identification signs shall be permitted, one each on the Sylvan Avenue and Oakdale Road frontages. These signs shall not exceed 72 square feet in area and 20 feet in height. All other signs in the shopping center shall comply with the sign requirements of the C-3 Zone.
16. No signs shall be permitted above eight feet in height on north face of Buildings A and C and on the west face of Building C. No advertising or identification signs shall be placed on the west face of or in front of the west face of Building D.
17. The following are air quality impact mitigation measures imposed under the process of the CEQA:
 - a. The developer shall provide direct pedestrian access to main entrances of all building from existing or potential public transit stops and the sidewalk. Such access shall include but not be limited to paved walkways, ramps, or stairways.
 - b. The developer shall provide a minimum of 15 on-site parking spaces for employees

who rideshare, the spaces and system of administration therefor subject to approval of the Planning and Community Development Director.

- c. The developer shall provide bicycle racks and enclosures with space for at least ten bicycles.
- d. Tree planting throughout the site shall be subject to the requirements of the Parks and Recreation Director and the Modesto Municipal Code.
- e. The major tenants in the shopping center shall provide on-site lounge and eating areas.
- f. The developer shall provide on-site automatic teller machines (ATM's) and postal services.
- g. The developer shall provide for curbside bus service in accordance with the requirement of the Public Works and Transportation Director.
- h. The developer shall provide an easement for future bus shelters as requested by the City of Modesto and the transit providers.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D(501):

The entire construction program be accomplished in one phase, construction to begin on or before February 17, 1997, and completion to be not later than February 17, 1998.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in

accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned-Development zones and other applicable City laws, rules, regulations and procedures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Judy C. Hall

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich

MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. ...

Department of Planning and
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 94-222

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION 10-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(501). (HAGOPIAN, LUST, AND CALLAWAY)

WHEREAS, on April 26, 1994, the City Council introduced Ordinance No. 2905-C.S. giving approval to a project relating to an amendment to Section 10-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(501), property located on the northwest corner of Sylvan Avenue and Oakdale Road, and

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

WHEREAS, the mitigation measures have been incorporated into the approved project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or

cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section 10-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(501), property located on the northwest corner of Sylvan Avenue and Oakdale Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-223

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE WATERLINE ON SYLVAN AVENUE TO WATER TANK NO. 4 AND WELL NO.54

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

SECTION 1. The specifications for the waterline on Sylvan Avenue to Water Tank No. 4 and Well No. 54

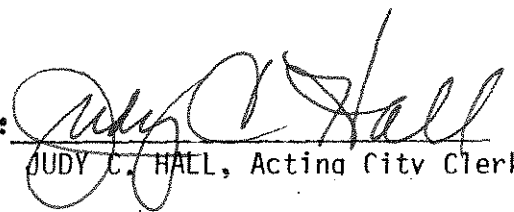
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 26, 1994, at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April 1994 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-224

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY GIVING THE CITY AUTHORITY TO CONSTRUCT A WATERLINE WITHIN THE STANISLAUS COUNTY RIGHT OF WAY ON SYLVAN AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County, giving the City authority to construct a waterline within the Stanislaus County right of way on Sylvan Avenue

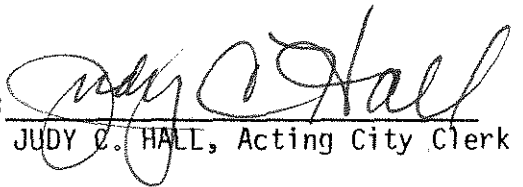
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April , 1994 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

8

MODESTO CITY COUNCIL
RESOLUTION NO. 94-225

A RESOLUTION ACCEPTING THE LAKEWOOD TRUNK SEWER EXTENSION UNDER MID LATERAL NO. 3 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Lakewood Trunk Sewer Extension under MID Lateral No. 3

has been completed by Allen A. Waggoner, Inc.

in accordance with the contract agreement dated November 2, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Lakewood Trunk Sewer Extension under MID Lateral No. 3

be accepted from said contractor, Allen A. Waggoner, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$76,410.55 as provided in the contract, be authorized.

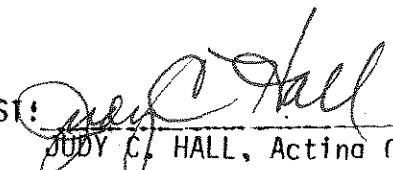
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-226

A RESOLUTION AUTHORIZING THE MODESTO POLICE DEPARTMENT TO PARTICIPATE IN A TRAFFIC SAFETY/FIELD STUDY PROGRAM CONDUCTED BY ANACAPA SCIENCES, INCORPORATED, FOR THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

WHEREAS, the Modesto Police Department will be one of three municipal police agencies selected to participate in a Traffic Safety/Field Study Program conducted by Anacapa Sciences, Incorporated, for the National Highway Traffic Safety Administration, the objective of which is to systematically evaluate the effect of different traffic enforcement programs and their impact on traffic safety and the high profile impact on crime in the surrounding areas, and

WHEREAS, the specific proposed traffic enforcement program for Modesto will be to emphasize enforcement for speed and headway infractions, and

WHEREAS, the different enforcement programs will be used to compare the effects of high visibility traffic enforcement, how it can improve traffic safety in the community, and how it can deter certain types of criminal behavior within the selected enforcement areas, and

WHEREAS, this program will incur no additional cost to the Police Department, it will only involve data collection, crime and accident statistical information; however, the Police Department will receive approximately \$14,000 in equipment and

funds while participating in this program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Modesto Police Department to participate in a Traffic Safety/Field Study Program conducted by Anacapa Sciences, Incorporated, for the National Highway Traffic Safety Administration (NHTSA), the objective of which is to systematically evaluate the effect of different traffic enforcement programs and their impact on traffic safety and the high profile impact on crime in the surrounding areas.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-227

A RESOLUTION ADOPTING AN EMERGENCY GAP FINANCING LOAN PROGRAM AND ADDITION
TO COMMUNITY DEVELOPMENT PROGRAM OFFICE POLICY AND PROCEDURES MANUAL

WHEREAS, as part of an effort to mobilize all available resources to assist the victims of the fire in McHenry Village, staff is suggesting utilizing Community Development Block Grant Funds to make emergency loans to help these businesses take steps necessary to reopen; and

WHEREAS, any loan made with Community Development Block Grant funds must meet one of three national objectives: eliminate slums and blight; direct benefit to low and moderate income persons; or meet an urgent community need.

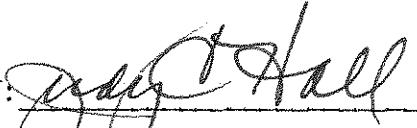
NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "Emergency Small Business Loan Program" as an addition to the Community Development Program Office Policy and Procedures Manual, a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

ADDITIONS TO CDPO POLICY AND PROCEDURES MANUAL

EMERGENCY SMALL BUSINESS LOAN PROGRAM

The following language will be added to Chapter 18 of the CDPO Policy and Procedures Manual:

Section 18.1 (a) "EMERGENCY SMALL BUSINESS LOANS -" In the event of a natural or civil disaster (eg. fire, flood, earthquake, riots, etc.) that renders an existing business unable to operate, owners of such businesses within the city limits of Modesto may apply for assistance under the Emergency Small Business Loan program."

Section 18.1 (b)- "In order to be eligible for assistance under this part, owners must have employed persons who qualify as low or moderate income as defined by the Dept. of HUD. Evidence of their income eligibility must be submitted and verified along with other required information. Loans are tied to the number of low and moderate jobs to be retained by provision of the financing. There is a maximum of \$30,000 that may be borrowed for each low or moderate income job retained. Maximum loan under this program shall be \$90,000 per business.

Section 18.1 (c)- "Because of the emergency nature of the program, completed loan applications will be submitted directly to the Economic Development Loan Committee. Applications will be reviewed for eligibility and completeness by CDPO staff and a recommendation will be made to the City Council by the Economic Development Loan Committee."

Section 18.1 (d)- "It is the purpose of this program to act as gap financing for businesses that do not receive adequate insurance settlements to cover the cost of re-opening, or to provide capital in anticipation of an insurance settlement. If the gap loan is made in anticipation of an insurance settlement, the insurance proceeds will be used to pay off the Emergency Small Business loan."

Section 18.1 (e)- "With the exception of the requirement to secure private financial commitments, all other requirements of this Chapter will remain the same."

MODESTO CITY COUNCIL
RESOLUTION NO. 94-228

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR THE PETROLEUM VIOLATION ESCROW ACCOUNT PROJECT FOR RETIMING AND UPGRADING OF TRAFFIC SIGNALS IN THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California for the Petroleum Violation Escrow Account project for retiming and upgrading of traffic signals in the City of Modesto

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April , 19 94, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-229

A RESOLUTION ACCEPTING RIGHT OF ENTRY FROM SYLVAN UNION SCHOOL DISTRICT FOR
A WELL SITE AT SHERWOOD SCHOOL

WHEREAS, City staff has located a well site on the Sherwood School site
to replace one in Sherwood Park that has failed.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto
that the Right of Entry from Sylvan Union School District for a well site
at Sherwood School be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the Right of Entry
from Sylvan Union School District for a well site at Sherwood School by
the designated city officials be authorized.

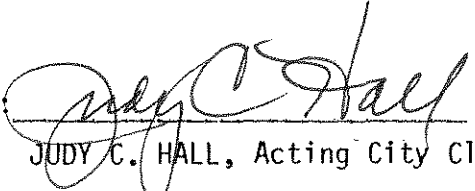
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto Muratore , who moved its adoption, which
motion being duly seconded by Councilmember Dobbs , was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-230

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID E. AND MARY C. GALLO, TRUSTEE, FOR THE ACQUISITION OF 2,000 SQUARE FEET OF RIGHT OF WAY NEEDED FOR THE CLAUS ROAD PROJECT

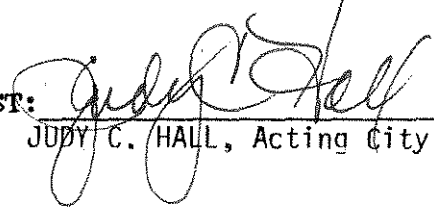
BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and David E. and Mary C. Gallo, Trustee, for the acquisition of 2,000 square feet of right of way needed for the Claus Road Project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April , 1994 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-231

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE PUBLIC WORKS ROAD WIDENING PROJECT ALONG CLAUS ROAD BETWEEN DRY CREEK AND THE MODESTO IRRIGATION DISTRICT (MID) LATERAL NO. 2.

WHEREAS, on September 29, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the Public Works Road Widening Project along Claus Road between Dry Creek and the Modesto Irrigation District (MID) Lateral No. 2 might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

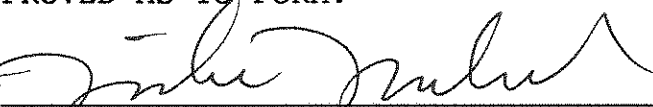
ATTEST:



JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-232

A RESOLUTION APPROVING A REFUND IN THE AMOUNT OF \$11,514.77 TO MODESTO ICE SERVICE FOR OVERPAYMENT OF BUSINESS LICENSE AND BUSINESS IMPROVEMENT TAXES


BE IT RESOLVED by the Council of the City of Modesto that the request of Modesto Ice Service for refund of \$11,514.77 for overpayment of business license and business improvement taxes is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-233

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HASHEM NARAGHI FOR LEASE OF A POLICE SUBSTATION LOCATED AT 3229 OAKDALE ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Hashem Naraghi for lease of a Police substation located at 3229 Oakdale Road

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April , 19 94 , by Councilmember McClanahan , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-234

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
PMZ REAL ESTATE FOR THE LISTING OF VACANT AIRPORT PROPERTY FOR SIX MONTHS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and PMZ Real Estate for the
listing of vacant Airport property at Mitchell Road & Tenaya Drive, east end
of Airport Way and 700 Tioga Drive; and four offices at 700 Tioga Way
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 26th day of April
19 94, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Mayor Lang, was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

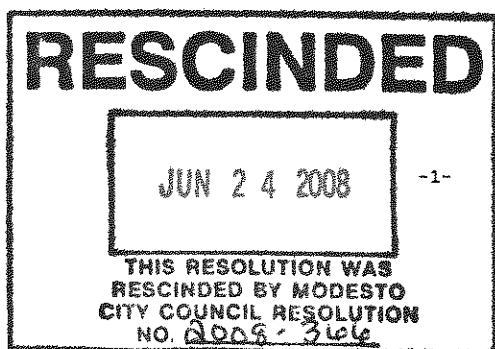
MODESTO CITY COUNCIL
RESOLUTION NO. 94- 235

RESOLUTION ESTABLISHING A PROCEDURE FOR
INDUSTRIAL DISABILITY RETIREMENT
DETERMINATIONS OF LOCAL SAFETY OFFICER
EMPLOYEES OF THE PUBLIC EMPLOYEES RETIREMENT
SYSTEM.

BE IT HEREBY RESOLVED by the City Council of the City of Modesto that following the filing of an application for industrial disability retirement by a local Safety Officer under the Public Employees Retirement System, the following procedures shall be employed:

1. An initial determination will be made by the City upon medical and other available evidence offered by either the applicant or the City to determine whether the applicant is incapacitated from the performance of duty. Such determination shall be made no later than six months from the date of the application unless this time requirements is waived in writing by the applicant. Said determination shall be made by the Personnel Director designated by the City Manager.
 - A. If it is determined by the City that the applicant is incapacitated, and the incapacity is industrial, the City Manager will so certify to PERS.
 - B. If it is determined that the applicant is incapacitated but that the cause of incapacity is nonindustrial, the City Manager will so certify to PERS.
 - C. If it is determined that the applicant is incapacitated, but the applicant contends that the cause of disability is industrial, the applicant may petition the Workers' Compensation Appeals Board for a Finding of Fact determining causation. If the WCAB determines the cause of incapacity to be industrial or nonindustrial, the City Manager will so certify to PERS.

04/26/94



OP0N1K15/CA/rh

- D. If the City determines that the applicant is not incapacitated from the performance of duty, it shall notify the applicant of this determination. The City shall notify the applicant by certified mail (return receipt requested) or by personal service of its intent to certify to PERS its findings that the applicant is not incapacitated. The applicant will be further advised that he or she has thirty (30) calendar days within which to advise the City that the applicant requests a hearing.
2. If the applicant requests a hearing, said hearing shall be held in conformity with the Administrative Procedures Act. When an applicant requests a hearing, the City will notify the Office of Administrative Hearings and will request a hearing date and a prehearing conference with an Administrative Law Judge. The applicant will be informed that the hearing will be held at the time and place designated by the Office of Administrative Hearings which shall set a hearing date and pre-hearing conference. The applicant will be informed that the hearing will be held within six months of the application date based upon the evidence which is available as of that time. The applicant may waive the right to a hearing within six months.

The hearing shall be conducted before the City Manager, with the Administrative Law Judge acting as the presiding officer.

An administrative record shall be generated at the hearing pursuant to the Administrative Procedures Act. All testimony shall be recorded by a Certified Shorthand Reporter.

Following the hearing, a decision and findings of fact will be made by the City Manager. The decision and findings will be served on the applicant by certified mail.

If applicant is found to be incapacitated, the City shall so certify to PERS. If applicant is found not to be incapacitated, the applicant will be further advised that he or she has thirty calendar days within which to seek judicial review. Such review is by means of filing a Petition for Writ of Mandate in the Superior Court of Stanislaus County.

BE IT FURTHER RESOLVED that the City Manager is authorized to initiate requests for reinstatement of local safety officers previously retired for disability.

BE IT FURTHER RESOLVED that Resolution No. 78-450, adopted by the Council on May 1, 1978, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modest held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-236

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$5,000 FOR THE
CREEKSIDE GOLF COURSE CLUBHOUSE GROUNDS IMPROVEMENTS

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

FROM: Dryden Golf Course Lakes Design \$5,000
 (660 330 D249 6010)

TO: Creekside Golf Course Clubhouse Grounds \$5,000
 (660 330 D243 6010)

The scope of work has increased from the original improvement plan
due to the need to relocate a counter in the Pro Shop. The relocation
of the counter will provide better customer service and deter
shoplifters.

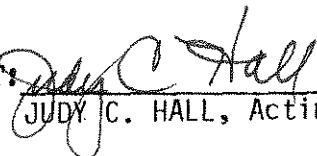
The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 26th day of April
19⁹⁴, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Dobbs, was upon roll call
carried and the resolution adopted by the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

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-237

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO GARDEN PROJECT FOR THE USE OF TWO ACRES OF TUOLUMNE RIVER REGIONAL PARK ADJACENT TO THE CITY NURSERY AT ROBERTSON ROAD AND SUTTER AVENUES FOR A GARDEN PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Garden Project for the use of two acres of Tuolumne River Regional Park adjacent to the City Nursery at Robertson Road and Sutter Avenues for the purpose of a garden project to provide education and charitable assistance through job training for disadvantaged and homeless persons be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April , 19 94 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-238

A RESOLUTION GRANTING APPROVAL TO THE CHAMBER OF COMMERCE RELATING TO GRAFFITI USA TO BE HELD ON JUNE 11 AND 12, 1994.

WHEREAS, the Chamber of Commerce has requested City assistance and has submitted specific requests to City staff related to Graffiti USA to be held on Saturday and Sunday, June 11, and June 12, 1994, respectively, and

WHEREAS, at its regular meeting on December 7, 1993, the City Council accepted the staff report on Graffiti USA '93 and the recommendations for 1994, and

WHEREAS, City staff has been working with the Chamber of Commerce to address the issues presented in that report, and

WHEREAS, the Chamber of Commerce has provided staff with a proposal outlining the specific plans for Graffiti USA '94 dated April 1, 1994, setting forth the requests from the Chamber to the Modesto City Council, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, City staff has reviewed the proposal and recommends acceptance of the proposal with the following amendments:

1. That the downtown streets be ready for sweeping by 1:00 a.m. on Monday, June 13, 1994; and
2. That the Chamber provide traffic control and personnel to assist transit busses as described in the memo from

the Transit Manager, a copy of which is attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of the Chamber of Commerce for City assistance with respect to Graffiti USA and the report from the Chamber of Commerce dated April 1, 1994, a copy of which is attached hereto and incorporated herein by reference, setting forth the requests from the Chamber.

BE IT FURTHER RESOLVED that the Council hereby approves the recommended staff amendments to the proposal.

BE IT FURTHER RESOLVED that the Chamber of Commerce shall be required to sign an acceptance of the conditions which are set forth in the Chamber's report dated April 1, 1994.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By


MICHAEL D. MILICH, City Attorney

ACCEPTANCE

THE CHAMBER OF COMMERCE does hereby accept all of the terms and conditions set forth in Resolution No. _____ and its attachment(s) pertaining to GRAFFITI USA to be held on June 11 and 12, 1994.

Dated: _____

CHAMBER OF COMMERCE

BY _____

BY _____

CITY OF MODESTO

MEMORANDUM

DATE: April 20, 1994

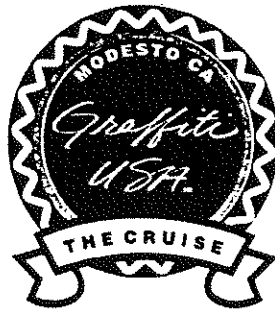
TO: Jim Niskanen
FROM: Fred Cavanah, Transit Manager
SUBJECT: Graffiti USA '94

Per our discussion, I'm requesting that the sponsors of this event provide traffic control and personnel as necessary to enable transit buses to negotiate in a safe and timely fashion the detours and heavily congested areas which result from the event. I'm also requesting that they provide personnel and traffic control as needed to enable the Transportation Center to continue operating during all phases of the event. Two areas that need particular attention are discussed below.

1. Transportation Center ingress/egress is a major concern. Greyhound, Stanislaus County Transit and MAX buses will need to enter the Center from K St. and I St. They will need to exit onto I St. Another major bus exit is 9th St., but we can operate with only the I St. exit for the few hours that 9th St. will be closed on Saturday. Also of major concern is access to the short term customer parking lot. Its only entrance/exit is on 9th St. An additional concern is the problem of autos attempting to park in the parts of the Transportation Center that are restricted to buses. With the Graffiti event, this auto parking is going to be a greater problem than ever.

2. The other area of concern is MAX access to north Modesto during the hours that 9th St. is closed on Saturday. The only way I can see to get there is on 8th St. using the intersection of 8th and Kansas. This will be an impossible movement (both directions) to make unless that intersection has someone to direct traffic.

Thanks.



GRAFFITI USA 1994

PROPOSAL

THE PUBLIC SAFETY COMMITTEE

and

THE MODESTO CITY COUNCIL

REQUEST FOR APPROVAL

and

RESOLUTION

Submitted By

The Modesto Chamber Of Commerce

April 1, 1994



April 1, 1994

Mr. James Niskanen, Assistant Director
Parks and Recreation Department
City of Modesto
801 11th Street
Modesto, Ca. 95353

Re: Graffiti USA 1994

Dear Jim,

As per your request, the Chamber of Commerce is responding in writing to your evaluation of the 1993 Graffiti USA Event and your recommendations for 1994. We look forward to working with the City to plan the best Graffiti USA ever.

THE PROPOSAL

That the Public Safety Committee and the Modesto City Council approve the proposal for Graffiti USA '94 as submitted herein. The Modesto Chamber has met with City Staff and has included plans to address all concerns and recommendation submitted by City Staff. It is the Chamber's goal to continue to develop Graffiti USA a "Community Celebration" that appeals to a broad family audience and provides opportunities for local non-profit organizations to benefit financially. Our local "Friends Of D.A.R.E." Program has been designated as the primary beneficiary of Graffiti USA '94.

Just as the Chamber applied itself to satisfying the 36 conditions set forth by the City in 1993, we intend to continue to develop a high level of trust between the City and the Chamber in regards to our ability to plan and handle the needs of Graffiti USA. As Director Gaynor's letter of November 16, 1993 states: "Graffiti USA was well received by the public and the overall format was organized and presented in a highly professional manner." With the exception of the new Parade Route, we will produce the same basic event as last year, improving upon the areas that we have all mutually identified.

Director Gaynor's letter of November 16, 1993, and our subsequent conversations with City Staff, included recommendations and improvements in the following areas:



1. **The Chamber needs to do a more thorough job of communicating plans and addressing the concerns of businesses affected by the fencing and closure of the 16 block festival area.**

The Chamber has added a New Steering Committee Chairman to coordinate the notification of downtown property owners, merchants and residents affected by the street closures and fencing. The new Chairman is Chuck Wells, a local Real Estate Appraiser and Chamber Volunteer, who is developing a mail and personal contact campaign that will insure that all affected by Graffiti USA are notified, and their needs incorporated into event planning. (The Davis High Sunshine Rotary / Interact Club will assist in the personal contact of all residents and merchants.

2. **The route for the Classic Car Parade needs to be re-examined.**

The Chamber and City Staff have agreed upon a new cruise route that was developed after input from over 260 classic car owners. The Modesto Jaycees and The Graffiti USA Steering Committee are developing a car show and parade plan that will be enjoyable for the participants and the audience alike. The Graffiti USA Steering Committee has been working with the Modesto Area Street Rod Association and the Central California Corvette Clubs to finalize all operational plans for this year's classic car parade.

The parade route submitted has already been submitted to Cal Trans and has gained approval. The Parade Plan includes a Neighborhood Watch Program called NEET, (Neighborhood Environmental Enforcement Teams) that addresses the security and safety concerns of the route and the surrounding neighborhoods and businesses. A combination of private security and volunteers will staff over 150 positions on and around the parade route. The final plan will be developed in cooperation with the Modesto Police and Traffic Departments, and submitted to City Staff for final approval.

3. **Portable Restrooms**

The Graffiti USA Event Director is presently negotiating a Portable Toilet Rental Contract which will include adequate service throughout the downtown festival area, as well as providing portable toilets at Graceada Park along the Parade Route.

I am sure that the air-conditioned bathrooms in the Modesto Centre Plaza will be even more popular as we develop the Auto Expo Trade Show at the Modesto

Centre Plaza. We all hope that the additional income derived by the City from the Auto Expo Trade Show will more than compensate for the additional janitorial expense incurred.

4. Post Event Clean-Up

Through the experience of the past two years of working with private food vendors, we have "culled" those vendors that don't take their clean-up responsibility seriously. We have an excellent sub contractor that is working directly with the County Environment Health Department, Fire Department and City Permit Department to insure that the highest safety and cleanliness standards are met. We are developing a clean-up plan that includes day-time volunteers provided by the Modesto Kiwanis Club, and a night-time "turn-around" clean-up service provided by a private contractor. We will work closely with the Downtown Improvement District, City Staff and individual merchants to insure that all private and public property is properly cleaned after the event.

5. Youth Involvement

The Graffiti USA Steering Committee is centering it's attention on developing new opportunities for young people to participate in the car show and parade. We have a new Youth Car Show & Cruise Committee that is working actively with our local High Schools to develop these programs. The Youth Committee is made up of High School Students, interested parents and Chamber volunteers.

We intend to concentrate our attention on presenting music and entertainment that appeals to our target family audience. There will be a large display of 50's, 60's and 70's music with Beatlemania, Papa Do Run, Papa Clutch & The Shifters, Wolfman Jack & The Aces, Hotel California (A Tribute To The Eagles), and a Saturday Night Headliner yet to be selected. The D.A.R.E. Family Stage at Court House Park will feature Country Music by "The Rangers Of The West" and the "Sons Of The San Joaquin", along with special appearances by the "Yo Yo Man" and other kids and family-oriented entertainment.

Graffiti USA would like to see the Modesto Parks & Recreation Department get more actively involved in developing youth events that encourage youth participation in Graffiti USA. Graffiti USA will work closely with City Staff to develop new opportunities.

6. Cal Trans Encroachment Permit

The Modesto Chamber of Commerce contracted with Mid Valley Engineering to secure prior approval from Cal Trans for all closures and detour plans prior to submitting such plans to City Staff for approval. Cal Trans / Stockton approved the enclosed closure and detour plan in October, 1993. Mid Valley Engineering and George Reed Construction will implement the closure and detour signing plan as approved by Cal Trans and City Staff.

Graffiti USA will pay for all expenses incurred in planning and implementing the Cal Trans Encroachment Permit Plan, and requests that the City sign and submit the Permit Application to Cal Trans under the cities open permit. (Attachment A, Item # 28)

7. Union Pacific Railroad

The Graffiti USA Steering Committee is working with Union Pacific to try and eliminate or minimize train traffic on June 11th & 12th.

8. Event Entry Points

There are five (5) entrances to Graffiti USA, which includes one entrance on each side of the festival, plus one at the Red Lion Hotel. Rather than add additional entrances, we are planning on improving our signage and direction program outside of the festival area, and increasing the number of available ticket lines at each entrance location, so that we can handle a higher traffic volume during peak entrance periods.

9. Saturday Evening Street Party Scene

With the Classic Parade Route moved off of K Street, we should have an easier time clearing guests from the Graffiti USA Headliner Stage Area, when the event ends at 7:00 PM. Last year we tried to accomplish the change-over with inadequate staffing in one hour. We intend to clear the area at 7:00 PM and not start the evening concert until 9:00 PM. The Saturday Night Street Scene will be limited to 3,000 ticket holders. This policy will be clearly stated in all advertising for the Saturday Night Street Scene and will be clearly posted at all ticket sales locations, so there is no misunderstanding on the part of day-time festival patrons. At this point in the event's development, we cannot afford to bring the caliber of talent that we book for Saturday Night, without charging a moderate ticket price. We will develop a transition plan for City approval that will not require the assistance of the City.

OTHER RELATED ISSUES

A. Enforcement of the Cruise Ordinance

Graffiti USA shall continue to focus its promotion on the positive aspects of the Downtown Graffiti USA Festival and the Classic Car Parade, and will in no way encourage "cruising" in the City of Modesto.

B. Reducing the cost of providing City services for Graffiti Weekend

Due in part to the continued development of Graffiti USA, the Modesto Police Department anticipates being able to reduce the cost of providing Police Services for Graffiti Weekend by \$24,000 in 1994. The Chamber intends to continue working closely with the Modesto Police Department to help reduce the cost of providing Police Services for Graffiti Weekend.

Graffiti USA has designated "Friends Of D.A.R.E." as the primary financial beneficiary of Graffiti USA.

Graffiti USA has agreed to underwrite the cost of producing the Graffiti USA Auto Expo Trade Show, at the Modesto Centre Plaza, with 80% of all profits going to the City of Modesto.

Through standardization of the event, Graffiti USA will require less City Staff time for reviewing and evaluating event plans each year, resulting in substantial management time savings for the City of Modesto.

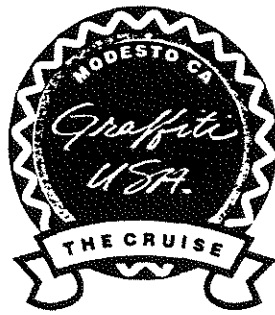
In an effort to help the City of Modesto reduce expenses further, Graffiti USA has agreed to pay the City of Modesto Five Thousand (\$5,000) Dollars as a line expense item.

CONCLUSION

Based on the enclosed event map and parade route plan, as well as the recommended improvements to last year's event plan, we respectfully request that you approve Graffiti USA '94 and submit a resolution for approval by the Modesto City Council on April 12, 1994.

Very truly yours,

Doug Van Pelt, VP Graffiti USA
The Modesto Chamber Of Commerce



GRAFFITI USA '94

ATTACHMENT A

The following points were made a part of the Graffiti USA '93 agreement with the City of Modesto and are included as a part of the agreement by the Modesto Chamber of Commerce to produce Graffiti USA '94. Changes or additions for '94 are underlined.

1. The Modesto Chamber of Commerce will conduct Graffiti USA in the 16-block area of downtown bordered by 9th Street, H Street, 14th Street and L Street.
2. The Classic Car Cruise will again be located in downtown Modesto, with half of the route inside or the festival area and half of the route outside of the festival area. A map is attached of the 1994 parade route, which fulfills the Council's desire to provide a safe and enjoyable cruise for the classic car owners and a safe and secure environment for those that wish to watch the Classic Car Cruise and enjoy Graffiti USA.
3. We will promote Graffiti USA again as a celebration of the life-styles and values made famous by the movie "American Graffiti". A chance to relive the 50's and early 60's . . . a step back in time. We will invite our community to join us "Continuing The Tradition" in the safe and secure environment of Graffiti USA.

We will advertise Graffiti USA throughout the San Joaquin Valley, with special emphasis in Stanislaus, San Joaquin and Merced Counties. We do intend to do some select advertising outside of the valley in cooperation with our sponsors. None of our advertising will promote "cruising" in Modesto, other than as a part of the sanctioned Graffiti USA Classic Car Parade. We will inform the media throughout California that the cruising ordinance will be enforced on Graffiti Weekend, and that Graffiti USA is held in downtown Modesto.

4. The Chamber will work with merchants and residents in the 16 block area and along the route of the Classic Car Event to minimize the impact on their respective properties.
5. The Chamber will plan activities and events that will be attractive to the local youth of Modesto during Graffiti USA. These events will be located in the 16-block festival area. The Chamber is seeking input from local high school students

to identify potential activities. The Chamber will assume the cost of conducting these activities as well as related security.

6. The Chamber will fence and have controlled access into the 16 block area. General Admission will be \$3.00 during the day and \$7.50 for Saturday Night's Street Scene Party. One Dollar Discount Coupons will be available through all Graffiti USA Sponsors and participating media sponsors.
7. B 3 Management, Inc., our Graffiti USA Management Company, has been working with Captain Bob Guthrie to develop the Festival and Cruise Route Plan. Based on the acceptance of our proposed cruise route for 1994, we will contract with Pacific Event Services to finalize security plans with the Modesto Police Department. We will extend our security to the entire cruise route on Saturday and submit all plans to the Modesto Police Department for approval.
8. The Chamber will provide portable toilets and trash control inside the facility as well as in key locations outside of the festival on the parade route.
9. We request that no vendor permits to sell concessions or merchandise be issued along the parade route.
10. Graffiti USA has contracted with Mid Valley Engineering and George Reed Construction to develop a traffic and detour plan that will provide safe and secure access to the Graffiti USA Festival Area, as well as satisfying Cal Trans and City traffic concerns. The Cal Trans Encroachment Permit Map and detour plan has been approved by Cal Trans. George Reed Construction will install and take down all directional and detour signs required. The Chamber requests that the actual permit application be requested and signed by the City of Modesto.
11. The Chamber has invited the City to provide a representative to sit on the Graffiti USA Financial Review Committee and will have access to Graffiti USA financial records 45 days after the event.
12. The Chamber will be allowed to conduct the Classic Car Parade from 4:00 PM to 7:00 PM on Saturday, June 11, 1994, on a route approved by Cal Trans and the City of Modesto.
13. The Chamber will provide sufficient volunteers to place and maintain street barricades on the cruise / parade route. These volunteers will remain at their post during the entire time of the street closure.

14. The Chamber requests that the City close I Street between 11th and 12th Streets to all vehicular traffic, excepting emergency and Post Office vehicles, beginning at 6:00 AM on Friday, June 10, 1994.
15. The Chamber requests that the City close K Street, between 9th & 10th Street to all vehicular traffic, except emergency vehicles beginning at 6:00 AM on Friday, June 10, 1994.
16. The Chamber requests that the City close 10th Street, between K and J Streets to all vehicular traffic, excepting emergency vehicles beginning at 6:00 AM on Friday, June 10, 1994.
17. The Chamber requests that the City close 11th Street, between K and L Streets to all vehicular traffic, excepting emergency vehicles beginning at 6:00 AM on Friday, June 10, 1994.
18. The Chamber requests that the City close and allow the Chamber to barricade the entire Graffiti USA Festival perimeter beginning at 6:00 PM on Friday, June 10, 1994, through 6:00 AM, Monday, June 13, 1994. All tents and street obstructions will be removed by 4:00 AM to allow for street sweeping.
19. The Chamber will provide it's own 24-Hour security in the downtown area during the set-up period and for the duration of the event.
20. The Chamber will provide and install signs directing all vehicular and pedestrian traffic at locations where streets and sidewalks are closed to traffic.
21. The Chamber shall be responsible for all clean-up of parking lots, streets and alleys during and after the event. The City will provide normal street sweeping on Monday, June 13, 1994, at 4:40 AM. Should the City be required to provide clean-up services for the event, 100% of those expenses shall be charged to the Chamber.
22. Vehicular traffic on city parking lots will be restricted to passenger vehicles and pick-up trucks, except where expressly approved in writing.
23. The Chamber and Saint Stanislaus School will host the Midway of Fun Carnival in the Modesto Centre Plaza Parking Lot, and on 11th Street, from Thursday, June 9, through Sunday, June 12, 1994. The Carnival will load-in on Wednesday, June 8, 1994. The Carnival will also operate on 11th Street, between K and L Streets on Friday Evening, Saturday and Sunday. We are requesting that 11th

Street between L and K Streets be closed to vehicular traffic on Friday morning, to enable the carnival to move and park trucks and unload rides safely.

St. Stanislaus School, on behalf of Graffiti USA and The Midway of Fun Carnival, will secure a special City of Modesto Carnival Permit and shall be responsible for any repairs necessary to the carnival site or city streets. No stakes will be put into the city streets. Twelve foot emergency lanes will be provided on all city streets used for the carnival.

24. The Chamber requests that the City Hall parking lots be used for participant parking within the festival perimeter without fee. The Chamber shall secure and monitor such parking.

The Chamber requests the use of the City Parking lot on the corner of 10th and K Streets to be used for the Graffiti USA Headliner Stage.

The Chamber requests the use of the City Parking lot on the corner of 12th and I Street to be used to display tractors and the 4-H Petting Zoo.

25. A minimum twelve foot access will be maintained at all times on city streets, alleys and around fire hydrants. All perimeter fencing will be installed in panels that will allow for immediate removal.
26. All tents will be inspected by the Fire Marshal or his designee and appropriate permits will be issued.
27. The City will waive all City Inspection and Permit Fees. \$5,000 payment to the City of Modesto.
28. The Chamber will be responsible for any other fees as may be required by other agencies, except when the City is exempt from such fees. (Cal Trans)
29. The Chamber will execute a rental license agreement to use the Modesto Centre Plaza and shall conform to all policies and procedures established by the Modesto Centre Plaza, within two weeks of approval, based on the Auto Expo Trade Show Agreement already agreed upon by the City and the Chamber.
30. The Chamber shall adhere to all Alcoholic Beverage Control Board requirements. The entire festival area is fenced again this year and we request that the Modesto Police Department provide the Chamber with a letter approving the sale of beer and wine within the "Controlled Access Festival Area". ID Check procedures

- will be handled at all entrances again and ID Bracelets will be provided to those showing positive picture ID only. No alcohol will be allowed into or out of the facility. No alcohol will be served or allowed in the carnival or children's areas. The sale of beer and wine on Saturday night will be limited to the Graffiti USA Headliner Stage Area at 10th & K Street. A specific controlled access and security plan will be submitted to the Modesto Police Department for review and approval, prior to submitting application to the Department of Alcoholic Beverage Control.
31. All food booths and carts will be inspected by the Fire Department and the County Environment Health Department. Inspections will be completed prior to June 10, 1994 whenever possible. Should a booth or cart not meet inspection requirements upon arrival after June 10, 1994, it shall not be admitted to the festival area.
 32. No liquid petroleum gas (LPG) will be used in enclosed areas. A minimum of one 2A 10BC fire extinguisher will be provided for each cooking area.
 33. The Chamber will indemnify, defend and hold harmless the City of Modesto and The Redevelopment Agency, it's officers, agents, etc. as required by the City of Modesto Risk Manager.
 34. The Chamber will furnish the Risk Manager of the City of Modesto with current and valid certificates of insurance evidencing general liability in the amount of \$1,000,000 primary and \$4,000,000 umbrella with the City of Modesto and The Redevelopment Agency as "Additional Insureds". A separate liquor license liability endorsement shall be provided, as well as workmen's compensation insurance coverage. All such policies will conform to City of Modesto Risk Management guidelines and requirements.
 35. The Chamber will secure approval of the Graffiti USA '94 plan from the County of Stanislaus.
 36. The Chamber shall file written acceptance of the resolution approved by the Modesto City Council, with the City Clerk, and no right shall be conferred until said acceptance is filed.

Respectfully Submitted for Approval and Resolution.

Doug Van Pelt, VP
Graffiti USA



GRAFFITI USA PARADE

NEET PROGRAM

(NEIGHBORHOOD ENVIRONMENT ENFORCEMENT TEAM)

Presented To

Captain Bob Guthrie
Modesto Police Department

By

Don Bean
Event Director
Graffiti USA
March 10, 1994



GRAFFITI USA PARADE

NEET PROGRAM (Neighborhood Environment Enforcement Team)

PURPOSE

The NEET Program has been developed to insure that the Graffiti USA Parade Route, and the neighborhoods along and surrounding the Parade Route, will be safe and secure for the public and that private property rights will be well protected. This program will be in addition to the Host and Security Program for the Graffiti USA Festival Area.

BACKGROUND INFORMATION

The Graffiti USA Parade is held on Saturday, June 11, 1994, from 4:00 PM to 7:00 PM. The Parade Route is to be secured and barricaded by Graffiti USA beginning at 3:00 PM and will be closed to traffic until 8:00 PM. Graffiti USA will utilize a combination of private security guards and volunteers to secure and monitor the Parade Route and the surrounding area. The plan will be submitted for review, direction and approval by the Modesto City Police Department.

CONCEPT

Graffiti USA does not intend to advertise or promote the parade route outside of the Graffiti USA Festival Area. Since the entire parade route will obviously be shown in the Modesto Bee and talked about by the media throughout the valley, the plan is being implemented to insure that the route outside of the festival area will not create negative circumstances for residents and business along that portion of the parade route.

Since the parade is held in the afternoon and ends prior to nightfall, (4-7 PM) we do not anticipate major public nuisance problems along the parade route. Even during the years when the Graffiti USA Parade was held on McHenry Avenue, the majority of problems on McHenry Avenue happened after dark. But, to insure that there are no problems, the NEET Program will be instituted to mitigate any negative influences that could occur.

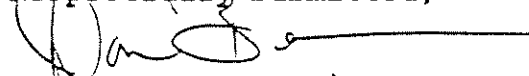
Bob, The Chamber really looks at this year's event as a make or break it year for the cruise / parade. The event is well sponsored and starting to stand on it's own financial feet. It donates over \$40,000 to charity and has the potential to do much more. But, the cruise was a night-mare from the car owners perspective last year.

I'm sure you read in the paper about how some of the car clubs are upset that we did not renew our agreement with Graffiti Fun Runs. Those involved are a loyal bunch of friends who can't see the forest for the trees. Most classic car owners do not belong to a car club, and their primary objective at Graffiti USA is to show off their nice cars and to continue to celebrate the positive cruising tradition that George Lucas captured in his movie "American Graffiti". Graffiti USA just plain needs this route to satisfy the car owners that do support Graffiti USA.

My marching orders from the Chamber are to do what ever it takes to host a cruise / parade that Modesto can take pride in. Someone else is going to have to make sure that Beatlemania and Papa Clutch & The Shifters get to the stage on time this year, because I am going to concentrate my personal efforts on making this new parade concept work. With a regular presence by the Modesto Police Department, I feel confident that we can start this parade right and control the environment. I'm staking my event management reputation and my job on it.

I have to meet with the classic car owners next Wednesday, March 16th, so would appreciate it, if you would review our plan and respond by Monday, March 14th, so we can continue the planning process at our Wednesday meeting.

Respectfully Submitted,



Don Bean, Event Director
Graffiti USA

cc: GUSA Executive Committee

THE PLAN

I. Parade Route Security

The entire parade route will be secured by Pacific Event Services, a licensed California Security Company, in cooperation with volunteers coordinated by the Modesto Jaycees. The primary purpose of the parade route security team is to insure that the streets on the route are clear and safe for the classic cars to parade, as well as to provide for public safety and service needs along the parade route. This parade route deployment plan includes 71 positions and will be in place by 3:00 Pm on Saturday, June 11, 1994. These positions will be staffed until Graffiti USA Management is notified by the Modesto Police Department that such services are no longer needed. Block Captains will be in radio contact with Graffiti USA Security Command Center.

II. Parade Route Barricades

All streets leading to the parade route will be barricaded at the expense of Graffiti USA and will be staffed by Graffiti USA volunteers. Rick Mummert of Mid Valley Engineering is developing the detour and signing plan for the City of Modesto and Cal Trans Encroachment Permits, and will submit it to the City of Modesto Traffic Department for review and approval.

III. Needham Avenue & Neighborhood Watch Program

The neighborhoods and streets colored in blue adjacent to Needham Avenue have been designated as HIGH PRIORITY by Graffiti USA, and will be patrolled to insure that private property rights are protected in those areas. Since these neighborhoods are directly adjacent to the parade route, it is assumed that they will receive the heaviest impact from automobile and foot traffic. It is our suggestion that the streets marked in blue be closed to all traffic and parking from the hours of 3:00 PM to 8:00 PM. Each of these blocks will have two security guards patrolling the area. Graffiti USA will provide all barricades and staffing necessary to secure these areas. All personnel will be in radio contact with Security Command Center.

IV. Bike Patrols

The areas marked in pink are designated as MEDIUM PRIORITY and will be patrolled by security personnel on bicycles. Their job will be to patrol the areas around the neighborhoods and insure that private property rights are maintained. These people will be in radio contact with our Security Command Center, so that resources can be deployed to these area if needed.

NEEDHAM AVENUE / CRUISE ROUTE

FUTURE COMMUNICATIONS CO. BLISS HAIR SALON NAILS BY SAMI PARALEGAL SERVICES THE COPY CENTER	109 NEEDHAM
MODESTO CHRISTIAN CENTER LAWN AREA ADJACENT	NEEDHAM & ELMWOOD
TAYLOR CHIROPRACTIC	NEEDHAM
GIANELLI & FORES 1014 16TH STREET	NEEDHAM & 16TH
GROTHER & SMITH 1029 16TH STREET	NEEDHAM & 16TH
101 & 102 MAGNOLIA	CORNER LOTS
SHERSON LEHMAN	NEEDHAM & SYCAMORE 101 SYCAMORE
GRACAEDA PARK	TO ALICE STREET
MODESTO RADIOLOGICAL	101 PARK & NEEDHAM
JOHN T. MURPHY	101 POPULAR #3
JBH REAL ESTATE	101 POPULAR #1
100 HACKENBERRY KILLIAN REAL ESTATE	CORNER LOT 529-3520
NEVILLE BROS. SERVICE	NEEDHAM & VIRGINIA
MODESTO INN	NEEDHAM & VIRGINIA
NEEDHAM LIQUOR	ACROSS FROM 1ST BAPTIST OFFICE
SUSUKI GARAGE	ACROSS FROM 1ST BAPTIST OFFICE
GRANT REALTY	NEEDHAM & OLIVE AVENUE
ROYAL ROBBINS	NEEDHAM & O STREET

FIRST BAPTISH CHURCH
PO BOX 4309
MODESTO, CA. 95352

WADE ESTES, SENIOR PASTOR

WORLD WIDE EDUCATIONAL
SERVICES
1230 13TH STREET #C 95352

LAO FAMILY REFUGEE SERVICES #E

ALL IN ON STRIP BUILDING

HEALTH ANALYSIS, INC. #B

STAMOS INSURANCE SERVICES
1230 13TH STREET

WESTERN STATE EVICTION - 578-1173
STANISLAUS PROPERTY MGT. 578-1174
HERITAGE REAL ESTATE 578-1187

KOINONIA TAPES
1213 14TH STREET

PARKSIDE MGT. COMPANY
1213 14TH STREET #3

GRACAEDA PARK DENTAL BLDING.
1207 - HALLIDAY, DDS 1209 - UYHEYAMA, DDS 1211 - SHINKWIN, DDS.
14TH STREET

JACKS SKI HOUSE - REALTOR - FRANK JORGENSON - 551-4922

1ST CHRISTIAN CHURCH - JERRY BURD, PASTOR 1320 L STREET

SIDNEY A. ISRAELS, ATTORNEY 1130 14TH STREET 95353 PO BOX 1637

THE WAITNEY GROUP
SONJA KNUTSEN INTERIOR DESIGN
1414 L STREET

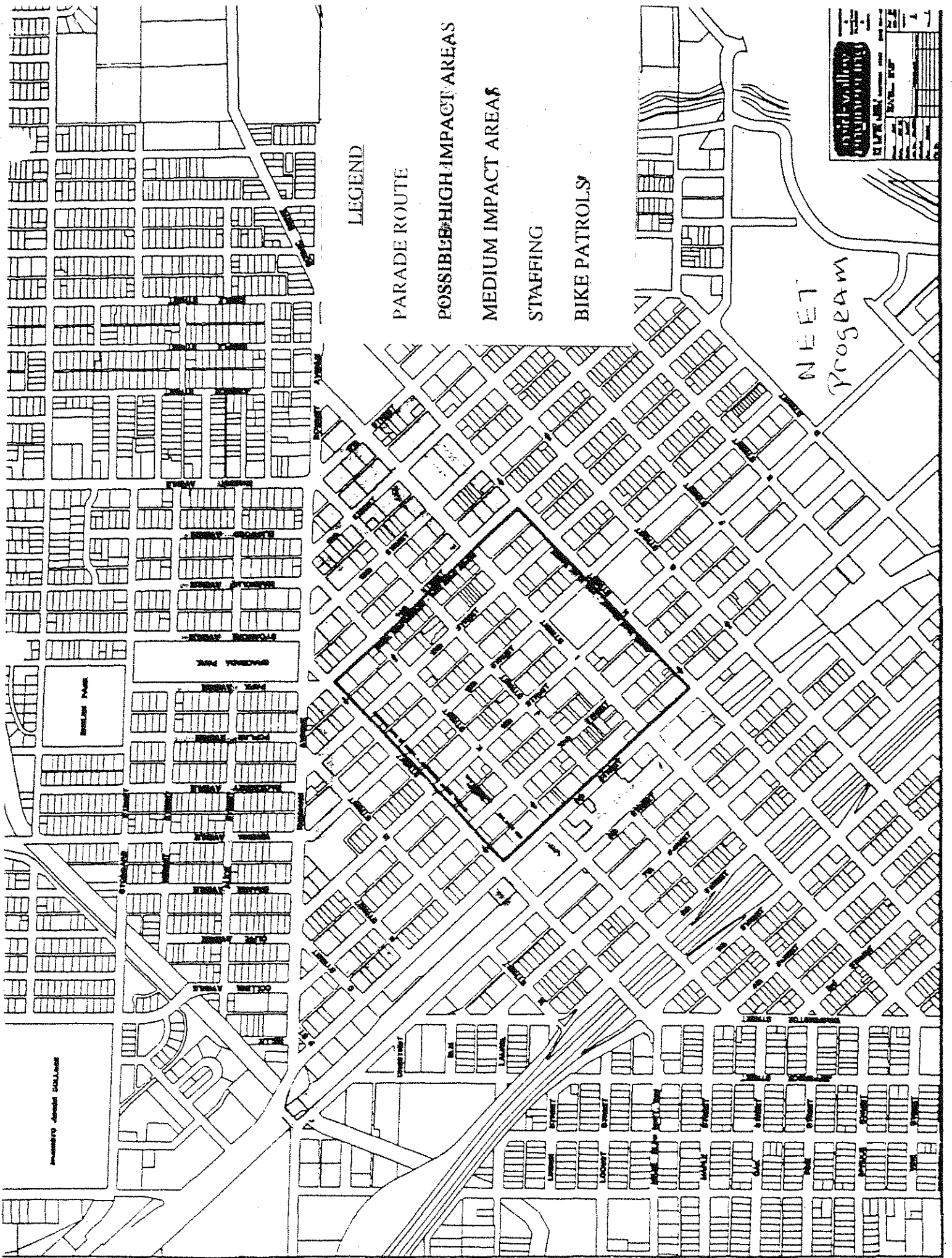
NEEDHAM ACCESS FROM 15TH

DEANNA MINENI
400 NEEDHAM AVENUE

CAL BEAUTY COLLEGE
1115 15TH STREET

CINNAMON CAFE





LEGEND

PARADE ROUTE

POSSIBLE HIGH-IMPACT AREAS

MEDIUM IMPACT AREAS

STAFFING

BIKE PATROLS

NEET Program

Scale bar and north arrow. The scale bar shows distances in feet (0, 100, 200, 300, 400, 500). The north arrow points towards the top of the page.

BRADLEY PARK

SPRINGDALE PARK

INDEPENDENT JOURNAL BUILDING

COLLEGE AVENUE

CLAY AVENUE

WILSON AVENUE

WILSON AVENUE

WILSON AVENUE

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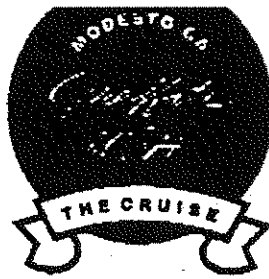
WILSON AVENUE

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WILSON AVENUE



April 9, 1994

Jim Niskanen, Assistant Director
Parks & Recreation Department
City of Modesto
Fax (209) 522-1780

Dear Jim,

Following is the letter and invitation given to merchants and residents all along the proposed cruise route to participate in a planning meeting regarding the Graffiti USA Parade route.

I personally accompanied volunteers from the Johanson High School Band Boosters Club on Saturday and Sunday as they knocked on every door and gave these letters to the residents and merchants. If people were not in, we left the letter in their mailbox.

We covered all streets along Needham Avenue, including Elmwood, Magnolia, Sycamore, Park, Popular, Hackenberry, Virginia, Popular, Orange and Olive, from Needham to Wright Street.

We covered 16th Street from Needham to I Street.

We covered 9th Street and all of the area between 9th Street and 14th Street, between Needham and L Street. (The area between the festival area and Needham)

The Graffiti USA Executive Committee will host the meeting on the 14th and discuss our plan to control the parade route and the areas surrounding the parade route. (NEET)

I would appreciate it if you and Bob Guthrie would attend, so that you will have first hand knowledge of the concerns and questions that come up.

Thanks!

Don Bean, Event Director
Graffiti USA



Dear Neighbors,

The Modesto Chamber of Commerce has been proud to host Graffiti USA for the past three years. Through the support of over 700 volunteers, Graffiti USA donated over \$43,000 to local non-profit organizations in 1993, and has designated our local "Friends of DARE" Program as the primary financial beneficiary of Graffiti USA '94.

Graffiti USA has operated safely and securely for the past three years, without any major incidents or arrests. It provides a safe and secure atmosphere for our community to continue their love-affair with classic cars, good time rock & roll and Wolfman Jack. We have worked closely and effectively with the Modesto Police Department over the past three years, to develop a security and host program for Graffiti USA that protects private and public property rights and insures a well organized and controlled event.

It is our primary goal to establish a Graffiti USA Classic Car Parade Route this year, that will continue to be used for the foreseeable future. As neighbors of the festival and parade area, we would like to explain our initial plans to you . . . gain input from you . . . and then develop and implement a plan that addresses the needs of all concerned.

After months of meeting with City Staff and over 260 Classic Car Owners, we have developed a Parade Route that we feel will provide an enjoyable and safe "cruise" for the anticipated 700 car parade on Saturday Afternoon, June 11th, from 4:00 pm to 7:00 pm.

The proposed route basically circles the Graffiti USA Festival Area, providing an opportunity for the audience to view the cruise from inside and outside of the festival area. The entire Parade Route is staffed with over 150 private security guards and volunteers from the Modesto Chamber Of Commerce and The Modesto Jaycees. We have developed a program called NEET (Neighborhood Environment Enforcement Teams), that will insure that private property rights along and around the Parade route are protected. We are confident that we can eliminate or minimize any negative influences created by the parade route closures and the public impact on the surrounding areas.

Please join us for an Informational and Public Input Meeting at 7:00 PM on Thursday Evening, April 14, at Mancini Bowl, In Graceada Park. (See map on back)

Thank You !

Graffiti USA



1501 K Street / Modesto, CA 95354 / (209) 576-2222 / Fax (209) 576-2226

SUNNYVALE SUPERMARKETS

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-239

A RESOLUTION AMENDING ANNUAL REVENUE BUDGET
OF THE CITY OF MODESTO FOR THE FISCAL YEAR
1993-94 TO MAKE ADJUSTMENTS FOR THE THIRD
QUARTER.

WHEREAS, after third quarter financial analysis has
been completed, it has been determined that certain adjustments
are required to the Annual Revenue Budget of the City of Modesto
for the Fiscal Year 1993-94,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the changes listed in Attachment "A"
attached be made to the Annual Budget of the City of Modesto for
the Fiscal Year 1993-94.

BE IT FURTHER RESOLVED that the Finance Director is
hereby authorized to take the necessary steps to implement the
provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich, Asst.*
MICHAEL D. MILICH, City Attorney

Fund	Org	Revenue	Description	Adjustment
010	9510	1201	Sales and Use Tax	836,836
010	9510	1204	Utility Users Tax	-268,000
010	9510	1210	Transient Occupancy Tax	75,000
010	9510	1304	PG&E Franchise	37,000
010	9510	1310	Water Company Franchise	3,000
010	9510	1313	Railroad Franchise	-500
010	1901	2204	Bingo Permits	5,000
010	1921	2101	Bicycle License	2,000
010	1964	2104	Dog License	20,000
010	4112	2210	Encroachment Permits	-7,000
010	0802	3302	Neighborhood Telecenter Grants	-21,000
010	1921	3128	Police Training Reimbursement	-17,000
010	1921	3729	D A R E Reimbursement	24,642
010	1941	3312	County Vehicle Theft Allocation	-18,702
010	1961	3118	Abandoned Vehicle Allocation	-40,000
010	3001	3134	State Grant-Parks and Recreation	5,912
010	4802	3141	Used Motor Oil Grant	-28,573
010	4802	3316	Waste To Energy SB939 Allocation	-133,000
010	1401	4008	Zoning Fees	857
010	1401	4009	Environmental Fees	4,887
010	1401	4010	Plot Plan Review Fees	7,770
010	4112	4000	Map Check Fees	-2,000
010	4212	4011	Subdivision Inspection Fees	-4,000
010	4412	4006	Mobile Home Inspections	-6,400
010	1901	4027	Mobile Terminal Rental	-5,660
010	1921	4024	Fingerprint Fees	300
010	1921	4026	Drug Abuse Prevention	30,000
010	1941	4021	Extradition Reimbursement	-7,000
010	1961	4028	Vehicle Releases	6,000
010	1961	4043	False Alarm Response Fee	27,000
010	1964	4022	Animal Shelter Fees	1,000
010	4612	4051	State Highway Maint. Agreement	1,000
010	3111	4065	Commercial Landscape Fee	8,932
010	3112	6220	Picnic Area Rental	8,100
010	3212	4070	Street Trees	5,000
010	3712	4068	Youth Services Program	4,325
010	3712	4071	Swimming Pool Fees	-156
010	3712	4072	League Fees	12,826
010	3712	4074	Miscellaneous Recreation	-3,278
010	1234	4086	Citation Processing Fee	1,300
010	1401	4092	Copying Fees	-96
010	9510	4085	Salary Reimbursement Agreement	-2,742
010	3112	6209	Ballfield Renta	21,360
010	3810	6207	Clubhouse Rental	-200
010	3810	6228	Sr. Citizens Center Rental	5,210
010	9510	6201	Lease of land	-9,974
010	9510	6225	City Building Rental - Other	7,000
010	1901	7202	Asset Forfeitures	-57,000
010	1961	7202	Asset Forfeitures	167,745
010	9510	7101	General City Fines	7,000
010	0501	8143	Items for Resale	6,000
010	1401	8143	Items for Resale	-3,390
010	1961	8107	Donations	15,000
010	3712	8143	Items for Resale	-2,925
010	9510	8108	Non-Governmental Grants	-500
010	9510	8143	Items for Resale	-2,075

				716,831

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-240

A RESOLUTION REVISING THE 1993-94
"APPROPRIATIONS LIMIT" ACCORDING TO ARTICLE
XIIIIB OF THE CALIFORNIA CONSTITUTION.

WHEREAS, Council Resolution No. 93-356A established the price and populations factors used in determine the City's Proposition 4 Appropriation Limit for fiscal year 1993-94, and

WHEREAS, at the time of adoption of the 1993-94 City of Modesto Annual Budget, interagency transfers from Stanislaus County were unavailable, and

WHEREAS, Stanislaus County has now advised us of certain jurisdictional changes which resulted in interagency transfers of \$37,271,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City's appropriation limitation imposed by Article XIIIIB (Proposition 4) for the State Constitution for 1993-94 is revised to \$133,756,380, said limitation pertains only to appropriations financed from tax proceeds.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.

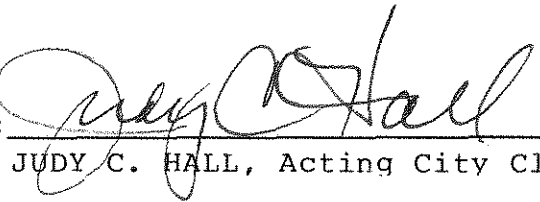
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

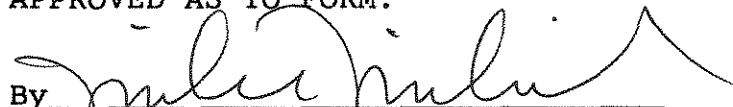
ATTEST:



JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-241

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS FOR FURNISHING ONE NEW VACUUM SEWER CLEANING TRUCK

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

SECTION 1. The specifications for furnishing one new vacuum
sewer cleaning truck
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
May 27, 1994 , at 11:00 a.m. , the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 3rd day of May
19 94 , by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember McClanahan , was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 94-242**

A RESOLUTION ACCEPTING THE BID OF NIXON-EGLI EQUIPMENT COMPANY FOR FURNISHING ONE PAVER AND ONE PAVER TRAILER

WHEREAS, Resolution No. 93-726 , adopted by the Council of the City of Modesto on December 21 , 1993 , approved the plans and specifications for the purchase of one paver and one paver trailer

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing one paver and one paver trailer were opened at 11:10 a.m. on January 10, 1994 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Nixon-Egli Equipment Company in the amount of \$42,093.48 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Nixon-Egli Equipment Company in the amount of \$42,093.48 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May , 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-243

**A RESOLUTION ACCEPTING THE BIDS OF COUNTRY FORD TRUCKS AND F.B. HART
FOR FURNISHING UTILITY TRUCKS**

WHEREAS, Resolution No. 94-85 , adopted by the Council of the City of Modesto on February 8 , 1994 , approved the plans and specifications for the purchase of fifteen new utility trucks

and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of fifteen new utility trucks were opened at 11:00 a.m. on March 7, 19 94 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of Country Ford Trucks and F.B. Hart in the amount of \$500,937 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Country Ford Trucks and F.B. Hart in the amount of \$500,937 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May , 19⁹⁴ , by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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**MODESTO CITY COUNCIL
RESOLUTION NO. 94-244**

A RESOLUTION ACCEPTING THE BID OF WEST STAR DISTRIBUTING FOR FURNISHING THREE NEW LAWN SWEEPERS

WHEREAS, Resolution No. 94-55 , adopted by the Council of the City of Modesto on January 25 , 19 94 , approved the plans and specifications for the purchase of three new lawn sweepers

and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of three new lawn sweepers were opened at 11:00 a.m. on February 28, 1994 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of West Star Distributing in the amount of \$72,631 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of West Star Distributing in the amount of \$72,631 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May , 19 94 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-245

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF POLYMER FROM WESTERN ENVIRONMENTAL SERVICES INC.

WHEREAS, the Water Treatment Division of Public Works and Transportation Department has requested the purchase of 25,500 pounds of hydrofloc 708H polymer for use in sludge thickening to improve solids removal; and

WHEREAS, over the past several years different products have been tested in order to find the one that has maximum solids removal capabilities and to date, only Western Environmental Services, Inc. has provided the product that is effective.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of polymer is hereby waived.

BE IT FURTHER RESOLVED that purchase of 25,500 pounds of hydrofloc 708H polymer from Western Environmental Services, Inc. for the total cost of \$85,000 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-246

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
SALIDA FIRE PROTECTION DISTRICT TO PROVIDE AUTOMATIC MUTUAL AID

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Salida Fire Protection
District to provide automatic mutual aid

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 3rd day of May ,
19 94 , by Councilmember Friedman , who moved its adoption, which motion
being duly seconded by Councilmember McClanahan , was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-247

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DOROTHY McCLURE FOR THE PURPOSE OF REHABILITATING PROPERTY AT 419 SUTTER AVENUE PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dorothy McClure for the purpose of rehabilitating property at 419 Sutter Avenue pursuant to the City of Modesto's Housing Rehabilitation Program

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May , 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-248

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RODNEY WHITEAR FOR THE PURPOSE OF REHABILITATING PROPERTY AT 316 CENTER STREET PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Rodney Whitear for the purpose of rehabilitating property at 316 Center Street pursuant to the City of Modesto's Housing Rehabilitation Program

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May , 19 94, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Desk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-249

A RESOLUTION GRANTING THE APPEAL FILED BY MID-VALLEY ENGINEERING, INC., ON BEHALF OF ARLO AND MARVENE HILKEY, TO THE PLANNING COMMISSION DECISION WHICH GRANTED A REQUEST FOR A TIME EXTENSION OF THE DEVELOPMENT SCHEDULE FOR P-D(484), GALLERIA SHOPPING CENTER, PROPERTY LOCATED ON THE EAST SIDE OF ROSELLE AVENUE NORTH OF BRIGGSMORE, AND OVERTURNING THE TIME EXTENSION GRANTED BY THE PLANNING COMMISSION TO MARC SIEGAL.

WHEREAS, the City Council, by Ordinance No. 2775, effective July 25, 1991, rezoned P-D(484) for a retail commercial center with C-1 uses on the northeast corner of Briggsmore and Roselle Avenues, and

WHEREAS, City Council Resolution No. 91-408, which approved the development plan and contains the conditions of approval and the development schedule specifies construction to be in one phase, with the entire construction program to be accomplished in one phase, construction to begin on or before December 20, 1992, and be completion to be not later than December 20, 1993, and

WHEREAS, on January 4, 1993, by Resolution No. 93-2, the Planning Commission granted a one-year time extension to the development schedule of P-D(484), with construction to begin on or before December 20, 1993, and completion to be not later than December 20, 1994, and

WHEREAS, on December 6, 1993, by Resolution No. 93-54, the Planning Commission denied a request from First Fidelity

Realty Group, Inc., for a second time extension to the development schedule of P-D(484) for two additional years, finding that good cause had not been shown for a time extension for reasons set forth in said Resolution No. 93-54, and

WHEREAS, an appeal to the decision of the Planning Commission denying the second time extension was filed with the Office of the City Clerk b letter from Steve Herum on behalf of Marc Siegal, and said appeal was set for a public hearing to be held on February 22, 1994, before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, and

WHEREAS, said public hearing was held at the date and time noted above, and after hearing evidence both oral and documentary, the Council, by motion, referred the appeal to the Planning Commission denial of the second time extension back to the Planning Commission for further review and consideration of conditions if approved, and

WHEREAS, a public meeting was held on said matter by the Planning Commission on April 4, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which meeting evidence both oral and documentary was received and considered, and

WHEREAS, thereafter, the Planning Commission by its Resolution No. 94-18 found and determined that cause had been shown for a second one-year time extension in accordance with

Planning Commission policy for the reasons set forth in said Planning Commission resolution, and

WHEREAS, the Planning Commission by its Resolution No. 94-18 granted an extension to the development schedule of P-D(484) to read as set forth in said Planning Commission Resolution, and subject to conditions of City Council Resolution No. 91-408 and two additional conditions as set forth in said Resolution No. 94-18, and

WHEREAS, an appeal to the decision of the Planning Commission granting the time extension was filed with the Office of the City Clerk by letter dated April 18, 1994, from Mid-Valley Engineering, Inc., on behalf of Arlo and Marvene Hilkey, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on May 10, 1994, at 4:00 p.m., and

WHEREAS, said public hearing was held at the date and time noted above, and after hearing evidence both oral and documentary, the Council found and determined as follows:

SECTION 1. That the appeal filed by Mid-Valley Engineering, Inc., on behalf of Arlo and Marvene Hilkey, to the Planning Commission's decision granting a time extension to the development schedule for P-D(484) to Marc Siegal, First Fidelity Realty, for a commercial shopping center, Galleria Shopping

Center, located on the east side of Roselle Avenue between Briggsmore Avenue and Merle Avenue, should be granted and the decision of the Planning Commission should be overruled for the reasons set forth below:

1. P-D(484) has already exceeded the timing of its initial approval and two time extensions.
2. The City's neighborhood shopping center policy calls for three years to produce a shopping center or run the risk of losing out to a competing proposal.
3. The Village One Specific Plan notes that the shopping center approved by P-D(484) should revert to residential if time deadlines are not met.
4. The Village Center should be the focal point of commercial activity in the Village.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Mid-Valley Engineering, Inc., on behalf of Arlo and Marvene Hilkey, to the Planning Commission decision which granted a request for a time extension of the development schedule for P-D(484), Galleria Shopping Center, property located on the east side of Roselle Avenue north of Briggsmore Avenue, is hereby granted and the decision of the Planning Commission granting a second time extension to Marc Siegal as set forth in Planning Commission Resolution No. 94-18 is hereby overturned for the reasons set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-250

A RESOLUTION ESTABLISHING A FEE FOR OUTDOOR
SALES AND DISPLAY PERMITS.

WHEREAS, Ordinance No. 2900-C.S., which was introduced by the Council at its meeting of April 5, 1994, and which will become effective on May 12, 1994, amended Sections 10-2.1009 and 10-2.2110 of the Modesto Municipal Code relating to Outdoor Sales and Display Permits, and

WHEREAS, Ordinance No. 2906-C.S., introduced by the Council on May 10, 1994, added Section 10-2.2333 to the Modesto Municipal Code to provide that filing fees for any of the procedures authorized by Title X of the Modesto Municipal Code shall be established by resolution adopted by the City Council from time to time,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a fee in the amount of \$35.00 for Outdoor Sales and Display Permits is hereby established, as provided for in Section 10-2.2333 of the Modesto Municipal Code.

BE IT FURTHER RESOLVED that said fee shall become effective on the effective date of Ordinance No. 2906-C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich

MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-251

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR RIP RAP REPAIR AT STORAGE PONDS ON JENNINGS ROAD, 1994

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

SECTION 1. The specifications for rip repair at storage ponds on Jennings Road 1994, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 26, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-252

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE GLENN AVENUE WATERLINE PROJECT

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

SECTION 1. The specifications for the Glenn Avenue waterline project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 9, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-253

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO CONSTRUCT THE GLENN AVENUE WATERLINE WITHIN COUNTY RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to construct a waterline within County right of way be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-254

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
TURLOCK IRRIGATION DISTRICT TO CONSTRUCT THE GLENN AVENUE WATERLINE
WITHIN TID'S RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Turlock Irrigation
District to construct a waterline within TID's right of way be, and it
is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 10th day of May, 1994, by
Councilmember Friedman, who moved its adoption, which motion being
duly seconded by Councilmember Dobbs, was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

RESOLUTION NO. 94-255

UNUSED

MODESTO CITY COUNCIL
RESOLUTION NO. 94-256

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE 1994 CAPE SEAL OF VARIOUS CITY STREETS PROJECT

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

SECTION 1. The specifications for the 1994 cape seal of various City streets project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 9, 1994, at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-257

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS TO
UPGRADE THE ELECTRICAL SYSTEM AT THE BUS YARD

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

SECTION 1. The specifications to upgrade the electrical system at
the bus yard, copies of which are on file, are hereby accepted and
approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
June 9, 1994, at 11:10 a.m., the City Clerk is hereby directed to give
notice inviting such sealed bids in the time, form, and manner provided
by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 10th day of May
1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Dobbs, was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-258

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CARPENTER ROAD WATERLINE FROM TORRID AVENUE TO WOODLAND AVENUE PROJECT

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

SECTION 1. The specifications for the Carpenter Road waterline from Torrid Avenue to Woodland Avenue project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 9, 1994, at 11:15 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-259

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO CONSTRUCT THE CARPENTER ROAD WATERLINE WITHIN THE COUNTY RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to construct the Carpenter Road waterline within the County right of way be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-260

A RESOLUTION ACCEPTING THE GRANGER AVENUE WATERLINE EXTENSION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Granger Avenue waterline extension has been completed by Ksenco Construction in accordance with the contract agreement dated November 16, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Granger Avenue waterline extension be accepted from said contractor, Ksenco Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$62,578 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-261

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING ON REVIEW OF THE 1994-95 PROPOSED OPERATING BUDGET AND THE PROPOSED FOUR-YEAR CAPITAL IMPROVEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that June 7 1994, at 7:00 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of the 1994-95 proposed operating budget and the proposed four-year Capital Improvement Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1991, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-262

A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR FISCAL YEAR 1994-95, AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION, AND ADOPTING THE STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES, WITH EXCEPTIONS, AND USE OF CDBG FUNDS FOR PROGRAM YEAR 1994-1995.

WHEREAS, the U. S. Department of Housing and Urban Development (HUD) has allocated \$2,133,000 to the City of Modesto under the Community Development Block Grant Program for Fiscal Year 1994-95, and

WHEREAS, the Community Development Program Office of the City of Modesto has followed the Department of Housing and Urban Development regulations for the Citizen Participation Plan as part of the pre-submission process, and

WHEREAS, the Community Development Program Office of the City of Modesto has disseminated information to the Modesto community regarding the Proposed 1994-1995 Community Development Objectives and Use of CDBG funds, and

WHEREAS, the Comprehensive Housing Affordability Strategy, a prerequisite to the CDBG application, was approved by the City Council by Resolution No. 93-733 adopted on December 21, 1993, and by HUD on March 4, 1994, and

WHEREAS, a public hearing to assist persons and agencies interested in applying for funding was held on December 18, 1993, and a public hearing was held on April 15, 1994, to

consider requests for funding, and

WHEREAS, the CH&CDC's deliberations have included careful consideration of requests for funding from several nonprofit organizations and other city departments, and

WHEREAS, on April 15, 1994, the Citizens Housing and Community Development Committee reviewed and approved the 1994-1995 Statement of Community Development Objectives and Use of CDBG funds, and

WHEREAS, the City of Modesto has provided citizens with information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other related information, and

WHEREAS, the City of Modesto has provided citizens an adequate opportunity to participate in the development of the application and in the development of any revisions, changes, or amendments, and

WHEREAS, City Council approval of the application is a prerequisite for funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the 1994-1995 Community Development Block Grant Program application.

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to execute and file said application, including all understandings and assurances, and

certifications contained therein, with the U.S. Department of Housing and Urban Development and designates the City Manager to act in connection with said application and to provide such additional information as may be required.

BE IT FURTHER RESOLVED that the City Council does hereby approve the Statement of Community Development Objectives and Use of Funds for Program Year 1994-1995 as attached hereto excepting two Community Temporary Shelter Service items listed under Paragraph E, Public Services, and the Stanislaus County Affordable Housing Corporation item.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS FOR FY 1994-95

The Community Development Block Grant (CDBG) program is administered by the U.S. Department of Housing and Urban Development (HUD) under the provisions of the Housing and Community Development (HCD) Act of 1974, as amended, and 24 CFR 570. The City of Modesto (City), through its Community Development Program Office, administers the annual CDBG entitlement from HUD by providing support for community development activities.

I. PROGRAM OBJECTIVES

The national goal of the CDBG program is to "develop a viable urban community by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low-and-moderate income." A summary of program expenditures may be found on page 10. The CDBG annual entitlement supports the following community development activities:

A. HOUSING REHABILITATION AND NEIGHBORHOOD REVITALIZATION PROGRAM

The Housing Rehabilitation and Neighborhood Revitalization program revitalizes blighted neighborhoods and preserves existing housing stock by mandatory housing code enforcement in selected low income target areas (Section 570.202(a)(1)). The program utilizes CDBG funds to provide low-interest loans and technical assistance (Section 570.202(b)) to rehabilitate homes declared substandard by the City Building Inspection Division. These activities meet the national objectives of "benefit to lower income" and "prevention and elimination of slums or blight." The program for the last several years has been concentrating on Target Area #3 (refer to map on page 17.) During FY 93-94, three new areas were selected and designated by the City Council as Target Areas #4, #5, and #6 (refer to pages 18, 19 and 20.)

The Emergency Home Repair Program is designed to assist homeowners living outside the designated Target Areas who need repairs done to their home. The repairs must be identified as an immediate health and safety hazard and funds will be used to provide for repairs.

The Housing Rehabilitation and Neighborhood Revitalization Program also includes various support programs such as Relocation Services, Neighborhood Clean-Up Campaigns, Paint & Insulation Rebates, Tool Bank Services and Housing Demolition Services.

The Relocation Services are those services provided to participants in the program while their home is being rehabilitated under the Housing Rehabilitation and Neighborhood Revitalization Program (Section 570.201(f)). It also includes persons permanently displaced as a result of a loss of a lower-income housing unit. The Neighborhood Clean-Up Campaign pays the collection fees for debris from Target Area residents (Section 570.201(f)(ii)). Paint and Insulation Rebates

are those cash rebates provided to homeowners for painting and insulating their homes under the Housing Rehabilitation Program. Tool Bank Services offer property maintenance equipment to residents of Target Areas for use in maintaining their homes. The Housing Demolition Program will continue to target burned and abandoned residential structures or accessory buildings (Section 570.201(D)).

The City will continue to distribute water heater blankets and anti-siphon backflow devices for hose bibs to rehabilitation clients for energy savings and safety purposes (Section 570.202(b)(5)). The City will continue a program to install and encourage the use of water-conservation devices and measures in all houses rehabilitated under community development programs.

City of Modesto, Fire Department - \$ 4,155: The City of Modesto Fire Department will use Community Development Block Grant funds to purchase and install smoke detectors in all residential units the newly selected Target Areas, #4, #5, and #6 (Refer to maps on pages 18, 19, 20.)

Community Integrated Employment Development Services - \$ 35,000: The Community Integrated Employment Development Services provides employment, training, affordable housing and supportive services for persons with disabilities. Community Development Block Grant funds will be used to provide for funds necessary to rehabilitate one house to be used to provide residential supportive services.

B. HANDICAP BARRIER REMOVAL PROGRAM

The City will concentrate in promoting handicap accessibility to various City buildings and facilities (Section 520.210(c)). Funds have been allocated according to the following:

Modesto Independent Living Center - \$ 15,000: The Modesto Independent Living Center will administer its Homebound Ramp Construction Project with the use of CDBG funds. The project will construct 12 ramps for persons with disabilities who are physically unable to leave their homes.

City of Modesto, Parks and Recreation Department - \$120,000: The City of Modesto Parks and Recreation Department will use CDBG funds to renovate restroom facilities for handicapped accessibility at two City parks.

American Disabilities Act Compliance/Improvements - \$30,000: Community Development Block Grant Funds have been allocated to provide improvements in City buildings and for City-wide handicap curb cuts.

C. PUBLIC IMPROVEMENTS

The City of Modesto has allocated funds to provide for public improvements to facilities and neighborhoods which serve low-and-moderate income households.

Mellis Park Renovation Project - \$ 111,825: CDBG funds have been allocated to renovate the park facilities at Mellis Park. The project will provide for new lighting and upgrading existing lighting equipment located throughout the park. CDBG funds will also be used to refurbish and replace existing equipment in the playground area.

Target Area Neighborhood, Public Improvement Project - \$ 407,545: CDBG funds have been allocated to provide for street and sidewalk improvements to four blocks of the low-income neighborhood selected as Target Area #6 (refer to map on page 20) for the Housing Rehabilitation Program. Due to the severe deterioration in the neighborhood, the City decided to only provide public improvements in the first year of the program in this area.

D. SMALL BUSINESS LOAN PROGRAM

The City of Modesto will administer the Small Business Loan Program as a revolving loan fund to provide loans to small businesses located within the City limits (Section 570.203(b)). Loans under this program will be made to small businesses which will create or retain jobs for low-and-moderate income persons or which will provide a needed service in a low income area of Modesto (Section 570.208(c)(4)). Loans of up to \$40,000 are available with up to a five-year repayment term. Staff will continue to provide in-house technical assistance for development of loan packages and small business operations.

On April 26, 1994, the City Council approved an emergency small business loan program to assist small business owners and their businesses which may be affected by natural disasters. The purpose of this program is to retain jobs previously held by low-and-moderate income persons.

E. PUBLIC SERVICES

The Public Services Program involves agencies which administer public services to individuals who are low-and-moderate income (Section 570.201(e)). The following projects will be funded with Community Development Block Grant funds during fiscal year 94-95.

Center for Senior Employment - \$10,000: The Center for Senior Employment provides part-time jobs for low-income seniors through various host agencies through its Senior Aides Program. CDBG funds are used as matching funds to enable the agency to obtain funds from the National Council of Senior Citizens and from the California Department of Aging (Section 570.201(e)).

Central Valley Information and Referral System - \$ 10,000: The Central Valley Information and Referral System is developing a centralized database of human services information. The database will serve to provide effective and efficient referrals to low-and-moderate income persons and to social service agencies serving low-to-moderate income persons. The System will also serve as means to develop needed services and programs for the community.

~~*Community Temporary Shelter Service - \$35,000:* The Community Temporary Shelter Service will provide case management services to thirteen properties (housing units) leased from the U.S. Department of Housing and Urban Development. The City of Modesto has leased ten units and the Stanislaus County Affordable Housing Corporation has leased three units. The homes are being used by homeless families or individuals as they transition into permanent housing (Section 570.201(e).)~~

~~*Community Temporary Shelter Service - \$10,000:* The Community Temporary Shelter Service, through its Housing Counseling Program, will provide current affordable housing information. The program assists families and individuals in~~

~~seeking permanent affordable housing. The program works with landlords and property managers to maintain weekly housing lists (Section 570.201(e).)~~

Miracle Mission, Inc. - \$ 24,000: Miracle Mission is a non-sectarian organization which targets providing sleeping, shower and restroom facilities to homeless men. Community Development Block Grant funds will be used to provide for operational expenses.

Salvation Army - \$70,000: The Salvation Army will use Community Development Block Grant funds for administrative support and the provision of supplies for its Comprehensive Emergency Assistance Programs. These programs include the Emergency Grocery Basket Program, Hot Meal Program, Utilities Assistance, Renter's Assistance, the Senior Drop-In Center and the Transportation Assistance Programs (Section 570.201(e).)

Senior Opportunity Service Program - \$39,125: The Senior Opportunity Service Program, through its Senior Nutrition Program, provides nutrition services to senior citizens, age 60 and older, and disabled persons who are under the age of 60. Community Development Block Grant funds are used as matching funds in order for the agency to obtain funds from the State of California and from the federal government, including the U.S. Department of Agriculture (Section 570.201(e)).

~~*Stanislaus County Affordable Housing Corporation - \$10,000:* The Stanislaus County Affordable Housing Corporation, through its Transitional Housing Program, leased 3 homes from the U.S. Department of Housing and Urban Development in order to increase the availability of units to be used as transitional housing units. Community Development Block Grant funds will be used to provide for administrative expenses of the program and for emergency repairs and expenses of the properties.~~

F. PROGRAM SUPPORT

This item encompasses staff and overhead costs and supportive services provided by other City Departments for the various community development programs and activities administered by the Community Development Program Office and as were described previously.

G. FAIR HOUSING PROGRAMS

In its efforts to promote fair housing opportunities to low-to-moderate income families and individuals, the City of Modesto has allocated funds to provide the following services:

Project Sentinel - \$ 27,000 - Project Sentinel will provide fair housing services through enforcement and education of federal, state and local civil rights laws. The provision of fair housing services will encourage freedom of choice in housing. Project Sentinel will investigate allegations of housing discrimination and if appropriate, refer cases for criminal and civil remedies.

H. ADMINISTRATION

This activity provides for all administrative costs for management, coordination, monitoring, and evaluation of the daily operations of the Community

Development Block Grant Program (Section 570.206(e)). This includes indirect program costs as stated per the City's cost allocation plan.

II. CONFORMANCE WITH NATIONAL OBJECTIVES

Activities to Benefit Lower Income:	\$ 2,578,585	87%
Elimination of Slum or Blight:	\$ 1,456,912	49%
Public Services	\$ 208,125	8%
Planning and Administration	\$ 245,419	10%

HUD regulations require that at least 70% of CDBG funds be spent on activities that benefit low and moderate income persons. The administrative costs are limited to a maximum of 20% of the grant plus the program income

Due to regulations some activities identified are counted as both low and moderate income benefit and the elimination of slum and blight. As a result the total percentages will exceed 100%.

**CITY OF MODESTO
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FINAL STATEMENT OF REVENUES AND EXPENDITURES
1994-95**

REVENUE	AMOUNT
Entitlement (94-95)	\$ 2,133,000
Estimated Carryover	420,000
Estimated Program Income (93-94)	420,000
TOTAL REVENUE AVAILABLE:	\$ 2,973,000
EXPENDITURES	
PROGRAMS AND PROJECTS:	
HOUSING SERVICES -	
Housing Rehabilitation Loan Program	\$ 647,542
Emergency Home Repair Program	200,000
Relocation Services	35,000
Paint and Insulation Rebate Program	25,000
Neighborhood Clean-Up Program	15,000
Tool Bank Program	10,000
Housing Demolition	5,000
Rehabilitation Loan - Community Integrated Employment Development Services ..	35,000
Rehabilitation Grant - City of Modesto, Fire Department	4,155
HANDICAP BARRIER REMOVAL PROGRAM	
Modesto Independent Living Center	\$ 15,000
Restroom Facilities Renovation	120,000
ADA Improvements	20,000
City-wide Curb Cut Improvements	10,000
PUBLIC IMPROVEMENTS	
Mellis Park Playground Renovation Project	\$ 111,825
Target Area Neighborhood Street Improvements	407,545
SMALL BUSINESS LOAN PROGRAM	\$ 175,000
PUBLIC SERVICES	\$ 208,125
Program Project Costs	\$ 667,609
ADMINISTRATION AND PLANNING	
Fair Housing Services	\$ 27,000
Program Administration	218,419
Total Administration and Planning	\$ 245,419
TOTAL EXPENDITURES	\$ 2,967,220
CONTINGENCY RESERVE	\$ 5,780

MODESTO CITY COUNCIL
RESOLUTION NO. 94-263

A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR FISCAL YEAR 1994-95, AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION, AND ADOPTING THE STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES, AND USE OF CDBG FUNDS FOR PROGRAM YEAR 1994-1995.

WHEREAS, the U. S. Department of Housing and Urban Development (HUD) has allocated \$2,133,000 to the City of Modesto under the Community Development Block Grant Program for Fiscal Year 1994-95, and

WHEREAS, the Community Development Program Office of the City of Modesto has followed the Department of Housing and Urban Development regulations for the Citizen Participation Plan as part of the pre-submission process, and

WHEREAS, the Community Development Program Office of the City of Modesto has disseminated information to the Modesto community regarding the Proposed 1994-1995 Community Development Objectives and Use of CDBG funds, and

WHEREAS, the Comprehensive Housing Affordability Strategy, a prerequisite to the CDBG application, was approved by the City Council by Resolution No. 93-733 adopted on December 21, 1993, and by HUD on March 4, 1994, and

WHEREAS, a public hearing to assist persons and agencies interested in applying for funding was held on December 18, 1993, and a public hearing was held on April 15, 1994, to consider requests for funding, and

WHEREAS, the CH&CDC's deliberations have included careful consideration of requests for funding from several nonprofit organizations and other city departments, and

WHEREAS, on April 15, 1994, the Citizens Housing and Community Development Committee reviewed and approved the 1994-1995 Statement of Community Development Objectives and Use of CDBG funds, and

WHEREAS, the City of Modesto has provided citizens with information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other related information, and

WHEREAS, the City of Modesto has provided citizens an adequate opportunity to participate in the development of the application and in the development of any revisions, changes, or amendments, and

WHEREAS, City Council approval of the application is a prerequisite for funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the 1994-1995 Community Development Block Grant Program application.

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to execute and file said application, including all understandings and assurances, and certifications contained therein, with the U.S. Department of

Housing and Urban Development and designates the City Manager to act in connection with said application and to provide such additional information as may be required.

BE IT FURTHER RESOLVED that the City Council does hereby approve the Statement of Community Development Objectives and Use of Funds for Program Year 1994-1995 as attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS FOR FY 1994-95

The Community Development Block Grant (CDBG) program is administered by the U.S. Department of Housing and Urban Development (HUD) under the provisions of the Housing and Community Development (HCD) Act of 1974, as amended, and 24 CFR 570. The City of Modesto (City), through its Community Development Program Office, administers the annual CDBG entitlement from HUD by providing support for community development activities.

I. PROGRAM OBJECTIVES

The national goal of the CDBG program is to "develop a viable urban community by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low-and-moderate income." A summary of program expenditures may be found on page 10. The CDBG annual entitlement supports the following community development activities:

A. HOUSING REHABILITATION AND NEIGHBORHOOD REVITALIZATION PROGRAM

The Housing Rehabilitation and Neighborhood Revitalization program revitalizes blighted neighborhoods and preserves existing housing stock by mandatory housing code enforcement in selected low income target areas (Section 570.202(a)(1)). The program utilizes CDBG funds to provide low-interest loans and technical assistance (Section 570.202(b)) to rehabilitate homes declared substandard by the City Building Inspection Division. These activities meet the national objectives of "benefit to lower income" and "prevention and elimination of slums or blight." The program for the last several years has been concentrating on Target Area #3 (refer to map on page 17.) During FY 93-94, three new areas were selected and designated by the City Council as Target Areas #4, #5, and #6 (refer to pages 18, 19 and 20.)

The Emergency Home Repair Program is designed to assist homeowners living outside the designated Target Areas who need repairs done to their home. The repairs must be identified as an immediate health and safety hazard and funds will be used to provide for repairs.

The Housing Rehabilitation and Neighborhood Revitalization Program also includes various support programs such as Relocation Services, Neighborhood Clean-Up Campaigns, Paint & Insulation Rebates, Tool Bank Services and Housing Demolition Services.

The Relocation Services are those services provided to participants in the program while their home is being rehabilitated under the Housing Rehabilitation and Neighborhood Revitalization Program (Section 570.201(f)). It also includes persons permanently displaced as a result of a loss of a lower-income housing unit. The Neighborhood Clean-Up Campaign pays the collection fees for debris from Target Area residents (Section 520.201(f)(ii)). Paint and Insulation Rebates

are those cash rebates provided to homeowners for painting and insulating their homes under the Housing Rehabilitation Program. Tool Bank Services offer property maintenance equipment to residents of Target Areas for use in maintaining their homes. The Housing Demolition Program will continue to target burned and abandoned residential structures or accessory buildings (Section 570.201(D)).

The City will continue to distribute water heater blankets and anti-siphon backflow devices for hose bibs to rehabilitation clients for energy savings and safety purposes (Section 570.202(b)(5)). The City will continue a program to install and encourage the use of water-conservation devices and measures in all houses rehabilitated under community development programs.

City of Modesto, Fire Department - \$ 4,155: The City of Modesto Fire Department will use Community Development Block Grant funds to purchase and install smoke detectors in all residential units the newly selected Target Areas, #4, #5, and #6 (Refer to maps on pages 18, 19, 20.)

Community Integrated Employment Development Services - \$ 35,000: The Community Integrated Employment Development Services provides employment, training, affordable housing and supportive services for persons with disabilities. Community Development Block Grant funds will be used to provide for funds necessary to rehabilitate one house to be used to provide residential supportive services.

B. HANDICAP BARRIER REMOVAL PROGRAM

The City will concentrate in promoting handicap accessibility to various City buildings and facilities (Section 520.210(c)). Funds have been allocated according to the following:

Modesto Independent Living Center - \$ 15,000: The Modesto Independent Living Center will administer its Homebound Ramp Construction Project with the use of CDBG funds. The project will construct 12 ramps for persons with disabilities who are physically unable to leave their homes.

City of Modesto, Parks and Recreation Department - \$120,000: The City of Modesto Parks and Recreation Department will use CDBG funds to renovate restroom facilities for handicapped accessibility at two City parks.

American Disabilities Act Compliance/Improvements - \$30,000: Community Development Block Grant Funds have been allocated to provide improvements in City buildings and for City-wide handicap curb cuts.

C. PUBLIC IMPROVEMENTS

The City of Modesto has allocated funds to provide for public improvements to facilities and neighborhoods which serve low-and-moderate income households.

Mellis Park Renovation Project - \$ 111,825: CDBG funds have been allocated to renovate the park facilities at Mellis Park. The project will provide for new lighting and upgrading existing lighting equipment located throughout the park. CDBG funds will also be used to refurbish and replace existing equipment in the playground area.

seeking permanent affordable housing. The program works with landlords and property managers to maintain weekly housing lists (Section 570.201(e).)

Miracle Mission, Inc. - \$ 24,000: Miracle Mission is a non-sectarian organization which targets providing sleeping, shower and restroom facilities to homeless men. Community Development Block Grant funds will be used to provide for operational expenses.

Salvation Army - \$70,000: The Salvation Army will use Community Development Block Grant funds for administrative support and the provision of supplies for its Comprehensive Emergency Assistance Programs. These programs include the Emergency Grocery Basket Program, Hot Meal Program, Utilities Assistance, Renter's Assistance, the Senior Drop-In Center and the Transportation Assistance Programs (Section 570.201(e).)

Senior Opportunity Service Program - \$39,125: The Senior Opportunity Service Program, through its Senior Nutrition Program, provides nutrition services to senior citizens, age 60 and older, and disabled persons who are under the age of 60. Community Development Block Grant funds are used as matching funds in order for the agency to obtain funds from the State of California and from the federal government, including the U.S. Department of Agriculture (Section 570.201(e)).

Stanislaus County Affordable Housing Corporation - \$10,000: The Stanislaus County Affordable Housing Corporation, through its Transitional Housing Program, leased 3 homes from the U.S. Department of Housing and Urban Development in order to increase the availability of units to be used as transitional housing units. Community Development Block Grant funds will be used to provide for administrative expenses of the program and for emergency repairs and expenses of the properties.

F. PROGRAM SUPPORT

This item encompasses staff and overhead costs and supportive services provided by other City Departments for the various community development programs and activities administered by the Community Development Program Office and as were described previously.

G. FAIR HOUSING PROGRAMS

In its efforts to promote fair housing opportunities to low-to-moderate income families and individuals, the City of Modesto has allocated funds to provide the following services:

Project Sentinel - \$ 27,000 - Project Sentinel will provide fair housing services through enforcement and education of federal, state and local civil rights laws. The provision of fair housing services will encourage freedom of choice in housing. Project Sentinel will investigate allegations of housing discrimination and if appropriate, refer cases for criminal and civil remedies.

H. ADMINISTRATION

This activity provides for all administrative costs for management, coordination, monitoring, and evaluation of the daily operations of the Community

Target Area Neighborhood, Public Improvement Project - \$ 407,545: CDBG funds have been allocated to provide for street and sidewalk improvements to four blocks of the low-income neighborhood selected as Target Area #6 (refer to map on page 20) for the Housing Rehabilitation Program. Due to the severe deterioration in the neighborhood, the City decided to only provide public improvements in the first year of the program in this area.

D. **SMALL BUSINESS LOAN PROGRAM**

The City of Modesto will administer the Small Business Loan Program as a revolving loan fund to provide loans to small businesses located within the City limits (Section 570.203(b)). Loans under this program will be made to small businesses which will create or retain jobs for low-and-moderate income persons or which will provide a needed service in a low income area of Modesto (Section 570.208(c)(4)). Loans of up to \$40,000 are available with up to a five-year repayment term. Staff will continue to provide in-house technical assistance for development of loan packages and small business operations.

On April 26, 1994, the City Council approved an emergency small business loan program to assist small business owners and their businesses which may be affected by natural disasters. The purpose of this program is to retain jobs previously held by low-and-moderate income persons.

E. **PUBLIC SERVICES**

The Public Services Program involves agencies which administer public services to individuals who are low-and-moderate income (Section 570.201(e)). The following projects will be funded with Community Development Block Grant funds during fiscal year 94-95.

Center for Senior Employment - \$10,000: The Center for Senior Employment provides part-time jobs for low-income seniors through various host agencies through its Senior Aides Program. CDBG funds are used as matching funds to enable the agency to obtain funds from the National Council of Senior Citizens and from the California Department of Aging (Section 570.201(e)).

Central Valley Information and Referral System - \$ 10,000: The Central Valley Information and Referral System is developing a centralized database of human services information. The database will serve to provide effective and efficient referrals to low-and-moderate income persons and to social service agencies serving low-to-moderate income persons. The System will also serve as means to develop needed services and programs for the community.

Community Temporary Shelter Service - \$35,000: The Community Temporary Shelter Service will provide case management services to thirteen properties (housing units) leased from the U.S. Department of Housing and Urban Development. The City of Modesto has leased ten units and the Stanislaus County Affordable Housing Corporation has leased three units. The homes are being used by homeless families or individuals as they transition into permanent housing (Section 570.201(e).)

Community Temporary Shelter Service - \$10,000: The Community Temporary Shelter Service, through its Housing Counseling Program, will provide current affordable housing information. The program assists families and individuals in

**CITY OF MODESTO
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FINAL STATEMENT OF REVENUES AND EXPENDITURES
1994-95**

REVENUE	AMOUNT
Entitlement (94-95)	\$ 2,133,000
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Estimated Program Income (93-94)	420,000
TOTAL REVENUE AVAILABLE:	\$ 2,973,000
EXPENDITURES	
PROGRAMS AND PROJECTS:	
HOUSING SERVICES -	
Housing Rehabilitation Loan Program	\$ 647,542
Emergency Home Repair Program	200,000
Relocation Services	35,000
Paint and Insulation Rebate Program	25,000
Neighborhood Clean-Up Program	15,000
Tool Bank Program	10,000
Housing Demolition	5,000
Rehabilitation Loan - Community Integrated Employment Development Services .	35,000
Rehabilitation Grant - City of Modesto, Fire Department	4,155
HANDICAP BARRIER REMOVAL PROGRAM	
Modesto Independent Living Center	\$ 15,000
Restroom Facilities Renovation	120,000
ADA Improvements	20,000
City-wide Curb Cut Improvements	10,000
PUBLIC IMPROVEMENTS	
Mellis Park Playground Renovation Project	\$ 111,825
Target Area Neighborhood Street Improvements	407,545
SMALL BUSINESS LOAN PROGRAM	\$ 175,000
PUBLIC SERVICES	\$ 208,125
Program Project Costs	\$ 667,609
ADMINISTRATION AND PLANNING	
Fair Housing Services	\$ 27,000
Program Administration	218,419
Total Administration and Planning	\$ 245,419
TOTAL EXPENDITURES	\$ 2,967,220
CONTINGENCY RESERVE	\$ 5,780

Development Block Grant Program (Section 570.206(e)). This includes indirect program costs as stated per the City's cost allocation plan.

II. CONFORMANCE WITH NATIONAL OBJECTIVES

Activities to Benefit Lower Income:	\$ 2,578,585	87%
Elimination of Slum or Blight:	\$ 1,456,912	49%
Public Services	\$ 208,125	8%
Planning and Administration	\$ 245,419	10%

HUD regulations require that at least 70% of CDBG funds be spent on activities that benefit low and moderate income persons. The administrative costs are limited to a maximum of 20% of the grant plus the program income

Due to regulations some activities identified are counted as both low and moderate income benefit and the elimination of slum and blight. As a result the total percentages will exceed 100%.

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-264

A RESOLUTION OF THE CITY OF MODESTO DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS.

WHEREAS, the City of Modesto (the "Issuer") is a municipal corporation, a public body, corporate and politic, duly created, established and authorized to transact business and exercise its powers, all under and pursuant to the Charter of the City of Modesto, State of California, and

WHEREAS, the Issuer has paid, beginning no earlier than March 11, 1994, which date is no more than sixty (60) days prior to adoption of this resolution, and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, construction and/or equipping of the Plaza Project (the "Project"), as more fully described in Exhibit A attached hereto, and

WHEREAS, the City Council of the Issuer (the "Council") has determined that those moneys previously advanced no more than sixty (60) days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Obligations"),

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

Section 1. The Council hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after March 11, 1994, which date is no more than sixty (60) days prior to adoption of this resolution, and which date is no more than sixty (60) days prior to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is ten million dollars (\$10,000,000.00).

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse

an Expenditure, no later than eighteen (18) months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five (5) years.

Section 5. This resolution shall take effect immediately upon its passage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Exhibit A

Description of the Plaza Project

The Plaza Project is a mixed-use development proposed for development in downtown Modesto. It is to be located between 9th, 11th, J and K Streets, immediately south of the Red Lion Hotel and Modesto Centre Plaza.

The project has several major components, beginning with one or more office buildings. One office building is envisioned as a 5 story structure with roughly 163,000 square feet of office space. This building is to be home to Modesto City Schools and the Stanislaus County Office of Education. It is also possible that additional office space could be built into the project depending upon market demand.

A second major component of the project is entertainment uses, including a multi-screen cinema complex. Other possible entertainment uses are also being explored.

A third major component is retail space. Current plans include roughly 73,000 square feet of retail space. Some of the retail space is freestanding, some located within the same buildings as the office space and the cinemas.

The fourth component of the project is parking. A major parking structure is contemplated to serve all the uses in the project.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-265

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE ANNEXATION OF THE UNINCORPORATED AREA OF THE BRET HARTE NEIGHBORHOOD INTO THE MUNICIPAL SEWER DISTRICT.

WHEREAS, on December 29, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the annexation of the unincorporated area of the Bret Harte Neighborhood into the Municipal Sewer District might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC

including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

(MSD-A1)

MODESTO CITY COUNCIL
RESOLUTION NO. 94-266

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (BRET HARTE NO. 1 SEWER ANNEXATION - OUTSIDE CITY LIMITS)

WHEREAS, on January 19, 1988, the City Council adopted Resolution Nos. 88-57 and 88-58 requesting that the Local Agency Formation Commission defer the Bret Harte Reorganization until such time as the matter of tax negotiations between the City of Modsto and the County of Stanislaus have been resolved, and

WHEREAS, in June, 1990, the City Council authorized City staff to negotiate an agreement with the County of Stanislaus to meet their needs, as well as address City development and sewer requirements, and

WHEREAS, the State of California has committed to the Stanislaus County Redevelopment Agency funds to construct a positive sanitary sewage collection system in the unincorporated neighborhood of Bret Harte, and

WHEREAS, a condition of that commitment by the State is to require connection and annexation to the adjacent municipal sewer system, and

WHEREAS, on July 20, 1993, the City Council adopted Resolution No. 93-437 which approved an interagency agreement between the Stanislaus County Redevelopment Agency and the City of Modesto for the construction of sanitary sewer facilities in the Bret Harte neighborhood, said agreement dated July 20, 1993, has not yet been implemented, and

WHEREAS, at its meeting of May 10, 1994, the Council of the City of Modesto considered the proposed Bret Harte Sewer Annexation to the City of Modesto Municipal Sewer District, which area located outside the City limits would remain in Stanislaus County, and

WHEREAS, by motion, the Council submitted the proposal to the Board of Supervisors of the County of Stanislaus, State of California, and

WHEREAS, by Resolution No. 94-273, dated March 15, 1994, the Board of Supervisors of the County of Stanislaus, State of California, pursuant to Section 4641 of the Health and Safety Code, approved the annexation of approximately 545 acres located adjacent to the City of Modesto in the unincorporated territory south of Hatch Road west of Crows Landing Road, to the Municipal Sewer District, and

WHEREAS, the inclusion of the area, which area is located outside the City limits, contained in Bret Harte No. 1 Sewer Annexation to the Modesto Municipal Sewer District No. 1 of

the City of Modesto, is required by the public interest and convenience,

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

SECTION 1. The public interest and convenience require that that certain area known as Bret Harte No. 1 Sewer Annexation (herein called the area proposed to be annexed) should be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 5 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 239.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. June 28, 1994, at the hour of 4:00 p.m., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the City of Modesto of objections by any person interested in the annexation of the

territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed.

At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would, in the judgment of the Council, be benefited by inclusion within the Modesto Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited.

Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 239.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2)

weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City of Modesto. The first of said publications shall be not more than sixty (60) days nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) Corner of Seattle Street & Butte Avenue
- (2) Corner of Gutherie Street & Inyo Avenue
- (3) Corner of Glenn Avenue & Ustick Road

Said posting shall be made not earlier than the sixtieth (60th) day nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) days nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

- (1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown

on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) To each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the Office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 239, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

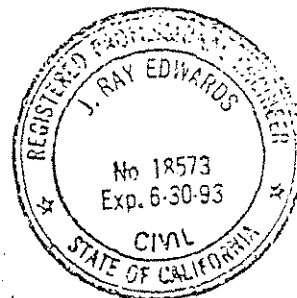
By William J. ...
Planning and Community Development
Department

"EXHIBIT A"

All that portion of Section 7, 8, and 9, Township 4 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, described as follows:

BEGINNING at the southeast corner of said Section 7; thence North $89^{\circ}50'$ West 1481.04 feet on the south line of said Section 7 to the westerly line of 44-foot wide Yuma Avenue; thence North $0^{\circ}13'$ East on said westerly line 173.67 feet; thence South $89^{\circ}50'$ East on the northerly line of a 20-foot wide alley, in Block 9712 of the Fairview Tract 710.52 feet to the westerly line of 60-foot wide Tucson Avenue; thence North $0^{\circ}13'$ East on said westerly line 1805.73 feet; thence North $89^{\circ}50'$ West on the southerly line of a 20-foot wide alley in Block 9741 of the Fairview Tract 710.52 feet to the westerly line of said 44-foot wide Yuma Avenue; thence North $0^{\circ}13'$ East on said westerly line, 228.63 feet to the southerly line of T.I.D. Lateral No. 1 right-of-way; thence North $41^{\circ}26'$ East on said right-of-way 449.51 feet; thence North $63^{\circ}30'$ East 131.04 feet; thence South $89^{\circ}30'$ East 1067.62 feet; thence North $0^{\circ}13'$ East 10.41 feet; thence South $89^{\circ}10'$ East 1372.85 feet; thence North $0^{\circ}26'$ East 50.00 feet; thence leaving said southerly line of Lateral No. 1 South $89^{\circ}10'$ East 1265.98 feet along the northerly line of the Rutherford Tract and the centerline at Glenn Avenue to the centerline of Las Vegas Street; thence North $0^{\circ}09'$ East on said centerline 1871.75 feet to the southerly line of T.I.D. Lateral No. 1 right-of-way; thence on said southerly line South $44^{\circ}04'$ West 305.25 feet; thence South $35^{\circ}20'$ West 121.56 feet; thence North $0^{\circ}26'$ East 793.88 along the west line of the Rio Grande Colony and its southerly extension to the centerline of Hatch Road; thence North $71^{\circ}14'42''$ East on said centerline 794.04 feet to the beginning of a curve concave to the south having a radius of 1000.00 feet and a central angle of $8^{\circ}07'59''$; thence Northeasterly on the arc of said curve 141.95 feet to the existing City of Modesto city limit line; thence South $0^{\circ}26'$ West on said city limit line 100.36 feet; thence South $43^{\circ}13'08''$ East 40.00 feet to the northwesterly line of T.I.D. Lateral No. 1; thence South $0^{\circ}14'14''$ West on the northerly extension of and the west line of Gold Vineyard Estates 448.95 feet to the northerly line of Amador Avenue; thence South $88^{\circ}53'$ East on said northerly line 959.56 feet; thence North $0^{\circ}13'06''$ West on the westerly line of the 20-foot wide alley in Block 9008 of the South Modesto Acres Tract No. 3 a distance of 515.00 feet to the northerly line of Alpine Avenue; thence South $89^{\circ}09'$ East on said northerly line and its easterly extension 1054.00 feet to the easterly line of said Section 8; thence South $0^{\circ}02'$ West on said section line 3083.96 feet; thence following the Crows Landing Road annexation North $89^{\circ}14'$ West on centerline of Imperial Avenue 203.37 feet; thence North $74^{\circ}24'$ West 92.58 feet; thence South $0^{\circ}02'$ West 267.70 feet; thence North $89^{\circ}20'$ West 367.85 feet; thence North $0^{\circ}02'$ East 100.00 feet; thence North $89^{\circ}20'$ West 1367.20 feet; thence South $0^{\circ}13'$ West 660.00 feet; thence leaving said annexation North $89^{\circ}20'$ West 1290.80 feet on the southerly line of the Rutherford Tract to the

westerly line of Gutherie Street; thence North $0^{\circ}13'$ East on said westerly line 140 feet; thence North $89^{\circ}20'$ West on the southerly line of Lassen Avenue 1024.67 feet to the easterly line of Rutherford Street; thence South $0^{\circ}13'$ West on said easterly line 140 feet; thence North $89^{\circ}20'$ West on the southerly line of a 20-foot wide alley in Block 9806 of the Rutherford Tract 952.40 feet to the east line of said Section 7; thence South $0^{\circ}13'$ West on said easterly line 1329.41 feet to the point of beginning.



GM:cm
(G:\survey\hart-drn.gm)

Approved as to description
<i>J. Ray Edwards</i>
J. Ray Edwards P.E. 18573
3/1/93



$S = 407.59'$
 $R = 1000.00'$
 $T = 71.00'$
 $L = 41.95'$

SEE DETAIL "B"

DETAIL "B"
NO SCALE:

BRET HARTE SEWER PROJECT
A PORTION OF SEC. 7, 8, T. 4 S., R. 9 E. M.D.M.

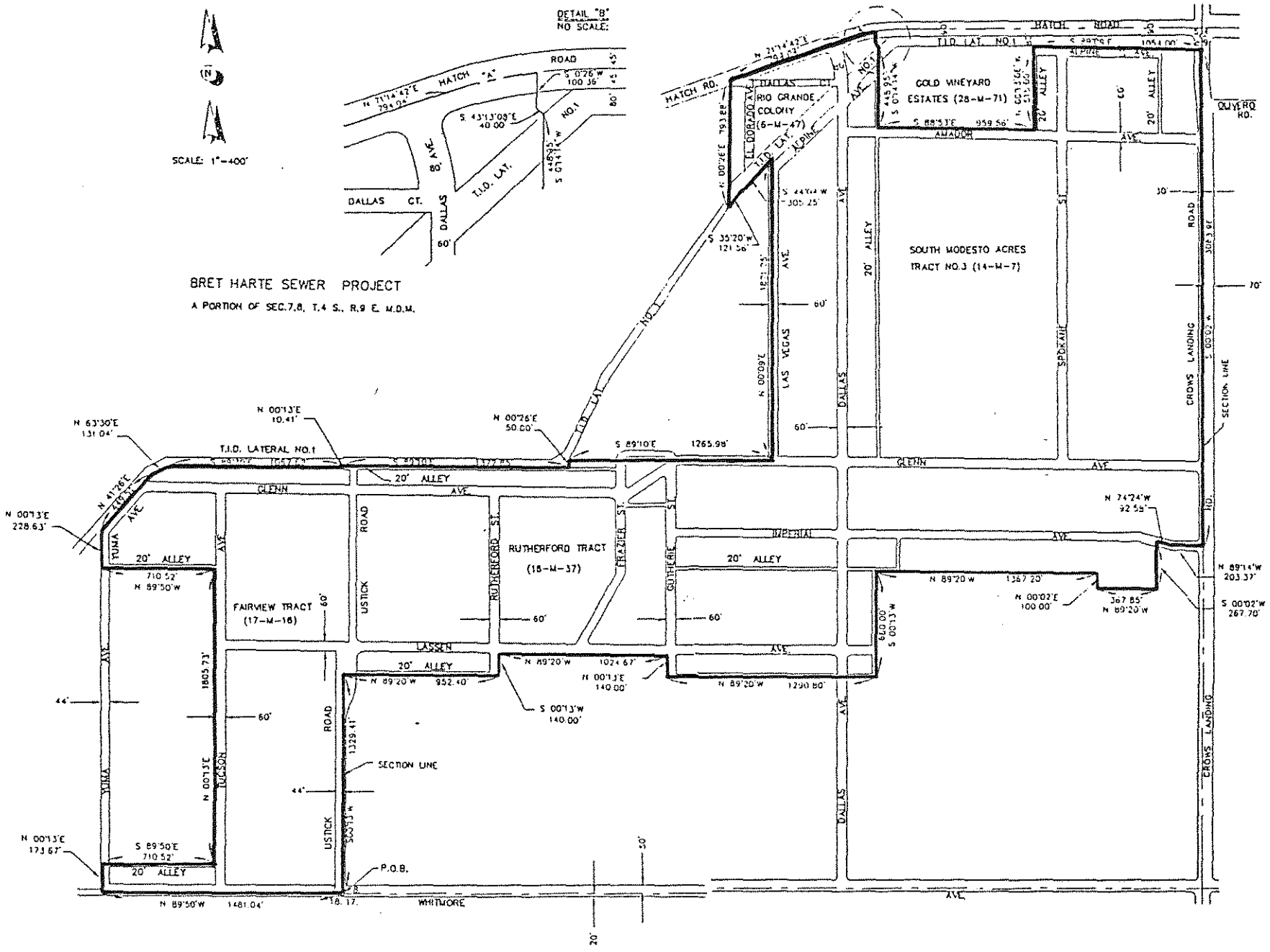


Exhibit B

MODESTO CITY COUNCIL
RESOLUTION NO. 94-267

A RESOLUTION REVISING THE POSITION
CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Police Lieutenant

Budget Analyst

The revised specifications for the classification of Police Lieutenant (Range 616), as shown on the attached Exhibit "A", and Budget Analyst (Range 428), as shown on the attached Exhibit "F", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Finance Data Processing Manager
Customer Services Division Manager
Accounting Division Manager
Financial/Investment Officer
Senior Budget Analyst
Stores Manager

The revised specifications for the classification of Finance Data Processing Manager (Range 442), as shown on the attached Exhibit "B", Customer Services Division Manager (Range 445), as shown on the attached Exhibit "C", Accounting Division Manager (Range 445), as shown on the attached Exhibit "D", Financial/Investment Officer (Range 435), as shown on the attached Exhibit "E", Senior Budget Analyst (Range 431), as shown on the attached Exhibit "G", and Stores Manager (Range 426), as shown on the attached Exhibit "H", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Data Processing Manager
Finance Division Manager

Financial Analyst
Assistant Budget Analyst
Warehouse Supervisor
Principal Accountant

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after May 10, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Mcclanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

May, 1994
NO. 2923

CITY OF MODESTO

POLICE LIEUTENANT

DEFINITION

To perform responsible management, supervisory and technical police work in serving as Watch Commander or Area Commander over patrol or in supervising sections or units in Support Services Division, and Investigations Services Division, and the Stanislaus Drug Enforcement Agency; and to provide responsible staff support to the department.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from higher level supervisory and management staff.

Exercises direct and indirect supervision over sworn and nonsworn personnel.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Recommend goals and objectives; assist in the development of, and implement policies and procedures.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

Review the work of subordinates to ensure compliance with departmental policies and procedures; participate and lead staff meetings to review Department services, procedures and activities.

Plan, coordinate and supervise the activities of the Field Operations Division on an assigned shift; serve as Watch Commander or commander of an area of community policing; conduct the studies and analyses as necessary; make procedural recommendations; prepare reports.

Plan, coordinate and supervise the Traffic Enforcement activities; schedule assigned shifts, beats and assignments; supervise and direct traffic accident investigation, parking control, abandoned vehicle abatement, crossing guard and reserve officer activities; provide support to the City Traffic Commission and Code Enforcement Committee.

Supervise and direct the operations and activities of an area of command (community policing); personally conduct internal affairs investigations; compile and maintain operational statistical records and prepare related reports.

EXAMPLES OF DUTIES (continued)

Assume immediate command of police activities in the event of an emergency.

Serve on special assignment with the Hostage Emergency Reaction Team, Fire Arms Committee, FTO Program and various training programs.

Prepare, review and coordinate performance evaluations for subordinate personnel; conduct internal investigation of citizen and officer complaints as assigned.

Review, correct and participate in the preparation of police reports and records.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for additional staff and equipment; monitor and control expenditures.

Assist in developing and conducting training programs on the various phases of police activities.

Respond to citizen complaints and requests for information; prepare press releases and confer with the media in matters related to assigned activities.

Serve in the absence of a Police Captain or the Police Chief as assigned.

Perform related work as required.

QUALIFICATIONS

Knowledge of:

Modern police practices, techniques and methods.

Principles and practices of organization and personnel management.

QUALIFICATIONS (continued)

Knowledge of:

Pertinent Federal, State and local laws and ordinances, particularly with reference to apprehension, arrest, search and seizure, evidence and records maintenance and traffic control.

Modern office procedures, methods and computer equipment.

Departmental rules and regulations.

Bookkeeping and record keeping methods and procedures.

Modern investigative methods.

Principles and techniques of budget development and administration.

Functions and objectives of Federal, State and other local law enforcement agencies.

Ability to:

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Effectively plan, direct, supervise and coordinate the work of assigned personnel.

Properly interpret and make decisions in accordance with laws, regulations and policies.

Recommend improvements in operations and in the rules, regulations, and policies governing assigned area of responsibility.

Analyze situations quickly and objectively, and determine proper course of action.

Obtain information through interviews and interrogation.

Meet and deal with the public tactfully and effectively.

QUALIFICATIONS (continued)

Ability to:

Communicate clearly and concisely, both orally and in writing.

Supervise, train and evaluate assigned staff.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years combined law enforcement experience as a Police Sergeant/Corporal.

Training:

Equivalent to an Associate of Arts degree from an accredited college or university with major course work in police science, law enforcement, criminal justice or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of a P.O.S.T. Intermediate and Supervisory Certificate.

FINANCE DATA PROCESSING MANAGER

DEFINITION

To manage, direct and coordinate the activities of data processing services to the various City departments; to coordinate data processing activities with other divisions and departments; and to provide highly complex staff assistance to the Finance Director.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

Exercises direct supervision over professional, technical and clerical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Recommend goals and objectives; assist in the development of, and implement policies and procedures.

Direct, oversee and participate in the development of the data processing work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Develop and implement a comprehensive data management program including systems development, testing, documentation, systems analysis, computer operations and technical support.

Prepare the Division's budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies; administer the approved budget.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Provide staff assistance to all departments; meet with directors regarding ongoing or planned projects; analyze department requirements for data processing services.

EXAMPLES OF DUTIES (continued)

Coordinate Division activities with those of other departments and outside agencies and organizations; prepare and present staff and technical reports; conduct feasibility studies; evaluate the City's long-range data processing needs.

Conduct systems analysis and design for new projects or system revisions.

Compile information on computer utilization, cost and charges; prepare reports and maintain records.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Computerized data processing systems, including machine capabilities and applications potential.

Alternative work process and administrative systems, including both manual and computerized systems.

Principles and practices of data processing equipment and peripherals.

Data management program development.

Programming languages and available software packages.

Budgeting procedures and techniques.

Research techniques, methods and procedures.

Principles and practices of supervision, training and personnel management.

Ability to:

Accurately evaluate and prioritize hardware and software requests.

Recommend purchase of equipment, services and supplies.

Analyze complex administrative and data systems, identify problems, and develop logical conclusions and effective solutions.

Coordinate, direct and supervise systems analysis, design, and programming.

Prepare work plans and time estimates for projects and proposed systems.

QUALIFICATIONS (Continued)

Ability to:

Develop and recommend cost-effective technical system improvements.

Analyze, interpret and report research finding.

Coordinate data processing activities with other City departments, divisions and sections.

Prepare and administer a budget.

Supervise, train and evaluate assigned staff.

Assist other City staff in identifying data processing needs.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience as a programmer/analyst or systems analyst, involving system development, including one year of supervisory or lead responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in computer science, systems analysis, business administration or related field.

CUSTOMER SERVICES DIVISION MANAGER

DEFINITION

To plan, coordinate and administer the Customer Services Division of the Finance Department including utilities, collections, cashiering, and licensing; to develop information and present recommendations to the Finance Director; to act as Finance Director in his/her absence.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

Exercises direct supervision over professional, technical and clerical staff in assigned area.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Plan, coordinate and administer the Customer Services Division operations; prepare and coordinate completed staff work in the areas of utilities, collections, cashiering, licensing and auditing.

Prepare a variety of technical reports requiring research, analysis and interpretation.

Recommend goals and objectives; assist in the development of policies and procedures.

Direct, oversee and participate in the development of the Division work plan; assign work activities, projects and programs; monitor work flow; implement policies and procedures; review and evaluate work products, methods and procedures.

Prepare the Division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies; administer the approved budget.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Oversee revenue collection activities within the Utility, Collections, Cashiering and Licensing Sections.

EXAMPLES OF DUTIES (Continued)

Coordinate assigned activities with other City divisions, departments, outside agencies and members of the community.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of organization, administration and personnel management.

Principles and practices of budget preparation and administration.

Principles of supervision, training and performance evaluation.

Pertinent Federal, State and local laws, codes and regulations.

Public or private utility company theory, principles and practices, and their application to a wide variety of transactions and problems.

Principles and procedures of Finance Department operations, including the establishment of policy.

Ability to:

Organize, direct and implement a comprehensive finance program.

Interpret and apply Federal, State and local policies, procedures, laws and regulations.

Prepare and administer a budget.

Supervise, train and evaluate assigned staff.

Understand and apply legal requirements and administrative policies.

Interpret and analyze fiscal data and draw logical conclusions.

Provide fiscal interpretation of data to management.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Six years of increasingly responsible experience in business administration or customer service preferably with a public or private utility company including three years of administrative and supervisory responsibility.

Training:

Bachelor's degree from an accredited college or university with major course work in accounting, business administration, economics, finance or a related field.

ACCOUNTING DIVISION MANAGER

DEFINITION

To plan, coordinate and administer the Accounting Division of the Finance Department including general and cash accounting, payroll, grants, accounts payable, systems, fixed assets, and revenue collection; to develop information and present recommendations to the Finance Director; to act as Finance Director in his/her absence.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

Exercises direct supervision over professional, technical and clerical staff in assigned area.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Plan, coordinate and administer the Accounting Division operations; prepare and coordinate completed staff work in the areas of accounting, grants, fixed assets, payroll, and revenues.

Prepare a variety of technical reports requiring research, analysis and interpretation.

Recommend goals and objectives; assist in the development of policies and procedures.

Direct, oversee and participate in the development of the Division work plan; assign work activities, projects and programs; monitor work flow; implement policies and procedures; review and evaluate work products, methods and procedures.

Prepare the Division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Develop and implement accounting, finance and data processing systems and procedures.

Supervise the preparation of grants, accounting reports and related work.

Coordinate assigned activities with other City divisions, departments, outside agencies and members of the community.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of organization, administration and personnel management.

Principles and practices of budget preparation and administration.

Principles of supervision, training and performance evaluation.

Pertinent Federal, State and local laws, codes and regulations.

Accounting theory, principles and practices, and their application to a wide variety of accounting transactions and issues.

Principles and procedures of Finance Department operations, including the establishment of policy.

Ability to:

Organize, direct and implement a comprehensive accounting program.

Interpret and apply Federal, State and local policies, procedures, laws and regulations.

Prepare and administer a budget.

Supervise, train and evaluate assigned staff.

Understand and apply legal requirements and administrative policies to accounting functions.

Interpret and analyze fiscal data and draw logical conclusions.

Provide fiscal interpretation of data to management.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience in professional accounting, including two years of administrative and supervisory responsibility.

Training:

Bachelor's degree from an accredited college or university with major course work in accounting, business administration, economics, finance or a related field.

FINANCIAL/INVESTMENT OFFICER

DEFINITION

To perform responsible technical and analytical work; to perform complex financial analyses; to perform activities related to the receipt, custody and investment of City funds; and to provide highly responsible staff support to the Finance Director.

DISTINGUISHING CHARACTERISTICS

This is a single position class in the Finance Department. The incumbent exercises considerable latitude and discretion in performing highly technical and complex analyses.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

May exercise supervision over professional, technical and clerical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to:

Perform complex revenue and other financial analysis studies used in financial and budgetary planning.

Provide revenue projections; investigate and recommend additional sources of funding.

Compile, organize and analyze data on new and existing programs; perform complex statistical analysis, conduct surveys and prepare proposals, including financial policy and procedure requirements.

Investigate, interpret, analyze and prepare recommendations related to improvements of budgetary and accounting information systems.

Coordinate a variety of projects both within the department and City and with outside agencies or institutions.

Represent the Finance Director before Council and at interdepartmental, community and professional meetings.

Confer with members of the public to explain financial policies and programs and to respond to complaints and requests for information.

Oversee the daily administration of City investments, related cash flow analysis and management of relationships with financial institutions.

Assist with the coordination and implementation of bond financings.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Governmental securities and investment instruments, banking operations and accounting procedures related to the management of cash and investments.

Advanced principles, methods and practices of municipal finance, budgeting, and accounting.

Federal, state and local laws, regulations and policies governing the financial administration of city government.

Principles and practices of organization and public administration.

Statistical methods.

Technical report writing procedures and methods of graphic presentation.

Ability to:

Adhere to prudent investment guidelines of safety, liquidity and yield when selecting and negotiating investments.

Analyze problems, identify options, project consequences of proposed actions and recommend changes in policies and procedures.

Interpret and apply complex rules, regulations and policies.

Collect, compile, analyze and interpret statistical and financial data.

Prepare and present a variety of financial and budgetary reports and analyses.

Work with and control sensitive, confidential information.

Develop, install and utilize management information systems.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with others.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible experience in financial and budgetary analysis, including at least one year of experience comparable to that of Senior Budget Analyst in the City of Modesto.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public administration, business administration or a related field. A Master's degree is desirable.

BUDGET ANALYST

DEFINITION

To assist in formulating the City's annual operating and multi-year capital improvement budgets; to evaluate revenue and expenditure position on a continuing basis to determine validity of original estimates and to assure budget actions are proceeding according to plan; to assist in staff reports concerning budget status; and to insure that City Council actions relating to the budget are properly documented.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Budget Officer.

Exercises technical supervision over staff in other departments regarding budget procedures.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Assist in the review and update the City's budget manual and supplemental procedures.

Prepare communication and distribute budget preparation materials to departments; insure the timely submission of all source information and review input for completeness and accuracy.

Schedule budget preparation tasks to meet established deadlines; coordinate budget-related matters with department and provide training and guidance when necessary.

Assist with the preparation of worksheets, schedules and exhibits comprising the formal budget documents; assist with revenue and expenditure estimates.

Assist in the evaluation of the budget during the execution phase; identify variances requiring corrective action.

Assist in the preparation of staff reports concerning budget status; prepare other special analyses as required.

Verify availability of funds to finance intended departmental and Council actions; research and evaluate potential revenue sources.

Update computerized budget ledger according to approved authorizations.

EXAMPLES OF DUTIES (Continued)

Maintain files on Capital Improvement Project requests; assist with revenue estimate to finance proposed projects; prepare end of fiscal year Capital Project carryover analysis.

Coordinate the printing, publication and distribution of the final budget document.

Establish contact with local organizations concerning requests for City financial assistance in conjunction with the budget process; verify that the organizations have met all City policy requirements including timely submission and income/expense statement information; prepare report for Council consideration of requested funds; advise organization of Council action and the requirements for release of approved funds.

Assist in the preparation of the mid-year budget report to the Council.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of budget preparation and administration.

Pertinent Federal, State and local laws, codes and regulations.

Principles of supervision and training.

Principles and practices of accounting in a municipal government.

Technical report writing styles.

Basis statistical techniques.

Modern office procedures, methods and computer equipment.

Ability to:

Assist the Budget Officer in the preparation of operating and capital improvement budgets.

QUALIFICATIONS (Continued)

Ability to:

Conduct feasibility studies, analyze and review fiscal data in order to develop forecasts, trends and analysis.

Estimate and project revenues and expenditures.

Prepare completed staff work for oral and written presentations.

Work and control sensitive, confidential information on assignments.

Supervise and train others in budgeting procedures.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience

One year of responsible budget preparation or analysis experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university. Major course work in business administration, public administration, or a closely related field is desirable.

SENIOR BUDGET ANALYST

DEFINITION

To assist in formulating the City's annual operating and multi-year capital improvement budgets; to evaluate all phases of the budget progress during execution phase; to analyze cost, revenue, and relevant economic data; and to recommend improvements to budget systems and procedures.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Budget Officer.

May exercise direct supervision over technical and clerical staff in assigned area.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Review and update the City's budget manual and supplemental procedures; originate communication and distribute budget preparation materials to departments; ensure the timely submission of all source information and review input for completeness and accuracy.

Coordinate budget related matters with departments and provide training and guidance when necessary.

Prepare enterprise fund and internal service fund budgets.

Calculate cost and revenue forecasts; maintain statistical and economic data influencing estimates; prepare worksheets, schedules, and exhibits comprising the formal budget documents.

Evaluate the budget during the execution phase; identify variances requiring corrective action.

Prepare staff reports and special analyses as required.

Verify availability of funds to finance intended departmental Council actions; research and evaluate potential revenue sources.

Evaluate operation and activities of assigned responsibilities; recommend improvements and modification; prepare various reports on operations and activities; develop and test new budget techniques and concepts.

Participate in the selection of staff; provide or coordinate staff training; may serve as leadworker over other professional staff.

Act in the absence of the Budget Officer.

EXAMPLES OF DUTIES (Continued)

Serve as liaison with the accounting division to insure that internal controls are maintained and that the budget is prepared in accordance with generally accepted accounting principles.

Conduct special projects in the budget area at the direction of the Budget Officer or Finance Director; assume full responsibility for completion of such projects which may require extensive work with other departments or outside organizations.

Insure that staff work is complete for all budget related items placed on the Council agenda.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of budget preparation and administration.

Principles and practices of organization, administration, and personnel management.

Pertinent Federal, State, and local laws, codes, and regulations.

Principles of supervision, training, and performance evaluation.

Principles and practices of accounting in a municipal government.

Technical report writing styles.

Basic statistical techniques.

Modern office procedures, methods, and computer equipment.

Ability to:

Assist in the preparation of operating and capital improvement budgets.

Conduct feasibility studies, analyze and review fiscal data in order to develop forecasts, trends, and analyses.

Estimate and project revenues and expenditures.

Prepare completed staff work for oral and written presentations.

QUALIFICATIONS (Continued)

Knowledge of:

Work and control sensitive, confidential information on assignments.

Supervise, train, and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of responsible budget preparation or analysis experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business administration, public administration or a related field.

STORES MANAGER

DEFINITION

To plan, organize and manage Central Stores and material support operations within the Finance Department; and to perform a variety of technical tasks relative to assigned area of responsibility.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Purchasing Officer.

Exercises direct supervision over all technical staff in assigned area.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for storeroom operations; implement policies and procedures.

Plan, prioritize, assign, supervise and review the work of staff involved in central stores activities.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Maintain the Central Stores stock control system; oversee the preparation for and conduct the Central Stores annual inventory; conduct informal inventories of all Central Stores items throughout the year.

Prepare and award formal and informal written bids.

Receive, tag and store surplus material in preparation for surplus auction.

Review all issue and receiving documents for accuracy.

Compute after sales tax totals for each individual item per invoice.

Purchase all Central Stores items in inventory and operating materials and supplies.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of supervision, training and performance evaluation.

Principles and procedures of record keeping.

English usage, spelling, grammar and punctuation.

Basic mathematical principles.

Central Stores inventory system.

Purchasing methods and procedures.

Budgeting procedures and techniques.

Inventory control procedures.

Ability to:

Supervise, train and evaluate assigned staff.

Prepare clear and concise reports.

Maintain accurate records and controls.

Make rapid and accurate arithmetical calculations and use modern office equipment.

Use a word processor at a speed necessary for successful job performance.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate effectively, both orally and in writing.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

Equivalent to the completion of the twelfth grade. Additional specialized training in warehouse methods, purchasing or a related field is desirable.

Experience:

Five years increasingly responsible experience in warehousing, inventory or stock control work, including two years of administrative and supervisory responsibility.

License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

Personnel Resolution re: Salary Schedule
and Classification Plan

- 2 - Clerk
- 1 - Attorney
- 1 - Personnel
- 1 - Department involved - *Police Dept.*
- 1 - Finance

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-268

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 91-464 TO AMEND THE CLASS RANGE TABLE TO ADD FINANCE DATA PROCESSING MANAGER, CUSTOMER SERVICES DIVISION MANAGER, ACCOUNTING DIVISION MANAGER, FINANCIAL/ INVESTMENT OFFICER, BUDGET ANALYST, SENIOR BUDGET ANALYST AND STORES MANAGER.

WHEREAS, Exhibit "G" of Resolution No. 91-464 has been previously amended by Resolution Nos. 92-62, 92-592, 92-632, 93-39, 93-127, 93-620, 93-688, and 94-170, and

WHEREAS, the City Council desires to further amend Exhibit "G" of Resolution No. 91-464,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464.

Exhibit "G" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 2, 1991", attached to Resolution No. 91-464, is hereby amended as shown on the amended Exhibit "G" entitled, "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective May 10, 1994", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adopts class specifications which reflect title changes for positions which include Finance Data Processing Manager at Range 442, Customer Services Division Manager at Range 445, Accounting Division Manager at Range 445, Financial/Investment Officer at

Range 435, Budget Analyst at Range 428, Senior Budget Analyst at Range 431, and Stores Manager at Range 426.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after May 10, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective May 10, 1994

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	
420	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary Customer Services Supervisor

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective May 10, 1994

RANGE	TITLE
421	
422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Stores Manager Museum Supervisor
427	Events Supervisor
428	Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Social Services Coordinator Buyer Accountant II Budget Analyst Public Works Supervisor I Building Maintenance Supervisor Customer Services Specialist
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective May 10, 1994

RANGE	TITLE
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Training Coordinator Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Senior Accountant Youth Program Supervisor Industrial Waste Supervisor
433	Assistant Civil Engineer Laboratory Supervisor Assistant Traffic Engineer
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supt. Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Secondary Treatment Site Supv. Parks Maintenance Supervisor II Operations Supervisor Landscape Designer Arborist Trees Maintenance Supv. II Land Surveyor Equipment Maintenance Supervisor II

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective May 10, 1994

RANGE	TITLE
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Public Information Officer Budget Officer Financial/Investment Officer Administrative Services Officer Integrated Waste Specialist Project Manager
436	Senior Planner Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor
439	Deputy City Attorney II Associate Civil Engineer Associate Traffic Engineer
440	Purchasing Officer
441	Community Development Program Manager Sr. Deputy City Attorney I Airport Manager Solid Waste Program Manager Transit Manager Streets Maintenance Supt. Parks Superintendent Risk Manager Assistant Personnel Director Recreation Superintendent Golf Superintendent Fleet Manager Wastewater Collections Superintendent Water Superintendent Building Maintenance Superintendent

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective May 10, 1994

RANGE	TITLE
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector Manager of Budget and Financial Analysis
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Customer Services Division Manager Accounting Division Manager
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir. - Civic Center Asst. Parks & Recreation Dir. - Parks Asst. Parks & Recreation Dir. - Recreation
448	Sr. Deputy City Attorney II
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	
452	Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-269

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BRIGHT DEVELOPMENT FOR THE ACQUISITION OF A 0.31 ACRE PUBLIC UTILITY EASEMENT NEEDED FOR THE EXTENSION OF A WATERLINE OUT OF YOSEMITE BOULEVARD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bright Development for the acquisition of a 0.31+ acre public utility easement needed for the extension of a waterline out of Yosemite Boulevard be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-270

A RESOLUTION APPROVING A CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF MODESTO AND UNION PACIFIC TO CONSTRUCT TRACK CONNECTIONS AT LATHROP AND SOUTH MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the construction and maintenance agreement between the City of Modesto and be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-271

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES J. CARNABUCCI, dba NIBBLES, AND NANCY J. LOFANO FOR AIRPORT SNACK BAR EQUIPMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Charles J. Carnabucci, dba Nibbles, and Nancy J. Lofano for Airport snack bar equipment be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-272

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
ARC OF STANISLAUS COUNTY TO OPERATE THE TERMINAL SNACK BAR/FOOD
CONCESSION AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and ARC of Stanislaus County
to operate the terminal snack bar/food concession at the Airport be, and
it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 10th day of May, 1994, by
Councilmember Friedman , who moved its adoption, which motion being
duly seconded by Councilmember Dobbs , was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-273

A RESOLUTION ACCEPTING RIGHT OF ENTRY TO SYLVAN UNION SCHOOL DISTRICT TO PERFORM GEOTECHNICAL TESTS ON THE MERLE NEIGHBORHOOD SCHOOL/PARK SITE

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Right of Entry to Sylvan Union School District to perform geotechnical tests on the Merle Neighborhood School/Park site be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the Right of Entry from Sylvan Union School District to perform geotechnical tests on the Merle Neighborhood School/Park site by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-274

A RESOLUTION COMMENDING THE MODESTO POLICE
RESERVES FOR CONTRIBUTIONS TO THE COMMUNITY
WELFARE AND SAFETY.

WHEREAS, the Modesto Police Reserves contribute numerous hours each year to the City of Modesto by assisting the Police Department in protecting the health, safety and welfare of its citizens, and

WHEREAS, there are approximately forty-one (41) officers in the organization, private citizens from all walks of life, who devote many hours of their own time to the Modesto Police Department, apart from their employment or business, without receiving any pay whatsoever, and

WHEREAS, the Modesto Police Reserves work constantly with the Modesto Police Department, performing whatever duties may be requested in the way of enforcing laws, searching for missing persons, apprehending escaped convicts, aiding during times of disaster, and helping with various community activities taking place in the City, and

WHEREAS, during the year 1993, the Police Reserves served a total of nineteen thousand one hundred forty-three (19,143) hours of time for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every person serving with the Modesto Police Reserves is hereby commended for contributing many

hours of service in the organization which so greatly contributes to the health, safety and general welfare of our community.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the officers who devoted many personal hours of service to the Modesto Police Reserves during the year 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-275

A RESOLUTION COMMENDING THE MODESTO POLICE
VOLUNTEERS FOR CONTRIBUTIONS TO THE COMMUNITY
WELFARE AND SAFETY.

WHEREAS, the Modesto Police Volunteers contribute numerous hours each year to the City of Modesto by assisting the Police Department in providing hours of service to its citizens, and

WHEREAS, there are approximately forty-five (45) volunteers of the organization, private citizens from all walks of life, who devote many hours of their own time to the Modesto Police Department, apart from their employment or business, without receiving any pay whatsoever, and

WHEREAS, the Modesto Police Volunteers work constantly with the Modesto Police Department, performing whatever duties may be requested in all the divisions of the Police Department, and

WHEREAS, during the year 1993, the Modesto Police Volunteers served a total of 3,118 hours of time for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every person serving with the Modesto Police Volunteers is hereby commended for contributing many hours of service in the organization which so greatly contributes to the reduction of costs for enhancement of services rendered to the citizens of our community.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the volunteers who devoted many personal hours of service to the Modesto Police Department and citizens of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-276

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO AUTHORIZE THE
TRANSFER OF STOCK OWNERSHIP IN BERTOLOTTI DISPOSAL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
MAY 24, 1994, at 4:00 p.m., in the Council Chambers, City Hall, 801
Eleventh Street, Modesto, California, is hereby set as the time and
place for the transfer of stock ownership in Bertolotti Disposal.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 10th day of May, 1994, by
Councilmember Friedman , who moved its adoption, which motion being
duly seconded by Councilmember Dobbs , was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-277

A RESOLUTION ADOPTING AMENDMENTS TO THE
STANDARD SPECIFICATIONS OF THE CITY OF
MODESTO.

WHEREAS, Section 4-4.801 of the Modesto Municipal Code provides for the adoption by the City Council of "Standard Specifications of the City of Modesto" said Standard Specifications to be prepared by the Public Works and Transportation Department and recommended by the Planning Commission, and

WHEREAS, the Public Works and Transportation Department, Engineering Division has recommended amendments, which include additions, deletions, or revisions to the Standard Specifications, which are contained in the document titled "1993-94 Proposed Revisions, Standard Specifications of the City of Modesto", and

WHEREAS, the proposed amendments are to accomplish correcting grammatical errors, clarifying existing text and drawings, updating to including the current editions of standards, tests and materials already required by the standards, and, adding policies and procedures which have already been established by the Public Works and Transportation Department, and

WHEREAS, the proposed amendments were considered by the Construction Industry Liaison Committee and notices of an informal public hearing by the Planning Commission to considered

the proposed amendments were sent to the Building Industry Association, Board of Realtors, Stanislaus County Public Works, and local developers, engineers, and utility companies, and

WHEREAS, an informal public hearing to consider the proposed amendments was held by the Planning Commission on April 18, 1994, and

WHEREAS, the Planning Commission, by Resolution No. 94-21, adopted on April 18, 1994, recommended to the City Council the adoption of amendments to the Standard Specifications of the City of Modesto as incorporated in the document titled "1993-94 Proposed Revisions, Standard Specifications of the City of Modesto", copies of which are on file in the offices of the Public Works and Transportation Director and the Secretary of the Planning Commission, and

WHEREAS, said proposed amendments to the Standard Specifications of the City of Modesto, as prepared by the Public Works and Transportation Director and recommended by the Planning Commission, were considered by the City Council at its regular meeting on May 10, 1994, at which time the Council determined that the proposed amendments to the Standard Specifications of the City of Modesto, as recommended by the Planning Commission, should be adopted as the Standard Specifications of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to the provisions of Section 4-4.801 of the Modesto Municipal Code, those certain amendments

to the "Standard Specifications of the City of Modesto, 1993-94, copies of which amendments are on file in the offices of the Public Works and Transportation Director and the Secretary of the Planning Commission, are hereby adopted as amendments to the Standard Specifications of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-278

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS DRUG ENFORCEMENT AGENCY (SDEA) FOR LEASE OF PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus Drug Enforcement Agency (SDEA) for lease of property be, and it is hereby approved..

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-279

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS DRUG ENFORCEMENT AGENCY (SDEA) FOR THE PURCHASE OF REAL PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus Drug Enforcement Agency (SDEA) be and is hereby approved, and the Council hereby accepts said property.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-280

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF BILL SEAVY FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE MAY 10, 1994

WHEREAS, Bill Seavy was appointed a member of the International Friendship Committee on March 3, 1992; and

WHEREAS, Bill Seavy has tendered his resignation from the International Friendship Committee, effective May 10, 1994; and

WHEREAS, Bill Seavy has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Bill Seavy from the International Friendship Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Bill Seavy for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norine Coyle*
NORINE COYLE, City Clerk

Clerk

Corrected 10/10/94
Corrected 5/18/94

MODESTO CITY COUNCIL
RESOLUTION No. 94-281

A RESOLUTION APPROVING THE CONVEYANCE OF CITY OWNED PROPERTY TO THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO (APN'S 105-41-13 AND 105-41-14).

WHEREAS, the City of Modesto owns APN's 105-41-13 and 105-41-14 in Block 56 of the City of Modesto, and

WHEREAS, said property was acquired for a public parking lot, and

WHEREAS, the Council of the City of Modesto has agreed to convey the parking lot to the Redevelopment Agency of the City of Modesto, and

WHEREAS, the Redevelopment Agency is prepared to enter into a Development and Disposition Agreement (DDA) with McDonalds Corporation for the development of a restaurant involving a portion of the property, and

WHEREAS, in order for the Redevelopment Agency to carry out the terms of the DDA, title to said property should vest in the Redevelopment Agency of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the conveyance of title of APN's 105-41-13 and 105-41-14 in Block 56 of the City of Modesto to the Redevelopment Agency of the City of Modesto, in order for the Redevelopment Agency to enter into a DDA.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute a grant deed conveying the above described property from the City of Modesto to the Redevelopment Agency of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-282

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO AND MCDONALD'S CORPORATION, DOING BUSINESS AS DELAWARE MCDONALD'S CORPORATION, AND RELATED DOCUMENTS.

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") is carrying out the Amended Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project"), and

WHEREAS, the Agency has received a proposed Disposition and Development Agreement (the "DDA") from McDonald's Corporation, doing business as Delaware McDonald's Corporation, a Delaware corporation (the "Developer"), providing for the sale of certain real property (the "Site") located within the City of Modesto to the Developer for the development of a restaurant, and associated parking and landscaping, trash enclosures and restorative work on an adjacent parking lot, and

WHEREAS, the Site is currently owned by the City and will be conveyed to the Agency for purposes of disposition to the Developer pursuant to the DDA, in accordance with the approvals set forth in Agency Resolution No. 6-94 and Council Resolution No. 94-281, and the Site will not be acquired by the Agency, either directly or indirectly, with tax increment monies, and

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.)

provides in Section 33431 that any sale or lease of Agency property may be made only after a public hearing of the Agency after publication of notice as provided by law, and

WHEREAS, notice of a joint public hearing by the City Council of the City of Modesto (the "City") and the Agency were published in the Modesto Bee on May 3, and May 10, 1994, and

WHEREAS, the City Council and the Agency held a joint public hearing on May 17, 1994, in the City Council Chambers to consider and act on the disposition and development of the Site pursuant to the DDA,

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

SECTION 1. The City Council hereby finds and determines that the sale of the Site to the Developer, and development of the Site pursuant to the DDA, will assist in the elimination of blight within the redevelopment project area. This finding is based upon the fact that the Site is an underutilized parcel within the Modesto Redevelopment Project Area, which is currently developed with a surface public parking lot. The Site is being sold to the Developer for purposes of development of a restaurant, with associated parking and landscaping, trash enclosures and restorative work on the adjacent public parking lot, pursuant to the DDA and in accordance with and in implementation of the Redevelopment Plan. Development of the proposed improvements on the Site will assist the Agency in achieving the stated objectives under the

Redevelopment Plan through the redevelopment of a currently underutilized parcel within the Redevelopment Project Area, expansion of retail and commercial uses within the Redevelopment Project Area, increased property and sales tax revenue within the Redevelopment Project Area, and expansion of employment opportunities through the creation of temporary construction employment and permanent employment positions resulting from the management and operation of the restaurant facilities.

SECTION 2. The City Council hereby finds and determines that the consideration for the Site to be paid by the Developer is not less than the fair reuse value at the use and with the covenants and conditions and development costs authorized by the DDA. This finding is based upon the fact that the purchase price to be paid by the Developer pursuant to the DDA was determined based upon the estimated value of the property to be sold, at its highest and best use, less the estimated value of the extra work not directly associated with construction of the improvements on the Site, which extra work is required to be performed by the Developer in accordance with the DDA. The estimated value of the property to be sold was determined based upon independent, third-party appraisals of the Site obtained by the Agency and Developer.

SECTION 3. The City Council finds and determines that the project, including the development of the Site, is covered by a Final Environmental Impact Report for the Amended Redevelopment Plan for the Modesto Redevelopment Project (SCH # 90021233)

("EIR") certified with findings by Agency Resolution No. 27-91 and City Council Resolution No. 91-673 on November 5, 1991, for which a Notice of Determination was filed November 20, 1991, and that the Project incorporates all applicable mitigation measures identified in said Resolution Nos. 27-91 and 91-673 to reduce environmental impacts to less than a significant level. The City Council further finds and determines, based on an initial study, that the project is within the scope of the Amended Redevelopment Plan for the Modesto Redevelopment Project and the EIR adequately describes the project for purposes of CEQA, that no substantial changes are proposed in the Project that will require major or important revisions of the EIR due to the involvement of new significant environmental impacts not considered in the EIR, that no substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which will require major or important revisions in the EIR due to the involvement of new significant environmental impacts not considered in the EIR, that no new information which was not known or could not have been known at the time the EIR was certified has become available, and that no additional environmental documentation is required for the Project.

SECTION 4. The City Council hereby approves the DDA in substantially the form on file with the Secretary of the Agency and further approves and authorizes the sale of the Site to the Developer.

SECTION 5. The Agency is hereby authorized to execute the DDA on behalf of the Agency, subject to any minor conforming, technical or clarifying changes approved by the Agency Counsel. The Agency is further authorized to execute a Reciprocal Easement Agreement ("REA") and Entry Agreement in conformance with and pursuant to the terms and provisions of the DDA, in substantially the form currently on file with the Agency Secretary, subject to any changes or modifications as may be approved by the Agency Counsel that are consistent with the terms and provisions of the DDA, and to take such further actions and execute such documents as are necessary to carry out the DDA, the REA and the Entry Agreement on behalf of the Agency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-283

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF GAC ADSORBER SYSTEM AT WELLS NO. 14 AND 40

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

SECTION 1. The specifications for the installation of GAC Adsorber System at Wells No. 14 and 40, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 2, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-284

A RESOLUTION APPROVING A BORROW RELEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO REMOVE MATERIAL AND DEEPEN THE CROWS LANDING DRAINAGE BASIN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Borrow Release agreement between the City of Modesto and Stanislaus County to remove material and deepen the Crows Landing Drainage Basin be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Coddill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-285

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS TO
UPGRADE THE ENCINA AVENUE STORM DRAIN LINE

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

SECTION 1. The specifications to upgrade the Encina Avenue storm drain line, copies of which are on file, are hereby accepted and approved.

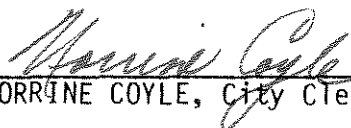
SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 16, 1994, at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-286

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR THE RECONSTRUCTION OF H AND I STREETS

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

SECTION 1. The specifications for the reconstruction of H and I Streets, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 16, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-287

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE CLAUS ROAD WIDENING

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

SECTION 1. The specifications for the Claus Road widening, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 16, 1994, at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-288

A RESOLUTION ACCEPTING THE BID OF C.E. GREEN CORPORATION FOR REMOVING
AND REPLACING FUEL TANKS AT THE WASTEWATER TREATMENT FACILITY

WHEREAS, Resolution No. 94-165, adopted by the Council of the City of Modesto on March 22, 1994, approved the plans and specifications for removing and replacing fuel tanks at the Wastewater Treatment Facility and authorized the calling for bids; and

WHEREAS, the bids received for removing and replacing fuel tanks at the Wastewater Treatment Facility were opened at 11:00 a.m. on April 21, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of C.E. Green Corporation in the amount of \$40,601 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of C.E. Green Corporation in the amount of \$40,601 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-289

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$7,000 TO COMPLETE REMOVING AND REPLACING FUEL TANKS AT THE WASTEWATER TREATMENT FACILITY

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

FROM:	Bar Screen Replacement (621 480 D304 6040)	\$7,000
TO:	Fuel Pumps at Wastewater Trtmt. Plant (621 480 C882 6040)	\$7,000

The original project was under-budgeted to include an additional fuel tank. The supplemental funds are needed to complete the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-290

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND REX KLEIN FOR REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Rex Klein for rehabilitating his property at 429 Yosemite Avenue, pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-291

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND HARLEY SANDERS FOR REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Harley Sanders for rehabilitating his property at 1018 Tuolumne Boulevard, pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994 by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

RESOLUTION NO. 94-292

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF MODESTO OBJECTING TO THE SALE OF CERTAIN
REAL PROPERTY BY THE STANISLAUS COUNTY TAX COLLECTOR
AND AUTHORIZING SUBMITTAL TO THE STANISLAUS COUNTY
BOARD OF SUPERVISORS OF AN AGREEMENT FOR THE
PURCHASE OF SAID REAL PROPERTY

WHEREAS, pursuant to Section 3791.3 of the Revenue and Taxation Code, whenever property has been tax defaulted for five years or more, the state, county, any revenue district the taxes of which on the property are collected by county officers, or a redevelopment agency, may purchase the property pursuant to the provisions of Chapter 8 of Part 6 of Division 1 of the Revenue and Taxation Code (Section 3771 et seq.); and

WHEREAS, that certain real property described in Exhibit A, attached hereto and incorporated herein by this reference (the "Property"), has been tax defaulted for five years or more and the Stanislaus County Tax Collector proposes to sell the Property by public auction pursuant to the provisions of Chapter 7 of Part 6 of Division 1 of the Revenue and Taxation Code (Section 3691 et seq.); and

WHEREAS, pursuant to Section 3695 of said Chapter 7, a taxing agency which is also a revenue district may object to a Chapter 7 sale and cause the withdrawal of the property from a scheduled Chapter 7 sale if, before the date of sale, the taxing agency files a written objection to the Chapter 7 sale with the tax collector and the board of supervisors, and the written objection is accompanied by an executed agreement under Chapter 8 to purchase the property at a price not less than the minimum bid; and

WHEREAS, the City of Modesto (the "City") desires to object to the sale and acquire the Property pursuant to its authority under Chapters 7 and 8;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby authorizes the filing of a written objection to the sale of the Property with the Stanislaus County Board of Supervisors and the Stanislaus County Tax Collector for the purpose of causing the withdrawal of the Property from the Chapter 7 sale and permitting the City to purchase the Property pursuant to its authority under Section 3791.3 of the Revenue and Taxation Code.

Section 2. The City Council hereby authorizes the preparation and filing of an agreement to purchase the Property, in conformance with the requirements of Chapter 8, at the minimum price approved by the Stanislaus County Board of Supervisors pursuant to Section 3699 of the Revenue and Taxation Code, said agreement to be filed with the Stanislaus County Board of Supervisors and the Stanislaus County Tax Collector concurrently with the filing of the written objection described in Section 1 hereof.

Section 3. The City Manager is hereby authorized and directed to take all necessary steps and execute any documents required to carry out the purposes of this resolution.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 17th day of May, 1994, by Council Member Friedman, who moved its adoption, which motion being duly seconded by Council Member Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Council Members: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Council Members: None
ABSENT: Council Members: Patterson
ABSTAIN: Council Members: None

Attest: _____

Marianne Coyle
City Clerk

APPROVED AS TO FORM:

By: _____

Special Counsel
to the City of Modesto

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All that certain real property situate in the County of Stanislaus, State of California, described as follows:

LOTS 17 AND 18 IN BLOCK 67 OF THE CITY OF MODESTO,
ACCORDING TO THE OFFICIAL MAP THEREOF, FILED IN THE
OFFICE OF THE RECORDER OF STANISLAUS COUNTY,
CALIFORNIA, ON DECEMBER 21, 1942, IN VOLUME 15 OF MAPS.

APN: 2-173/105-37-04-530

MODESTO CITY COUNCIL
RESOLUTION NO. 94-293

A RESOLUTION APPOINTING TODD BROWNING TO THE HUMAN RELATINOS COMMISSION

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

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

SECTION 1. The following person is hereby appointed to the Human Relations Commission for the respective term as indicated:

Todd Browning

3207 Suffolk

Ceres, Ca. 95307

Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Human Relations Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994 by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 94-294

A RESOLUTION APPOINTING DANIEL GIANNI TO THE CITIZENS ADVISORY COMMITTEE
ON RECYCLING

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

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

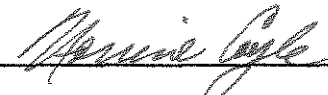
SECTION 1. The following person is hereby appointed to the
Citizens Advisory Committee on Recycling for the respective term as
indicated:

Daniel Gianni
3709 Regency Park Dr.
Modesto, Ca. 95355
Term to expire 1/1/98

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the newly appointed member of the Citizens Advisory
Committee on Recycling and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 17th day of May, 1994
by Councilmember Dobbs , who moved its adoption, which motion being
duly seconded by Councilmember Muratore , was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 

Boards and Commissions

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-295

A RESOLUTION CONSENTING TO A CHANGE IN STOCK OWNERSHIP OF THE BERTOLOTTI DISPOSAL, INC., DBA BERTOLOTTI DISPOSAL SERVICE.

WHEREAS, Ordinance No. 2829-C.S., grants a license to Bertolotti Disposal, Inc., a California Corporation, dba Bertolotti Disposal Service, to collect garbage, industrial garbage, and salvageable waste, including recyclable materials, in the City of Modesto, and

WHEREAS, Section 5-5.30 of the Modesto Municipal Code provides that no stock in a company which has a license from the City of Modesto for the collection of garbage and industrial garbage may be transferred without the prior written consent of the City Council granted after a public hearing thereon, and

WHEREAS, Bert Bertolotti, the current president of Bertolotti Disposal, has requested a transfer of stock in the company as one of the previous stockholders, Rudy Bonzi, is now deceased and Mr. Bertolotti has arranged to purchase Mr. Bonzi's holdings from his estate, and

WHEREAS, the requested change in stock ownership in Bertolotti Disposal, Inc., a California Corporation, dba Bertolotti Disposal Service, is for authorization to transfer stock ownership in Bertolotti Disposal from Bert and Delories Bertolotti (50%), Mary Bonzi (25%), and the estate of Rudy Bonzi (25%) to Bert and Delories Bertolotti (75%) and Mary Bonzi (25%), and

WHEREAS, a duly noticed public hearing was held by the Council on May 24, 1994, at 4:00 p.m., at which hearing the requested change for the stock transfer in stock ownership in Bertolotti Disposal, Inc., a California Corporation, dba Bertolotti Disposal Service, as set forth above was considered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby gives consent for a change in the present stock ownership of Bertolotti Disposal, Inc., a California Corporation, dba Bertolotti Disposal Service, from Bert and Delories Bertolotti (50%), Mary Bonzi (25%), and the estate of Rudy Bonzi (25%) to Bert and Delories Bertolotti (75%) and Mary Bonzi (25%).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

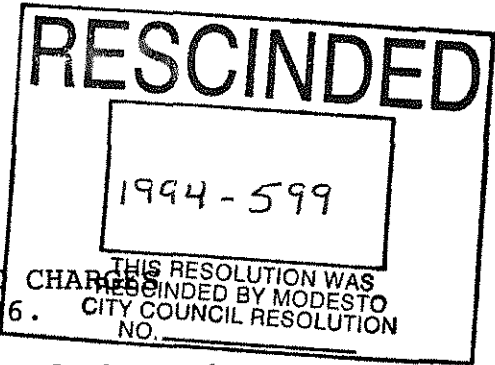
ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Clark



MODESTO CITY COUNCIL
RESOLUTION NO. 94-296

A RESOLUTION REVISING SEWER SERVICE CHARGES
AND RESCINDING RESOLUTION NO. 93-396.

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO.

WHEREAS, Sections 5-6.02 and 5-6.24 of the Modesto
Municipal Code authorize the Council to establish storm drainage
surcharges and sewer service charges from time to time by
resolution, and

WHEREAS, the Council has previously established storm
drainage surcharges and sewer service charges, and

WHEREAS, effective August 1, 1991, by Ordinance No.
2776-C.S., the City Council approved the establishment of the
Storm Drainage Surcharge, to support storm drainage operations,
street sweeping, and to respond to Federal regulations requiring
the City to obtain a National Pollutant Discharge Elimination
System (NPDES) Stormwater Permit. This action included a senior
and disabled citizen discount, and a reduction in the rate for
schools, and

WHEREAS, said ordinance provided that the Council shall
have the power to establish, by agreement or resolution, the rate
or rates to be charged and the method of collecting the surface
water runoff sewer surcharge for properties outside the
boundaries of the city limits for those properties which
discharge into the City's storm drain system, and

WHEREAS, on February 18, 1992, by Resolution No. 92-85,
the Council established adjustments in sewer storm drainage
surcharges for lots with no curbs and gutters, and

WHEREAS, on February 25, 1992, by Resolution No. 92-100, the City Council addressed equitability questions and made certain adjustments in this revenue program for multi-family residential and non-curb customers, and

WHEREAS, further equitability issues have arisen which can be resolved by establishment of a mixed use land use designation for sewer surcharges, and

WHEREAS, on July 6, 1993, the City Council has considered establishment of such a designation, and

WHEREAS, as a recipient of State Grant Funds, the City of Modesto is required to develop a service area and a sewer revenue program in compliance with requirements and guidelines established by the State Water Resources Control Board. Said State requirements are developed to comply with Section 204(b)(1) of the Clean Water Act, Federal and State regulations and policies of the Water Resources Control Board, and

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

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural": shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.

2. "Commercial": shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.
3. "Developed Parcel": shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.
4. "Duplex": shall mean a developed parcel with two dwelling units on a single parcel.
5. "Government": shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.
6. "Hospital": shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.
7. "Industrial": shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.
8. "Multi-family Residential": shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

<u>Density Category</u>	<u>Property Sq. Ft. Per Dwelling Unit</u>
High	0-1000
Medium	1001-3500

Low	3501-7000
Very Low	Over 7000

9. "Multi-family Senior Mobile Home": shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured homes or mobile homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.
10. "NPDES Industrial Stormwater Permit": shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.
11. "Non-profit Organizations": shall include all developed parcels used by organizations organized and operated for nonprofit purposes which are exempt corporations under Revenue and Taxation Code 23701.
12. "Parcel": shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Stanislaus County Tax Assessor.
13. "Parks": shall include all developed parcels operated as a park by a public agency.
14. "Parks/Cemeteries": shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.
15. "Schools": shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.
16. "Single-Family Residential": shall include all developed parcels with one single-family detached housing unit, or it shall include two single-family dwellings or a duplex located on a corner lot.
17. "Transportation/Utilities": shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads,

suburban transit, power, water and other utilities.

18. "Undeveloped": shall mean any lot or parcel which remains in its natural state and is not used for any purpose.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL

SERVICE. Each person owning property within the sewer district and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

Each single-family dwelling or mobile home on a lot	\$10.54
Each dwelling unit in a duplex	8.23
One additional dwelling unit or mobile home on a lot	8.23
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park	6.78

- (b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate set forth in subsection (a) above.
- (c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths (\$1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL

SERVICE. Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Public Works and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:

Sewer Service Charges
Per 1000 Gals.
of Water Used

Group 1 \$1.74

Combined B.O.D. and S.S. measured
in mg/l is 400mg/l or less

Group 2 2.02

Combined B.O.D. and S.S. measured
in mg/l is in the range of 401mg/l
to 900mg/l

Group 3 2.46

Combined B.O.D. and S.S. measured
in mg/l is in the range of 901mg/l
to 1400mg/l

Group 4 2.96

Combined B.O.D. and S.S. measured
in mg/l is over 1401mg/l

- (b) Sewer service charges for commercial users outside the Sewer District shall be at the rate set forth in subsection (a) above.
- (c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:

Group 1	\$21.89
Group 2	25.22
Group 3	30.92
Group 4	37.10

- (d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 55/100ths (\$1.55) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.
- (e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.
- (1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.
- (2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.
- (f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:
- (1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and

- (2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE. Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) The monthly sewer service charges for industrial users shall be at the rate of \$712.04 per million gallons of total flow.

- (1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

- (2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.
 - (3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.
- (b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of \$84.21 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.

- (c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of \$77.52 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only. Industrial Charge shall be the sum of items (a), (b), and (c).
- (d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum \$10.00 per month sewer service charge.
- (e) Sewer service charges for industrial users outside the sewer district shall be at the rate set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 6. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

Single-family or mobile home on a lot

(1 dwelling unit only)	\$3.59
Each dwelling unit in a duplex	2.49
One additional dwelling unit or mobile home on a lot	2.49
Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park	2.49
Billing Fee	0.39

SECTION 7. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

SECTION 8. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

- (a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

<u>Land Use</u>	<u>Intensity of Development Factor (IDF)</u>	
Single-Family Residential		0.25
Duplex	0.50	
Multi-Family High		0.95
Multi-Family Medium	0.80	
Multi-Family Low		0.40
Multi-Family Very Low		0.25
Multi-Family Senior Mobile Home		0.31
Commercial		0.95
Industrial		0.75
Transportation/Utilities		0.40
Schools	0.25	
Non-Profit Organizations		0.40
Government		0.70
Hospitals	0.50	
Parks/Cemeteries		0.10
Agriculture		0.08
Undeveloped	0.00	

- (b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

<u>ARN</u>	<u>Square Footage of Property</u>
1	0-3,500 SF
2	3,501-7,000
3	7,001-10,500
4	10,501-14,000
5	14,001-17,500
6	17,501-21,000
7	Increments of 3500 SF
etc.	

- (c) Single-Family Residential charges shall be as follows:

<u>Square Footage of Property</u>	<u>Monthly Charge</u>
0-3500 SF	\$1.57
3501-7000 SF	3.08
7000 + SF	4.62

- (d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.
- (e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.
- (f) The property's ERU is charged at a monthly rate of \$6.92. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x \$6.92.
- (g) Mixed Use Property is nonresidential property, more than five acres in size, which contains more than one acre of undeveloped or agricultural property. Upon application to and approval by the Director of Public Works, Mixed Use Property shall pay a split surcharge, the developed portion paying the IDF appropriate to the developed land use, and the undeveloped or agricultural portion paying the Undeveloped or Agricultural IDF, as appropriate.
- (h) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city street do not have curbs and gutters.

That portion currently constitutes seventy percent (70%) of the surcharge.

SECTION 9. EFFECTIVE DATE. This resolution shall become effective July 1, 1994.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it becomes effective, this resolution supersedes Modesto City Council Resolution No. 93-396.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City

Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich

MICHAEL D. MILICH, City Attorney

Link
⑥

MODESTO CITY COUNCIL
RESOLUTION NO. 94-297

A RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR SPECIFIC PLAN AMENDMENT NO. 4 TO THE VILLAGE ONE SPECIFIC PLAN, MAKING FINDINGS, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND REPEALING THE MITIGATION MONITORING PLAN THAT WAS ADOPTED WITH THE 1990 PROGRAM EIR BY RESOLUTION NO. 90-757, AND REPLACING IT WITH THE ADOPTION OF THE MITIGATION MONITORING POLICIES WITHIN THE REVISED VILLAGE ONE SPECIFIC PLAN TEXT.

WHEREAS, Section 15168 of the California Environmental Quality Act provides for the preparation of Program Environmental Impact Reports (EIRs) on a series of actions that can be characterized as one project, and

WHEREAS, during 1990 a Program EIR (SCH# 90020181) was prepared for the Village One Specific Plan and was circulated for public review and comments, and

WHEREAS, following a duly noticed public hearing on September 11, 1990, the City Council by Resolution No. 90-757 certified that the Program EIR was complete and adequate, and

WHEREAS, on October 16, 1990, the Village One Specific Plan was adopted by the Modesto City Council by Resolution No. 90-828A, and

WHEREAS, the City Planning staff, over a three year period, which included preparation of a Facilities Master Plan, proposed five revisions to the Specific Plan including:

- 1) Intensification of the Village Center Commercial Area,

- 2) Widening of Floyd Avenue from 3 to 5 Lanes,
- 3) Realignment of the Claus/Sylvan intersection,
- 4) Deletion of the non-potable water supply for public landscaping, which were determined to require additional environmental analysis supplemental to the 1990 Village One Program EIR, and
- 5) Incorporation of Mitigation Measures directly into the Specific Plan as policies,

and

WHEREAS, the City Planning staff created Specific Plan Amendment No. 4 (SPA No. 4) for the purpose of incorporating these revisions into the Village One Specific Plan and held a public workshop on March 2, 1994, from 3:00 to 5:00 p.m. in the Council Chambers at City Hall for discussion of the proposed amendments, and

WHEREAS, the City Planning staff prepared a Draft Supplemental EIR to the 1990 Village One Program EIR (SCH# 90020181) which analyzed these five revisions and circulated it for public review from January 21, 1994, through March 7, 1994, in accordance with Section 15087 of the CEQA Guidelines, and

WHEREAS, the Supplemental EIR included a review and analysis of all mitigation measures in the adopted 1990 EIR with the purpose of incorporating Mitigation Monitoring into the project approval process as encouraged by Public Resources Code Section 21081.6(b), and

WHEREAS, the City Planning staff created a Final Supplemental EIR with responses to comments received during the

public review period and revised the body of the draft document to incorporate these responses, in accordance with CEQA Section 15089, and

WHEREAS, the City Planning staff created a new Project EIR for Village One by incorporating by reference those portions of the 1990 Program EIR and other technical documents needed to make the Final Supplemental EIR the complete EIR for the Specific Plan as revised by Specific Plan Amendment No. 4, in accordance with CEQA Section 15150, and

WHEREAS, Section 15025(c) of the California Environmental Quality Act ("CEQA") Guidelines require the Planning Commission to review and consider the EIR before making its recommendations to the City Council on the project, and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 2, 1994, to consider making a recommendation to the City Council on the Village One Specific Plan Amendment No. 4, at which time all interested persons were heard and their testimony, both oral and written, was considered, and

WHEREAS, the Planning Commission reviewed and considered the information contained in the Final Supplemental EIR and by Planning Commission Resolution No. 94-23, adopted on May 2, 1994, the Planning Commission recommended to the City Council that the Council certify that the Final Supplemental EIR (Exhibit D of the May 2, 1994, Staff Report, on file in the

office of the City Clerk) which includes the response to comments and incorporation of information from the 1990 Program EIR is complete and adequate and has been completed in compliance with CEQA, and

WHEREAS, the Planning Commission further recommended that the City Council adopt the findings, required by Section 15091(a)(1) of the CEQA Guidelines, that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final Supplemental EIR, and

WHEREAS, the Planning Commission further recommended that the City Council adopt the findings required by Section 15091(a)(3) of the CEQA Guidelines that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final Supplemental EIR.

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

SECTION 1. The City Council has reviewed and considered the information contained in the Final Supplemental EIR and hereby certifies that the Village One Final Supplemental EIR (Exhibit D of the May 2, 1994, Staff Report, on file in the office of the City Clerk) which includes the response to comments and incorporation of information from the 1990 Program EIR is adequate and has been completed in compliance with CEQA.

SECTION 2. That the City Council hereby adopts the findings (attached hereto as Exhibit "A" and incorporated herein by reference) required by Section 15091(a)(1) of the CEQA Guidelines, that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final Supplemental EIR, which is on file in the Office of the City Clerk.

SECTION 3. That the City Council hereby adopts the findings (attached hereto as Exhibit "B" and incorporated herein by reference) required by Section 15091(a)(3) of the CEQA Guidelines that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final Supplemental EIR, which is on file in the Office of the City Clerk.

SECTION 4. That the City Council repeals the Mitigation Monitoring Plan that was adopted with the 1990 Program EIR which is set forth in Resolution No. 90-757.

SECTION 5. That the City Council by the adoption of Resolution No. 94-298 will comply with the Mitigation Monitoring requirements of Section 21081.6(b) of the Public Resources Code, through the adoption of Mitigation Measures as Policies within the revised Village One Specific Plan Text (Exhibit A of Resolution No. 94-298).

SECTION 6. The City Council hereby approves the "Final Supplement to an Environmental Impact Report" (Exhibit D of the May 2, 1994, Staff Report, on file in the office of the City Clerk), for the proposed Village One Specific Plan Amendment No. 4, and directs the Planning and Community Development Director to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination as required by Section 15094 of the CEQA Guidelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By


MICHAEL D. MILICH, City Attorney

Attachments:

- Exhibit A - Findings of Changes or Alterations to Reduce Impacts
- Exhibit B - Statement of Overriding Considerations

FINDINGS OF CHANGES OR ALTERATIONS
TO REDUCE IMPACTS

1. TRAFFIC & CIRCULATION

Briggsmore/Oakdale Intersection

The City Transportation Division's Traffic analysis projected peak-hour traffic volumes from project buildout will exceed the capacity of the existing intersection. Because of constraints from surrounding development, improvements required to provide an acceptable level of service are not possible. This is considered a Significant and Not Mitigable Impact.

Mitigation Measure

The following measure shall be implemented. However, even with the improvements the intersection will operate at level F.

Mitigation Measure No. 1

Precise Plans in the project area shall contribute to the financing and implementation of the required improvements to provide capacity for projected traffic at the Oakdale and Briggsmore intersection. This shall include the following intersection improvements:

Widen the eastbound and westbound approaches to add a separate right-turn lane on each approach, converting the existing right turn lane to a through lane and restriping the departures to receive three through lanes. Restripe the northbound and southbound approaches and widen the departures to convert the existing separate right turn lanes to through+right-turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements based on the Facilities Master Plan. Completion of final inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in Precise Plans in the Village One area shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans

must be consistent with the Specific Plan, no further monitoring is required.

Traffic Impacts to Project Area Streets and Intersections

Based on the results of the City of Modesto, Transportation Division's traffic analysis (see the Appendix), the traffic to be generated by the Village One Specific Plan (131,050 daily trips and 13,450 peak hour trips) will impact the major streets in and serving the specific plan area. Adverse impacts on peak hour traffic conditions will occur at all of the key intersections within and around the Village One Specific Plan area. Increased Volume-to-Capacity (V/C) ratios and increased average delay per vehicle will occur, resulting in lowering of peak hour Service Levels and necessitating mitigation measures.

These impacts are considered to be Significant but Mitigable.

Mitigation Measures

Claus Road Circulation Link

Mitigation Measure No. 6

The Facilities Master Plan shall implement the requirement to provide needed capacity.

Claus Road shall be widened, from Briggsmore Avenue to Sylvan Avenue, to provide six through lanes plus turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Roselle Avenue Circulation Link

Mitigation Measure No. 7

The Facilities Master Plan shall implement the requirement to provide needed capacity.

Roselle Avenue shall be widened, from Briggsmore Avenue to Sylvan Avenue, to provide four through lanes plus turn lanes .

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan adjacent to Roselle Avenue shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Sylvan Avenue Circulation Link

Mitigation Measure No. 8

The Facilities Master Plan shall implement the requirement to provide needed capacity.

Sylvan Avenue shall be widened, from Oakdale Road to west of Claus Road, to provide four through lanes plus turn lanes .

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Acceptance of completed facilities by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Oakdale Road Circulation Link

Mitigation Measure No 9

The Facilities Master Plan shall implement the requirement to provide needed capacity.

Oakdale Road shall be widened, from north of Briggsmore Avenue to Pelandale Avenue, to six through lanes plus turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Briggsmore Avenue Circulation Link

Mitigation Measure No. 10

The Facilities Master Plan shall implement the requirement to provide needed capacity.

Briggsmore Avenue shall be widened, from Oakdale Road to Claus Road, to provide six through lanes plus turn lanes .

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Oakdale & Sylvan Intersection

Mitigation Measure No 11

The Facilities Master Plan shall implement the requirement to provide needed capacity by requiring the following intersection improvements:

Widen the southbound approach and departure to add a right-turn lane and a second left-turn lane. Widen the northbound approach and departure to add a second left-turn lane.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Oakdale & Floyd Intersection

Mitigation Measure No. 12

The Facilities Master Plan shall implement the required improvements to provide capacity for projected traffic. The Plan shall show the following intersection improvements:

Widen the northbound approach and departure to provide two left-turn lanes, two through lanes, and a through+right-turn lane. Widen the southbound approach and departure to provide two left-turn lanes, two through lanes, and a through+right-turn lane. Widen the westbound approach to provide two left-turn lanes, a through lane, and a right-turn lane. Widen the east bound approach to provide two left-turn lanes, a through lane, and a through-plus-right-turn lane.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Acceptance of completed facilities by Construction.

Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Roselle & Sylvan Intersection

Mitigation Measure No. 13

The Facilities Master Plan shall implement the required improvements to provide capacity for projected traffic. The Plan shall show the following intersection improvements:

Signalize. Widen all approaches and departures to provide the following: dual left-turn lanes, a through lane, and a through+right-turn lane on the northbound approach; a left turn lane, a through lane, and a through+right-turn lane on the southbound approach; a left-turn lane, two through lanes, and a right-turn lane on the eastbound and westbound approaches.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Acceptance of completed facilities by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Roselle & Floyd Intersection

Mitigation Measure No. 14

The Facilities Master Plan shall implement the required improvements to provide capacity for projected traffic. The Plan shall show the following intersection improvements:

Signalize. Widen all approaches and departures to provide the following: a left-turn lane, a through lane, and a through+ right-turn lane on the northbound and southbound approaches; a left-turn lane, a through lane, and a through+ right-turn lane on the eastbound and westbound approaches.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Acceptance of completed facilities by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Roselle & Merle Intersection

Mitigation Measure No. 15

The Facilities Master Plan shall implement the required improvements to provide capacity for projected traffic. The Plan shall show the following intersection improvements:

Signalize. Widen all approaches and departures to standard major street versus collector street intersection widths and lane configurations.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Acceptance of completed facilities by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Roselle & Briggsmore Intersection

Mitigation Measure No. 16

The Facilities Master Plan shall implement the required improvements to provide capacity for projected traffic. The Plan shall show the following intersection improvements:

Restripe the northbound approach to provide two left-turn lanes, a through lane, and a through+right-turn lane. Widen the southbound approach to provide left-turn lanes, a through lane and a through+right-turn lane. Widen the eastbound approach and departure to provide dual left-turn lanes, three through lanes, and a right-turn lane. Widen the westbound approach and departure to provide a left-turn lane, three through lanes, and a right-turn lane.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Acceptance of completed facilities by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required."

Claus & Floyd Intersection

Mitigation Measure No. 17

The Facilities Master Plan shall implement the required improvements to provide capacity for projected traffic. The Plan shall show the following intersection improvements:

Signalize. Widen all approaches and departures to provide the following: two left-turn lanes, and three through lanes, and a right-turn lane on the northbound approach; two left-turn lanes, three through lanes, and a right-turn lane on the southbound approach; a left-turn lane, a through lane, and a right-turn lane on the planned eastbound approach. Construct the westbound approach and widen the planned westbound departure to provide

dual left-turn lanes, one through lane, and a right-turn lane.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Claus & Sylvan Intersection

Mitigation Measure No. 18

The Facilities Master Plan shall implement the required improvements to provide capacity for projected traffic. The Plan shall show the following intersection improvements:

Signalize. Widen the southbound approach and departure to add a through lane and a through+right-turn lane. Widen the northbound approach and departure to add a second left-turn lane and the second and third through lanes. Widen the eastbound approach to add a right-turn lane.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Claus & Briggsmore intersection

Mitigation Measure No. 19

The Facilities Master Plan shall implement the required improvements to provide capacity for projected traffic. The Plan shall show the following intersection improvements:

Widen the northbound approach and departure to provide two left-turn lanes, two through lanes, and a through+right-turn lane. Widen the southbound approach and departure to provide a left-turn lane, three through lanes, and a right-turn lane. Widen the eastbound approach to provide two left-turn lanes, two through lanes, and a right-turn lane. Widen the westbound approach and departure to add a through+right-turn lane.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The Village One Specific Plan will insure that the Capital Facilities Fees generated by Village One development, in-tract development requirements, and funds derived from assessment or Community Facilities Districts, are coordinated to achieve the needed street and infrastructure improvements.

Transit Impacts

It is estimated that Phase 1 of the project would generate approximately 750 additional transit riders to Modesto's Intracity Transit system on a daily basis. The development of additional routes, to serve Village One as shown in the

Specific Plan, would be required to serve the project area. This considered a Significant but Mitigable Impact.

Mitigation Measures

The following mitigation measures would reduce this impact to a less-than-significant level.

Mitigation Measure No. 20

City transit routes shall be extended to serve the Village One specific plan area and shall be shown on the Facility Master Plan. Approval by the Public Works and Transportation Department Transit manager of designated transit routes prior to Facility Master Plan adoption shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the City's Capital Improvement Program must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The Village One Specific Plan will insure that the Capital Facilities Fees generated by Village One development, in-tract development requirements, and funds derived from assessment or Community Facilities Districts, are coordinated to achieve the needed street and infrastructure improvements.

2. AIR QUALITY

Regional and Subregional Vehicle Emissions

Vehicle Air Pollutant Emissions (carbon monoxide, ozone, and PM 10)

During project buildout, air pollutant emissions from project vehicle traffic will contribute to violation of the State and Federal 8-hour Carbon Monoxide and PM10 standard and the Federal Ozone Standard in the Modesto Area and the San Joaquin Valley Air Basin. This is considered a Significant and Not Mitigable Impact.

Mitigation Measures

Mitigation Measure No. 2.

The following policies shall be incorporated into the Specific Plan to provide overall trip reduction. These policies shall be implemented, however they may not fully mitigate the impact:

- A. Locate the Village Center at the geographic heart of the community, with direct connections to the village districts.
- B. Place emphasis on pedestrian activities and linkages, and provide for the possibility of future transit along Roselle Avenue to serve the Village Center.
- C. Develop a circulation network that provides a connection between the Village Center and other Village One uses.
- D. Establish a network of primary transit streets to serve Village One.
- E. Provide for alternative future transit systems.
- F. Incorporate bikeways into the circulation system of Village One.

Planning Department staff shall verify these policies prior to adoption of a revised Specific Plan.

Mitigation Monitoring

Placing the above language into the Specific Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Mitigation Measure No. 3

Precise Plans for the Industrial/Business Park shall contain the following statement although it may not fully mitigate the impact:

"Employers located within Village One Specific Plan area will be subject to a Trip Reduction Ordinance(TRO) which will be adopted in compliance with the Stanislaus County Congestion Management Program. This TRO may require, among other things, provision of transit incentives (such as bus passes), limitations on the amount of employee parking, and promotion of ride sharing and alternative modes of transportation."

Mitigation Monitoring

Placing of the above language in the Precise Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The above mitigation measures will insure that PM10, ozone and carbon monoxide generated from vehicle emissions at buildout of the project is reduced to a minimum.

Wood burning Device Air Pollutant Emissions

Air pollutant emissions from standard fireplaces or wood stoves in the project's approximately 8,000 residential dwelling units would contribute to violations of the Pollutant Standard Index (PSI) in the Modesto area. Local residential homebuilders do not normally equip homes with fireplaces and wood stoves that would meet adopted Federal particulate emissions standards.

Mitigation Measure

Mitigation Measure No 4.

The following measure will not fully mitigate the impact:

Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

Mitigation Monitoring

Placing the above language in the Specific Plan as a requirement for all residential Precise Plans shall constitute compliance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The above mitigation measure will

insure that PM10 generated from woodburning devices at buildout of the project is reduced to a minimum.

Construction Related Impacts

Local ambient air quality would be expected to temporarily decrease as a result of construction-related emissions in the Modesto Village area. In the absence of project-specific data regarding the extent and timing of construction activities, the short-term construction-related increase in emissions of PM10, NOx, ROG, and CO due to the project is considered to be a Significant but Mitigable impact.

Mitigation Measures

Mitigation Measure No. 40

Precise Plans for development within the project area shall contain the following statement:

During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 1.8, Dust Control, and when necessary, Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District to control the generation of PM 10 from construction related dust and emissions.

Mitigation Monitoring

Placing the above language in each Precise Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The above mitigation measure will insure that fugitive dust and related emissions generated during the construction phase of the project is reduced to a minimum.

3. NOISE

Traffic Related Impacts

Without acoustical treatment, noise levels inside proposed residential housing along the following project area Major streets would exceed 45 dBA, the City's General Plan standard. This is considered be a Significant but Mitigable Impact.

The street segments and distances in feet from centerline these impacts would occur are:

	Sylvan Avenue	
	Oakdale to Roselle	142 ft.
	Roselle to Claus	136 ft.
Floyd		
	Oakdale to Roselle	106 ft.
	Roselle to Claus	76 ft.
Briggsmore		
	Oakdale to Roselle	171 ft.
	Roselle to Claus	138 ft.
Oakdale		
	Sylvan to Floyd	214 ft.
	Floyd to Briggsmore	209 ft.
Roselle		
	Sylvan to Merle	126 ft.
	Merle to Briggsmore	150 ft.
Claus		
	Sylvan to Floyd	171 ft.
	Floyd to Briggsmore	176 ft.

Source: Brown-Buntin Associates Noise study, April 1993

Mitigation Measure

Mitigation Measure No. 21

Noise measures might include, but are not necessarily limited to, setbacks, barriers, site design, or acoustical building treatment. Precise Plans shall determine from this list which measures are most relevant. This requirement shall apply to dwellings located within the identified 65 dBA exterior noise level contours. Verification of noise treatment to reduce interior noise levels to 45 dBA, prior to final inspection by Building Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Precise Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since Tentative Maps and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The above mitigation measures have been incorporated into the policies and design standards of the Village One Specific Plan to insure that interior noise levels remain within acceptable standards.

Construction Related Impacts

During project buildout, estimated to take 5 to 10 years, residences in or near the area would periodically experience increased construction noise levels from developers who fail to observe the City's Noise ordinance. This is considered a Significant But Mitigable Impact.

Mitigation Measures

Mitigation Measure No. 22

All Precise Plans shall contain the following statement:

"Construction noise is regulated by the City's Noise ordinance, Section 4.9-103. Construction noise is generally permitted during the hours of 7:00 AM to 9:00 PM. To avoid complaints from nearby residents, and possible citations, the full text of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection Division for conformance with the City's Noise ordinance."

Mitigation Monitoring

Placing the above language on each Precise Plan for development shall constitute compliance with Section 21081.6(b) of the Public Resources Code. Since tentative maps and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The above mitigation measures have been incorporated into the policies and design standards of the Village One Specific Plan to insure that interior noise levels remain within acceptable standards.

4. VEGETATION AND WILDLIFE

Destruction and Disruption of Raptor Nests

Development of this project may result in the destruction or disruption of raptor nests on the project site. This is considered to be a Significant But Mitigable Impact.

Mitigation Measures

Mitigation Measure No. 23

The Precise Plan for the Industrial/Business Park shall contain a breeding season survey by a qualified biologist for the area identified as potential raptor habitat on Figure 34, Biological Resources Habitat Types, page 4.9-2 adopted Village One Specific Plan EIR, to determine the presence of active raptor nests.

If no active raptor nests are found, the Precise Plan shall be written to document this finding.

If active raptor nests are found, site development will avoid active raptor nests and surrounding foraging habitat during their breeding cycle. Planning Department staff approval of the above mitigation prior to Building Permit for the site constitutes compliance.

Mitigation Monitoring

Placing the above language on the appropriate Precise Plan shall constitute conformance with section 21081.6(b) of the Public Resources Code. Since Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. Implementation of this mitigation

Changes or alterations were not required to be incorporated into, the project for Population, Employment and Housing impacts which were found to have a Less than Significant environmental effect as identified in the Final Supplemental EIR. These impacts would be mitigated to a Less than Significant level because of policies and procedures already in place with the City of Modesto. Population Employment and Housing Mitigation Measures proposed in the 1990 EIR were deleted because they have been accomplished.

7. URBAN DESIGN AND VISUAL QUALITY

Parking Structure Visible from Adjacent Residential Areas

Increasing the Village Center commercial floor area to 350,000 square feet would require the construction of large, elevated parking structures. These structures would increase the visual mass of the center. This is considered a Significant But Mitigable Impact.

Mitigation Measures

Mitigation Measure No 26.

Precise Plan submittals proposing elevated parking structures in the Village Center area must conform to Village Center Design Guidelines: height limitation of 35 feet, perimeter landscaping, parking area landscaping, and street landscaping to screen structures from adjacent residential areas. Approval by the City's Landscape Architect of landscape plans to screen proposed parking structures prior to Precise Plan adoption shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Precise Plans for the Village Center shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. Implementation of the design and visual quality standards of the Community Design Element will guarantee the highest design and visual quality consistent with urban uses.

8. GEOLOGY AND SOILS

Other Geological Hazards - Expansive Soils

No new Geology and Soils impacts were identified for the Village One project, as modified by the Proposed Specific Plan Amendment No. 4, by the Final Supplemental EIR.

Mitigation Measures

No Mitigation Measures are proposed.

Findings

Changes or alterations were not required to be incorporated into, the project for Geology and Soils impacts which were found to have a Less than Significant environmental effect as identified in the Final Supplemental EIR. These impacts would be mitigated to a Less than Significant level because of policies and procedures already in place with the City of Modesto. Geology and Soils Mitigation Measures proposed in the 1990 EIR were deleted because they have been accomplished.

9. HYDROLOGY

Drainage Impacts

Project development would place impervious surfaces over 40% of the total 1,775 acres increasing the stormwater surface runoff. This is considered to be a Significant But Mitigable impact.

Mitigation Measures

Mitigation Measure No 27

All Precise Plans shall provide plans for their portion of the stormwater drainage system. Department of Public Works and Transportation staff shall determine the design and phasing of these storm drainage system improvements based on the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute compliance with Section 21081.6(b) of the Public Resources Code. Since

the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. Positive drainage is a City standard for new development, which requires that storm water be safely convey stormwater away from buildings and structures.

Water Quality

Project development would create large areas of impervious surfaces that would channel toxic materials into the storm drain system. These toxic materials could affect water quality in the Modesto area when runoff is discharged. This is considered to be Significant but Mitigable Impact.

Mitigation Measure

Implementation of Mitigation Measure No. 29 would reduce this impact to a less-than-significant level.

Mitigation Measure No. 28

All Precise Plans shall provide plans for their portion of the stormwater drainage system. Department of Public Works and Transportation staff shall determine the design and phasing of these storm drainage system improvements based on the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. A 30 acre stormwater retention basin is included as a part of the Village One Specific Plan and will insure that

urban runoff will be treated by biological and soil percolation, and will not be polluting any streams or rivers.

Pure-Gro - Water Quality

Development of the former Pure-Gro site, 3348 Claus Road, for other Industrial/Business Park uses may require clean-up of hazardous materials that are potential groundwater contaminants. This is considered to be a Significant But Mitigable impact.

Mitigation Measure

Mitigation Measure No. 29

The Industrial/Business Park Precise Plan application for development of the former "Pure-Gro" site (3348 Clause Road) shall include, a Phase I site assessment in accordance with Federal, State and local regulations, provided by the site developer to determine the existence or extent of contamination.

Mitigation Monitoring

Placing the above language on the Precise Plan containing the former "Pure-Gro site" (3348 Clause Road) shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. Should the property occupied by the Pure-Gro facility be subject to a development proposal, the above mitigation measure will insure that any on-site contamination will be addressed before development.

10. PUBLIC SERVICE AND UTILITIES

Fire Service Impacts

Portions of Village One project area are outside the 1.5-mile radius for the nearest fire stations. This is considered to be a Significant But Mitigable Impact.

Mitigation Measures

Mitigation Measure No. 30

A two engine and one truck Fire station, staffed and equipped to serve the project area shall be constructed in the Village Center Public Safety Center in accordance with the Facilities Master Plan. Fire Department staff shall determine the design and phasing of these improvements based on the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. A public safety center is planned and will be financed by the Village One Specific Plan and Financing Plan.

Police Services Impacts

The City of Modesto Police Department estimates that 41 additional Police personnel would be required to serve the project at buildout. This would be considered to be a Significant But Mitigable Impact.

Mitigation Measures

Mitigation Measure No. 31

A Police substation, staffed and equipped to serve the project area shall be constructed in the Village Center Public Safety Center in accordance with the Facilities Master Plan. Police Department staff shall determine the design and phasing of these improvements based on the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. A public safety center is planned and will be financed by the Village One Specific Plan and Financing Plan.

Water Supply Impacts

The proposed project would result in an increased water demand of approximately 1,100 acre-feet per year. This would create a further reduction of the City's groundwater table and would be considered to be a Significant But Mitigable impact.

Mitigation Measures

Mitigation Measure No. 32

A water system which extends the joint Surface Water Treatment Plant/City well system shall be constructed to serve the project area in accordance with the Facilities Master Plan. Department of Public Works and Transportation staff shall determine the design and phasing of these improvements based on the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure. Prior to Precise Plan adoption, the City's Landscape Architect will review Precise Plan applications for Landscape Design standards requiring xeriscape.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Implementation of City standards will insure that the water supply provided to Village One will be safe and meet health standards. Implementation of conservation mitigation measures will reduce per capita consumption water and insure that present water sources are more effectively used. While the water plan developed jointly by the City and MID, will insure future water supplies by either direct use of treated surface water supplies, or by indirect means such as groundwater augmentation with untreated surface water.

Cumulative Water Supply Impacts

Cumulative development would generate a demand for approximately 6,250 acre-feet per year. This would create a further reduction of the City's groundwater table and would be considered to be a Significant But Mitigable impact.

Mitigation Measures

Mitigation Measure No. 33

Future phases of the joint Surface Water Treatment Plants distribution system will be extended to new areas of the City through plans for development in the Urban Area. Building Inspection Division shall require metering of water service to new residential dwellings throughout the City through review of construction plans. The City's Landscape Architect will verify the Landscape Design standards requiring xeriscape. The City's Planning Department Neighborhood Preservation Unit will enforce the City's water conservation policies.

Mitigation Monitoring

Placing the above language in the Specific Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Implementation of conservation mitigation measures will reduce per capita consumption water and insure that present water sources are more effectively used. While the water plan developed jointly by the City and MID, will insure future water supplies by either direct use of treated surface water supplies, or by indirect means such as groundwater augmentation with untreated surface water.

Wastewater Impacts

Village One wastewater flows have been conservatively estimated at 2.1 mgd or approximately four percent of the capacity of the City's wastewater treatment facility. Treatment facility capacity is 50 mgd. These flows will be a substantial addition to the City's wastewater collection, treatment, and river discharge demands, especially during winter months. This is considered to be a Significant But Mitigable impact.

Mitigation Measures

Mitigation Measure No. 34

The Lakewood and Sonoma trunk sewer lines shall be extended to serve the project area in accordance with the Facilities Master Plan. Department of Public Works and Transportation staff shall determine the design and phasing of these improvements based on the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Mitigation Measure No. 35

A pump station shall be located, if necessary, to serve the northerly portion of the Industrial/Business Park area east of Claus Road. The pump station shall be installed in accordance with the Facilities Master Plan. Approval of pump station plans by Public Works Department,

Engineering division prior to Final Map shall constitute conformance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. Fees collected for new development will insure that there are funds available in the future to expand the City's sewage treatment facilities.

Cumulative School Impacts

An increased population of 48,300 school children would result from cumulative development housing construction. Of this total, 30,600 would be children in grades K-6; 4,600 would be grades 7-8; and 13,100 would be high school students. This is considered to be a Significant But Mitigable impact.

Mitigation Measures

"Mitigation Measure No. 36

Financing Plans for future Villages generating students using school facilities in Village One shall require developers to contribute their fair share of the cost of Village One Facilities prior to obtaining building permits."

Mitigation Monitoring

Placing the above language in residential Specific Plans (development plans) for future villages and the City's General Plan update shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since development plans must be consistent with any adopted General Plan or Specific Plans, no further monitoring is required.

"Mitigation Measure No. 37"

Developers shall notify the School Districts as far in advance as possible of specific building plans. This will allow enough lead time for the District to begin application for any relevant funding sources and to coordinate facility expansion/construction, if possible."

Mitigation Monitoring

Placing the above language in residential Specific Plans (development plans) for future villages and the City's General Plan update shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since development plans must be consistent with any adopted General Plan or Specific Plans, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. City policy requires that school facilities be financed as a part of the village planning process.

FINDINGS OF INFEASIBLE MITIGATION MEASURES AND ALTERNATIVES

1. TRAFFIC AND CIRCULATION

Briggsmore/Oakdale Intersection

The City Transportation Division's Traffic Analysis projected peak-hour traffic volumes from project build-out will exceed the capacity of the existing intersection and the intersection will be operating at a level F. This is considered to be a significant impact.

Mitigation Measures

The following measure shall be implemented. However, even with the improvements the intersection will operate at level F.

Mitigation Measure No. 1

Precise Plans in the project area shall contribute to the financing and implementation of required improvements to provide capacity for projected traffic at the Oakdale and Briggsmore intersection. This shall include the following intersection improvements:

Widen the eastbound and westbound approaches to add a separate right-turn lane on each approach, convert the existing right-turn lane to a through lane and restripe the departures to receive three through lanes. Restripe the northbound and southbound approaches and widen the departures to convert the existing separate right lanes to through+right-turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements based on the Facilities Master Plan. Completion of final inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in Precise Plans in one area shall constitute conformance with Section 21081.6(b) of the Resources Code. Since the Facilities Master Plan and Precise must be consistent with the Specific Plan, further monitoring is required.

Findings

This intersection is located off-site one mile to the west of the project area in an already developed area of the City. The City has obtained improvements from properties adjacent to the intersection.

However, because constraints from surrounding existing development to the north and south of the intersection, improvements required to provide an acceptable level of service are not possible. Development within the project area will be contributing toward payment of the intersection improvements that are feasible. When approving the Village One Specific Plan Amendment No. 4, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA guidelines.

2. AIR QUALITY

Decreased Regional Air Quality

During project build-out, air pollutant emissions from project vehicle traffic will contribute to violation of the State and Federal 8-hour Carbon Monoxide and PM 10 standard and the Federal Ozone Standard in the Modesto Area and the San Joaquin Valley Air Basin, this is considered to be an impact.

Mitigation Measures

Mitigation Measure No. 2.

The following policies shall be incorporated into the Specific Plan to provide overall trip reduction. These policies shall be implemented however they may not fully mitigate the impact:

- A. Locate the Village Center at the geographic heart of the community, with direct connections to the districts.
- B. Place emphasis on pedestrian activities and linkages, provide for the possibility of future transit along Roselle Avenue to serve the Village Center.
- C. Develop a circulation network that provides a connection between the Village Center and other Village One uses.
- D. Establish a network of primary transit streets to serve Village One.
- E. Provide for alternative future transit systems.
- F. Incorporate bikeways into the circulation system of Village One.
- G. The Planning Department staff shall verify these policies prior to adoption of a revised Specific Plan.

Mitigation Monitoring

Placing the above language into the Specific Plan shall constitute conformance with Section 21081.6(b) of the public resources.

Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Mitigation Measure No. 3

Precise Plans for the Industrial/Business Park shall contain the following statement although it may not fully mitigate the impact:

"Employers located within Village One Specific Plan area will be subject to a Trip Reduction Ordinance (TRO) which will be adopted in compliance with the Stanislaus County Congestion Management Program. This TRO may, among other things, provision of transit incentives (such a bus passes), limitations on the amount of employee parking, and promotion of ride sharing and alternative modes of Transportation."

Mitigation Monitoring

Placing of the above language in the Precise Plan shall constitute conformance with Section 21081.6(b) of the Resources Code. Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

The Final Supplemental EIR indicates that the Village One project, as revised by Specific Plan Amendment No. 4, will have a significant impact on regional air quality that is, to some extent, unavoidable. As a pedestrian-oriented community specifically designed to reduce dependence on the automobile resulting in an estimated reduction of 20% of the average daily trips with related reductions in vehicle emissions, the proposed mitigation measure is the project's policies and design. However, the project is not completely self mitigating because some air quality degradation is unavoidable. In determining to carry out the proposed project, the City Council seeks to balance the impact on air quality with the need to provide land for urban expansion that will provide housing and jobs for its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

Cumulative Air Quality Impacts

Air pollution emissions associated with build-out of Village One would exacerbate the existing ozone, PM 10, and carbon monoxide violations in the Modesto area. This is considered to be a significant cumulative impact.

Mitigation Measures

Mitigation Measure No. 3

Precise Plans for the Industrial/Business Park shall contain the following statement although it may not fully mitigate the impact:

"Employers located within Village One Specific Plan area will be subject to a Trip Reduction Ordinance (TRO) which will be adopted in compliance with the Stanislaus County Congestion Management Program. This TRO may require, among other things, provision of transit incentives (such as bus passes), limitations on the amount of employee parking, and promotion of ride sharing and alternative modes of transportation. "

Mitigation Monitoring

Placing of the above language in the Precise Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Mitigation Measure No 4.

The following measure will not fully mitigate the impact:

Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

Mitigation Monitoring

Placing the above language in the Specific Plan as a requirement for all residential Precise Plans shall constitute compliance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

The Final Supplemental EIR indicates that the Village One project, as revised by Specific Plan Amendment No. 4 will contribute to decreased air quality on a cumulative basis. Although mitigation measures have been proposed and will be implemented, it is unclear to what extent they will limit air quality impacts over time as the entire area continues to grow and develop.

3. NOISE

Traffic Noise Increases - Project Related

Without acoustical treatment, noise levels existing inside residential

housing along the following project area major streets would exceed 45 dBA, the City's General Plan standard. The street segments this impact would occur are:

Sylvan Avenue

Oakdale to Roselle, and Roselle to Claus Avenue

Floyd Avenue

Oakdale to Roselle, and Roselle to Claus

Briggsmore Avenue

Oakdale to Roselle, and Roselle to Claus

Oakdale Road

Sylvan to Floyd, and Floyd to Briggsmore

Roselle Avenue

Sylvan to Merle, and Merle to Briggsmore

Claus Road

Sylvan to Floyd, and Floyd to Briggsmore

This is considered to be a significant impact.

Mitigation Measures

There are no Mitigation Measures for this impact.

Findings

The Final Supplemental EIR indicates that some of the existing homes fronting on Floyd and Sylvan will experience a perceptible increase in noise as a result of increased traffic from the Village One project. Existing driveways make the installation of sound walls infeasible. Although some of the homes within the project area may be either incorporated into project development or be removed, many will remain. To this extent this impact is considered unavoidable given these conditions. It is not, however, unlike the situation that exists in many areas in the City where homes are located on busy streets. There are an estimated 87 homes located along these streets that will be affected by the increase in noise.

In deciding to carry out the proposed project, the City Council seeks to balance the impact from increased noise on relatively few homes with the need to provide land for urban expansion that will provide housing and jobs for its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

Traffic Noise Increases -- Cumulative Related

Existing residences along Lakewood Drive will be exposed to high levels

of exterior noise from project build-out traffic. Due to their close proximity to the roadway, this traffic generated noise may adversely impact interior noise levels in existing residences, this is considered to be a significant cumulative impact.

Mitigation Measures

There are no mitigation measures for this impact.

Findings

The Final Supplemental EIR identifies a perceptible increase in ambient noise levels experienced by existing homes in and surrounding the Village One project as a significant impact. Mitigation measures that involve the installation of sound walls or sound barriers were proposed but are not considered feasible due to the existing driveways serving these homes. The lack of feasible mitigation measures means that these impacts are unavoidable. It should be noted that the 3 dBA increase, while perceptible, does not mean that all of these residences will be exposed to sound levels that exceed the 65 dBA exterior standard or that interior noise levels will exceed the 45 dBA noise standard. The increase in ambient noise levels that will be experienced by these residents is typical of changes in the noise environment that accompanies general urban development. At present there are only a few homes in the area that will experience the construction-related noise impacts for the entire duration of the project build-out.

In deciding to carry out the proposed project, the City Council seeks to balance the impact from an increase in ambient noise levels for existing residents with the need to provide land for urban expansion that will provide housing and jobs for its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

4. LAND USE

Loss of Farmland

Project development will result in the loss of approximately 670 acres of land designated as Prime Farmland and 588 acres of land designated as Unique on the State Important Farmlands Inventory. This loss is both direct project-related impact and a cumulative impact throughout the Central Valley of California, this is considered to be a significant impact.

Mitigation Measures

There are no mitigation measures for this impact.

Findings

The loss of 670 acres of Prime Farmland and 588 acres of land designated as Unique have been identified as unavoidable and cannot be mitigated. The City of Modesto is situated on and completely surrounded by agricultural land. There is no alternative that would completely avoid the loss of agricultural lands. However, the soils east of Modesto, in the area of Village One, are known to be less valuable for agriculture than other areas within the City's Sphere of Influence. As a result, the proposed project is environmentally superior to other locations surrounding the City that contain much better agricultural soils.

The City of Modesto has run out of land for urban development within its current boundaries. In deciding to carry out this project that will result in the unavoidable loss of agricultural soils, the City Council seeks to balance the loss of agricultural soils with the need to provide land for future growth and expansion. The additional growth is necessary to provide housing and jobs to its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

Impacts on Adjacent Farmland

Residents locating in the project area may not be aware of the potential conflicts between residential activities and farming. Residents might consider normal farming practices to be a nuisance because of the dust, spray and noise close to their homes. Farmers nearby may consider activities of project area residents a nuisance because of intrusions into their farmland and occasional complaints about farming operations, this is considered to be a significant impact.

Mitigation Measure

Mitigation Measure No. 5

All Precise Plans for residential areas shall include the requirement for residential subdivisions notifying future home buyers in the project area of potential land use impacts although may not fully mitigate the impact:

"All deeds for lots sold in this subdivision shall contain the following statement:

"This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading, or other customary means in accordance with applicable state and federal regulations regarding such applications. The

grantee also acknowledges the need to void activities that conflict with nearby farm uses."

Mitigation Monitoring

Placing the above language into the Specific Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all tentative maps and Precise Plans must conform to the Specific Plan, no further monitoring required."

Findings

The Final Supplemental EIR identifies potential conflicts between urbanizing uses and existing agricultural uses. The EIR concludes that although this impact cannot be fully mitigated, the residents in Village One should be made aware of the potential conflicts through the deed in the purchase of their home. The above mitigation measures will assist in reducing urban/agricultural impacts by maintaining a separation between the two categories of uses, and by informing new residents of the presence of agricultural activities.

In deciding to carry out the proposed project, the City Council seeks to balance the impact on urban/agricultural land conflicts with the need to provide land for urban expansion that will provide housing and jobs for its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

Conflicts with High School/Community Park Site

The High School/Community Park site, will experience conflicts with adjacent agricultural uses until the City's Urban Reserve area surrounding it is annexed and developed.

Mitigation Measure

Mitigation Measure No 6

"Prior to development of the proposed High School/Community Park, the City of Modesto shall establish a buffer area (open space easement or similar restriction) on the site for a distance of at least 350 feet from the property line in order to protect the health of the high students and park users. Uses permitted within the buffer area shall be determined prior to the issuance of permits for construction. Requirements of this buffer area shall not conflict with Division 6 - Section 11501.1 and Division 7 of the California Food and Agricultural Code, as judged by Stanislaus County Agricultural Commissioner."

Mitigation Monitoring

Placing the above agreement in the Precise Plan shall constitute

conformance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

The Final Supplemental EIR identifies potential conflicts between the High School/Community Park uses and existing agricultural uses, especially agricultural spraying. The EIR concludes that although this impact cannot be fully mitigated, potential impacts could be somewhat mitigated through a 350 foot buffer area. The above mitigation measure will assist in reducing urban/agricultural impacts by maintaining a separation between the two categories of uses.

In deciding to carry out the proposed project, the City Council seeks to balance the impact on urban/agricultural land conflicts with the need to provide land for urban expansion that will provide housing and jobs for its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

Alternatives to the Project

No Build Alternative

Development would be limited to large lot residential uses and farming outside the City without urban services. Some development, including the pending Galleria center, would occur under the county's jurisdiction.

Findings

The No Build Alternative would cause no dramatic changes to the current use of the site. However, incremental changes could occur if random growth takes place under county jurisdiction and as schools and other facilities expand into this area. As the project area would continue to be served by septic systems, the potential growth could adversely impact the groundwater quality of this and surrounding areas, including existing areas of the City.

The City of Modesto has run out of land for urban development within its current boundaries. Additional growth is necessary to provide housing and jobs to its residents. Planned growth with adequate roads, sewer systems, and other infrastructure, is preferable to random, haphazard growth and development. While the No Build Alternative would avoid, at least temporarily the loss of agricultural land, impacts on air quality, and increased noise levels experienced by a relatively few homes, it would prevent the City of Modesto from responding constructively to the growth pressures of the area and would result in scattered, more costly, incremental development that would have an even greater cumulative effect on farmlands, air quality and noise conditions. The No Build Alternative would also prevent the City from providing its share of

regional housing needs, and taking steps to improve the community's jobs/housing balance.

General Plan Neighborhood Zoning and Development Prototype Alternative

The Modesto Urban Area General Plan establishes a Neighborhood Zoning and Development Prototype or general standard and has been used to guide the development of each neighborhood area. The Neighborhood Prototype specifies the mix of uses and their relationship to the internal and external street system. Developed during the 1970's, with periodic adjustments, the Neighborhood Prototype relies heavily on the automobile for transportation and the automobile dominates the relationship between land use and streets.

Findings

This alternative would result in the same loss of farmlands and have greater impacts on the region's air quality. This is because the Neighborhood Zoning and Development Prototype relies almost exclusively on the automobile for transportation. Village One is seen as a means to move the community away from the automobile-based sameness that has characterized the Neighborhood Prototype. The Village One Plan is considered environmentally more sensitive, while at the same time accommodating nearly the same population as the area would have under the Neighborhood Prototype.

STATEMENT OF OVERRIDING CONSIDERATIONS
SPECIFIC PLAN AMENDMENT NO. 4 - VILLAGE ONE SPECIFIC PLAN

The California Environmental Quality Act (CEQA) requires that decision-making bodies balance the benefits of proposed projects against their unavoidable environmental effects when determining whether to approve the project. If project benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable. Section 15093 of the CEQA Guidelines requires that the specific reasons for accepting adverse environmental effects be included in a Statement of Overriding Considerations when approving a project with one or more unavoidable significant environmental effects.

The Village One Specific Plan Amendment No. 4 project, made possible by the approval of the Village One Specific Plan and Program EIR, will result in the following unavoidable significant environmental effects: loss of farm land, cumulative loss of farmland, urban/agricultural conflicts, decreased regional air quality, construction phase air quality impacts, cumulative air quality impacts, traffic related noise increases, cumulative noise increases, and construction phase noise increases. These effects are documented in the Village One Final Supplemental EIR and are found by the City Council, pursuant to Section 15091(a)(3) of the CEQA Guidelines, that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final Supplemental EIR, which is on file in the office of the City Clerk.

In approving the Village One Specific Plan Amendment No. 4, the City Council finds that the following benefits outweigh the unavoidable significant environmental effects identified in the Final Supplemental EIR:

1. Need for Additional Land to Accommodate Urban Growth

The annexation of Village One added 1,750 acres for urban growth. However, no development has taken place in Village One since Specific Plan adoption. The Village One Specific Plan area, as amended by Specific Plan Amendment No. 4, will permit continued growth and development of the community in a planned and orderly fashion.

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Specific Plan Amendment No. 4 - Village One Specific Plan
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2. Direct and Indirect Economic and Employment Benefits

The development of Village One is expected to result in 7,888 person years of construction employment, and 1,667 new non-construction jobs when secondary employment multipliers are included. Village One total employment is expected to add \$29,929,300 to the local economy from wages and salaries alone, and contribute \$47,109,600 to the region's economy when all forms of income are included.

3. Affordable Housing

By continuing to produce housing, Village One will help insure that Modesto's housing market is not artificially inflated by an absence of new housing. In addition, the Affordable Housing Program sets a goal of 25 percent of Village One housing that will be affordable to low and moderate income groups with 60 percent of these units to be affordable on a long-term basis. The Affordable Housing Program will utilize both public and private resources to accomplish these objectives.

4. Environmentally Superior Alternative

Village One, as revised by Specific Plan Amendment No. 4, represents an important advancement over adopted development policies that governed the past development of Modesto. In this regard, the Village One project, as revised by Specific Plan Amendment No. 4, is an environmentally superior development when compared to the Neighborhood Zoning and Development Prototype of the Modesto Urban Area General Plan because it incorporates the following principles and policies: neo-traditional/pedestrian-oriented design, potential for light rail, bicycle lanes and pedestrian trails in conjunction with the major and collector street system, landscaped medians on neighborhood connector streets and other major streets, full

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Specific Plan Amendment No. 4 - Village One Specific Plan
Page 3

range of park facilities from mini parks to a community park, a Village Center complete with shopping and public facilities (Police, Fire, Meeting Hall), and jobs/housing balance with a nearby employment center (Business Park).

The Village One Specific Plan, as revised by Specific Plan Amendment No. 4 implements desirable planning principles and policies as defined by the California Environmental Protection Agency, Air Resources Board "Optimum Land Use Strategies for Air Quality" including compact residential development, higher residential density, clustered activity centers, mixed-use development, integrated street patterns, traditional neighborhood development, and jobs-housing balance.

The Village One Specific Plan, as revised by Specific Plan Amendment No. 4, implements a desirable environmental review procedure as encouraged by the California Environmental Quality Act, Section 21081.6(b), by incorporating Mitigation Monitoring into project implementation.

ATTY
Blawie, Inc.

measure will identify and prevent raptor nests from being disturbed during the breeding season.

Impacts to Wetlands

Development of this project may result in the net loss of wetland habitat values and acres. This is considered to be Significant But Mitigable Impact.

Mitigation Measures

Mitigation Measure No. 24

The Precise Plan for the Industrial/Business Park area north of Milnes Road shall contain a determination of jurisdiction and/or agreement between the developers and the Corps of Engineers (COE) on appropriate mitigation, if required, for areas shown as: "drainage areas with wetland vegetation" on Figure 34, Biological Resources/Habitat Types, page 4.9-2 adopted Village One Specific Plan EIR.

Note: This is the area north of Milnes Road.

If no COE classified wetlands are identified, the Precise Plan shall be written to document this finding.

If potential wetlands are classified, then all necessary permits and approvals shall be obtained from the Corps of Engineers prior to issuance of a Grading Permit.

Mitigation Monitoring

Placing the above language on the Industrial/Business Park Precise Plan north of Milnes Road shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. Within the Village One area there are only few such locations that contain the soils and plants that could be considered "wetland" in character. These have been identified through the EIR process, no development will be allowed without the review by the COE/DFG. The appropriate permits will be required if the sites are subject to the jurisdiction of either of these agencies.

Cumulative Loss of Wildlife Habitat Values and Acres

The development Or this project will contribute to the overall cumulative loss of wildlife habitat as a result of project and other future development in the region. This is considered to be a Significant But Mitigable Impact.

Mitigation Measures

Mitigation Measure No. 39

The City of Modesto will develop and implement a citywide native habitat preservation and restoration plan that will be directed at providing, in perpetuity, a variety of wildlife habitats.

The preserved and restored habitats will be of sufficient size and will be provided with an adequate buffer zone from developments. Focus will also be on providing breeding and foraging habitat, and contiguous migration and movement corridors between habitat preserves and other areas that provide wildlife habitat such as river and stream corridors.

Mitigation Monitoring

Analyzing these issues in the Draft Environmental Impact Report for the General Plan rewrite shall constitute conformance with Section 21081.6(b) of the Public Resources Code. No further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The City will revise its Open Space and Conservation Elements to implement a wildlife preservation and restoration plan that will preserve a variety of wildlife habitats for future generations.

5. LAND USE

Impacts on Adjacent Farmland

Development of the project could have spill-over effects on adjacent farm/ranch land. This is considered to be a Significant and Not Mitigable Impact.

Mitigation Measures

Implementation of Mitigation Measures No. 5 will reduce this impact to a less-than-significant level.

Mitigation Measure No. 5

All Precise Plans for residential areas shall include the following requirement for residential subdivisions notifying future home buyers in the project area of potential land use impacts although it may not fully mitigate the impact:

"All deeds for lots sold in this subdivision shall contain the following statement:

"This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading, or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses."

Mitigation Monitoring

Placing the above language into the Specific Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all tentative maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The above mitigation measure will assist in reducing urban/agricultural impacts by informing new residents of the presence of agricultural activities.

Land Use Conflicts Between Existing and New Development

Land use conflicts between new urban development and existing adjacent uses could occur. The High School/Community Park site, will experience conflicts with adjacent agricultural uses until the City's Urban Reserve are surrounding it is developed. This is considered to be a Significant but Mitigable Impact.

Mitigation Measures

Mitigation Measure No. 25

"Prior to development of the proposed High School/Community Park, the City of Modesto shall establish a buffer area (open space easement or similar restriction) on the site for a distance of at least 350 feet from the property line in order to protect the health of the high school students and park users. Uses permitted within the buffer area shall be determined prior to the issuance of permits for construction. Requirements of this buffer area shall not conflict with Division 6 - Section 11501.1 and Division 7 of the California Food and Agricultural Code, as judged by the Stanislaus County Agricultural Commissioner."

Mitigation Monitoring

Placing the above agreement in the Precise Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The buffer that will be acquired as a result of this mitigation measure will insure that students attending the high school and people using the community park will not be subjected to agricultural sprays and other detrimental effects associated with adjoining agricultural activities.

6. POPULATION, EMPLOYMENT AND HOUSING

Population and Employment

Additional employment would be created through the expansion of the Village Center commercial area and the Industrial/Business Park proposed by Specific Plan Amendment No. 4. This is a Less than Significant Impact.

Mitigation Measures

No Mitigation Measures are proposed.

Findings

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 94-298

A RESOLUTION ADOPTING SPECIFIC PLAN AMENDMENT
NO. 4 TO THE VILLAGE ONE SPECIFIC PLAN.

WHEREAS, Government Code Section 65450 et seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the "General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value", and

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body, and

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-407, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan for the purpose of adoption of an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan for the purpose of improving technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to the Village One Specific Plan for the purpose of rewriting and reorganizing the Plan to be implementation oriented, and

WHEREAS, the City Planning staff, over a three year period, which included preparation of a Facilities Master Plan, proposed five revisions to the Specific Plan including:

- 1) Intensification of the Village Center Commercial Area,
- 2) Widening of Floyd Avenue from 3 to 5 Lanes,
- 3) Realignment of the Claus/Sylvan intersection,
- 4) Deletion of the non-potable water supply for public landscaping, and
- 5) Incorporation of Mitigation Measures directly into the Specific Plan as policies,

and

WHEREAS, the City Planning staff prepared a Draft Supplemental EIR to the 1990 Village One Program EIR (SCH# 90020181) which analyzes the above revisions and in accordance with Section 15087 of the CEQA Guidelines, circulated it for public review from January 21 through March 7, 1994, and

WHEREAS, the City Planning staff created Specific Plan Amendment No. 4 (SPA No. 4) for the purpose of incorporating these revisions into the Village One Specific Plan and held a public workshop on March 2, 1994, from 3:00 to 5:00 pm in the Council Chambers at City Hall for discussion of the proposed amendments, and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 2, 1994, to receive evidence both oral and documentary regarding the proposed Specific Plan Amendment No. 4, at which time the City Planning staff presented a report on the

proposed amendment and presented corrections to the mathematical calculations in the Precise Plan Area descriptions in the Project Description as well as a revision to Mitigation Measure No. 14 in the Final Supplemental EIR, which corrections were to be incorporated into the Resolution of adoption, and

WHEREAS, after considering public comments, the Planning Commission, by its Resolution No. 94-24, determined that the proposed Revision No. 1, regarding the intensification of the Village Center commercial area from 250,000 to 350,000 square feet, should not be adopted, and

WHEREAS, the Planning Commission, by its Resolution No. 94-24, recommended that the City Council adopt Specific Plan Amendment No. 4 to the Village One Specific Plan and adopt a Statement of Overriding Considerations,

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

SECTION 1. That the findings required by Section 21081 of the California Environmental Quality Act are adopted in Resolution No. 94-297, incorporated herein by reference, and on file in the office of the City Clerk.

SECTION 2. That the City Council has reviewed and considered the proposed Specific Plan Amendment No. 4, attached hereto as Exhibit "A" and incorporated herein by reference, as recommended by the Planning Commission.

SECTION 3. That the proposed amendment to the Village One Specific Plan is consistent with the Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts Specific Plan Amendment No. 4 to the Village One Specific Plan which consists of the following four revisions:

- 1) Widening of Floyd Avenue from 3 lanes to 5 lanes,
- 2) Realignment of the Claus/Sylvan intersection,
- 3) Deletion of the non-potable water supply for public landscaping, and
- 4) Incorporation of Mitigation Measures directly into the Specific Plan as policies.

BE IT FURTHER RESOLVED by the Council that the four revisions adopted above are presented in detail in Exhibit "A", attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

Exhibit "A"

Four Revisions to the Village One
Specific Plan, as adopted
by SPA #4:

<u>Revision #</u>	<u>Subject</u>	<u>Replacement Pages*</u>
1.	Widening of Floyd Avenue	A-1
2.	Realignment of Claus/Sylvan Interchange	A-6
3.	Deletion of Non-Potable Water Supply	A-28
4.	Incorporation of Mitigation Measures	A-31

*All replacement pages are based on the Village One Specific Plan, as amended by the City Council on February 1, 1994, by Resolution No. 94-72.

SUB-ITEM 1. FLOYD AVENUE 3 TO 5 LANES WITHIN THE VILLAGE CENTER

A. Description

This amendment would affect the design of the roadway segment of Floyd Avenue between the easterly outer loop road of the Village Center and Roselle Avenue. The Specific Plan would show the interim improvement of Floyd Avenue as three lanes then ultimately to five lanes if needed.

Interim improvements would consist of three lanes (two travel plus one turn) with wide sidewalks and bike lanes. The full 112 feet of right of way would be improved. The sidewalks would be widened to the edge of the street. This interim three-lane improvement would be allowed to operate as long as the City determines that operational and safety concerns are being met.

Ultimate improvements would be required at the point in time when the City determines that three lanes are no longer meeting operational and safety needs. The ultimate improvements of five lanes (four travel plus one turn) will be constructed to the full right of way of 112 feet. The wide sidewalks will become narrowed to 14 feet. But, since the buildings will have been set back to allow for this widening, an ample sidewalk will still be retained for pedestrians.

B. Specific Changes Required in the Specific Plan

The following pages of the present Specific Plan need to be revised to implement the proposed changes:

<u>Exhibit Page Reference</u>	<u>Description</u>	<u>Specific Plan Page Reference</u>
A-2	Add text to describe Floyd Avenue through Village Center	Page II-10
A-3	Revise text to describe Floyd Avenue widening	Page II-29
A-4	Revise text to describe Floyd Avenue widening and revise text to describe minimum width of sidewalks	Page II-30
A-5	Revise Figure II-6 to show Interim and Ultimate Floyd Avenue cross-sections	Page II-63

Following are the replacement pages which would implement these changes. The shaded text is language to be added. The lined-out text is language to be deleted.

- c) The expressway system shall be upgraded. The present two-lane street section on both Briggsmore Avenue and Claus Road is not adequate to meet the future needs for both project-related and cumulative through-traffic.

The complete six-lane section of the proposed Claus Expressway shall be installed between Briggsmore Expressway and Sylvan Road. Briggsmore Expressway shall be widened from a two-lane to a six-lane section (with median) between Oakdale Road and Claus Road. Right-of-way shall be reserved along the proposed Claus Expressway at the junctions with Floyd Avenue and the Briggsmore Expressway for the installation of urban interchange facilities. The intersection with Sylvan Avenue will require realignment of Claus as shown on Figure II-1 and III-2. Right-of-way lines are indicated also on Precise Plan Areas #'s 9, 10, 24, 25, 30, 34 and 35.

- d) The major street system shall be completed around the periphery of the project by extending and widening the primary roadways. The present two-lane street section on Oakdale Road, Sylvan Avenue, Floyd Avenue and Roselle Avenue is not adequate to meet the future needs for both project-related and cumulative through-traffic.
- e) Roselle Avenue will be widened from a two-lane to a four-lane section (with median) between Briggsmore Expressway and Sylvan Avenue. Oakdale Road will be widened from a two-lane to a six-lane section (with median) between Briggsmore Expressway and Sylvan Avenue. Floyd Avenue will be widened from a two-lane to a four-lane section (with median) between Oakdale Road and Claus Road, except for a small segment in the Village Center. Sylvan Avenue will be widened from a two-lane to a four-lane section (with median) between Oakdale Road and Claus Road.
- f) Floyd Avenue through the Village Center will be constructed in two stages. The first stage will be two travel lanes, a turn lane and wide sidewalks. The second stage, to be installed when determined necessary by the City will be four travel lanes, a turn lane and narrow side-walks (see Figure II-6).
- g) Improvements shall be installed to the intersections of the three major north-south and east-west streets that adjoin the Village One study area. These locations would be signalized at-grade intersections, with the exception of locations along the Claus Expressway which would initially be at-grade intersections and could ultimately be grade-separated urban interchanges.

5. Village Center - Community Design Policies

In addition to the Land Use policies listed above, all development within the Village Center shall incorporate the following Design Policies, as appropriate.

a) Site Design Policies

1. Commercial building parcels should be delineated in various sizes ranging from approximately thirty to 250-foot frontages in order to create architectural variety and a more visually interesting environment for the pedestrian.
2. Residential building parcels within the Village Center should be located outside of the designated core area. These parcels should be large enough to accommodate appropriately scaled, high-density projects. Well-landscaped pedestrian easements must be provided in mid-block locations in projects that exceed 250 feet in linear frontage, and should have an average width of at least twenty feet.
3. Setbacks to the rear of the buildings must be a minimum of four feet in order to accommodate sidewalks facing the parking lots for service and pedestrian safety.
4. Screened service courts and enclosed trash containers should be required for garbage and delivery.
5. The electrical services and other mechanical areas of buildings should be screened from view or located to minimize their visual appearance.

b) Street Design Policies

~~1. Through the Village Center, Floyd Avenue should not exceed three moving lanes, including accommodation for left and right hand turning lanes at major intersections (See Figure II-6). In order to meet the goal of retaining a pedestrian-oriented design scale relationship, provide for the circulation needs of the Village Center, and consider the potential for alternative Village Center design, final design of this road section will likely vary when the actual Precise Plan is adopted for the Village Center.~~

1. Through the Village Center, Floyd Avenue shall be installed as interim improvements first, then ultimate improvements when needed. The interim improvements would consist of 3 - lanes (2 travel + 1 turn) constructed with bike lanes and wide sidewalks within the 112-foot right-of-way. This interim 3-lane improvement would be allowed to operate as long as the City determines that operational and safety

concerns are being met.

Ultimate improvements would be required when the City determines that 3 - lanes are no longer meeting operational and safety needs. The ultimate improvements of 5 - lanes (4 travel + 1 turn) will be constructed within the right-of-way of 112 feet. The wide sidewalks will become narrower. However, since the buildings will have been set back to allow for this widening, a wide sidewalk will still be retained for pedestrians. (See Figure II-6). Final design of this road section may vary when the actual Precise Plan is adopted for the Village Center.

2. On-street parking should be provided on both sides of the street. Along Floyd Avenue, sidewalks should be a minimum of fourteen feet in width. Overhead electrical facilities should be prohibited on Floyd between Roselle Avenue and the proposed Claus Expressway.
3. The diagonal main streets should not exceed two moving lanes. On-street parallel parking should be provided on both side of the street. Sidewalks should be fifteen to twenty feet in width, permitting a zone of six to ten feet for cafes to spill out onto the sidewalk.
4. All Village Center streets should be designed for 48-inch box street trees with high canopies that could be planted at twenty-foot intervals. Tree species should be selected for branching at heights greater than fifteen feet, for light, feathery leafing (for visibility to storefronts) and for easier of maintenance.
5. Consistent pedestrian-scale ornamental light fixtures should be utilized along streets in the Village Center. Light fixtures should include attachments for banners and planters. Fixtures should be high-pressure sodium vapor for the best rendition of natural colors.

c) Architectural Design Policies

1. Linear frontages along the street of any one building should not exceed approximately 250 feet in order to create passageways for pedestrians between parking areas and adjacent streets. Public passageways between buildings should be a minimum of twenty feet in width and well landscaped with trees, flowers, side-walks, and lighting.
2. All commercial buildings should have facades built right to the sidewalk, with no setbacks on the first level, in order to maintain an active and interesting edge for window shoppers, strollers and passersby.
3. Buildings at key intersections should be designed to

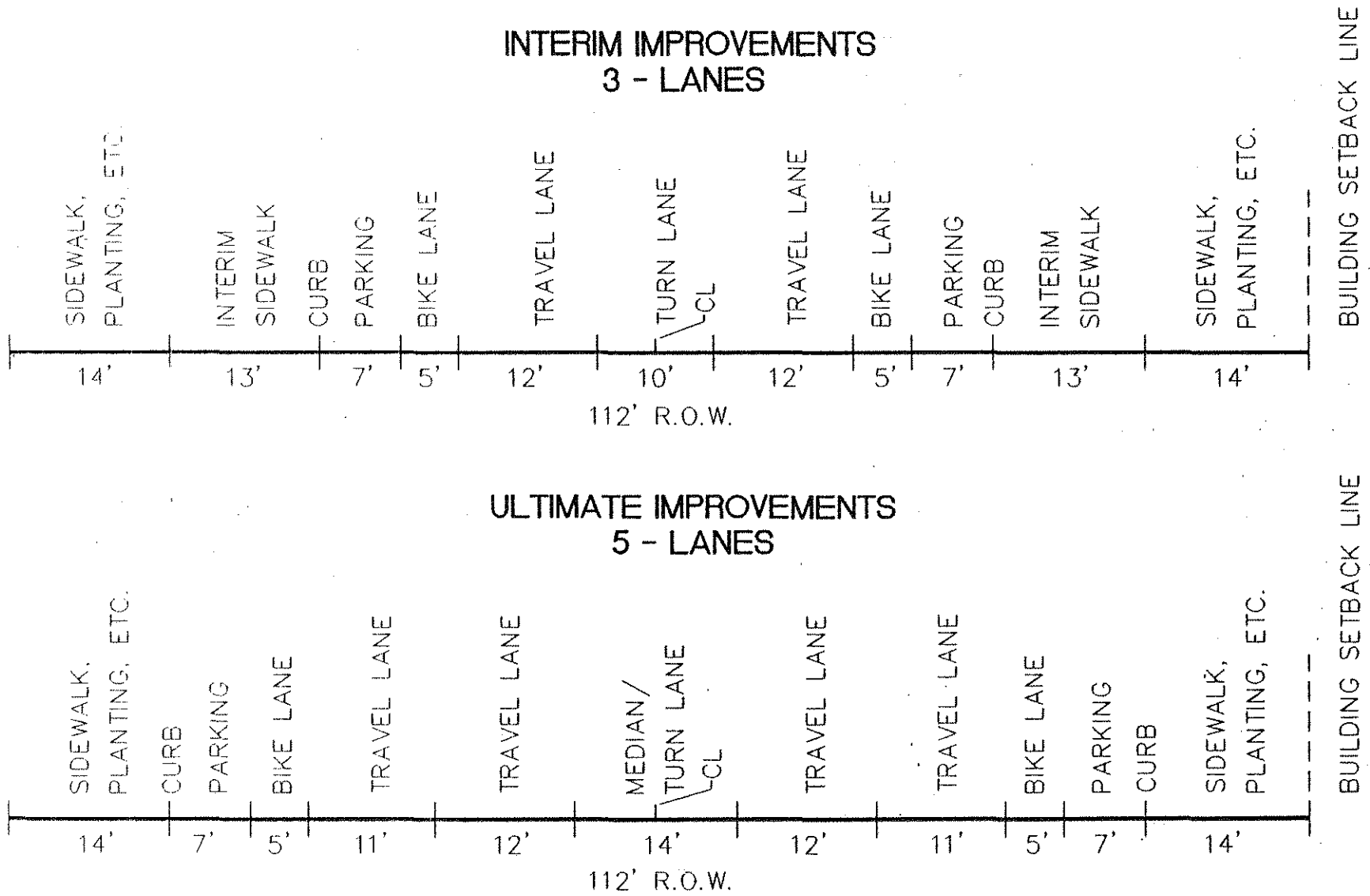


FIGURE II-6
Major Street Cross Section: Floyd Avenue
Village Center Commercial District

SUB-ITEM 2. REALIGNED CLAUS/SYLVAN INTERCHANGE

A. Description

This amendment would provide for constructing a realigned interchange facility near the corner of Claus Road and Sylvan Avenue. The realignment would allow Sylvan Road to be extended to the east by providing adequate vehicle stacking distance between a future at-grade railroad crossing and the interchange. The redesigned alignment would curve to the west of the existing alignment approximately 500 feet from its existing intersection with Sylvan Avenue.

B. Specific Changes Required in the Specific Plan

The following pages of the present Specific Plan need to be revised to implement the proposed changes:

<u>Exhibit Page Reference</u>	<u>Description</u>	<u>Specific Plan Page Reference</u>
A-8	Add text describing Claus Road realignment	Page II-10
A-9	Revise Figure II-1 to show Claus Road realignment	Page II-55
A-10	Revise Figure III-1 to show Claus Road realignment	Page III-2
A-11	Revise Precise Plan #9 text to include Claus Road realignment	Page III-28
A-12	Revise Precise Plan #9 text to include Claus Road realignment	Page III-29
A-13	Revise Figure III-10 to show Claus Road realignment	Page III-30
A-14	Revise Precise Plan #10 text to include Claus Road realignment	Page III-31
A-15	Revise Figure III-11 to show Claus Road realignment	Page III-32
A-16	Revise Precise Plan #24 text to include Claus Road realignment	Page III-64
A-17	Revise Figure III-25 to show Claus Road realignment	Page III-66
A-18	Revise Precise Plan #25 text to include Claus Road realignment	Page III-67
A-19	Revise Figure III-26 to show Claus Road realignment	Page III-69
A-20	Revise Precise Plan #30 text to include Claus Road realignment	Page III-79
A-21	Revise Figure III-31 to show Claus Road realignment	Page III-81
A-22	Revise Precise Plan #34 text to include Claus Road realignment	Page III-90
A-23	Revise Figure III-35 to show Claus Road realignment	Page III-91
A-24	Revise Precise Plan #35 text to include Claus Road alignment	Page III-92
A-25	Revise Figure III-36 to show Claus Road realignment	Page III-95
A-26	Add text describing expressway interchange as "backbone"	Page IV-2
A-27	Add text including Claus/Sylvan interchange in expressway system	Page IV-4

Following are the replacement pages which would implement these changes. The shaded text is language to be added. The lined-out text is language to be deleted.

- c) The expressway system shall be upgraded. The present two-lane street section on both Briggsmore Avenue and Claus Road is not adequate to meet the future needs for both project-related and cumulative through-traffic.

The complete six-lane section of the proposed Claus Expressway shall be installed between Briggsmore Expressway and Sylvan Road. Briggsmore Expressway shall be widened from a two-lane to a six-lane section (with median) between Oakdale Road and Claus Road. Right-of-way shall be reserved along the proposed Claus Expressway at the junctions with Floyd Avenue and the Briggsmore Expressway for the installation of urban interchange facilities. The intersection with Sylvan Avenue will require realignment of Claus as shown on Figures II-1 and III-2. Right-of-way lines are indicated also on Precise Plan Areas #'s 9, 10, 24, 25, 30, 34 and 35.

- d) The major street system shall be completed around the periphery of the project by extending and widening the primary roadways. The present two-lane street section on Oakdale Road, Sylvan Avenue, Floyd Avenue and Roselle Avenue is not adequate to meet the future needs for both project-related and cumulative through-traffic.
- e) Roselle Avenue will be widened from a two-lane to a four-lane section (with median) between Briggsmore Expressway and Sylvan Avenue. Oakdale Road will be widened from a two-lane to a six-lane section (with median) between Briggsmore Expressway and Sylvan Avenue. Floyd Avenue will be widened from a two-lane to a four-lane section (with median) between Oakdale Road and Claus Road, except for a small segment in the Village Center. Sylvan Avenue will be widened from a two-lane to a four-lane section (with median) between Oakdale Road and Claus Road.
- f) Floyd Avenue through the Village Center will be constructed in two stages. The first stage will be two travel lanes, a turn lane and wide sidewalks. The second stage, to be installed when determined necessary by the City will be four travel lanes, a turn lane and narrow sidewalks (see Figure II-6).
- g) Improvements shall be installed to the intersections of the three major north-south and east-west streets that adjoin the Village One study area. These locations would be signalized at-grade intersections, with the exception of locations along the Claus Expressway which would initially be at-grade intersections and could ultimately be grade-separated urban interchanges.

The improvements include the addition of through and turn lanes at the intersections of Claus Express-

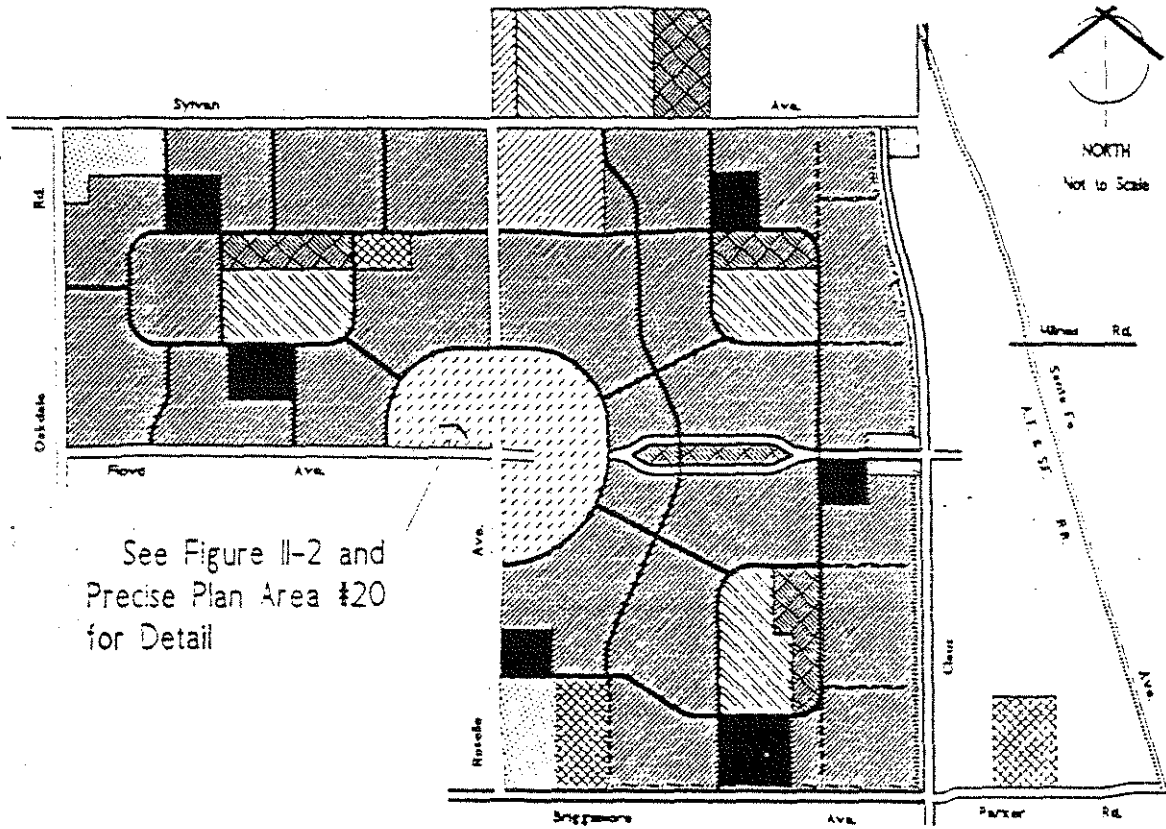


FIGURE II-1

LAND USE AND CIRCULATION DIAGRAM

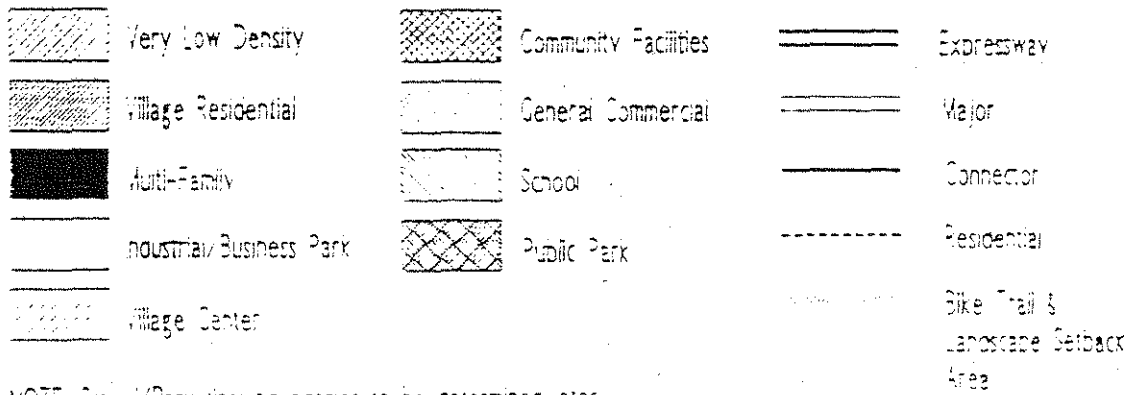
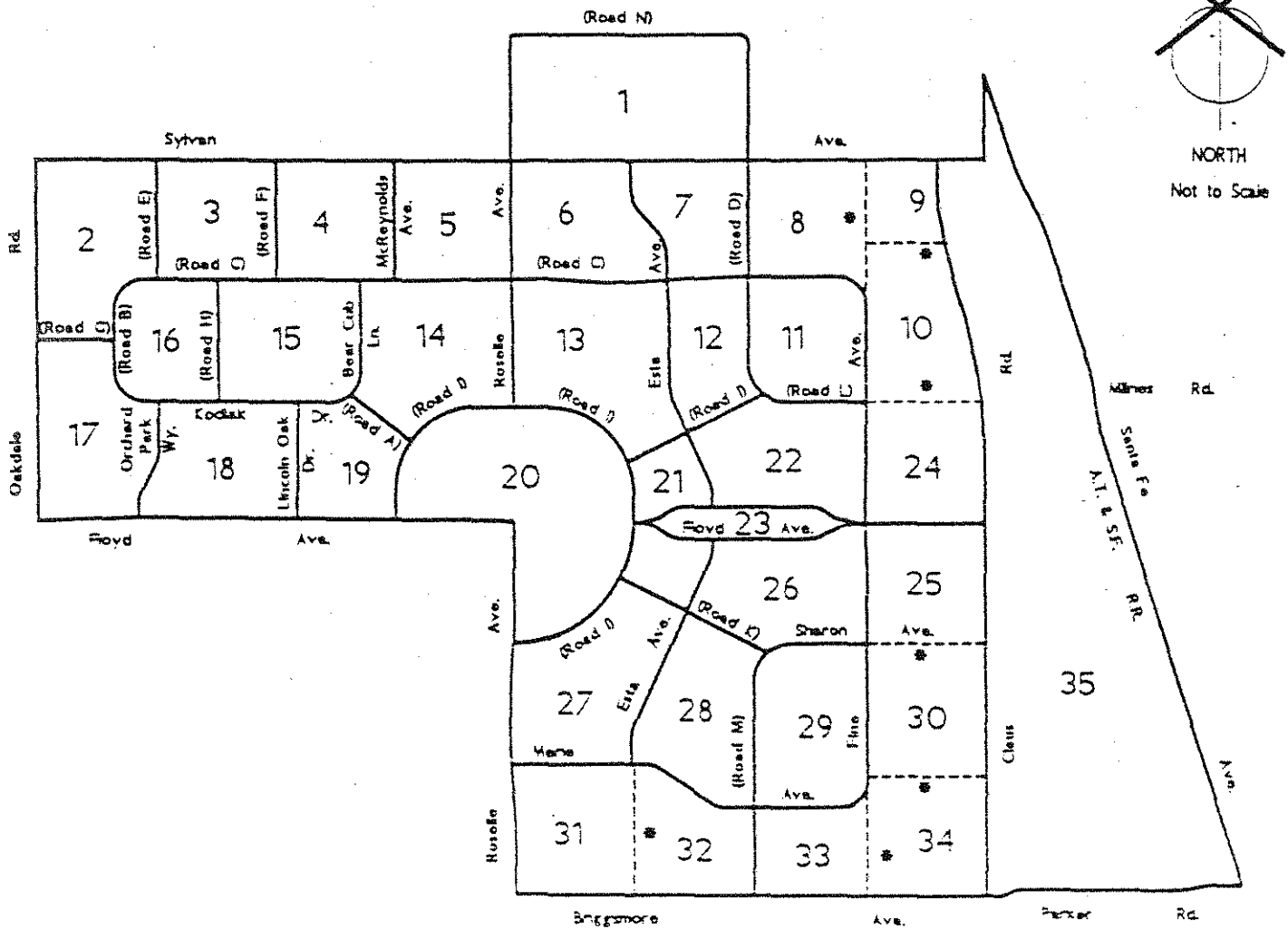


Figure III - 1
Precise Plan Areas



*Note: These lines indicated by asterisks represent boundaries between Precise Plan Areas. While these lines are not Connector Streets, they may be local streets or property lines.

PRECISE PLAN AREA #9
(Figure III-10)

1. Acreeage: 27.6 14.9 Acres (of which 1.42 1.8 acres is devoted to noise setback area)

2. Land Use Intensity

A. ~~General Commercial~~ 3.5 Acres

B. A. Village Residential 22.6 13.5 Acres (of which 1.42 1.8 acres is devoted to noise setback area)

C. B. Sylvan Avenue Frontage Road Setback Area 1.5 1.4 Acres

3. Special Considerations

The Precise Plan shall incorporate the following policies:

a. ~~Within sub-area "A" auto-oriented, service retail uses are permitted in accordance with policy II(G)(7)(b) in Chapter II.~~

b. a. Within sub-area "B A", only residential uses shall be allowed.

1. The maximum number of dwelling units is calculated as follows:

22.6 13.5 acres - 1.42 1.8 acres noise setback area = 21.8 11.7 acres.

21.8 11.7 acres x 6.5 dwelling units/Acre = 142 76 dwelling units.

2. The minimum number of dwelling units is calculated as follows:

142 76 dwelling units x 90% = 128 68 dwelling units.

c. b. Within Sub-area "C B", no development shall be allowed. The setback area for the Sylvan Avenue frontage road is proposed within this area.

d. c. A minimum of 0.5 acres shall be provided for a mini-park as consistent with Section II(F)(2)(d) in Chapter II.

e. d. The existing church on Assessors Parcel Number 52-20-57 may remain. However, its Principal Underlying Zone is R-1, Low Density Residential. Expansion of the church use shall occur only through a Conditional Use Permit.

f. e. Parcels adjacent to Sylvan Avenue shall provide a frontage road and landscaping in accordance with the standards in Chapter II.

g. f. Parcels fronting on Claus Expressway shall provide a 95-foot-wide

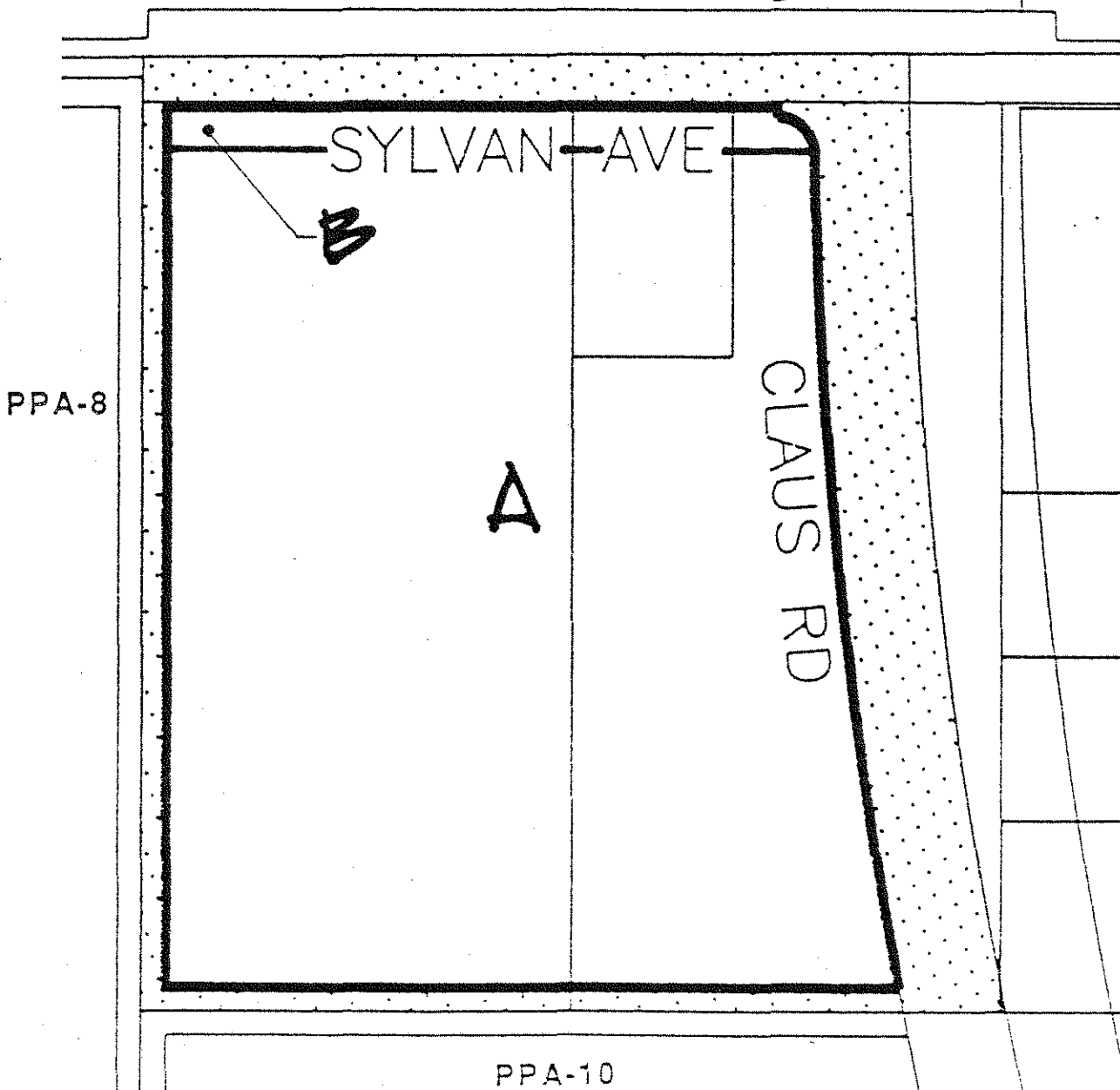
and landscaping in accordance with the standards in Chapter II.

- g. ~~h.~~ Parcels fronting on Claus Expressway shall provide a 95-foot-wide traffic noise mitigation setback where no habitable dwellings shall be placed, (from the edge of public right of way) for all residential units as well as a seven-foot high soundwall. Setback areas for landscaping and trails shall also be provided in accordance with the standards in Chapter II.

4. Principal Underlying Zone(s)

- a. Sub-area "A", ~~C-2, General Commercial R-1, Low-Density Residential~~
- b. Sub-area "B", R-1, Low-Density Residential
- c. ~~Sub-area "C", R-1, Low-Density Residential~~

Figure III-10
PRECISE PLAN AREA #9



III-30

PRECISE PLAN AREA #10
(Figure III-11)

1. Acreage: 47.8 35.7 Acres (of which 3.4 3.7 acres is devoted to noise setback)

2. Land Use Intensity

Sub Area "A" 47.8 35.7 Acres (of which 3.4 3.7 acres is devoted to noise setback)

3. Special Considerations

The Precise Plan shall incorporate the following policies:

a. Within the Precise Plan Area, only single-family residential uses shall be allowed.

1. The maximum dwelling units are calculated as follows:

47.8 35.7 acres - 3.4 3.7 acres noise setback area = 44.4 acres.
44.4 32.0 acres x 6.5 dwelling units/acre = ~~289~~ 208 dwelling units.

2. The minimum dwelling units are calculated as follows:

289 ~~208~~ x 90% = ~~260~~ 187 dwelling units.

b. A minimum of ~~0.9~~ 0.6 acres shall be provided for a mini-park as consistent with Section II(F)(2)(d) in Chapter II.

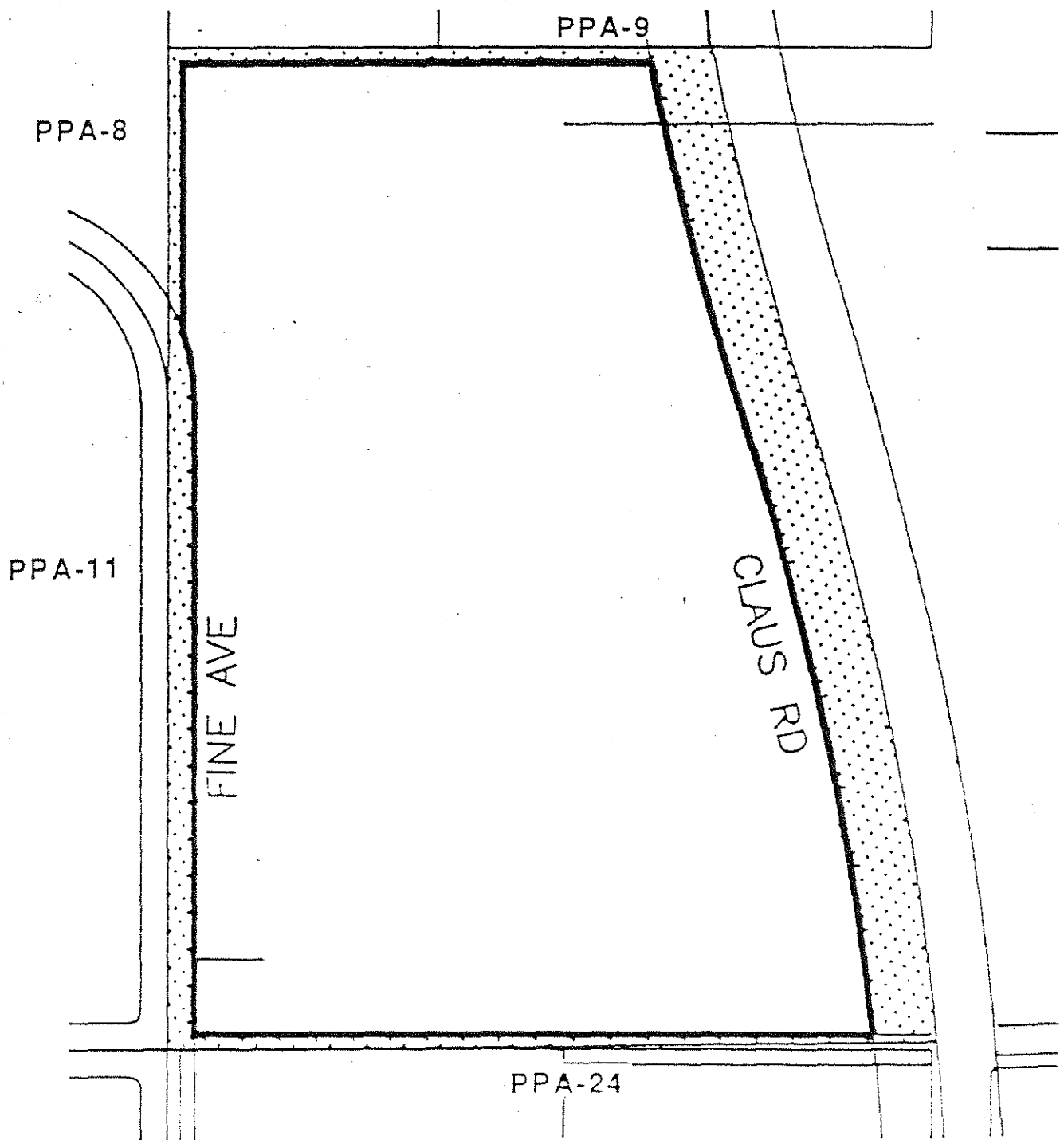
c. The southern boundary of Precise Plan Area #10 shall be the south property line of Assessors Parcel Number 52-20-05.

d. Parcels fronting on Claus Expressway shall provide a 95-foot-wide traffic noise mitigation setback, where no habitable dwellings shall be placed, (from the edge of public right of way) for all residential units as well as a seven-foot high soundwall. Setback areas for landscaping and trails shall also be provided in accordance with the standards in Chapter II.

4. Principal Underlying Zone(s)

a. R-1, Low-Density Residential

Figure III-11
PRECISE PLAN AREA #10



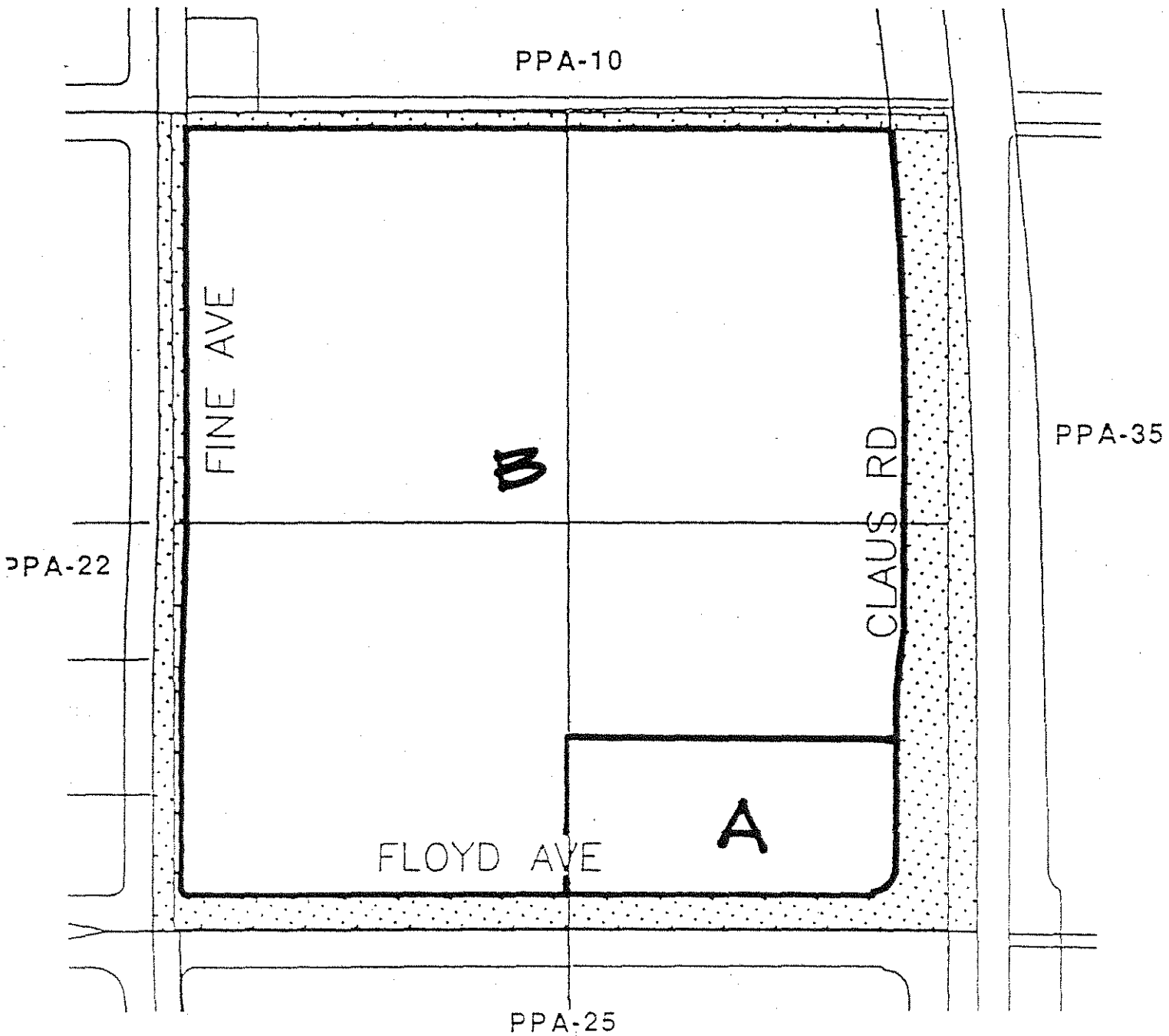
PRECISE PLAN AREA #24
(Figure III-25)

1. Acreage: 37.9 ~~32.8~~ Acres (of which 2.2 Acres is devoted to noise setback area)
2. Land Use Intensity
 - A. Commercial 2.5 Acres
 - B. Village Residential 35.4 ~~30.3~~ Acres (of which 2.2 Acres is devoted to noise setback area)
3. Special Considerations

The Precise Plan shall incorporate the following policies:

- a. Within sub-area "A", commercial uses consistent with the City's C-2 zone as described in Policy II(G)(7)(b) in Chapter II are permitted.
- b. Within sub-area "B", only single-family residential uses shall be allowed.
 1. The maximum dwelling units shall be calculated as follows:
$$\begin{aligned} & \text{35.4 } \underline{\text{30.3}} \text{ acres} - 2.2 \text{ acres noise setback area} - \underline{\text{33.2}} \text{ } \underline{\text{28.1}} \text{ Acres} \\ & \underline{\text{33.2}} \text{ } \underline{\text{28.1}} \text{ acres} \times 6.5 \text{ dwelling units/acre} = \underline{\text{216}} \text{ } \underline{\text{183}} \text{ dwelling} \\ & \text{units.} \end{aligned}$$
 2. The minimum dwelling units shall be calculated as follows:
$$\text{216 } \underline{\text{183}} \text{ dwelling units} \times 90\% = \underline{\text{194}} \text{ } \underline{\text{164}} \text{ dwelling units.}$$
- c. A minimum of ~~0.6~~ 0.5 acres shall be provided for a mini-park as consistent with Section II(F)(2)(d) in Chapter II.
- d. Pedestrian access to sub-area "A" from sub-area "B" should be provided.
- e. The existing church shall be allowed to remain. However, its Principal Underlying Zone is R-1, Single-family Residential. Expansion of the church facilities shall require a Conditional Use Permit.
- f. Vehicle access to the existing church from Floyd Avenue shall be provided with minimal disruption to through-traffic flow.
- g. The northern boundary of the Precise Plan Area shall be the north boundaries of Assessors Parcels numbers 52-23-06 and 52-23-56.
- h. "Boulevard Treatment" is required along the frontage of Floyd Avenue where specified. This treatment includes front yard

Figure III-25
PRECISE PLAN AREA #24



III-66

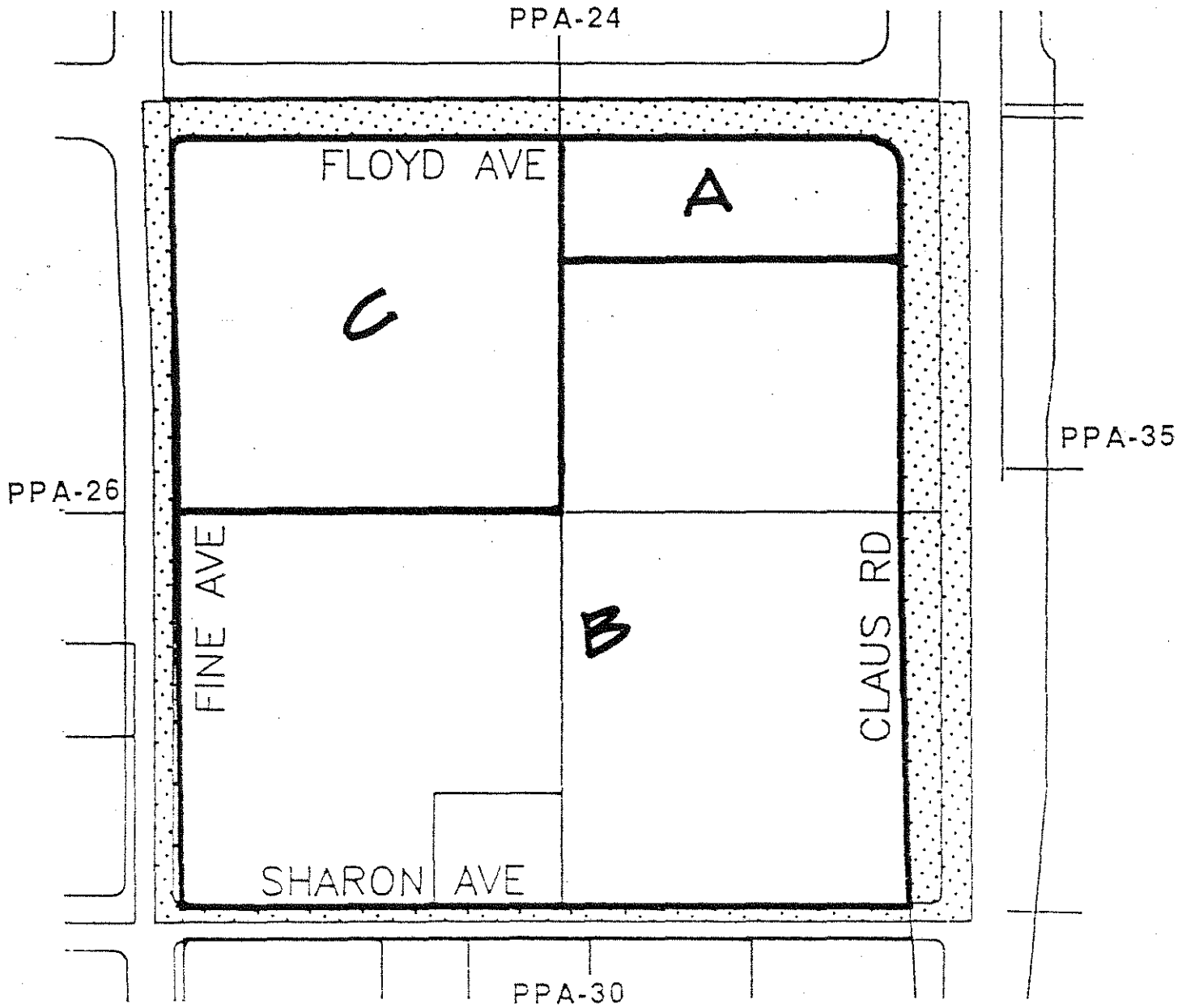
PRECISE PLAN AREA #25
(Figure III-26)

1. Acreage: ~~36.8~~ 33.0 Acres (of which ~~1.5~~ 2.2 Acres is devoted to noise setback area)
2. Land Use Intensity
 - A. Commercial 2.5 Acres
 - B. Village Residential ~~25.3~~ 21.5 Acres (of which ~~1.5~~ 2.2 Acres is devoted to noise setback area)
 - C. Multi-family 9.0 Acres
3. Special Considerations

The Precise Plan shall incorporate the following policies:

- a. Within sub-area "A", commercial uses consistent with the City's C-2 zone as described in Policy II(G)(7)(b) in Chapter II are permitted.
- b. Within sub-area "B", only single-family residential uses shall be allowed.
 1. The maximum dwelling units shall be calculated as follows:
$$\begin{aligned} & \del{25.3} \u{21.5} \text{ acres} - \del{1.5} \u{2.2} \text{ acres noise setback area} = \del{23.8} \u{19.3} \text{ Acres} \\ & \del{23.8} \u{19.3} \text{ acres} \times 6.5 \text{ dwelling units/acre} = \del{155} \u{125} \text{ dwelling units} \end{aligned}$$
 2. The minimum dwelling units shall be calculated as follows:
$$\del{155} \u{125} \text{ dwelling units} \times 90\% = \del{140} \u{113} \text{ dwelling units}$$
- c. A minimum of 0.5 acres shall be provided for a mini-park consistent with Section II(F)(2)(d) in Chapter II.
- d. Parcels fronting on Claus Expressway shall provide a 95-foot-wide traffic noise mitigation setback (from the edge of public right of way) where no habitable dwellings shall be placed, for all residential units as well as a seven-foot-high soundwall. Setback areas for landscaping and trails shall also be provided in accordance with the standards in Chapter II.
- e. Within sub-area "C", only multi-family uses shall be allowed.
 1. The maximum dwelling units shall be calculated as follows:
$$9.0 \text{ acres} \times 26.25 \text{ dwelling units/Acre} = \u{236} \text{ dwelling units}$$
 2. The minimum dwelling units shall be calculated as follows:

Figure III-26
PRECISE PLAN AREA #25



III-69

PRECISE PLAN AREA #30
(Figure III-31)

1. Acreeage: 35.7 ~~34.7~~ Acres (of which 2.8 Acres is devoted to noise setback area)

2. Land Use Intensity
 - a. Village Residential 35.7 ~~34.7~~ Acres (of which 2.8 Acres is devoted to noise setback area)

3. Special Considerations

The Precise Plan shall incorporate the following policies:

- a. Within the Precise Plan Area only single-family residential uses shall be allowed.
 1. The maximum number of dwelling units shall be calculated as follows:

 35.7 ~~34.7~~ acres - 2.8 acres/noise setback area = 32.9 ~~31.9~~ acres.
 32.9 ~~31.9~~ acres x 6.5 dwelling units/acre = 214 ~~207~~ dwelling units.

 2. The minimum number of dwelling units shall be calculated as follows:

 214 ~~207~~ dwelling units x 90% = 193 ~~186~~ dwelling units.

- b. A minimum of 0.6 acres shall be provided for a mini-park as consistent with Section II(F)(2)(d) in Chapter II.

- c. The Precise Plan shall provide access relocation from Claus Expressway to Sharon Avenue for the existing church.

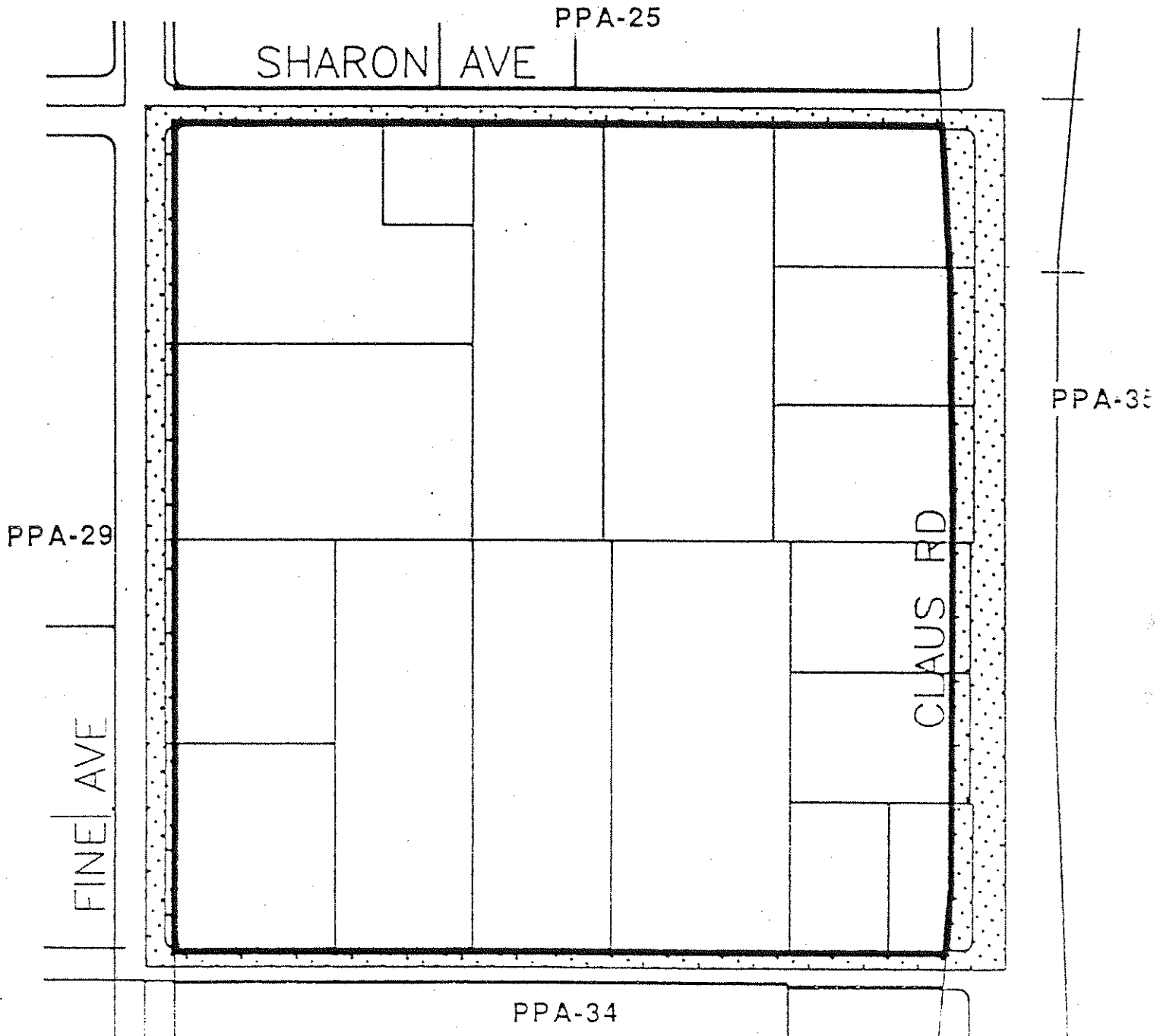
- d. Pedestrian access shall be provided to the school/park site in Precise Plan Area No. 29.

- e. The boundary between Precise Plan Areas Nos. 30 and 34 is the existing centerline of Merle Avenue (which may be abandoned).

- f. Sharon Avenue shall be closed to Claus Expressway with a cul-de-sac at its east end.

- g. Parcels fronting on Claus Expressway shall provide a 95-foot-wide traffic noise mitigation setback (from the edge of public right of way), where no habitable dwellings shall be placed, for all residential units as well as a seven-foot high soundwall. Setback areas for landscaping and trails shall also be provided in accordance with the standards in Chapter II.

Figure III-31
PRECISE PLAN AREA #30



PRECISE PLAN AREA #34
(Figure III-35)

1. Acreage: 35.7 31.9 Acres (of which 2.8 2.6 acres is devoted to noise setback area)

2. Land Use Intensity

a. Village Residential 35.7 31.9 Acres (of which 2.8 2.6 acres is devoted to noise setback area)

3. Special Considerations

The Precise Plan shall incorporate the following policies:

a. Within the Precise Plan Area only single-family residential uses are allowed.

1. The maximum dwelling units shall be calculated as follows:

$$\begin{aligned} 35.7 \text{ } 31.9 \text{ acres} - 2.8 \text{ } 2.6 \text{ acres} &= 32.9 \text{ } 29.3 \text{ acres} \\ 32.9 \text{ } 29.3 \text{ acres} \times 6.5 \text{ dwelling units/acre} &= \underline{214} \text{ } \underline{190} \text{ dwelling units} \end{aligned}$$

2. The minimum dwelling units shall be calculated as follows:

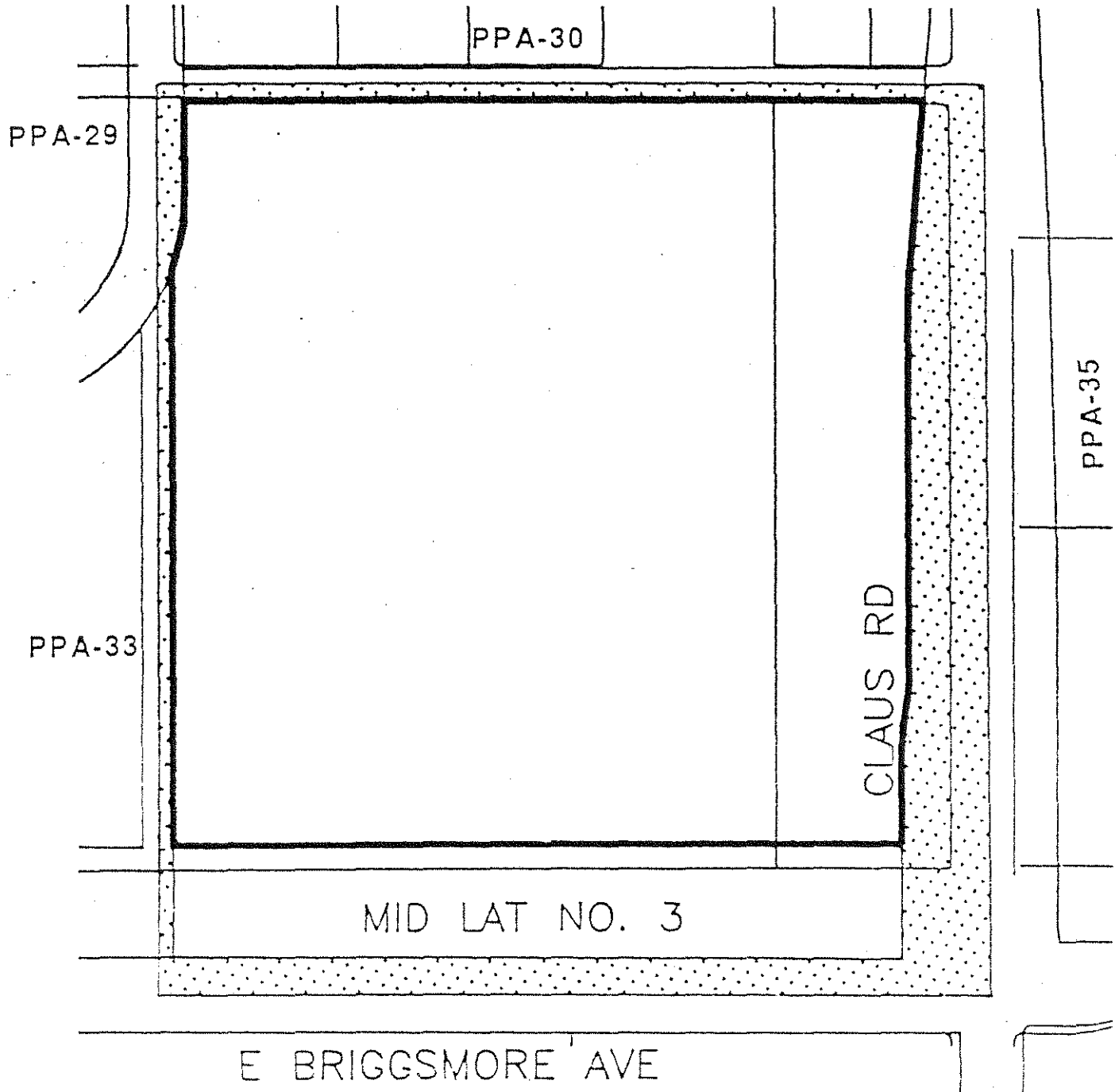
$$214 \text{ } 190 \text{ dwelling units} \times 90\% = \underline{193} \text{ } \underline{171} \text{ dwelling units}$$

b. A minimum of 0.6 acres shall be provided for a mini-park as consistent with Section II(F)(2)(d) in Chapter II.

c. Parcels fronting on Claus Expressway shall provide a 95-foot-wide traffic noise mitigation setback (from the edge of public right of way), where no habitable dwellings shall be placed, for all residential units as well as a seven-foot high soundwall. Setback areas for landscaping and trails shall also be provided in accordance with the standards in Chapter II.

d. Parcels abutting MID Lateral No. 3 shall provide a twenty-foot setback area along the north side of the lateral. This setback area shall be landscaped and include a bike trail that connects to the Claus Road bike trail, and a seven-foot soundwall along the north line of the setback area.

Figure III-35
PRECISE PLAN AREA #34



PRECISE PLAN AREA #35
(Figure III-36)

1. Acreage: 245.8 307.6 Acres

2. Land Use Intensity

A. Industrial/Business Park 228.2 Acres

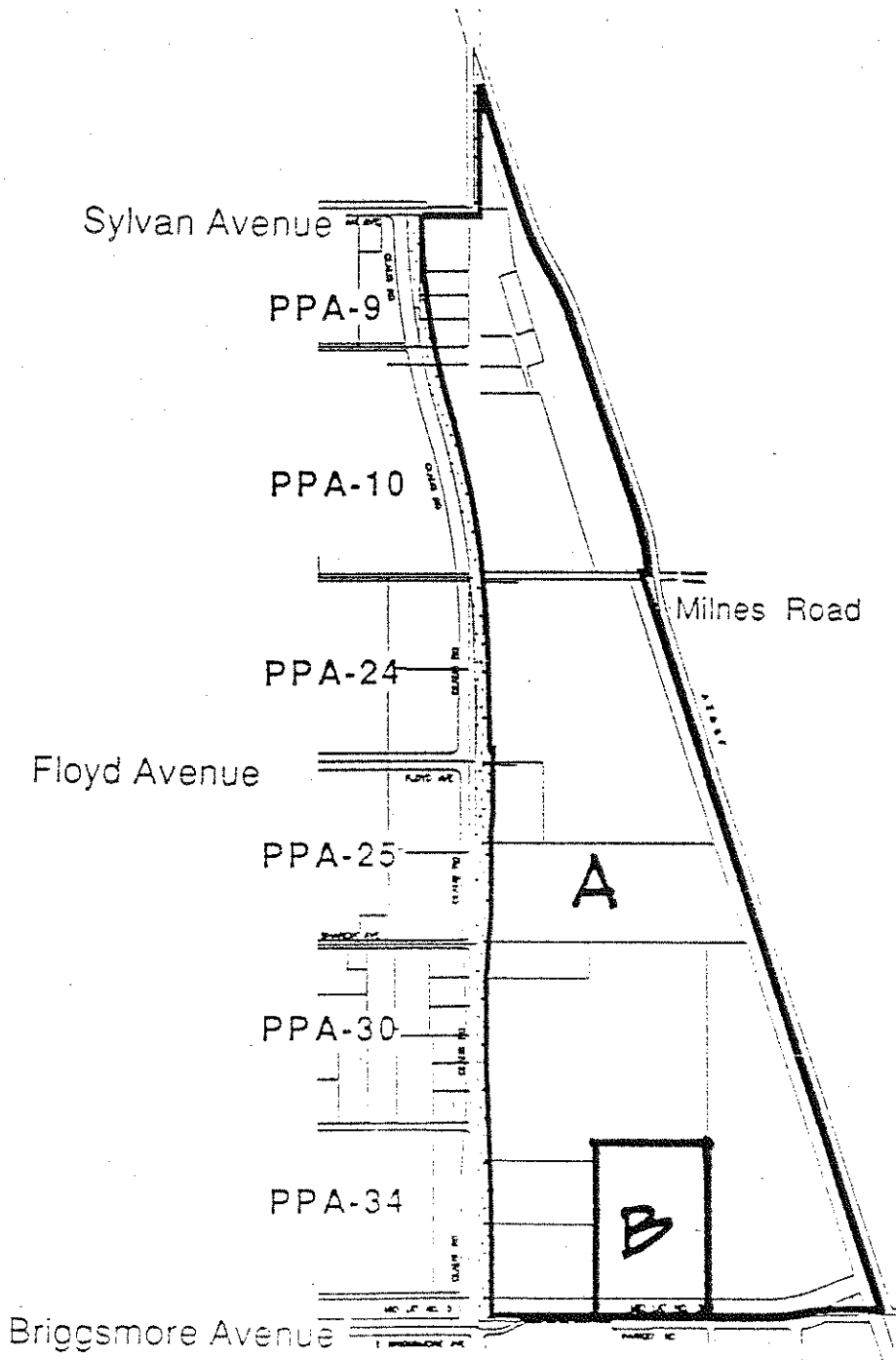
B. Public Facilities 21.1 Acres

3. Special Considerations

The Precise Plan shall incorporate the following policies:

- a. Within Sub-area "A", only Industrial/Business Park uses in accordance with Sections II(G)(8), (9) and (10) in Chapter II shall be allowed. A minimum of 1.4 million square feet and a maximum of 2.3 million square feet of Industrial/Business Park uses and a storm drainage basin shall be provided.
- b. Within Sub-area "B", only Public Facilities uses, specifically an M.I.D. substation, in accordance with Sections II(D)(7) and (9) in Chapter II shall be allowed.
- c. Plans for development and development sites within the Precise Plan Area shall be consistent with Sections II(G)(10)(a) through (i) in Chapter II.
- d. The Precise Plan shall include a Circulation Plan for the Business Park. This plan shall provide a Connector level street system including entry treatment of the intersection with Floyd Avenue. Linkage of the internal street network to East/West circulation via connections to Floyd Avenue and Milnes Road shall also be addressed in the Circulation Plan.
- e. The Precise Plan shall include revised orientation to accommodate the future Claus/Sylvan interchange realignment as well as revised egress for business park parcels.
- ~~e.~~ f. The Precise Plan shall include plans for improving the at-grade Milnes/Road Santa Fe railroad crossing.
- ~~f.~~ g. The Precise Plan shall address the integration of the Santa Fe Railroad rail spurs and access.
- ~~g.~~ h. The Precise Plan shall address the integration of the future Amtrak station into the Business Park land use and circulation plans, in accordance with Section II(C)(7)(c) in Chapter II.
- ~~h.~~ i. The Precise Plan shall analyze the potential for an additional

Figure III-36
PRECISE PLAN AREA #35



Facilities with enhanced service standards in Village One include:

a) Streets

Right of way widths, median requirements, and landscaping requirements in setbacks have been increased or enhanced above present standards.

b) Parks

Park acreage has been increased due to: (a) the requirement for "mini-parks" in each neighborhood at a ratio of 1/2-acre for every 150 single-family housing units; (b) an increase in "neighborhood" park acreage - a result of the elementary schools shift to year-round schools which eliminated the availability of shared playing fields; (c) the 2.3-acre park in the Village Center, (d) the Gateway park along Floyd Avenue; (e) linear recreational trails along Claus Road; and (f) landscaped entries at intersections of north-south streets and the Sylvan Avenue frontage road.

3. Facilities Master Plan - Infrastructure Categories

The general requirements for infrastructure and facilities, and the likely method of funding, are described in the following paragraphs. The infrastructure and public facilities required to serve Village One can be grouped into three categories:

a) Backbone Infrastructure

This group includes expressways, expressway interchanges, major streets, roadway medians, sanitary sewer trunk system, water delivery system, storm drainage system, neighborhood connector streets, and relocation of electrical utilities, and other utilities, if appropriate.

b) Community Facilities

This group includes parks, schools, community center, library, and police and fire facilities.

c) In-Tract Subdivision Infrastructure

This group includes neighborhood roads, sewer, water, storm drainage, setback landscaping and street trees, and pocket parks (mini-parks) which serve only a specific Precise Plan Area.

Backbone infrastructure items and community facilities serve all land uses within the project area and are funded through a financing system that spreads the costs fairly to each benefiting land use. In-tract subdivision infrastructure benefits only a specific development and the costs are allocated only to the benefiting properties within that development.

The Financing Plan for Village One is complicated due to the large number of parcels and ownerships within the Specific Plan area. There is great diversity of opinion as to whether or not owners want to develop their property or maintain it in its current use for an indefinite period. The timing of developments is unknown for those property owners who wish to develop in accordance with the permitted land uses within the Village One Specific Plan. This uncertainty means that the financing plan and the infra-structure sequencing program must be flexible.

2. Public Facilities Financing Plan - Facility Funding Methods

The Facility Financing Plan will determine the appropriate mix of Facility funding methods, based upon the facilities listed below:

a) Expressway System

The expressway system will be funded by the City of Modesto's Capital Facilities Fee Program (CFF). Briggsmore Avenue and Claus Road are planned expressways including planned Claus/Sylvan interchange. All development will be charged a CFF at the time building permits are issued. The traffic portion of this fee is divided between the expressway system and major streets, traffic signals, air quality mitigation, and transit.

b) Major Streets

Major streets within the Specific Plan area include Oakdale Road, Sylvan Avenue, Roselle Avenue and Floyd Avenue. The City's CFF will fund a portion of the Roselle Avenue improvements. Improvements to the other major streets will be paid for by a combination of developer financing for abutting roadway frontages and an "area of benefit" charge that covers the entire Specific Plan area. Assessment districts or Mello-Roos Community Facilities districts may be considered in place of, or in combination with, the "area of benefit" charge. Landscape maintenance within public right-of-way may be funded by a property owners association or a Landscape and Lighting District.

c) Local Connector Streets and Residential Streets

Construction of local connector streets and residential streets will also be the responsibility of developers within each Precise Plan. Landscape maintenance within public rights-of-way may be funded by a property owners association or a Landscape and Lighting District.

d) Police and Fire Facilities

Fire facilities will be funded through the City of Modesto's Capital Facilities Fee Program. All new developments will be charged a fee at the time building permits are issued. Construction of the police and fire facilities will be

SUB-ITEM 3. DELETION OF NON-POTABLE WATER SUPPLY

A. Description

This amendment to the Specific Plan would consist of the deletion of a separate, untreated, non-drinkable water system, also known as the Non-Potable Water Supply. The Specific Plan included the installation of an alternative water supply including storage, piping and necessary pumps for the distribution of untreated surface water from the M.I.D. irrigation canal.

This non-potable water supply was intended to provide untreated surface water for the public landscaping in the project such as street medians and linear landscaped setback areas. Potential savings in treatment costs as well as reductions in ground water usage were the reasons for including it in the Specific Plan.

B. Specific Changes Required in the Specific Plan

The following pages of the present Specific Plan need to be revised to implement the proposed changes:

<u>Exhibit Page Reference</u>	<u>Description</u>	<u>Specific Plan Page Reference</u>
A-29	Delete text describing Alternative Irrigation source for landscaping	Page II-15
A-30	Delete text describing separate water system for irrigation of landscaping	Page II-16

Following are the replacement pages which would implement these changes. The shaded text is language to be added. The lined-out text is language to be deleted.

to the city by 1994.

Although the general location of water delivery systems have been indicated on Figure II-15, certain deviations will be necessary as logical adaptations to specific site considerations.

~~b) Alternative Irrigation Source for Landscaping~~

~~To reduce overdraft of groundwater supplies and reduce the future potential for unnecessary treatment of water supplies, the Village One area will use an alternative system (of non-potable water) for irrigation of median strips and larger open space areas. A storage facility will likely be required and may be located within a portion of the storm drainage basin. This storage facility will need to be sized in accordance with the policies of the Modesto Irrigation District for water delivery, if water is to be obtained from M.I.D. Interconnection with the domestic supply line is feasible with appropriate backflow devices, should M.I.D. water not be available for a given period of time.~~

~~The basic concept of the Alternative Irrigation Source is very similar to the domestic water system. A looped system, intracconnected, will be developed. Cost of this system will be less than the domestic water system because pipe diameters will not accommodate fire flow requirements. Participation by the school districts should be considered when sizing these facilities. Design of this system should be done prior to approval of development plans.~~

~~e) Design Principles - Water Services~~

~~b) Design Principles - Water Service~~

- ~~1. New water sources shall meet or exceed the California Department of Health Services Title 22 regulations for water quality.~~
- ~~2. The use of City water supplies for commercial agricultural uses shall be prohibited.~~
- ~~3. New wells shall be sited and be of sufficient size to accommodate areas of approximately one square mile.~~
- ~~4. Prior to design and construction of water transmission lines, the Public Works and Transportation Department shall be consulted regarding potential expansion of the water system and alternative sources of water.~~
- ~~5. New development shall meet fire flow requirements as established by the Fire and Public Works and Transportation Departments.~~
- ~~6. All main transmission lines shall be looped and lines of lesser diameter shall be looped to the extent~~

feasible.

7. The use of drought-resistant plants shall be required in conjunction with public streets and rights-of-way to reduce water needs.
8. New developments shall be required to minimize water consumption by using low-flow showerhead and faucets, and the principles of xeriscape (drought resistant plantings) in landscape plantings.
9. All new water connections shall be metered, excluding those connections designed solely for the purpose of fire protection.
10. Necessary water conduits shall be extended across the entire frontage of a developing area to allow for coordinated provision of services as adjacent areas are developed.
- ~~11. To reduce overdraft of groundwater supplies and reduce the future potential for unnecessary treatment water supplies, the Village One Specific Plan area will use a separate water system for irrigation of median strips and larger open-space areas. A storage facility will be located within a portion of the storm drainage basin.~~

- ~~d) Facilities Master Plan~~
- ~~c) Facilities Master Plan~~

Chapter IV presents the requirements for a Facilities Master Plan, to implement the above Design Principles.

7. Public Infrastructure - Storm Water System

a) Overview

This Section responds to the "Drainage" requirements of Section 65451(a)(2) of the Government Code. Figure II-16 presents, in a conceptual manner, the general location of storm water drainage facilities to serve Village One.

Storm water facilities will be designed according to City

SUB-ITEM 4. INCORPORATION OF MITIGATION MONITORING

A. Description

This amendment to the Specific Plan would consist of the addition of Mitigation Measures from the Village One Final Supplemental EIR so that Mitigation Monitoring will take place through project approval. The State environmental law (Public Resources Code Section 21081.6(a)), requires an agency to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant environmental impacts. The 1990 Village One EIR included a Mitigation Monitoring Plan which was a separate document. Although the adopted Monitoring Plan meets the requirements of the law, it was not fully integrated with Specific Plan implementation.

Section 21081.6(b) of the Public Resources Code allows agencies to accomplish Monitoring through project implementation:

"(b) If there is a project for which mitigation is adopted, a public agency shall comply with subdivision (a) by, among other things, adopting mitigation measures as conditions of project approval. Those conditions of project approval may be set forth in referenced documents which address required mitigation measures."

The mitigation measures in the Final Supplemental EIR contain a Mitigation Monitoring statement that references plan documents such as a Specific Plan, Precise Plan, or Facilities Master Plan that are part of project approval and implementation.

B. Ultimate Disposition of Mitigation Measures

Upon City Council certification of the Final EIR, the forty Mitigation Measures were incorporated into the project as follows:

<u>Exhibit Page Reference</u>	<u>Description</u>	<u>Disposition</u>
A-35	Traffic and Circulation - Briggsmore/Oakdale intersection improvements financing	Specific Plan Page No. III-6
A-36	Air Quality - Design policies to provide vehicle trip reduction	Specific Plan Page No. II-4
A-37	Air Quality - Trip Reduction Ordinance requirement	Specific Plan Page No. III-93
A-38	Air Quality - Residential fireplace and woodburning device emissions standards requirement	Specific Plan Page No. III-6
A-39	Land Use - Subdivision deed requirement for notification of potential urban/ag conflict	Specific Plan Page No. III-5

<u>Exhibit Page Reference</u>	<u>Description</u>	<u>Disposition</u>
	Traffic and Circulation - Requirement to improve Claus Road between Briggsmore Avenue and Sylvan Avenue to six lanes	Facilities Master Plan
A-40	Traffic and Circulation - Requirements for project area circulation link and inter-section improvements to mitigate projected traffic impacts	Facilities Master Plan/Specific Plan Page No. II-8
A-40	Traffic and Circulation - Requirement to extend City transit system routes through the project area	Facilities Master Plan/Specific Plan Page No. II-8
A-42	Noise - Requirement to reduce interior noise levels of residential housing to 45 dba	Specific Plan Page Nos. III-6
A-42	Noise - Requirement to place City's noise ordinance in all Precise Plans for development	Specific Plan Page No. III-6
A-43	Vegetation and Wildlife - Requirement for Industrial/Business Park Precise Plan to contain a breeding season survey for raptors	Specific Plan Page Nos. III-93
A-44	Vegetation and Wildlife - Requirement for Industrial/Business Park Precise Plan for the area north of Milnes Road to contain a determination of wetlands and appropriate mitigation if required.	Specific Plan Page No. III-93
A-45	Land Use - Requirement for establishment of 350-foot wide buffer area around High School/Community Park site.	Specific Plan Page Nos. III-8 & 9
	Urban Design and Visual Quality - This measure was developed in response to the proposed intensification of the Village Center commercial area. It is not needed because of the City Council's action on May 24, 1994, which denied the intensification of the Village Center commercial area.	Measure not placed in Plan documents
	Hydrology - Requirement to provide necessary stormwater drainage system for project area	Facilities Master Plan
	Public Services - Requirement to provide plans for necessary stormwater drainage system to serve project area	Facilities Master Plan

<u>Exhibit Page Reference</u>	<u>Description</u>	<u>Disposition</u>
A-47	Hydrology - Requirement for a Phase 1 site assessment for development of the former "Pure-Gro" site (3348 Claus Road) to determine potential contamination.	Specific Plan Page No. III-93
	Public Services - Requirement for construction of a fire station within the Village Center Public Safety Center	Facilities Master Plan
	Public Services - Requirement for construction of a police sub-station within the Village Center Public Safety Center	Facilities Master Plan
A-48	Public Services - Requirement to extend the joint Surface Water Treatment Plant/City well system to serve the project area	Specific Plan Page No. II-16 & Facilities Master Plan
A-48	Public Services - Requirement to apply the City's water conservation policies to the project area by the installation of water meters and requiring of xeriscape	Specific Plan Page No. II-16
	Public Services - Requirement to extend the Lakewood and Sonoma trunk sewer lines to serve the area	Facilities Master Plan
	Public Services - Requirement to locate, if determined necessary, a sewer pump station to serve the northerly Industrial/Business Park area	Facilities Master Plan
	Public Services - Requirement for future villages to finance their share of Village One school facilities which serve students from their areas	This measure to be placed in the City's General Plan.
	Public Services - Requirement for developers to notify the School Districts in advance of submitting specific plans for building to obtain lead time for facilities planning	This measure to be placed in future residential Specific Plans and the City's General Plan
A-50	Vegetation and Wildlife - Requirement for a breeding season survey for active Swainson's Hawk nests for Precise Plans.	Specific Plan Page No. III-6

<u>Exhibit Page Reference</u>	<u>Description</u>	<u>Disposition</u>
	Vegetation and Wildlife - Requirement for the City of Modesto to implement a Citywide nature habitat preservation and restoration plan	This Measure will be implemented by analysis of these issues in the Draft EIR for the City's General Plan rewrite
A-50	Air Quality - Requirement to place statement regarding control of construction-related dust and emissions in Precise Plans for development	Specific Plan Page No. III-6

Following are the replacement pages which would implement these changes. The shaded text is language to be added. The lined-out text is language to be deleted.

Facilities Planners to provide safe and continuous linkage from the residential areas to the school facility.

-or-

As an alternative to construction of pedestrian linkage, reimburse the school district for busing arrangement until such time as necessary pedestrian linkage is in place.

This policy does not intend for developers to construct walkways to schools that don't exist.

12. Precise Plans in the project area shall contribute to the financing and implementation of the required improvements to provide capacity for projected traffic at the Oakdale and Briggsmore intersection. This shall include the following intersection improvements:

Widen the eastbound and westbound approaches to add a separate right-turn lane on each approach, converting the existing right turn lane to a through and restriping the departures to receive three through lanes. Restripe the northbound and southbound approaches and widen the departures to convert the existing separate right turn lanes to through-right-turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements based on the Facilities Master Plan. Completion of final inspection by Construction Inspection Division shall constitute compliance with this measure. (Mitigation Measure No. 1)

13. The following statement shall be placed in all Precise Plans for Residential Development:

Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

14. Noise Mitigation for Residential Precise Plan Areas

Noise measures might include, but are not necessarily limited to, setbacks, barriers, site design, or acoustical building treatment. Precise Plans shall determine from this list which measures are most relevant. This requirement shall apply to dwellings located within the identified 65 dBA exterior noise level contours. Verification of noise treatment to reduce interior noise levels to 45 dBA, prior to final inspection by Building Inspection Division

The two expressways that serve Village One are Briggsmore Avenue and Claus Road. These facilities will ultimately serve the major traffic demands both east-west (Briggsmore) and north-south (Claus). The Briggsmore Expressway will serve east-west project traffic until the Claus and Kiernan-Claribel Expressways are completed. In addition, the street sections of Briggsmore Avenue and Claus Road incorporate facilities for pedestrians or off-street bicyclists on Class 1 bike trails.

The internal circulation system for Village One is designed to facilitate pedestrian-oriented movements while discouraging through-traffic. The neighborhood connectors are aligned to link major institutional/recreational uses (e.g., schools and parks) and commercial uses within the neighborhoods to promote such pedestrian travel; the virtual elimination of cul-de-sacs provides more pedestrian access to all residential areas. Through-traffic within neighborhoods is minimized by the elimination of long, linear streets, the termination of connector streets at T-intersections, the use of a variety of discontinuous alignments, necking down the intersections of minor residential streets, and the use of traffic circles and raised crosswalks where appropriate.

The following policies shall be incorporated into the Specific Plan to provide overall trip reduction. These policies shall be implemented to mitigate traffic and air quality impacts from Village One:

- A. Locate the Village Center at the geographic heart of the community, with direct connections to the village districts.
- B. Place emphasis on pedestrian activities and linkages, and provide for the possibility of future transit along Roselle Avenue to serve the Village Center.
- C. Develop a circulation network that provides a connection between the Village Center and other Village One uses.
- D. Establish a network of primary transit streets to serve Village One.
- E. Provide for alternative future transit systems.
- F. Incorporate bikeways into the circulation system of Village One.
(Mitigation Measure No. 2)

2. Circulation - Adoption of Street Classifications

Figures II-3 through II-9 (Pages II-53 to II-57) present specific design requirements for various street classifications proposed within Village One. These Classifications are hereby adopted, and are found consistent with Section 65451(a)(2) of the Government Code. The classifications are presented as

- j. Development plans for the area north of Milnes Road shall address required EIR mitigation measures including:
 - 1. Appropriate site inspection shall be conducted for hazardous materials prior to development of the Pure-Gro property, Assessors Parcel No. 14-14-15 in accordance with mitigation measure 4.8.6(b), in the adopted 1990 Village One EIR.
 - 2. Appropriate determination or permits from the U. S. Army Corps of Engineers regarding potential wetlands shall be obtained prior to development of areas north of Milnes Road as shown on Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR.
 - ~~3. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's hawks for the area between Parker Road and Floyd Avenue as shown Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR. (Replaced by III(D)(16), above).~~
- k. The existing church at the southeast corner of the future Floyd/Claus intersection may remain. However, its principal underlying zone is B-P, Business Park. Expansion of the church facilities shall require a Conditional Use Permit.
- l. Separate Precise Plan applications may be submitted for those Business Park areas north and south of Floyd Avenue.
- m. Land uses within Sub-areas "A" and "B" may be shifted during Precise Plan Approval.
- n. Precise Plans for the Industrial/Business Park shall contain the following statement:

"Employers located within Village One Specific Plan area will be subject to a Trip Reduction Ordinance (TRO) which will be adopted in compliance with the Stanislaus County Congestion Management Program. This TRO may require, among other things, provision of transit incentives (such as bus passes), limitations on the amount of employee parking, and promotion of ride sharing and alternative modes of transportation."
(Mitigation Measure No. 3)

4. Principal Underlying Zone(s)

- a. Sub-Area "A" - BP, Business Park
- b. Sub-Area "B" - BP, Business Park

5. Land Assembly Requirements

Facilities Planners to provide safe and continuous linkage from the residential areas to the school facility.

-or-

As an alternative to construction of pedestrian linkage, reimburse the school district for busing arrangement until such time as necessary pedestrian linkage is in place.

This policy does not intend for developers to construct walkways to schools that don't exist.

12. Precise Plans in the project area shall contribute to the financing and implementation of the required improvements to provide capacity for projected traffic at the Oakdale and Briggsmore intersection. This shall include the following intersection improvements:

Widen the eastbound and westbound approaches to add a separate right-turn lane on each approach, converting the existing right turn lane to a through and restriping the departures to receive three through lanes. Restripe the northbound and southbound approaches and widen the departures to convert the existing separate right turn lanes to through+right-turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements based on the Facilities Master Plan. Completion of final inspection by Construction Inspection Division shall constitute compliance with this measure.

13. The following statement shall be placed in all Precise Plans for Residential Development:

Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988. (Mitigation Measure No. 4)

14. Noise Mitigation for Residential Precise Plan Areas

Noise measures might include, but are not necessarily limited to, setbacks, barriers, site design, or acoustical building treatment. Precise Plans shall determine from this list which measures are most relevant. This requirement shall apply to dwellings located within the identified 65 dBA exterior noise level contours. Verification of noise treatment to reduce interior noise levels to 45 dBA, prior to final inspection by Building Inspection Division

5. When developing a portion of a Precise Plan Area, the proposed Precise Plan must demonstrate that subsequent development within the Precise Plan Area will provide its proportionate share to achieve the required minimum dwelling unit yield.
6. All road alignments for connector streets shall be consistent with the Facilities Master Plan.
7. All mini-parks within Precise Plans which propose residential development shall be a minimum of 0.5 acres.
8. The Land Use and Community Design Policies presented in Chapter II (Section II-G) shall be incorporated, where relevant, into each Precise Plan. The Development Review process to implement these policies may specify that, for existing and proposed lots greater than 5,000 square feet in size, performance standards may be utilized, in lieu of architectural and plot plan submittals, to demonstrate conformance with the Land Use and Community Design Policies.
9. The Village One Affordable Housing Program presented in Chapter II (Section II-H) shall be implemented throughout each Precise Plan which proposes residential development.
10. All Precise Plans which propose residential development shall include the following requirement for residential subdivisions notifying future home buyers in the project area of potential land use impacts although it may not fully mitigate the impact:

"All deeds for lots sold in this subdivision shall contain the following statement:

"This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses."

(Mitigation Measure No. 5)

11. All Precise Plans which propose residential development shall include the following requirement:

The Developer shall provide Pedestrian linkage to school facilities serving the particular residential Precise Plan Area. Linkage may consist of any surface and route agreed to by the City Transportation Division and School District

-nections between residence locations and the Village Center.

The intersection of Roselle Avenue/Floyd Avenue would serve as the major inbound access for the Village Center for motorists traveling from outside the Village One area. Motorists would subsequently enter parking lots serving the commercial uses on the north and south side of Floyd Avenue. All traffic exiting the Village Center will be directed by a circulation plan that defines traffic aisles and locates directional signs to direct motorists to connecting streets that access the outer loop road around the Village Center. The two locations where the outer loop road intersects with Roselle Avenue as well as its intersection with Floyd Avenue west of the Gateway Park will be signalized to provide full access. Due to the complexity of Village Center circulation and the potential for alternate retail building locations during the precise planning stage, the final design of the Village Center access system may vary.

- d) Dead-end alleys shall be prohibited and cul-de-sacs shall be discouraged.

While discontinuous streets may be desirable as a way of reducing traffic speed and volumes through residential areas, dead-end streets and alleys should not be allowed because they are difficult to patrol effectively. Alleys are encouraged within Village One, but they are to be well planned and well lighted so that they do not become an unattractive and unused backdoor to the residential areas.

The kinds of traffic that are specifically undesirable in residential neighborhoods include traffic using the street as short-cuts, detours or overflow; and excessive traffic speed and use of curb parking by drivers with destinations outside the neighborhoods.

6. Circulation - Improvement Policies

- a) Improvements required by Mitigation Measures #'s 7 to 20 from the Final Supplemental EIR shall be implemented in the Facilities Master Plan. (Mitigation Measure Nos. 7 through 20)
- b) A system of major streets shall be provided to serve both project traffic with external destinations and community-wide through-traffic.

The predominant use in Village One is residential. The commercial and industrial uses in Village One will require an adequate major street system to serve their transportation needs.

Facilities Planners to provide safe and continuous linkage from the residential areas to the school facility.

-or-

As an alternative to construction of pedestrian linkage, reimburse the school district for busing arrangement until such time as necessary pedestrian linkage is in place.

This policy does not intend for developers to construct walkways to schools that don't exist.

12. Precise Plans in the project area shall contribute to the financing and implementation of the required improvements to provide capacity for projected traffic at the Oakdale and Briggsmore intersection. This shall include the following intersection improvements:

Widen the eastbound and westbound approaches to add a separate right-turn lane on each approach, converting the existing right turn lane to a through and restriping the departures to receive three through lanes. Restripe the northbound and southbound approaches and widen the departures to convert the existing separate right turn lanes to through+right-turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements based on the Facilities Master Plan. Completion of final inspection by Construction Inspection Division shall constitute compliance with this measure.

13. The following statement shall be placed in all Precise Plans for Residential Development:

Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

14. Noise Mitigation for Residential Precise Plan Areas

Noise measures might include, but are not necessarily limited to, setbacks, barriers, site design, or acoustical building treatment. Precise Plans shall determine from this list which measures are most relevant. This requirement shall apply to dwellings located within the identified 65 dBA exterior noise level contours. Verification of noise treatment to reduce interior noise levels to 45 dBA, prior to final inspection by Building Inspection Division

shall constitute compliance with this measure.

Noise mitigation for residential dwellings is required along the following streets up to the indicated distance:

Without acoustical treatment, noise levels inside proposed residential housing along the following project area Major streets would exceed 45 dBA, the City's General Plan standard. The street segments and distances in feet from centerline these impacts would occur are:

Sylvan Avenue

Oakdale to Roselle	142 ft.
Roselle to Claus	136 ft.

Floyd

Oakdale to Roselle	106 ft.
Roselle to Claus	76 ft.

Briggsmore

Oakdale to Roselle	171 ft.
Roselle to Claus	138 ft.

Oakdale

Sylvan to Floyd	214 ft.
Floyd to Briggsmore	209 ft.

Roselle

Sylvan to Merle	126 ft.
Merle to Briggsmore	150 ft.

Claus

Sylvan to Floyd	171 ft.
Floyd to Briggsmore	176 ft.

Source: Brown-Buntin Associates Noise study, April 1993
(Mitigation Measure No. 21)

15. All Precise Plans shall contain the following statement:

"Construction noise is regulated by the City's Noise Ordinance, Section 4.9-103. Construction noise is generally permitted during the hours of 7:00 AM TO 9:00 PM. To avoid complaints from nearby residents, and possible citations, the full text of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection Division for conformance with the City's Noise Ordinance."

(Mitigation Measure No. 22)

16. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's hawks.

- j. Development plans for the area north of Milnes Road shall address required EIR mitigation measures including:
 - 1. Appropriate site inspection shall be conducted for hazardous materials prior to development of the Pure-Gro property, Assessors Parcel No. 14-14-15 in accordance with mitigation measure 4.8.6(b), in the adopted 1990 Village One EIR.
 - 2. Appropriate determination or permits from the U. S. Army Corps of Engineers regarding potential wetlands shall be obtained prior to development of areas north of Milnes Road as shown on Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR.
 - 3. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's hawks for the area between Parker Road and Floyd Avenue as shown Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR.
- k. The existing church at the southeast corner of the future Floyd/Claus intersection may remain. However, its principal underlying zone is B-P, Business Park. Expansion of the church facilities shall require a Conditional Use Permit.
 - 1. Separate Precise Plan applications may be submitted for those Business Park areas north and south of Floyd Avenue.
- m. Land uses within Sub-areas "A" and "B" may be shifted during Precise Plan Approval.
- o. The Precise Plan for the Industrial/Business Park shall contain breeding season survey by a qualified biologist for the area identified as potential raptor habitat on Figure 34, Biological Resources Habitat Types, page 4.9-2 adopted Village One, Specific Plan EIR, to determine the presence of active raptor nests.

If no active raptor nests are found, the Precise plan shall be written to document this finding.

If active raptor nests are found, site development will avoid active raptor nests and surrounding foraging habitat during their breeding cycle. Planning Department staff approval of the above mitigation prior to Building Permit for the site constitutes compliance. (Mitigation Measure No. 23)

4. Principal Underlying Zone(s)

- a. Sub-Area "A" - BP, Business Park
- b. Sub-Area "B" - BP, Business Park

5. Land Assembly Requirements

- j. Development plans for the area north of Milnes Road shall address required EIR mitigation measures including:
 - 1. Appropriate site inspection shall be conducted for hazardous materials prior to development of the Pure-Gro property, Assessors Parcel No. 14-14-15 in accordance with mitigation measure 4.8.6(b), in the adopted 1990 Village One EIR.
 - 2. ~~Appropriate determination or permits from the U. S. Army Corps of Engineers regarding potential wetlands shall be obtained prior to development of areas north of Milnes Road as shown on Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR.~~
- 2. The Precise Plan for the Industrial/Business Park area north of Milnes Road shall contain a determination of jurisdiction and/or agreement between the developers and the Corps of Engineers (COE) on appropriate mitigation, if required, for areas shown as: "drainage area with wetland vegetation" on Figure 34, Biological Resources/Habitat Types, page 4.9-2 adopted Village One Specific Plan EIR.

Note: This is the area north of Milnes Road.

If no COE classified wetlands are identified, the Precise Plan shall be written to document this finding.

If potential wetlands are classified, then all necessary permits and approvals shall be obtained from the Corps of Engineers prior to issuance of a Grading Permit. (Mitigation Measure No. 24)

- 3. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's hawks for the area between Parker Road and Floyd Avenue as shown Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR.
- k. The existing church at the southeast corner of the future Floyd/Claus intersection may remain. However, its principal underlying zone is B-P, Business Park. Expansion of the church facilities shall require a Conditional Use Permit.
- l. Separate Precise Plan applications may be submitted for those Business Park areas north and south of Floyd Avenue.
- m. Land uses within Sub-areas "A" and "B" may be shifted during Precise Plan Approval.

4. Principal Underlying Zone(s)

- a. Sub-Area "A" - BP, Business Park
- b. Sub-Area "B" - BP, Business Park

PRECISE PLAN AREA #1
(Figure III-2)

1. Acreage: 82.5 Acres (of which 0.0 Acres are devoted to noise setback area)

2. Land Use Intensity

A. Very Low Density Residential 7.5 Acres (of which 0.0 Acres are devoted to noise setback area)

B. High School/Community Park Site

High School: 50.0 Acres
Community Park: 25.0 Acres

3. Special Considerations

The Precise Plan shall incorporate the following policies:

- a. Within sub-area "A", development regulations shall be established to accommodate up to 15 residential lots with 1/2-acre minimum lot size.
- b. Within sub-area "B", a Master Plan for the high school and/or community park shall suffice for a Precise Plan. Precise boundaries shall be determined upon adoption of each respective Master Plan.
- ~~e. A 350-foot wide "buffer area" shall be temporarily provided north of the high school and north and east of the community park (i.e. outside of the Specific Plan Area). The purpose of the buffer area is to minimize conflicts between the future high school/community park uses and the existing agricultural lands which are designated for future urban development. No permanent structures shall be installed in this buffer area, although a parking lot may be allowed. The buffer area may be acquired through easement agreements with property owners or through purchase of the area as fee simple lots. This buffer area requirement shall no longer be required when urban development plans are approved adjacent to the buffer area, north of Village One.~~
- c. "Prior to development of the proposed High School/Community Park, the City of Modesto shall establish a buffer area (open space easement or similar restriction) on the site for a distance of at least 350 feet from the property line in order to protect the health of the high school students and park users. Uses permitted within the buffer area shall be determined prior to the issuance

of permits for construction. Requirements of this buffer area shall not conflict with Division 6 - Section 11501.1 and Division 7 of the California Food and Agricultural Code, as judged by the Stanislaus County Agricultural Commissioner."

(Mitigation Measure No. 25)

- d. The High School Master Plan shall incorporate features to minimize potential conflicts between residential lots located along Roselle Avenue and the south side of Sylvan Avenue. These features may include but are not limited to, setbacks, service roads, or other means to separate school activity areas and residential structures.
- e. The High School Master Plan shall indicate conformance with Section IIE(2) regarding School standards and Section IIF(2) regarding Park standards.

4. Principal Underlying Zone(s)

- a. Sub-area "A" - R-1, Low-Density Residential, 1/2-acre minimum lot size.
- b. Sub-area "B" - R-1, Low-Density Residential.

- j. Development plans for the area north of Milnes Road shall address required EIR mitigation measures including:
- ~~1. Appropriate site inspection shall be conducted for hazardous materials prior to development of the Pure-Gro property, Assessors Parcel No. 14-14-15 in accordance with mitigation measure 4.8.6(b), in the adopted 1990 Village One EIR.~~
 1. The Industrial/Business Park Precise Plan application for development of the former "Pure-Gro" site (3348 Claus Road) shall include a Phase I site assessment in accordance with Federal, State and local regulations provided by the site developer to determine the existence or extent of contamination. (Mitigation Measure No. 29)
 2. Appropriate determination or permits from the U. S. Army Corps of Engineers regarding potential wetlands shall be obtained prior to development of areas north of Milnes Road as shown on Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR.
 3. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's hawks for the area between Parker Road and Floyd Avenue as shown Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR.
- k. The existing church at the southeast corner of the future Floyd/Claus intersection may remain. However, its principal underlying zone is B-P, Business Park. Expansion of the church facilities shall require a Conditional Use Permit.
- l. Separate Precise Plan applications may be submitted for those Business Park areas north and south of Floyd Avenue.
 - m. Land uses within Sub-areas "A" and "B" may be shifted during Precise Plan Approval.

4. Principal Underlying Zone(s)

- a. Sub-Area "A" - BP, Business Park
- b. Sub-Area "B" - BP, Business Park

5. Land Assembly Requirements

feasible.

7. The use of drought-resistant plants shall be required in conjunction with public streets and rights-of-way to reduce water needs.
8. New developments shall be required to minimize water consumption by using low-flow showerhead and faucets, and the principles of xeriscape (drought resistant plantings) in landscape plantings.
9. All new water connections shall be metered, excluding those connections designed solely for the purpose of fire protection.
10. Necessary water conduits shall be extended across the entire frontage of a developing area to allow for coordinated provision of services as adjacent areas are developed.
- ~~11. To reduce overdraft of groundwater supplies and reduce the future potential for unnecessary treatment water supplies, the Village One Specific Plan area will use a separate water system for irrigation of median strips and larger open-space areas. A storage facility will be located within a portion of the storm drainage basin.~~
11. Future phases of the joint Surface Water Treatment Plants distribution system will be extended to new areas of the City through plans for development in the Urban Area. Building Inspection Division shall require metering of water service to new residential dwellings throughout the City through review of construction plans. The City's Landscape Architect will verify the Landscape Design standards requiring xeriscape. The City's Planning Department Neighborhood Preservation Unit will enforce the City's water conservation policies. (Mitigation Measure Nos. 32 and 33)

- ~~d) Facilities Master Plan~~
- c) Facilities Master Plan

Chapter IV presents the requirements for a Facilities Master Plan, to implement the above Design Principles.

7. Public Infrastructure - Storm Water System

a) Overview

This Section responds to the "Drainage" requirements of Section 65451(a)(2) of the Government Code. Figure II-16 presents, in a conceptual manner, the general location of storm water drainage facilities to serve Village One.

Storm water facilities will be designed according to City

shall constitute compliance with this measure.

Noise mitigation for residential dwellings is required along the following streets up to the indicated distance:

Without acoustical treatment, noise levels inside proposed residential housing along the following project area Major streets would exceed 45 dBA, the City's General Plan standard. The street segments and distances in feet from centerline these impacts would occur are:

Sylvan Avenue		
	Oakdale to Roselle	142 ft.
	Roselle to Claus	136 ft.
Floyd		
	Oakdale to Roselle	106 ft.
	Roselle to Claus	76 ft.
Briggsmore		
	Oakdale to Roselle	171 ft.
	Roselle to Claus	138 ft.
Oakdale		
	Sylvan to Floyd	214 ft.
	Floyd to Briggsmore	209 ft.
Roselle		
	Sylvan to Merle	126 ft.
	Merle to Briggsmore	150 ft.
Claus		
	Sylvan to Floyd	171 ft.
	Floyd to Briggsmore	176 ft.

Source: Brown-Buntin Associates Noise study, April 1993

15. All Precise Plans shall contain the following statement:

"Construction noise is regulated by the City's Noise Ordinance, Section 4.9-103. Construction noise is generally permitted during the hours of 7:00 AM TO 9:00 PM. To avoid complaints from nearby residents, and possible citations, the full text of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection Division for conformance with the City's Noise Ordinance."

16. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's hawks. This survey shall be conducted in concert with the Environmental Impact Report for the Modesto General Plan Rewrite.

In conducting this survey, the most recent documentation from the State Department of Fish and Game shall be employed, including the "Draft Swainson's Hawk Guidelines" dated 1994.

If an active Swainson's hawk nest is located within an approximate 10-mile radius, then a foraging habitat compensation ratio of one-half acre preserved in close proximity of the nest, for every one acre of foraging habitat lost will be required. This can be accomplished by, but not limited to, the acquisition and preservation in perpetuity, of suitable grassland foraging habitat, and through the use of conservation easements on suitable "grassland-like" agricultural lands.

(Mitigation Measure No. 38)

17. Precise Plans for development within the project area shall contain the following statement:

During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 1.8, Dust Control, and when necessary, Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District to control the generation of PM 10 from construction related dust and emissions.

(Mitigation Measure No. 40)

E. Precise Plan Areas

The following pages present the 35 Precise Plan Areas established to implement the polices of the Village One Specific Plan.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-299

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE EMERALD AVENUE SEWAGE LIFT STATION REHABILITATION

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

SECTION 1. The specifications for the Emerald Avenue sewage lift
station rehabilitation, copies of which are on file, are hereby accepted
and approved.


SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
June 23, 1994, at 11:00 a.m., the City Clerk is hereby directed to give
notice inviting such sealed bids in the time, form, and manner provided
by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 24th day of May,
1994, by Councilmember Muratore , who moved its adoption, which motion
being duly seconded by Councilmember Friedman , was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-300

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE STORM DRAIN WATER LIFT STATIONS AT HATCH/DLLAS AND ASHFORD COURT REHABILITATION PROJECT

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

SECTION 1. The specifications for the storm drain water lift stations at Hatch/Dallas and Ashford Court rehabilitation project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 23, 1994, at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-301

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE YOSEMITE BOULEVARD WATERLINE

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

SECTION 1. The specifications for the Yosemite Boulevard waterline, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 23, 1994, at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-302

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE ANNUAL SEWER REHABILITATION PROJECT - COLEMAN COURT/HELMS LANE

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

SECTION 1. The specifications for the annual sewer rehabilitation project - Coleman Court/Helms Lane, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 16, 1994, at 11:15 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-303

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE CONSTRUCTION OF THE HIGBEE STREET LIGHT PROJECT

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

SECTION 1. The specifications for the construction of the Higbee
Street light project, copies of which are on file, are hereby accepted
and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
June 16, 1994, at 11:20 a.m., the City Clerk is hereby directed to give
notice inviting such sealed bids in the time, form, and manner provided
by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 24th day of May,
1994, by Councilmember Muratore , who moved its adoption, which motion
being duly seconded by Councilmember Friedman , was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-304

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR FURNISHING PRINTING OF THE MONTHLY UTILITY BILL INSERT AND THE QUARTERLY EMPLOYEES NEWSLETTER ON RECYCLED PAPER AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 94-153, adopted by the Council of the City of Modesto on March 15, 1994, approved the plans and specifications for furnishing printing of the monthly utility bill insert and the quarterly employees newsletter on recycled paper, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of the monthly utility bill insert and the quarterly employees newsletter on recycled paper were opened at 11:00 a.m. on April 5, 1994; and

WHEREAS, two vendors who had requested to be included on the Finance Department's bid list were inadvertently left off, and it is staff's recommendation that bids be rejected and Council authorized new call for bids to include the vendors who were excluded.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids for furnishing printing of the monthly utility bill insert and the quarterly employees newsletter on recycled paper, opened in the office of the City Clerk on April 5, 1994 are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for the above-mentioned project, to be opened on June 14, 1994, at 11:00 a.m. is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-305

A RESOLUTION ACCEPTING THE GENERATOR INSTALLATION AT WELL NO. 44 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the generator installation at Well No. 44, has been completed by Conco West, Inc. in accordance with the contract agreement dated May 18, 1993.

NOW, THEREFORE, BE IT RESOLVED that the generator installation at Well No. 44 be accepted from said contractor, Conco West, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$48,460 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-306

A RESOLUTION ACCEPTING THE INSTALLATION OF WATERLINES IN THE TERESA-TEBBUTT AREA AS COMPLETE.

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the installation of waterlines in the Teresa-Tebbutt area, has been completed by Ksenco Construction in accordance with the contract agreement dated September 28, 1993.

NOW, THEREFORE, BE IT RESOLVED that the installation of waterlines in the Teresa-Tebbutt area be accepted from said contractor, Ksenco Construction;
that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$212,193.28 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-307

A RESOLUTION AUTHORIZING THE CITY MANAGER TO
ENTER INTO AGREEMENTS TO ESTABLISH A MODESTO
NEIGHBORHOOD TELEWORK CENTER.

WHEREAS, Subsection (q) of Section 801 of Article VIII
of the Charter of the City of Modesto empowers the City Manager
to sign all contracts, deeds and other documents on behalf of the
City when authorized to do so by the Council or by the Charter,
and

WHEREAS, the City of Modesto's Economic Development
office has contracted with the University of California, Davis,
Institute of Transportation Studies, to open a Neighborhood
Telework Center in Modesto, and

WHEREAS, because of time constraints imposed by the
contract with UC Davis, the Telework Center must be operational
by June 31, 1994, with a 25% occupancy rate, and

WHEREAS, it is desirable to allow fast-tracking of
client agreements, using a basic agreement format, in order to
establish the Modesto Neighborhood Telework Center, including but
not limited to lease agreements, equipment purchase agreements,
client/customer use agreements, and other agreements that are
germane to the successful operation of the Telework Center,
provided that all agreements have been reviewed by the City
Attorney and are within budget,

NOW, THEREFORE, BE IT RESOLVED by the Council that the
City Manager is hereby authorized to enter into agreements to

establish the Modesto Neighborhood Telework Center, including but not limited to lease agreements, equipment purchase agreements, client/customer use agreements, and other agreements that are germane to the successful operation of the Telework Center, provided that all agreements have been reviewed by the City Attorney and are within budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-308

A RESOLUTION ADOPTING THE HOME INVESTMENT PARTNERSHIP ACT GRANT PROGRAM DESCRIPTION FOR PROGRAM YEAR 1994-1995, JULY 1, 1994, TO JUNE 30, 1995, AND AUTHORIZING THE CITY MANAGER TO FILE THE APPLICATION, INCLUDING ALL UNDERSTANDINGS AND ASSURANCES CONTAINED THEREIN, WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND DESIGNATING THE CITY MANAGER TO ACT IN CONNECTION WITH THE APPLICATION AND TO PROVIDE SUCH ADDITIONAL INFORMATION AS MAY BE REQUIRED.

WHEREAS, the City Council of the City of Modesto has established that the development of affordable housing is of high priority, and

WHEREAS, the City of Modesto has been advised by the Department of Housing and Urban Development that the City's HOME Investment Partnership Act Grant allocation for the Fiscal Year 1994-1995 will be \$802,000, and

WHEREAS, the Comprehensive Housing Affordability Strategy, a prerequisite to the HOME application, was approved by the City Council by Resolution No. 93-733 adopted on December 21, 1993,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Council does hereby approve the 1994-1995 HOME Investment Partnership Act Grant Program Description and Application.

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to file said application, including all understandings, assurances and certifications

contained therein, with the U.S. Department of Housing and Urban Development and designates the City Manager to act in connection with said application and to provide such additional information as may be required.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-309

A RESOLUTION ADOPTING A RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE
PLAN FOR FEDERALLY ASSISTED PROJECTS

WHEREAS, the City of Modesto is required to adopt a Residential Anti-displacement and Relocation Assistance Plan, pursuant to HUD requirements under the Home Investment Partnerships Program and the Community Development Block Grant Program.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt a Residential Antidisplacement and Relocation Assistance Plan for federally assisted projects, a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

CITY OF MODESTO
RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Section 220 of the Housing and Community Development Act (HCDA) requires that each recipient of funding from the HOME Investment Partnerships (HOME) Program and Community Development Block Grant (CDBG) Program adopt and make public its Residential Antidisplacement and Relocation Assistance Plan (Plan). In addition, the Plan is intended to be consistent with the Uniform Relocation Act (URA) and any other regulations, such as the Section 104(d)- Barney Frank Amendment.

Under the Plan, a recipient of HOME and CDBG assistance must:

- a. Identify the reasonable steps it will take to minimize the displacement of persons from their homes as a result of an assisted project;
- b. Replace all occupied and vacant occupiable "low/moderate-income dwellings" that are converted to a use other than "low/moderate-income dwellings" or are demolished for a project; and
- c. Provide relocation assistance to low/moderate-income households (including families and individuals) displaced as a direct result of the conversion of a low/moderate-income dwelling or the demolition of any housing for a project.

STEPS OF THE PLAN

Outlined and discussed below are the steps to be taken by the City of Modesto under its Antidisplacement and Relocation Assistance Plan:

- A. The City of Modesto will replace or have replaced, on a one-for-one basis, all occupied and vacant occupiable low/moderate-income housing units demolished or converted to a use other than low/moderate-income housing in connection with any project assisted with funds provided under the HOME and/or CDBG Programs.
- B. All replacement housing will be provided within three (3) years after the commencement of the demolition or conversion. Before entering into a contract committing the City of Modesto to provide funds for a project that will directly result in demolition or conversion, the City of Modesto will make public by publication in the Modesto Bee and submit to HUD, San Francisco Office, the following information in writing:
 1. A description of the proposed assisted project;
 2. The address, number of bedrooms, and location on a map of low/moderate-income housing that will be demolished or converted to a use other than as low/moderate-income

housing as a result of an assisted project;

3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of bedrooms and location on a map of the replacement housing that has been or will be provided.
5. The source of funding and a time schedule for the provision of the replacement housing;
6. The basis for concluding that the replacement housing will remain low/moderate-income housing for a least 10 years from the date of initial occupancy;
7. Information demonstrating that any proposed replacement of housing units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the approved Comprehensive Housing Affordability Strategy (CHAS).

To the extent that the specific location of the replacement housing and other data in items 4 through 7 are not available at the time of the general submission, the City of Modesto will identify the general location of such housing on a map and complete the disclosure and submission requirements as soon as the specific data are available.

ELIGIBILITY

Eligibility includes: 1) any person who is displaced as a result directly from the conversion of an occupied or vacant occupiable low/moderate income dwelling unit to another use or the demolition of any unit in connection with the assisted activity; or 2) a tenant-occupied of a dwelling who moves permanently from the real property will qualify as a displaced person, if any one of the following three situations has occurred:

- a. The tenant moves permanently as a result of the assisted activity and does not receive prior written notice offering the tenant the opportunity to occupy a suitable decent, safe, and sanitary dwelling unit in the same building/complex, following the completion of the project under reasonable terms and conditions; or
- b. The tenant was required to relocate temporarily for the project but (i) the tenant was not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including moving expenses to and from the temporary unit and any

increased housing costs, or (ii) other conditions of the temporary relocation were not reasonable; or

- c. The tenant is required to move another unit in the same building/complex, but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move.

RELOCATION ASSISTANCE

Consistent with the goals and objectives of activities assisted under the HOME and CDBG Programs, the City's CDPO will take the following steps to minimize the direct and indirect displacement of persons from their homes:

1. Coordinate code enforcement with rehabilitation and housing assistance programs.
2. Evaluate housing codes and rehabilitation standards in reinvestment (target) areas to prevent undue financial burden on established owners and tenants.
3. Rehabilitation of apartment units will be staged to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units or buildings first.
4. Persons who must be relocated temporarily during rehabilitation will be provided housing.
5. Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
6. Adopt policies which provide reasonable protection for tenants faced with conversion to a condominium or cooperative.

Advisory Services

All eligible persons will be provided with the following services:

1. Notification of the planned activity with a description of the relocation assistance to be provided (refer to Tenant Notification section below for further information).
2. Information on the eligibility criteria for receiving relocation assistance.
3. Counseling to acquaint homeowners and renters with: 1) opportunities to select a replacement dwelling from a full range of neighborhoods within the City of Modesto housing market; 2) his or her individual rights under the Fair Housing laws and; 3) how to search for suitable replacement

housing.

4. Referrals to locate a suitable replacement dwelling. No tenant shall be required to move unless he/she has been given a reasonable choice of opportunities to lease and move to a suitable replacement dwelling. A suitable replacement dwelling shall be:
 - Decent, safe, and sanitary
 - Adequate in size for the individual or family;
 - In an area that is not subject to unreasonable adverse environmental conditions and is generally not less desirable than the location of the displaced person's dwelling with the respect to public utilities, commercial and public facilities; and is reasonably accessible to the person's place of employment or to sources of employment.

Tenant Notification

The Community Development Program Office (CDPO) will provide the following written assistance to any household to be temporarily or permanently displaced:

- a. At the time the property owner applies for CDBG, HOME or other HUD funded Programs, a "Temporary Relocation Handout" for owner-occupants or tenants will be provided either in person or by sending the handout by certified or registered first-class mail with a return receipt requested. In addition, for projects funded in whole or in part with the City's Rental Rehabilitation Program, each tenant living in such a project will receive the City's Tenant Assistance Policy (TAP).
- b. At the time of execution of the agreement to rehabilitate the property, a "Guideform Notice of Relocation Eligibility" will be presented to any permanently displaced household either in person or by certified or registered first-class mail with a return receipt requested.
- c. Or, at the time of the execution of the agreement to rehabilitate the property, a "Notice of Non-displacement" will be presented either in person or by certified or registered mail. This notice explains the reasonable terms and conditions under which the person(s) can occupy and lease the property upon completion.

Note: Notification of displacement assistance by the City's CDPO will not preclude the landlord's nor the tenant's obligation to provide the appropriate notice to vacate.

Payment For Moving and Related Expenses

The displaced person may choose either:

1. A payment for actual reasonable moving and related expenses;
OR
2. A moving expense and dislocation allowance.

Temporary Relocation Assistance

The person will be reimbursed for actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increase housing costs, if:

1. The person must relocate temporarily because continued occupancy of the unit constitutes a substantial danger to the health or safety of the person or public; or
2. The person is displaced from a "low/moderate income dwelling unit", and none of the comparable replacement dwelling units to which the person has been referred to qualifies as a low/moderate income dwelling unit, and a suitable dwelling low/moderate income dwelling unit is scheduled to become available.

REPLACEMENT HOUSING ASSISTANCE

To the extent feasible, CDPO staff will work with the Housing Authority of Stanislaus County to secure Section 8 vouchers for eligible tenants. If a Section 8 Voucher is used, the dwelling must meet Section 8 Existing Housing Quality Standards. Tenants who receive a Voucher, and a reasonable choice of opportunities to move to a suitable replacement dwelling (that is available from an owner willing to participate), will not be entitled to a cash replacement payment.

The Section 8 Renter's Assistance Voucher Program is administered by the Housing Authority, County of Stanislaus, 1701 Robertson Road, Modesto, California, 95351, (209) 523-0705. This program assists low-income tenants by subsidizing their rents down to 35% of their adjusted income. It may assist a qualified tenant after he/she has been temporarily relocated or permanently displaced as a result of a housing activity which is funded by the City's homeowner or rental property rehabilitation programs.

Any displaced person who does not receive a Section 8 Voucher, will be entitled to cash rental assistance of up to 60 times the amount obtained by subtracting the Total Tenant Payment (TTP) which is the greater of, 30% of the person's adjusted monthly income or 10% of gross monthly income, from the lessor of:

1. The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or

2. The monthly rent and estimated average monthly cost of utilities for the decent, safe and sanitary replacement dwelling to which the person relocates.

Cash rental assistance may, at the discretion of the Agency, be provided in a lump sum or in installments.

RESPONSIBLE AGENCY

The City of Modesto's Community Development Program Office (CDPO) is responsible for tracking the replacement of low/moderate-income housing and ensuring that it is provided within the required period. It is also responsible for providing or assisting in securing relocation payments and other relocation assistance for any low/moderate-income person who may become displaced as a result of the demolition of any housing or the conversion of low/moderate-income housing to another use.

APPEALS

Appeals of the eligibility determination, compensation or benefit amount, and adequacy of replacement housing shall be heard by the City of Modesto's Housing Rehabilitation Loan Committee. Displacees will be notified of their right to appeal and upon receipt of the displacee's written request for an appeal, the appeal shall be scheduled for a subsequent regular meeting of the Housing Rehabilitation Loan Committee.

The City of Modesto's Community Development Program Office is located at: 940 Eleventh Street, Modesto, CA. 95354, (209) 577-5245.

THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND THE CITY OF MODESTO'S COMMUNITY DEVELOPMENT PROGRAM OFFICE STRONGLY DISCOURAGE DISPLACEMENT.

DEFINITIONS

"AGENCY" - the entity that cause a person to become a displaced person or that acquires real property, for example, a City, a nonprofit organization or a private developer.

"DISPLACED PERSON" - any lower income family or individual that moves from real property, or moves his or her personal property from real property, permanently and involuntarily, as a direct result of the conversion of an occupied or vacant occupiable low/moderate income dwelling unit, or demolition of any dwelling unit, in connection with an assisted activity.

"LOWER INCOME PERSON" - a lower income person (or low- and moderate-income person) is a person having an income equal to or less than the Section 8 lower income limit established by HUD

MODESTO CITY COUNCIL
RESOLUTION NO. 94-310

A RESOLUTION AMENDING THE YOUTH RECREATION FINANCIAL ASSISTANCE POLICY

WHEREAS, on May 1, 1984, a Youth Recreational Financial Assistance Policy was adopted by Resolution No. 84-250, for the purpose of providing partial financial assistance to economically disadvantaged youth who wish to participate in local youth sports programs offered by City approved youth sports organizations or programs provided by the Parks & Recreation Department; and

WHEREAS, the Financial Policy Committee met on May 11, 1994, and supported staff's analysis that indicated the recommended changes would better serve the citizens and the community.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Modesto that it hereby amends said Youth Recreation Financial Assistance Policy to increase scholarships given by \$5,000 each year; make Leisure Bucks good for the fiscal year issued only; require proof of family annual income; award a maximum of \$100 per applicant per fiscal year; and direct applications to the Recreation Supervisor in charge of the program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-311

A RESOLUTION AUTHORIZING THE CITY OF MODESTO
CULTURE COMMISSION TO REVIEW APPLICATIONS AND
TO MAKE RECOMMENDATIONS RELATING TO ARTS
PROGRAM FUNDING REQUESTS.

WHEREAS, the Culture Commission is charged with the
responsibility of advising the City Council and the City Manager
in matters pertaining to art, literature, music and other
cultural activities, and

WHEREAS, City staff has recommended that it would be
appropriate for the Culture Commission to review applications
requesting funding for arts related programs and to make
recommendations to the City Council as to an equitable
distribution of such funds, and

WHEREAS, the Financial Policy Committee met on May 11,
1994, and accepted this staff recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby authorizes the Culture Commission
to review applications requesting funding for arts related
programs and to make recommendations to the City Council as to an
equitable distribution of such funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-312

A RESOLUTION APPROVING A HOLD HARMLESS AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT FOR USE OF FACILITIES AT MODESTO JUNIOR COLLEGE FOR RECREATION ACTIVITIES DURING 1994

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the hold harmless agreement between the City of Modesto and Yosemite Community College District for use of facilities at Modesto Junior College for recreation activities during 1994 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994w, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: _____

Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-313

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$221,999 TO
COMPLETE THE JOHANSEN HIGH SCHOOL SWIMMING POOL CONSTRUCTION PROJECT

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

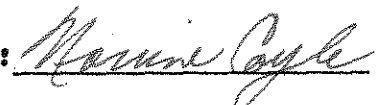
FROM:	West Maze Neighbor. Park (135 310 P949 6030)	\$139,327
	NE McHenry Neighbor. Park (135 310 P950 6030)	82,672
TO:	Johansen Community Park Pool (135 310 D252)	\$221,999

Approval is needed for the project scope and budget to be expanded
for this project. Staff feels that the proposed facility will meet
the needs of groups using the pool and will provide for additional
revenue to the City.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 24th day of May
1994, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



NORRINE COYLE, City Clerk

**CITY OF MODESTO
LOCAL AGENCY RESOLUTION**

NUMBER 94-314

**RESOLUTION AUTHORIZING AND APPROVING THE BORROWING OF
FUNDS FOR FISCAL YEAR 1994-1995; THE ENTERING INTO
AN AMENDED AND RESTATED JOINT EXERCISE OF
POWERS AGREEMENT; THE ISSUANCE AND SALE OF
A 1994-1995 TAX AND REVENUE ANTICIPATION NOTE
THEREFOR AND PARTICIPATION IN THE CALIFORNIA
COMMUNITIES CASH FLOW FINANCING PROGRAM**

WHEREAS, local agencies are authorized by Section 53850 to 53858, both inclusive, of the Government Code of the State of California (the "Act") (being Article 7.6, Chapter 4, Part 1, Division 2, Title 5 of the Government Code) to borrow money by the issuance of temporary notes;

WHEREAS, the legislative body (the "Legislative Body") of the local agency specified in Section 25 hereof (the "Local Agency") has determined that a sum (the "Principal Amount"), not to exceed the Maximum Amount of Borrowing specified in Section 25 hereof, which Principal Amount is to be confirmed and set in the Pricing Confirmation (as defined in Section 4 hereof), is needed for the requirements of the Local Agency, to satisfy obligations of the Local Agency, and that it is necessary that said Principal Amount be borrowed for such purpose at this time by the issuance of a note therefor in anticipation of the receipt of taxes, income, revenue, cash receipts and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to its fiscal year ending June 30, 1995 ("Fiscal Year 1994-1995");

WHEREAS, the Local Agency hereby determines to borrow, for the purposes set forth above, the Principal Amount by the issuance of the Note (as hereinafter defined):

WHEREAS, it appears, and this Legislative Body hereby finds and determines, that the Principal Amount, when added to the interest payable thereon, does not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts and other moneys of the Local Agency attributable to Fiscal Year 1994-1995 and available for the payment of the principal of the Note and the interest thereon:

WHEREAS, no money has heretofore been borrowed by or on behalf of the Local Agency through the issuance of tax anticipation notes or temporary notes in anticipation of the receipt of, or payable from or secured by, taxes, income, revenue, cash receipts or other moneys for Fiscal Year 1994-1995;

WHEREAS, pursuant to Section 53856 of the Act, certain moneys which will be received by the Local Agency during and attributable to Fiscal Year 1994-1995 can be pledged for the payment of the principal of the Note and the interest thereon (as hereinafter provided):

WHEREAS, the Local Agency has determined that it is in the best interests of the Local Agency to participate in the California Communities Cash Flow Financing Program (the "Program"), whereby participating local agencies (collectively, the "Issuers") will simultaneously issue tax and revenue anticipation notes;

WHEREAS, the Local Agency shall confirm at the time of execution of the Pricing Confirmation the marketing of its Note as either part of a pool of some or all of the notes issued by other local agencies participating in the Program or as an individual Note;

WHEREAS, the Program requires the participating Issuers to sell their tax and revenue anticipation notes to the California Statewide Communities Development Authority (the "Authority") pursuant to note purchase agreements (collectively, "Purchase Agreements"), each between such individual Issuer and the Authority, and dated as of the date of the Pricing Confirmation, a form of which has been submitted to the Legislative Body;

WHEREAS, the Authority, pursuant to the advice of Sutro & Co. Incorporated, as underwriter for the Program (the "Underwriter"), will form one or more pools of notes (the "Pooled Notes") and assign each note to a particular pool (the "Pool") and sell a series (the "Series") of bonds (the "Bonds") secured by each Pool pursuant to an indenture (the "Indenture") between the Authority and U.S. Trust Company of California, N.A., as trustee (the "Trustee"), each Series distinguished by whether or what type(s) of Credit Instrument(s) (as hereinafter defined) secure(s) such Series, by the principal amounts of the notes assigned to the Pool or by other factors, or, alternatively, the Authority may market any of the notes individually (the "Separately Marketed Notes"), and the Local Agency hereby acknowledges and approves the discretion of the Authority, acting upon the advice of the Underwriter, to assign the Note to such Pool and such Indenture as the Authority may determine or, if the Authority so determines, to market the Note individually;

WHEREAS, if, at the time of execution of the Pricing Confirmation, the Local Agency confirms that its Note will be a Pooled Note, the Local Agency will (in the Pricing Confirmation) request the Authority to issue a Series of Bonds pursuant to an Indenture to which the Note will be assigned by the Authority in its discretion, acting upon the advice of the Underwriter, which Series of Bonds will be payable from payments of principal of and interest on the Note and the other notes comprising the same Pool and assigned to the same Indenture to which the Note is assigned;

WHEREAS, if, at the time of execution of the Pricing Confirmation, the Local Agency confirms that its Note will be a Separately Marketed Note, the Local Agency will (in the Pricing Confirmation) request the Authority to market the Note individually;

WHEREAS, as additional security for the Owners of each Series of Bonds, all or a portion of the payments by all of the Issuers of the notes assigned to such Series may or may not be secured (by virtue or in form of the Bonds, as indicated in the Pricing Confirmation, being secured in whole or in part) by an irrevocable letter (or letters) of credit or policy (or policies) of insurance or proceeds of a separate bond issue issued for such purpose (the "Reserve Fund") or other credit instrument (or instruments) (collectively, the "Credit Instrument") issued by the credit provider or credit providers designated in the Indenture, as finally executed (collectively, the "Credit Provider"), pursuant to a credit agreement or agreements or commitment letter or letters or, in the case of the Reserve Fund, an indenture (the "Reserve Indenture") (collectively, the "Credit Agreement") between (i) in the case of an irrevocable letter (or letters) of credit or policy (or policies) of insurance, the Authority and the respective Credit Provider and (ii) in the case of the Reserve Fund, the Authority and U.S. Trust Company of California, N.A., as trustee of the Reserve Indenture (the "Reserve Trustee");

WHEREAS, if, as designated in the Pricing Confirmation, the Credit Instrument is the Reserve Fund, bonds issued pursuant to the Reserve Indenture (the "Reserve Bonds") may, as indicated in the Pricing Confirmation, be secured by an irrevocable letter of credit or policy of insurance or other credit instrument (the "Reserve Credit Instrument") issued by the credit provider identified in the Reserve Indenture as finally executed (the "Reserve Credit Provider"), pursuant to a credit agreement or commitment letter (the "Reserve Credit Agreement") identified in the Reserve Indenture as finally executed, such Reserve Credit Agreement being between the Authority and the Reserve Credit Provider;

WHEREAS, the net proceeds of the Note may be invested by the Local Agency in Permitted Investments (as defined in the Indenture) or in any other investment permitted by the laws of the State of California, as now in effect and as hereafter amended, modified or supplemented from time to time;

WHEREAS, as part of the Program each participating Issuer approves the Indenture, the alternative forms of Credit Agreements, if any, and the alternative forms of Reserve Credit Agreements, if any, in substantially the forms presented to the Legislative Body, with the final form of Indenture, type of Credit Instrument and corresponding Credit Agreement and type of Reserve Credit Instrument and corresponding Reserve Credit Agreement, if any, to be determined and approved by the Pricing Confirmation;

WHEREAS, pursuant to the Program each participating Issuer will be responsible for its share of (a) the fees of the Trustee or Paying Agent (as hereinafter defined), as applicable and the costs of issuing the applicable Series of Bonds or Separately Marketed Note, as applicable, and (b), if applicable, the fees of the Credit Provider, the fees of the Reserve Credit Provider (which shall be payable from, among other sources, investment earnings on the Reserve Fund and moneys in the Costs of Issuance Fund established and held under the Indenture), the Issuer's allocable share of all Predefault Obligations and the Issuer's Reimbursement Obligations, if any (each as defined in the Indenture);

WHEREAS, pursuant to the Program each participating Issuer whose Note is a Pooled Note will be responsible for its share of the fees of the Reserve Trustee and the costs of issuing the applicable Series of Reserve Bonds, all such costs and fees being payable from the proceeds of the applicable Series of Bonds (or, with respect to costs and fees of the Reserve Credit Provider, as may otherwise be provided in the Reserve Indenture);

WHEREAS, pursuant to the Program, the Underwriter will submit an offer to the Authority to purchase, in the case of each Pool of Notes, the Series of Bonds which will be secured by the Indenture to which such Pool will be assigned and, in the case of a Separately Marketed Note, the Note itself;

WHEREAS, it is necessary to engage the services of certain professionals to assist the Local Agency in its participation in the Program;

WHEREAS, in order to participate in the Program, the Authority requires that the Local Agency enter into and execute the Amended and Restated Joint Exercise of Powers Agreement Relating to the California Statewide Communities Development Authority, dated June 1, 1988 (the "Amended Agreement"), pursuant to which the Authority is in existence and operates;

WHEREAS, there is now before this Legislative Body a form of the Amended Agreement; and

WHEREAS, this Legislative Body, following careful review and consideration, hereby determines that it is in the public interest and for the public benefit of the Local Agency to enter into and authorize the execution of the Amended Agreement;

NOW, THEREFORE, the Legislative Body hereby finds, determines, declares and resolves as follows:

Section 1. Recitals. This Legislative Body hereby finds and determines that all the above recitals are true and correct.

Section 2. Authorization of Issuance. This Legislative Body hereby finds and determines to borrow solely for the purpose of anticipating taxes, income, revenue, cash receipts and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to Fiscal Year 1994-1995, and not pursuant to any common plan of financing of the Local Agency, by the issuance of a note in the Principal Amount under Sections 53850 et seq. of the Act, designated the Local Agency's "1994-1995 Tax and Revenue Anticipation Note" (the "Note"), to be issued in the case of a Pooled Note in the form of one fully registered note at the Principal Amount thereof and in the case of a Separately Marketed Note in the form of fully registered notes in denominations of five thousand dollars (\$5,000) or any integral multiple thereof, aggregating to the Principal Amount, in each case to be dated the date of its delivery to the initial purchaser thereof, to mature (without option of prior redemption) not more than thirteen months thereafter on a date indicated on the face thereof and determined in the Pricing Confirmation (the "Maturity Date"), and to bear interest, payable at maturity and computed upon the basis of a 360-day year consisting of twelve 30-day months, at a rate not to exceed ten percent (10%) per annum as determined in the Pricing Confirmation and indicated on the face of the Note (the "Note Rate"). If the Series of Bonds issued in connection with the Note is secured in whole or in part by a Credit Instrument or such Credit Instrument (other than the Reserve Fund) secures the Note in whole or in part and all principal of and interest on the Note is not paid in full at maturity or payment of principal of and interest on the Note is paid (in whole or in part) by a draw under, payment by or claim upon a Credit Instrument which draw, payment or claim is not fully reimbursed on such date, such Note shall become a Defaulted Note (as defined in the Indenture), and the unpaid portion (including the interest component, if applicable) thereof (or the portion (including the interest component, if applicable) thereof with respect to which a Credit Instrument applies for which reimbursement on a draw, payment or claim has not been fully made) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate (as defined in the Indenture). If the Credit Instrument is the Reserve Fund and the Reserve Bonds issued to fund the Reserve Fund are secured by the Reserve Credit Instrument and a Drawing (as defined in the Indenture) pertaining to the Note is not fully reimbursed by the Reserve Principal Payment Date (as defined in the Indenture), such Note shall become a Defaulted Reserve Note (as defined in the Indenture), and the unpaid portion (including the interest component, if applicable) thereof (or portion (including the interest component, if applicable) with respect to which the Reserve Fund applies for which reimbursement on a Drawing has not been fully made) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate. If the Note or the Series of Bonds issued in connection with the Note is unsecured in whole or in part and the Note is not fully paid at maturity, the unpaid portion thereof (or the portion thereof to which no Credit Instrument applies which is unpaid) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate. In each case set forth in the preceding three sentences, the obligation of the Local Agency with respect to such Defaulted Note or unpaid Note shall not be a debt or liability of the Local Agency prohibited by Article XVI, Section 18 of the California Constitution and the Local Agency shall not be liable thereon except to the extent of any available revenues attributable to Fiscal Year 1994-1995, as provided in Section 8 hereof. The percentage of the Note to which a Credit Instrument, if any, applies (the "Secured Percentage") shall be (i) equal to 100%, if the size of the Credit Instrument is greater than or equal to the aggregate amount of principal of and interest on all unpaid notes (or unpaid portions thereof) assigned to the particular Series of Bonds as of the maturity date or (ii) equal

to the amount of the Credit Instrument divided by the aggregate amount of unpaid principal of and interest on such unpaid notes (or portions thereof), expressed as a percentage, if the size of the Credit Instrument is less than the aggregate amount of unpaid principal of and interest on such unpaid notes (or unpaid portions thereof) as of the maturity date. The percentage of the Note to which the Reserve Credit Instrument, if any, applies (the "Secured Reserve Percentage") shall be (i) equal to 100%, if the size of the Reserve Credit Instrument is greater than or equal to the aggregate amount of principal of and interest on unpaid notes (or unpaid portions thereof, including the interest component if applicable) assigned to the particular Series of Bonds (secured by the Reserve Fund funded by the Reserve Bonds secured by the Reserve Credit Instrument) as of the Reserve Principal Payment Date or (ii) equal to the amount of the Reserve Credit Instrument divided by the aggregate amount of unpaid principal of and interest on such unpaid notes (or portions thereof, including the interest component, if applicable), expressed as a percentage, if the size of the Reserve Credit Instrument is less than the aggregate amount of unpaid principal of and interest on such unpaid notes (or unpaid portions thereof) as of the Reserve Principal Payment Date.

Both the principal of and interest on the Note shall be payable in lawful money of the United States of America, but only upon surrender thereof, at the corporate trust office of U.S. Trust Company of California, N.A. in Los Angeles, California. The Principal Amount of the Note shall, prior to the issuance thereof, be reduced from the Maximum Amount of Borrowing specified above if and to the extent necessary to obtain an approving legal opinion of Orrick, Herrington & Sutcliffe ("Bond Counsel") as to the legality thereof and the exclusion from gross income for federal tax purposes of interest thereon. The Principal Amount of the Note shall, prior to the issuance thereof, also be reduced from the Maximum Amount of Borrowing specified above, and other conditions shall be met by the Local Agency, if and to the extent necessary to obtain from the Credit Provider or the Reserve Credit Provider, as the case may be, its agreement to issue the Credit Instrument or Reserve Credit Instrument, as applicable. If the Note is a Pooled Note and the Credit Instrument is the Reserve Fund which is backed by a Reserve Credit Instrument, the issuance of the Note shall be subject to the approval of the Reserve Credit Provider. Notwithstanding anything to the contrary contained herein, the decision of the Credit Provider to issue the Credit Instrument and the approval of the Reserve Credit Provider of the issuance of a Pooled Note shall be totally discretionary on the part of the Credit Provider or Reserve Credit Provider, as applicable, and nothing herein shall be construed to require the Credit Provider or Reserve Credit Provider to issue a Credit Instrument or approve the issuance of a Pooled Note, as applicable.

Whether issued as a Pooled Note or a Separately Marketed Note, the Note shall be issued in conjunction with the note or notes of one or more other Issuers as part of the Program and within the meaning of Section 53853 of the Act.

Section 3. Form of Note. The Note shall be issued in fully registered form without coupons and shall be substantially in the form and substance set forth in Exhibit A as attached hereto and by reference incorporated herein, the blanks in said forms to be filled in with appropriate words and figures.

Section 4. Sale of Note; Delegation. Any one of the authorized representatives of the Local Agency, as set forth in Section 25 hereof (the "Authorized Representative"), is hereby authorized and directed to negotiate, with the Authority, an interest rate on the Note to the stated maturity thereof, which shall not exceed ten percent (10%) per annum, and the purchase price to be paid by the Authority for the Note, which purchase price shall be at a discount which when added to the Local Agency's share of the costs of issuance shall not be more than one percent (1%) of the principal amount of the Note, and, if such interest rate and price and other terms of the sale of the Note set out in the Pricing Confirmation are acceptable to the Authorized Representative, the Authorized Representative is hereby further authorized and directed to execute and deliver the pricing confirmation supplement to be delivered by the Underwriter (on behalf of the Authority) to the Local Agency on a date within 10 days of said negotiation

of interest rate and purchase price during the period from May 1, 1994 through March 1, 1995 (the "Pricing Confirmation"), substantially in the form presented to this meeting as Exhibit A to the Purchase Agreement, with such changes therein as the Authorized Representative shall require or approve, and such other documents or certificates required to be executed and delivered thereunder or to consummate the transactions contemplated hereby or thereby, for and in the name and on behalf of the Local Agency, such approval by this Legislative Body and the Authorized Representative to be conclusively evidenced by such execution and delivery. Any Authorized Representative is hereby further authorized to execute and deliver, prior to the execution and delivery of the Pricing Confirmation, the Purchase Agreement substantially in the form presented to this meeting, with such changes therein as the Authorized Representative shall require or approve, such approval to be conclusively evidenced by such execution and delivery; provided, however, that the Purchase Agreement shall not be effective and binding on the Local Agency until the execution and delivery of the Pricing Confirmation. Delivery of an executed copy of the Pricing Confirmation by fax or telecopy shall be deemed effective execution and delivery for all purposes.

Section 5. Program Approval. The Note shall be a Separately Marketed Note or a Pooled Note, as set forth in the Pricing Confirmation. In the case of Pooled Notes, the Pricing Confirmation may, but shall not be required to, specify the Series of Bonds to the Trustee under the Indenture for which the Note will be assigned (but need not include information about other notes assigned to the same pool or their Issuers). The Pricing Confirmation shall indicate whether and what type of Credit Instrument and, if applicable, Reserve Credit Instrument will apply.

The forms of Indenture, alternative general types and forms of Credit Agreements, if any, and alternative general types and forms of Reserve Credit Agreements, if any, presented to this meeting are hereby acknowledged, and it is acknowledged that the Authority will execute and deliver the Indenture, one or more Credit Agreements, if applicable, and one or more Reserve Credit Agreements, if applicable, which shall be identified in the Pricing Confirmation, in substantially one or more of said forms with such changes therein as the Authorized Representative who executes the Pricing Confirmation shall require or approve (substantially final forms of the Indenture, the Credit Agreement and, if applicable, the Reserve Credit Agreement are to be delivered to the Authorized Representative concurrent with the Pricing Confirmation), such approval of the Authorized Representative and this Legislative Body to be conclusively evidenced by the execution of the Pricing Confirmation. In the case where the Note is to be assigned to an Indenture, it is acknowledged that the Authority is authorized and requested to issue Bonds pursuant to and as provided in the Indenture as finally executed. If the Credit Agreement identified in the Pricing Confirmation is the Reserve Indenture, it is acknowledged that the Authority will issue the Reserve Bonds pursuant to and as provided in the Reserve Indenture as finally executed.

Any one of the Authorized Representatives of the Local Agency is hereby authorized and directed to provide the Underwriter with such information relating to the Local Agency as the Underwriter shall reasonably request for inclusion in the Preliminary Official Statement and Official Statement of the Authority in the case where the Note is a Pooled Note or in such other offering document prepared in the case of a Separately Marketed Note. Upon inclusion of the information relating to the Local Agency therein, the Preliminary Official Statement and Official Statement or such other offering document is, except for certain omissions permitted by Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the "Rule"), hereby deemed final within the meaning of the Rule with respect to the Local Agency. If, at any time prior to the execution of the Pricing Confirmation, any event occurs as a result of which the information contained in the Preliminary Official Statement or other offering document relating to the Local Agency might include an untrue statement of a material fact or omit to state any material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, the Local Agency shall promptly notify the Underwriter.

In the event the Pricing Confirmation specifies that the Credit Agreement shall be a Reserve Indenture, it is acknowledged that the Authority will issue the Reserve Bonds for the purpose of credit enhancement of the Bonds pursuant to and as provided in the Reserve Indenture as finally executed in accordance with the preceding paragraph.

Subject to Section 8 hereof, the Local Agency hereby agrees that if the Note shall become a Defaulted Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Credit Instrument applies for which full reimbursement on a draw, payment or claim has not been made by the Maturity Date shall be deemed outstanding and shall not be deemed to be paid until (i) any Credit Provider providing a Credit Instrument with respect to the Note or the Series of Bonds issued in connection with the Note, has been reimbursed for any drawings, payments or claims made under or from the Credit Instrument with respect to the Note, including interest accrued thereon, as provided therein and in the applicable Credit Agreement, and, (ii) the holders of the Note or Series of the Bonds issued in connection with the Note are paid the full principal amount represented by the unsecured portion of the Note plus interest accrued thereon (calculated at the Default Rate) to the date of deposit of such aggregate required amount with the Trustee. For purposes of clause (ii) of the preceding sentence, holders of the Series of Bonds will be deemed to have received such principal amount upon deposit of such moneys with the Trustee.

Subject to Section 8 hereof, the Local Agency hereby agrees that if the Note shall become a Defaulted Reserve Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Reserve Credit Instrument, if any, applies for which full reimbursement on a Drawing has not been made by the Reserve Principal Payment Date shall be deemed outstanding and shall not be deemed paid until (i) any Reserve Credit Provider providing a Reserve Credit Instrument with respect to the Reserve Bonds (against the Reserve Fund of which such Drawing was made) has been reimbursed for any drawing or payment made under the Reserve Credit Instrument with respect to the Note, including interest accrued thereon, as provided therein and in the Reserve Credit Agreement, and (ii) the holders of the Note or Series of Bonds issued in connection with the Note are paid the full principal amount represented by the unsecured portion of the Note plus interest accrued thereon (calculated at the Default Rate) to the date of deposit of such aggregate required amount with the Trustee. For the purposes of clause (ii) of the preceding sentence, holders of the Series of Bonds will be deemed to have received such principal amount upon deposit of such moneys with the Trustee.

The Local Agency agrees to pay or cause to be paid, in addition to the amounts payable under the Note, any fees or expenses of the Trustee and, to the extent permitted by law, if the Local Agency's Note is secured in whole or in part by a Credit Instrument and, if applicable, a Reserve Credit Instrument (by virtue of the fact that the Series of Bonds is secured by a Credit Instrument and, if applicable, Reserve Bonds are secured by a Reserve Credit Instrument), any Predefault Obligations and Reimbursement Obligations (to the extent not payable under the Note), (i) arising out of an "Event of Default" hereunder (or pursuant to Section 7 hereof) or (ii) arising out of any other event (other than an event arising solely as a result of or otherwise attributable to a default by any other Issuer). In the case described in (ii) above with respect to Predefault Obligations, the Local Agency shall owe only the percentage of such fees, expenses and Predefault Obligations equal to the ratio of the principal amount of its Note over the aggregate principal amounts of all notes, including the Note, of the Series of which the Note is a part, at the time of original issuance of such Series. Such additional amounts will be paid by the Local Agency within twenty-five (25) days of receipt by the Local Agency of a bill therefor from the Trustee.

Section 6. No Joint Obligation. The Note will be issued in conjunction with a note or notes of one or more other Issuers, either as a Separately Marketed Note or as a Pooled Note assigned to secure a Series of Bonds. In all cases, the obligation of the Local Agency to make payments on or

in respect to its Note is a several and not a joint obligation and is strictly limited to the Local Agency's repayment obligation under this Resolution and the Note.

Section 7. Disposition of Proceeds of Note.

(A) Provisions applicable if the Note is a Pooled Note. If the Note is a Pooled Note, the moneys received from the sale of the Note or of the Series of Bonds issued in connection with the Note allocable to the Local Agency's share of the costs of issuance (which shall include any fees and expenses in connection with any Credit Instrument (and the Reserve Credit Instrument, if any) applicable to the Note or Series of Bonds and the corresponding Reserve Bonds, if any) shall be deposited in the Costs of Issuance Fund held and invested by the Trustee under the Indenture and expended as directed by the Underwriter on costs of issuance as provided in the Indenture. The moneys received from the sale of the Note to the Authority, or allocable to the Note from the sale of Bonds, (net of the Local Agency's share of the costs of issuance) shall be deposited in the Local Agency's Proceeds Subaccount hereby authorized to be created pursuant to, and held and invested by the Trustee under, the Indenture for the Local Agency and said moneys may be used and expended by the Local Agency for any purpose for which it is authorized to use and expend moneys, upon requisition from the Proceeds Subaccount as specified in the Indenture.

(B) Provisions applicable if the Note is a Separately Marketed Note. If the Note is a Separately Marketed Note, the moneys received from the sale of the Note allocable to the costs of issuance shall be deposited in a Costs of Issuance Account held and invested by the Paying Agent and expended as directed by the Underwriter on costs of issuance. The Paying Agent is hereby authorized and directed to establish and hold a Costs of Issuance Account. The moneys received from the sale of the Note (net of the costs of issuance) shall be deposited in the Local Agency's Proceeds Account hereby authorized to be created for the Local Agency and said moneys may be used and expended by the Local Agency for any purpose for which it is authorized to use and expend moneys, upon requisition from the Proceeds Account. The Paying Agent is hereby authorized and directed to establish and hold a Proceeds Account. Any such Paying Agent shall signify its acceptance of its duties and obligations as such by executing a certificate of acceptance.

Section 8. Source of Payment.

(A) Provisions Applicable if the Note is a Pooled Note.

(1) The principal amount of the Note, together with the interest thereon, shall be payable from taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts and other moneys which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1994-1995 and which are available for payment thereof. As security for the payment of the principal of and interest on the Note, the Local Agency hereby pledges certain unrestricted revenues (as hereinafter provided) which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1994-1995, and the principal of the Note and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the first moneys received by the Local Agency from such pledged revenues, and, to the extent not so paid, shall be paid from any other taxes, income, revenue, cash receipts and other moneys of the Local Agency lawfully available therefor (all as provided for in Sections 53856 and 53857 of the Act). The Noteholders, Bondholders, Credit Provider and, if applicable, the Reserve Credit Provider shall have a first lien and charge on such certain unrestricted revenues as hereinafter provided which are received by the Local Agency and are attributable to Fiscal Year 1994-1995. In order to effect the pledge referenced in the preceding two sentences, the Local Agency hereby agrees and covenants to establish and maintain a special account within the Local Agency's general fund to be designated the "1994 Tax and Revenue Anticipation Note Payment Account" (the "Payment Account") and further agrees

and covenants to maintain the Payment Account until the payment of the principal of the Note and the interest thereon. The Local Agency agrees to transfer to and deposit in the Payment Account the first amounts received in the months specified in the Pricing Confirmation as Repayment Months (each individual month a "Repayment Month" and collectively "Repayment Months") (and any amounts received thereafter attributable to Fiscal Year 1994-1995) until the amount on deposit in the Payment Account is equal in the respective Repayment Months identified in the Pricing Confirmation to the percentage of the principal and interest due on the Note at maturity specified in the Pricing Confirmation. In making such transfer and deposit, the Local Agency shall not be required to physically segregate the amounts to be transferred to and deposited in the Payment Account from the Local Agency's other general fund moneys, but, notwithstanding any commingling of funds for investment or other purposes, the amounts required to be transferred to and deposited in the Payment Account shall nevertheless be subject to the lien and charge created herein. The number of Repayment Months determined in the Pricing Confirmation shall not exceed six and the amount of money required to be deposited in each Repayment Month as determined in the Pricing Confirmation shall not exceed fifty percent (50%) of the principal and interest due on the Note at maturity (such pledged amounts being hereinafter called the "Pledged Revenues"). Any one of the Authorized Representatives of the Local Agency is hereby authorized to approve the determination of the Repayment Months and percentages of the principal and interest due on the Note at maturity required to be on deposit in the Payment Account in each Repayment Month, all as specified in the Pricing Confirmation, by executing and delivering the Pricing Confirmation, such execution and delivery to be conclusive evidence of approval by this Legislative Body and such Authorized Representative. In the event on the day in each such Repayment Month that a deposit to the Payment Account is required to be made, the Local Agency has not received sufficient unrestricted revenues to permit the deposit into the Payment Account of the full amount of Pledged Revenues to be deposited in the Payment Account from said unrestricted revenues in said month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the Local Agency lawfully available for the payment of the principal of the Note and the interest thereon, as and when such other moneys are received or are otherwise legally available. The term "unrestricted revenues" shall mean all taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts, and other moneys, intended as receipts for the general fund of the Local Agency attributable to Fiscal Year 1994-1995 and which are generally available for the payment of current expenses and other obligations of the Local Agency.

(2) Any moneys placed in the Payment Account shall be for the benefit of (i) the holders of Bonds issued in connection with the Notes, (ii) (to the extent provided in the Indenture) the Credit Provider, if any, and (iii) (to the extent provided in the Indenture and, if applicable, the Credit Agreement) the Reserve Credit Provider, if any. The moneys in the Payment Account shall be applied only for the purposes for which the Payment Account is created until the principal of the Note and all interest thereon are paid or until provision has been made for the payment of the principal of the Note at maturity with interest to maturity (in accordance with the requirements for defeasance of the Bonds as set forth in the Indenture) and, if applicable, (to the extent provided in the Indenture and, if applicable, the Credit Agreement) the payment of all Predefault Obligations and Reimbursement Obligations owing to the Credit Provider and, if applicable, the Reserve Credit Provider.

(3) At least two (2) Business Days (as defined in the Indenture) prior to the Maturity Date of the Note, the moneys in the Payment Account shall be transferred by the Local Agency to the Trustee for deposit into the Bond Payment Fund, to the extent necessary, to pay the principal of and interest on the Note or to reimburse the Credit Provider for payments made under or pursuant to the Credit Instrument. In the event that moneys in the Payment Account are insufficient to pay the principal of and interest on the Note in full on the Maturity Date, moneys in the Payment Account shall be applied in the following priority: first to pay interest on the Note; second to pay principal of the Note; third to reimburse the Credit Provider for payment, if any, of interest with respect to the Note; fourth to reimburse the Credit Provider for payment, if any, of principal with respect to the Note; fifth to

reimburse the Reserve Credit Provider, if any, for payment, if any, of interest with respect to the Note; sixth to reimburse the Reserve Credit Provider, if any, for payment, if any, of principal with respect to the Note; and seventh to pay any Reimbursement Obligations of the Local Agency and any of the Local Agency's pro rata share of Predefault Obligations owing to the Credit Provider and Reserve Credit Provider (if any) as applicable. Any moneys remaining in or accruing to the Payment Account after the principal of the Note and the interest thereon and any Predefault Obligations and Reimbursement Obligations, if applicable, have been paid, or provision for such payment has been made, shall be transferred to the general fund of the Local Agency, subject to any other disposition required by the Indenture, or, if applicable, the Credit Agreement. Nothing herein shall be deemed to relieve the Local Agency from its obligation to pay its Note in full on the Maturity Date.

(4) Moneys in the Proceeds Subaccount shall be invested by the Trustee pursuant to the Indenture as directed by the Local Agency in Permitted Investments as described in and under the terms of the Indenture. Any such investment by the Trustee shall be for the account and risk of the Local Agency, and the Local Agency shall not be deemed to be relieved of any of its obligations with respect to the Note, the Predefault Obligations or Reimbursement Obligations, if any, by reason of such investment of the moneys in its Proceeds Subaccount.

(5) At the written request of the Credit Provider, if any, or the Reserve Credit Provider, if any, the Local Agency shall, within ten (10) Business Days following the receipt of such written request, file such report or reports to evidence the transfer to and deposit in the Payment Account required by this Section 8 and provide such additional financial information as may be required by the Credit Provider, if any, or the Reserve Credit Provider, if any.

(B) Provisions applicable if the Note is a Separately Marketed Note.

(1) The principal amount of the Note, together with the interest thereon, shall be payable from taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts and other moneys which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1994-1995 and which are available for payment thereof. As security for the payment of the principal of and interest on the Note, the Local Agency hereby pledges certain unrestricted revenues (as hereinafter provided) which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1994-1995, and the principal of the Note and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the first moneys received by the Local Agency from such pledged revenues, and, to the extent not so paid, shall be paid from any other taxes, income, revenue, cash receipts and other moneys of the Local Agency lawfully available therefor (all as provided for in Sections 53856 and 53857 of the Act). In order to effect this pledge, the Local Agency hereby agrees and covenants to establish and maintain a special fund within the Local Agency's general fund to be designated the "1994 Tax and Revenue Anticipation Note Payment Fund" (the "Payment Fund"), and further agrees and covenants to maintain the Payment Fund until the payment of the principal of the Note and the interest thereon. The Local Agency agrees to transfer to and deposit in the Payment Fund the first amounts received in the months specified in the Pricing Confirmation as Repayment Months (each individual month a "Repayment Month" and collectively "Repayment Months") (and any amounts received thereafter attributable to Fiscal Year 1994-1995) until the amount on deposit in the Payment Fund is equal in the respective Repayment Months identified in the Pricing Confirmation to the percentages of the principal and interest due on the Note at maturity specified in the Pricing Confirmation. In making such transfer and deposit, the Local Agency shall not be required to physically segregate the amounts to be transferred to and deposited in the Payment Fund from the Local Agency's other general fund moneys, but, notwithstanding any commingling of funds for investment or other purposes, the amounts required to be transferred to and deposited in the Payment Fund shall nevertheless be subject to the lien and charge created herein. The number of Repayment Months determined in the Pricing Confirmation shall not exceed six and the

amount of money required to be deposited in each Repayment Month as determined in the Pricing Confirmation shall not exceed fifty percent (50%) of the principal and interest due on the Note at maturity (such pledged amounts being hereinafter called the "Pledged Revenues"). Any one of the Authorized Representatives of the Local Agency is hereby authorized to approve the determination of the Repayment Months and percentages of the principal and interest due on the Note at maturity required to be on deposit in the Payment Fund in each Repayment Month, all as specified in the Pricing Confirmation, by executing and delivering the Pricing Confirmation, such execution and delivery to be conclusive evidence of approval by this Legislative Body and such officer. In the event that on the day in each such Repayment Month that a deposit to the Payment Fund is required to be made, the Local Agency has not received sufficient unrestricted revenues to permit the deposit into the Payment Fund of the full amount of Pledged Revenues to be deposited in the Payment Fund from said unrestricted revenues in said month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the Local Agency lawfully available for the payment of the principal of the Note and the interest thereon, as and when such other moneys are received or are otherwise legally available. The term "unrestricted revenues" shall mean all taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts, and other moneys, intended as receipts for the general fund of the Local Agency attributable to Fiscal Year 1994-1995 and which are generally available for the payment of current expenses and other obligations of the Local Agency.

(2) Any moneys placed in the Payment Fund shall be for the benefit of the owner of the Note. The moneys in the Payment Fund shall be applied only for the purposes for which the Payment Fund is created until the principal of the Note and all interest thereon are paid or until provision has been made for the payment of the principal of the Note at maturity with interest to maturity.

(3) At least two (2) Business Days prior to the Maturity Date of the Note, the moneys in the Payment Fund shall be transferred by the Local Agency to the Paying Agent, to the extent necessary, to pay the principal of and interest on the Note. In the event that moneys in the Payment Fund are insufficient to pay the principal of and interest on the Note in full on the Maturity Date, moneys in the Payment Fund shall be applied in the following priority: first to pay interest on the Note and second to pay principal of the Note. Any moneys remaining in or accruing to the Payment Fund after the principal of the Note and the interest thereon, have been paid, or provision for such payment has been made, shall be transferred by the Paying Agent to the Local Agency.

(4) Moneys in the Proceeds Account shall be invested by the Paying Agent pursuant to instructions of the Local Agency in an investment agreement or investment agreements designated in the Pricing Confirmation and/or other permitted investments designated in the Pricing Confirmation. The type of investment or investments to be applicable to the proceeds of the Note shall be determined in the Pricing Confirmation. Any such investment by the Paying Agent shall be for the account and risk of the Local Agency and the Local Agency shall not be deemed to be relieved of any of its obligations with respect to the Note, by reason of such investment of the moneys in its Proceeds Account.

Section 9. Execution of Note. Any one of the Authorized Representatives of the Local Agency or any other officer designated by the Legislative Body shall be authorized to execute the Note by manual or facsimile signature and the Secretary or Clerk of the Legislative Body of the Local Agency, or any duly appointed assistant thereto, shall be authorized to countersign the Note by manual or facsimile signature. Said Authorized Representative of the Local Agency, is hereby authorized to cause the blank spaces of the Note to be filled in as may be appropriate pursuant to the Pricing Confirmation. If the Note is a Pooled Note, said Authorized Representative is hereby authorized and directed to cause the Trustee, as registrar and authenticating agent, to authenticate and accept delivery of the Note pursuant to the terms and conditions of the Purchase Agreement, this Resolution and the Indenture. If the Note is a Separately Marketed Note, said Authorized Representative is hereby authorized and directed to cause U.S. Trust Company of California, N.A. as paying agent, registrar and authenticating agent (the "Paying Agent")

to authenticate and deliver the Note pursuant to the terms and conditions of the Purchase Agreement and this Resolution. In case any Authorized Representative whose signature shall appear on any Note shall cease to be an Authorized Representative before the delivery of such Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Note shall have thereon a certificate of authentication substantially in the form hereinafter set forth duly executed by the Trustee or Paying Agent (as applicable) and showing the date of authentication. The Note shall not be valid or obligatory for any purpose or be entitled to any security or benefit under this Resolution unless and until such certificate of authentication shall have been duly executed by the Trustee or Paying Agent, as applicable, by manual signature, and such certificate of authentication upon any such Note shall be conclusive evidence that such has been authenticated and delivered under this Resolution. The certificate of authentication on the Note shall be deemed to have been executed by the Trustee or Paying Agent, as applicable, if signed by an authorized representative of the Trustee or Paying Agent, as applicable. The Note need not bear the seal of the Local Agency, if any.

Section 10. Note Registration and Transfer.

(A) Provisions Applicable if the Note is a Pooled Note. (1) As long as the Note remains outstanding, the Local Agency shall maintain and keep at the principal corporate trust office of the Trustee, books for the registration and transfer of the Note. The Note shall initially be registered in the name of the Trustee under the Indenture to which the Note is assigned. Upon surrender of the Note for transfer at the office of the Trustee with a written instrument of transfer satisfactory to the Trustee, duly executed by the registered owner or its duly authorized attorney, and upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer or the Local Agency shall execute and the Trustee shall authenticate and deliver, in the name of the designated transferee, a fully registered Note. For every transfer of the Note, the Local Agency or the Trustee may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to the transfer, which sum or sums shall be paid by the person requesting such transfer as a condition precedent to the exercise of the privilege of making such transfer.

(2) Subject to Section 6 hereof, the Local Agency and the Trustee and their respective successors may deem and treat the person in whose name the Note is registered as the absolute owner thereof for all purposes and the Local Agency and the Trustee and their respective successors shall not be affected by any notice to the contrary, and payment of or on account of the principal of the Note shall be made only to or upon the order of the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon the Note to the extent of the sum or sums so paid.

(3) Any Note may, in accordance with its terms, be transferred upon the books required to be kept by the Trustee, pursuant to the provisions hereof by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Note for cancellation, accompanied by delivery of a written instrument of transfer, duly executed in form approved by the Trustee.

(4) The Trustee or any one of the Authorized Representatives of the Local Agency, acting separately or together, is authorized to sign any letter of representations which may be required in connection with the delivery of the Bonds if such Bonds are delivered in book-entry form.

(5) In the event the Credit Instrument is the Reserve Fund and Reserve Bonds are issued in connection therewith, if such Reserve Bonds must be redeemed in part pursuant to the provisions of the Reserve Indenture, the Reserve Trustee is authorized and directed to execute and deliver to the registered owner thereof at the expense of the Local Agency if the Local Agency's Note is then

deemed outstanding, a new Reserve Bond or Reserve Bonds of authorized denominations pursuant to the terms of the Reserve Indenture.

(B) Provisions Applicable if the Note is a Separately Marketed Note. (1) As long as the Note remains outstanding, the Local Agency shall maintain at the principal corporate trust office of the Paying Agent, books for the registration and transfer of the Note. The Note shall be prepared in the form of fully registered Notes in denominations of five thousand dollars (\$5,000) or any integral multiple thereof. The Note shall be initially issued registered in the name of "Cede & Co.," as nominee of The Depository Trust Company, New York, New York, and shall be evidenced by one Note to be in a denomination corresponding to the total principal amount of the Note. Registered ownership of the Note, or any portion hereof, may not hereafter be transferred except as hereinafter set forth. Registered ownership of such Note, or any portion thereof, may not thereafter be transferred except:

(a) to any successor of The Depository Trust Company or its nominee, or of any substitute depository designated pursuant to clause (b) of this subsection (1) ("Substitute Depository"); provided that any successor of The Depository Trust Company or Substitute Depository shall be qualified under any applicable laws to provide the service proposed to be provided by it;

(b) to any Substitute Depository not objected to by the Local Agency, upon (i) the resignation of The Depository Trust Company or its successor (or any Substitute Depository or its successor) from its functions as depository, or (ii) a determination by the Local Agency to substitute another depository for The Depository Trust Company (or its successor) because The Depository Trust Company (or its successor) is no longer able to carry out its functions as depository; provided that any such Substitute Depository shall be qualified under any applicable laws to provide the services proposed to be provided by it; or

(c) to any person as provided below, upon (i) the resignation of The Depository Trust Company or its successor (or any Substitute Depository or its successor) from its functions as depository, or (ii) a determination by the Local Agency to discontinue using a depository.

(2) In the case of any transfer pursuant to clause (a) or clause (b) of subsection (1) of this subsection (B), upon receipt of all outstanding Notes by the Paying Agent, together with a written request of an Authorized Representative of the Local Agency to the Paying Agent designating the Substitute Depository, a single new Note, which the Local Agency shall prepare or cause to be prepared, shall be executed and delivered, registered in the name of such successor or such Substitute Depository, or their nominees, as the case may be, all as specified in such written request of an Authorized Representative of the Local Agency. In the case of any transfer pursuant to clause (c) of subsection (1) of this subsection (B), upon receipt of all outstanding Notes by the Paying Agent, together with a written request of an Authorized Representative of the Local Agency to the Paying Agent, new Notes, which the Local Agency shall prepare or cause to be prepared, shall be executed and delivered in such denominations and registered in the names of such persons as are requested in such written request of an Authorized Representative of the Local Agency, subject to the limitations of Section 2 hereof.

(3) Subject to Section 6 hereof, the Paying Agent and the Local Agency and their respective successors shall be entitled to treat the person in whose name any Note is registered as the Owner thereof for all purposes of this Resolution and any applicable laws, notwithstanding any notice to the contrary received by the Local Agency; and the Local Agency shall not have responsibility for transmitting payments to, communicating with, notifying, or otherwise dealing with any beneficial owners of the Note. Neither the Local Agency, nor the Paying Agent nor their respective successors shall have any responsibility or obligation, legal or otherwise, to any such beneficial owners or to any other party.

including The Depository Trust Company or its successor (or Substitute Depository or its successor), except to the owner of any Notes, and the Local Agency and the Paying Agent may rely conclusively on their records as to the identity of the owners of the Note.

(4) Notwithstanding any other provision of this Resolution and so long as the Note is outstanding and registered in the name of Cede & Co. or its registered assigns, the Local Agency shall cooperate with Cede & Co., as sole registered Noteowner, and its registered assigns in effecting payment of the principal of and interest on the Note by arranging for payment in such manner that funds for such payments are properly identified and are made available on the date they are due all in accordance with a letter of representations to be delivered in connection with the Note (the "Letter of Representations"), the provisions of which the Local Agency may rely upon to implement the foregoing procedures notwithstanding any inconsistent provisions herein. Any one of the Authorized Representatives of the Local Agency is hereby directed to execute the Letter of Representations on behalf of the Local Agency.

(C) Provisions Applicable to both Pooled Notes and Separately Marketed Notes.

(1) The Trustee or Paying Agent, as applicable, will keep or cause to be kept, at its principal corporate trust office, sufficient books for the registration and transfer of the Note, which shall be open to inspection by the Local Agency during regular business hours. Upon presentation for such purpose, the Trustee or Paying Agent, as applicable, shall, under such reasonable regulations as it may prescribe, register or transfer or cause to be registered or transferred, on such books, the Note as hereinbefore provided.

(2) If any Note shall become mutilated, or the Local Agency, at the expense of the registered owner of such Note, shall execute, and the Trustee or Paying Agent, as applicable, shall thereupon authenticate and deliver a new Note of like tenor and number in exchange and substitution for the Note so mutilated, but only upon surrender to the Trustee or Paying Agent, as applicable, of the Note so mutilated. Every mutilated Note so surrendered to the Trustee shall be cancelled by it and delivered to, or upon the order of, the Local Agency. If any Note shall be lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the Local Agency and the Trustee or Paying Agent, as applicable, and, if such evidence be satisfactory to them and indemnity satisfactory to them shall be given, the Local Agency, at the expense of the registered owner, shall execute, and the Trustee or the Paying Agent, as applicable, shall thereupon authenticate and deliver a new Note of like tenor and number in lieu of and in substitution for the Note so lost, destroyed or stolen (or if any such Note shall have matured or shall be about to mature, instead of issuing a substitute Note, the Trustee or Paying Agent, as applicable, may pay the same without surrender thereof). The Trustee or Paying Agent, as applicable, may require payment of a sum not exceeding the actual cost of preparing each new Note issued pursuant to this paragraph and of the expenses which may be incurred by the Local Agency and the Trustee or Paying Agent, as applicable, in such preparation. Any Note issued under these provisions in lieu of any Note alleged to be lost, destroyed or stolen shall constitute an original additional contractual obligation on the part of the Local Agency, whether or not the Note so alleged to be lost, destroyed or stolen be at any time enforceable by anyone, and shall be entitled to the benefits of this Resolution with all other Notes secured by this Resolution.

Section 11. Representations and Covenants of the Local Agency.

(A) The Local Agency is duly organized and existing under and by virtue of the laws of the State of California and has all necessary power and authority to (i) adopt the Resolution, (ii) enter into and perform its obligations under the Purchase Agreement, and (iii) issue the Note.

(B) (i) Upon the issuance of the Note, the Local Agency shall have taken all action required to be taken by it to authorize the issuance and delivery of the Note and the performance of its

obligations thereunder, and (ii) the Local Agency has full legal right, power and authority to issue and deliver the Note.

(C) The issuance of the Note, the adoption of the Resolution and the execution and delivery of the Purchase Agreement, and compliance with the provisions hereof and thereof shall not conflict with, breach or violate any law, administrative regulation, court decree, resolution, charter, by-laws or other agreement to which the Local Agency is subject or by which it is bound.

(D) Except as may be required under blue sky or other securities law of any state or Section 3(a)(2) of the Securities Act of 1933, there is no consent, approval, authorization or other order of, or filing with, or certification by, any regulatory authority having jurisdiction over the Local Agency required for the issuance and sale of the Note or the consummation by the Local Agency of the other transactions contemplated by this Resolution, except those the Local Agency shall obtain or perform prior to or upon the issuance of the Note.

(E) The Local Agency has (or will have prior to the issuance of the Note) duly, regularly and properly adopted a preliminary budget for Fiscal Year 1994-1995 setting forth expected revenues and expenditures and has complied with all statutory and regulatory requirements with respect to the adoption of such budget. The Local Agency hereby covenants that it shall (i) duly, regularly and properly prepare and adopt its final budget for Fiscal Year 1994-1995, (ii) provide to the Trustee or Paying Agent (as applicable), the Credit Provider, if any, the Reserve Credit Provider, if any, and the Underwriter, promptly upon adoption, copies of such final budget and of any subsequent revisions, modifications or amendments thereto and (iii) comply with all applicable laws pertaining to its budget.

(F) The sum of the principal amount of the Local Agency's Note plus the interest payable thereon, on the date of its issuance, shall not exceed fifty percent (50%) of the estimated amounts of the Local Agency's uncollected taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts, and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to Fiscal Year 1994-1995 all of which will be legally available to pay principal of and interest on the Note.

(G) The Local Agency (i) has not defaulted within the past twenty (20) years, and is not currently in default, on any debt obligation and (ii), to the best knowledge of the Local Agency, has never defaulted on any debt obligation.

(H) The Local Agency's most recent audited financial statements present fairly the financial condition of the Local Agency as of the date thereof and the results of operation for the period covered thereby. Except as has been disclosed to the Underwriter, the Credit Provider, if any, and the Reserve Credit Provider, if any, there has been no change in the financial condition of the Local Agency since the date of such audited financial statements that will in the reasonable opinion of the Local Agency materially impair its ability to perform its obligations under this Resolution and the Note. The Local Agency agrees to furnish to the Underwriter, the Trustee (or the Paying Agent, if applicable), the Credit Provider, if any, and the Reserve Credit Provider, if any, promptly, from time to time, such information regarding the operations, financial condition and property of the Local Agency as such party may reasonably request.

(I) There is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, arbitrator, governmental or other board, body or official, pending or, to the best knowledge of the Local Agency, threatened against or affecting the Local Agency questioning the validity of any proceeding taken or to be taken by the Local Agency in connection with the Note, the Purchase Agreement, the Indenture, the Credit Agreement, if any, the Reserve Credit Agreement, if any, or this Resolution, or seeking to prohibit, restrain or enjoin the execution, delivery or performance by the Local

Agency of any of the foregoing, or wherein an unfavorable decision, ruling or finding would have a materially adverse effect on the Local Agency's financial condition or results of operations or on the ability of the Local Agency to conduct its activities as presently conducted or as proposed or contemplated to be conducted, or would materially adversely affect the validity or enforceability of, or the authority or ability of the Local Agency to perform its obligations under, the Note, the Purchase Agreement, the Indenture, the Credit Agreement, if any, the Reserve Credit Agreement, if any, or this Resolution.

(J) Upon issuance of the Note, this Resolution and the Note constitute legal, valid and binding agreements of the Local Agency, enforceable in accordance with their respective terms, except as such enforceability may be limited by bankruptcy or other laws affecting creditors' rights generally, the application of equitable principles if equitable remedies are sought, the exercise of judicial discretion in appropriate cases and the limitations on legal remedies against local agencies, as applicable, in the State of California.

(K) It is hereby covenanted and warranted by the Local Agency that all representations and recitals contained in this Resolution are true and correct, and that the Local Agency and its appropriate officials have duly taken, or will take, all proceedings necessary to be taken by them, if any, for the levy, receipt, collection and enforcement of the Pledged Revenues in accordance with law for carrying out the provisions of this Resolution and the Note.

(L) The Local Agency shall not incur any indebtedness secured by a pledge of its unrestricted revenues unless such pledge is subordinate in all respects to the pledge of unrestricted revenues hereunder.

(M) So long as the Credit Provider, if any, is not in default under the Credit Instrument or the Reserve Credit Provider, if any, is not in default under the corresponding Reserve Credit Agreement, the Local Agency hereby agrees to pay its pro rata share of all Predefault Obligations and all Reimbursement Obligations attributable to the Local Agency in accordance with provisions of the Credit Agreement, if any, the Reserve Credit Agreement, if any, and/or the Indenture, as applicable. Prior to the Maturity Date, moneys in the Local Agency's Payment Account shall not be used to make such payments. The Local Agency shall pay such amounts promptly upon receipt of notice from the Credit Provider or from the Reserve Credit Provider, if applicable, that such amounts are due to it.

(N) If the Note is a Pooled Note, so long as any Bonds issued in connection with the Notes are Outstanding, or any Predefault Obligation or Reimbursement Obligation is outstanding, the Local Agency will not create or suffer to be created any pledge of or lien on the Note other than the pledge and lien of the Indenture.

(O) The Local Agency shall maintain a positive general fund balance.

Section 12. Tax Covenants. (A) The Local Agency shall not take any action or fail to take any action if such action or failure to take such action would adversely affect the exclusion from gross income of the interest payable on the Note under Section 103 of the Internal Revenue Code of 1986 (the "Code"). Without limiting the generality of the foregoing, the Local Agency shall not make any use of the proceeds of the Note or any other funds of the Local Agency which would cause the Note to be an "arbitrage bond" within the meaning of Section 148 of the Code, a "private activity bond" within the meaning of Section 141(a) of the Code, or an obligation the interest on which is subject to federal income taxation because it is "federally guaranteed" as provided in Section 149(b) of the Code. The Local Agency, with respect to the proceeds of the Note, will comply with all requirements of such sections of the Code and all regulations of the United States Department of the Treasury issued or applicable thereunder to the extent that such requirements are, at the time, applicable and in effect.

(B) The Local Agency hereby (i) represents that the aggregate face amount of all tax-exempt obligations (including any tax-exempt leases, but excluding private activity bonds), issued and to be issued by the Local Agency during calendar year 1994, including the Note, is not reasonably expected to exceed \$5,000,000; or (ii) covenants that the Local Agency will take all legally permissible steps necessary to ensure that all of the gross proceeds of the Note will be expended no later than the day that is six months after the date of issuance of the Note so as to satisfy the requirements of Section 148(f)(4)(B) of the Code.

(C) Notwithstanding any other provision of this Resolution to the contrary, upon the Local Agency's failure to observe, or refusal to comply with, the covenants contained in this Section 12, no one other than the holders or former holders of the Note, the Bond Owners, the Credit Provider, if any, the Reserve Credit Provider, if any, or the Trustee (or Paying Agent, as applicable) on their behalf shall be entitled to exercise any right or remedy under this Resolution on the basis of the Local Agency's failure to observe, or refusal to comply with, such covenants.

(D) The covenants contained in this Section 12 shall survive the payment of the Note.

Section 13. Events of Default and Remedies.

If any of the following events occurs, it is hereby defined as and declared to be and to constitute an "Event of Default":

(A) Failure by the Local Agency to make or cause to be made the transfers and deposits to the Payment Account or Payment Fund, as applicable, or any other payment required to be paid hereunder on or before the date on which such transfer, deposit or other payment is due and payable;

(B) Failure by the Local Agency to observe and perform any covenant, condition or agreement on its part to be observed or performed under this Resolution, for a period of fifteen (15) days after written notice, specifying such failure and requesting that it be remedied, is given to the Local Agency by the Trustee (or Paying Agent, as applicable), the Credit Provider, if applicable, or the Reserve Credit Provider, if applicable, unless the Trustee (or Paying Agent, as applicable) and the Credit Provider or the Reserve Credit Provider, if applicable, shall all agree in writing to an extension of such time prior to its expiration;

(C) Any warranty, representation or other statement by or on behalf of the Local Agency contained in this Resolution or the Purchase Agreement (including the Pricing Confirmation) or in any requisition or any financial report delivered by the Local Agency or in any instrument furnished in compliance with or in reference to this Resolution or the Purchase Agreement or in connection with the Note, is false or misleading in any material respect;

(D) A petition is filed against the Local Agency under any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect and is not dismissed within 30 days after such filing, but the Trustee (or Paying Agent, as applicable) shall have the right to intervene in the proceedings prior to the expiration of such 30 days to protect its and the Bond Owners' (or Noteholders') interests;

(E) The Local Agency files a petition in voluntary bankruptcy or seeking relief under any provision of any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect, or consents to the filing of any petition against it under such law; or

(F) The Local Agency admits insolvency or bankruptcy or is generally not paying its debts as such debts become due, or becomes insolvent or bankrupt or makes an assignment for the benefit of creditors, or a custodian (including without limitation a receiver, liquidator or trustee) of the Local Agency or any of its property is appointed by court order or takes possession thereof and such order remains in effect or such possession continues for more than 30 days, but the Trustee (or Paying Agent, as applicable) shall have the right to intervene in the proceedings prior to the expiration of such 30 days to protect its and the Bond Owners' or Noteholders' interests.

Whenever any Event of Default referred to in this Section 13 shall have happened and be continuing, the Trustee (or Paying Agent, as applicable) shall, in addition to any other remedies provided herein or by law or under the Indenture, if applicable, have the right, at its option without any further demand or notice, to take one or any combination of the following remedial steps:

(1) Without declaring the Note to be immediately due and payable, require the Local Agency in the case the Note is a Pooled Note, to pay to the Trustee, and in the case the Note is a Separately Marketed Note, to pay to the Paying Agent, in either case, an amount equal to the principal of the Note and interest thereon to maturity, plus all other amounts due hereunder, and upon notice to the Local Agency the same shall become immediately due and payable by the Local Agency without further notice or demand; and

(2) Take whatever other action at law or in equity (except for acceleration of payment on the Note) which may appear necessary or desirable to collect the amounts then due and thereafter to become due hereunder or to enforce any other of its rights hereunder.

Notwithstanding the foregoing, if the Local Agency's Note is secured in whole or in part by a Credit Instrument (other than the Reserve Fund) or if the Credit Provider is subrogated to rights under the Local Agency's Note, as long as the Credit Provider has not failed to comply with its payment obligations under the Credit Instrument, the Credit Provider shall have the right to direct the remedies upon any Event of Default hereunder, and, notwithstanding the foregoing, if a Reserve Credit Instrument is applicable, as long as the Reserve Credit Provider has not failed to comply with its payment obligations under the Reserve Credit Agreement, the Reserve Credit Provider shall have the right (prior to the Credit Provider) to direct the remedies upon any Event of Default hereunder, in each case so long as such action will not materially adversely affect the rights of any Bond Owner, and the Credit Provider's and Reserve Credit Provider's (if any) prior consent shall be required to any remedial action proposed to be taken by the Trustee hereunder.

If the Credit Provider is not reimbursed on the Maturity Date for the drawing, payment or claim, as applicable, used to pay principal of and interest on the Note due to a default in payment on the Note by the Local Agency, as provided in Section 5.03 of the Indenture, or if any principal of or interest on the Note remains unpaid after the Maturity Date, the Note shall be a Defaulted Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Credit Instrument applies for which reimbursement on a draw, payment or claim has not been made shall be deemed outstanding and shall bear interest at the Default Rate until the Local Agency's obligation on the Defaulted Note is paid in full or payment is duly provided for, all subject to Section 8 hereof.

If the Credit Instrument is the Reserve Fund and the Reserve Bonds are secured by the Reserve Credit Instrument and all principal of and interest on the Note is not paid in full by the Reserve Principal Payment Date, the Defaulted Note shall become a Defaulted Reserve Note and the unpaid portion (including the interest component, if applicable) thereof (or the portion thereof with respect to which the Reserve Fund applies for which reimbursement on a Drawing has not been fully made) shall

be deemed outstanding and shall bear interest at the Default Rate until the Local Agency's obligation on the Defaulted Reserve Note is paid in full or payment is duly provided for, all subject to Section 8 hereof.

Section 14. Trustee/Paying Agent. The Trustee is hereby appointed as paying agent, registrar and authenticating agent for the Note if it is a Pooled Note. The Paying Agent is hereby appointed as paying agent, registrar and authenticating agent for the Note if it is a Separately Marketed Note. The Local Agency hereby directs and authorizes the payment by the Trustee or Paying Agent, respectively, of the interest on and principal of the Note when such become due and payable, from amounts received by the Trustee or Paying Agent from the Local Agency in the manner set forth herein. The Local Agency hereby covenants to deposit funds in such account or fund, as applicable, at the time and in the amount specified herein to provide sufficient moneys to pay the principal of and interest on the Note on the day on which it matures. Payment of the Note shall be in accordance with the terms of the Note and this Resolution.

The Local Agency hereby agrees to maintain as paying agent, registrar and authenticating agent of the Note, (i) the Trustee under the Indenture, or (ii) the Paying Agent under the terms of this Resolution.

Section 15. Sale of Note. The Note shall be sold to the Authority, in accordance with the terms of the Purchase Agreement, hereinbefore approved.

Section 16. Approval and Execution of Amended Agreement. The Amended Agreement is hereby approved and any one of the Authorized Representatives of the Local Agency is hereby authorized and directed to execute the Amended Agreement, with such changes, insertions and omissions as may be approved by such official and the Secretary or Clerk of the Local Agency is hereby authorized and directed to attest the same.

Section 17. Approval of Actions. The aforementioned Authorized Representatives of the Local Agency are hereby authorized and directed to execute the Note and cause the Trustee or Paying Agent, as applicable, to authenticate and accept delivery of the Note, pursuant to the terms and conditions of the Purchase Agreement and the Indenture. All actions heretofore taken by the officers and agents of the Local Agency or this Legislative Body with respect to the sale and issuance of the Note and participation in the Program are hereby approved, confirmed and ratified and the Authorized Representatives and agents of the Local Agency are hereby authorized and directed, for and in the name and on behalf of the Local Agency, to do any and all things and take any and all actions and execute any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Note in accordance with, and related transactions contemplated by, this Resolution. The Authorized Representatives of the Local Agency referred to above in Section 4 hereof are hereby designated as "Authorized Local Agency Representatives" under the Indenture.

In the event that the Note or a portion thereof is secured by a Credit Instrument, any one of the Authorized Representatives of the Local Agency is hereby authorized and directed to provide the Credit Provider and, if applicable, the Reserve Credit Provider, with any and all information relating to the Local Agency as such Credit Provider or Reserve Credit Provider may reasonably request.

Section 18. Proceedings Constitute Contract. The provisions of the Note and of this Resolution shall constitute a contract between the Local Agency and the registered owner of the Note, the Credit Provider, if any, and the Reserve Credit Provider, if any, and such provisions shall be enforceable by mandamus or any other appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction, and shall be irrevocable.

Section 19. Limited Liability. Notwithstanding anything to the contrary contained herein or in the Note or in any other document mentioned herein or related to the Note or to any Series of Bonds to which the Note may be assigned, the Local Agency shall not have any liability hereunder or by reason hereof or in connection with the transactions contemplated hereby except to the extent payable from moneys available therefor as set forth in Section 8 hereof.

Section 20. Amendments. At any time or from time to time, the Local Agency may adopt one or more Supplemental Resolutions with the written consents of the Authority, the Credit Provider, if any, and the Reserve Credit Provider, if any, but without the necessity for consent of the owners of the Note or of the Bonds issued in connection with the Notes for any one or more of the following purposes:

(A) to add to the covenants and agreements of the Local Agency in this Resolution, other covenants and agreements to be observed by the Local Agency which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(B) to add to the limitations and restrictions in this Resolution, other limitations and restrictions to be observed by the Local Agency which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(C) to confirm, as further assurance, any pledge under, and the subjection to any lien or pledge created or to be created by, this Resolution, of any monies, securities or funds, or to establish any additional funds or accounts to be held under this Resolution;

(D) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision in this Resolution; or

(E) to amend or supplement this Resolution in any other respect;

provided, however, that any such Supplemental Resolution does not adversely affect the interests of the owners of the Note or of the Bonds issued in connection with the Notes.

Any modifications or amendment of this Resolution and of the rights and obligations of the Local Agency and of the owners of the Note or of the Bonds issued in connection with the Notes may be made by a Supplemental Resolution, with the written consent of the owners of at least a majority in principal amount of the Note or of the Bonds issued in connection with the Notes outstanding at the time such consent is given; provided, however, that if such modification or amendment will, by its terms, not take effect so long as the Note or any Bonds issued in connection with the Notes remain outstanding, the consent of the owners of such Note or of such Bonds shall not be required. No such modification or amendment shall permit a change in the maturity of the Note or a reduction of the principal amount thereof or an extension of the time of any payment thereon or a reduction of the rate of interest thereon, or a change in the date or amounts of the pledge set forth in this Resolution, without the consent of the owners of such Note or the owners of the Bonds issued in connection with the Notes, or shall reduce the percentage of the Notes or Bonds the consent of the owners of which is required to effect any such modification or amendment, or shall change or modify any of the rights or obligations of the Trustee or Paying Agent, as applicable, without its written assent thereto.

Section 21. Severability. In the event any provision of this Resolution shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 22. Appointment of Bond Counsel. The law firm of Orrick, Herrington & Sutcliffe, Los Angeles, California is hereby appointed as Bond Counsel for the Program.

Section 23. Appointment of Underwriter. Sutro & Co. Incorporated, Los Angeles, California, is hereby appointed as underwriter for the Program.

Section 24. Effective Date. This Resolution shall take effect from and after its date of adoption.

Section 25. Resolution Parameters.

- (A) Name of Local Agency: CITY OF MODESTO
- (B) Maximum Amount of Borrowing: \$3,000,000
- (C) Authorized Representatives:

TITLE

- 1. Director of Finance
- 2. City Manager
- 3. _____
- 4. _____

[Attach form of Certification of the Secretary or Clerk of the Legislative Body, with respect to the Resolution, if desired (such form of Certification is not required).]

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

EXHIBIT A

[NAME OF LOCAL AGENCY]
1994-1995 TAX AND REVENUE ANTICIPATION NOTE, [SERIES ___]

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>
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REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ DOLLARS

FOR VALUE RECEIVED, the Local Agency designated above (the "Local Agency"), acknowledges itself indebted to and promises to pay to the registered owner identified above, or registered assigns, on the maturity date set forth above, the principal sum specified above in lawful money of the United States of America, together with interest thereon at the rate of interest specified above (the "Note Rate"). Principal of and interest on this Note are payable in such coin or currency of the United States as at the time of payment is legal tender for payment of private and public debts, such principal and interest to be paid upon surrender hereof at the principal corporate trust office of U.S. Trust Company of California, N.A. in Los Angeles, California, or its successor in trust (the ["Trustee"/"Paying Agent"]²²). Interest shall be calculated on the basis of a 360-day year, consisting of twelve 30-day months, in like lawful money from the date hereof until the maturity date specified above and, if funds are not provided for payment at maturity, thereafter on the basis of a 360-day year for actual days elapsed until payment in full of said principal sum. Both the principal of and interest on this Note shall be payable only to the registered owner hereof upon surrender of this Note as the same shall fall due; provided, however, no interest shall be payable for any period after maturity during which the holder hereof fails to properly present this Note for payment. If the Local Agency fails to pay this Note when due or the Credit Provider (as defined in the Resolution hereinafter described and that certain Indenture of Trust, dated as of July 1, 1994 (the "Indenture"), by and between the California Statewide Communities Development Authority and U.S. Trust Company of California, N.A., as trustee), if any, is not reimbursed in full for the amount drawn on or paid pursuant to the Credit Instrument (as defined in the Resolution and the Indenture) to pay all or a portion (including the interest component, if applicable) of this Note on the date of such payment, this Note shall become a Defaulted Note (as defined in the Resolution and the Indenture and with the consequences set forth in the Resolution and the Indenture, including, without limitation, that this Note as a Defaulted Note (and any related reimbursement obligation with respect to a credit instrument) shall bear interest at the Default Rate, as defined in the Indenture).

It is hereby certified, recited and declared that this Note (the "Note") represents the authorized issue of the Note in the aggregate principal amount authorized, executed and delivered pursuant to and by authority of certain resolutions of the Local Agency duly passed and adopted heretofore, under and by authority of Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5 of the California Government Code (collectively, the "Resolution"), to all of the provisions and limitations of which the owner of this Note, by acceptance hereof, assents and agrees.

The principal of the Note, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1994-1995 and which are available for payment thereof. As security for the payment of the principal of and interest on the Note, the Local Agency has pledged the first amounts of unrestricted revenues of the Local Agency received on the last day of January and May (and any amounts received thereafter attributable to Fiscal Year 1994-1995) until

²¹ If more than one Series of Bonds is issued under the Program in Fiscal Year 1994-1995 and if the Note is pooled with notes issued by other Issuers (as defined in the Resolution).

²² Trustee if Note is pooled with notes of other Issuers, Paying Agent if Note is marketed individually, the determination of which shall be made in the Pricing Confirmation.

the amount on deposit in the [Payment Account/Payment Fund] (as defined in the Resolution) in each such month, is equal to the corresponding percentages of principal of and interest due on the Note at maturity set forth in the Pricing Confirmation (as defined in the Resolution) (such pledged amounts being hereinafter called the "Pledged Revenues"), and the principal of the Note and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the Pledged Revenues, and to the extent not so paid shall be paid from any other moneys of the Local Agency lawfully available therefor as set forth in the Resolution. The full faith and credit of the Local Agency is not pledged to the payment of the principal of or interest on this Note.

This Note is transferable, as provided by the Resolution, only upon the books of the Local Agency kept at the office of the [Trustee/Paying Agent], by the registered owner hereof in person or by its duly authorized attorney, upon surrender of this Note for transfer at the office of the [Trustee/Paying Agent], duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the [Trustee/Paying Agent] duly executed by the registered owner hereof or its duly authorized attorney, and upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, a fully registered Note will be issued to the designated transferee or transferees.

The Local Agency and the [Trustee/Paying Agent] may deem and treat the registered owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and the Local Agency and the [Trustee/Paying Agent] shall not be affected by any notice to the contrary.

This Note shall not be valid or become obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been signed by the [Trustee/Paying Agent].

It is hereby certified that all of the conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of this Note do exist, have happened and have been performed in due time, form and manner as required by the Constitution and statutes of the State of California and that the amount of this Note, together with all other indebtedness of the Local Agency, does not exceed any limit prescribed by the Constitution or statutes of the State of California.

IN WITNESS WHEREOF, the Legislative Body of the Local Agency has caused this Note to be executed by the manual or facsimile signature of a duly Authorized Representative of the Local Agency and countersigned by the manual or facsimile signature of the Secretary or Clerk of the Legislative Body as of the date of authentication set forth below.

[NAME OF LOCAL AGENCY]

By _____
Title:

Countersigned

By _____
Title:

--- Payment Account if Note is pooled with notes of other Issuers, Payment Fund if Note is marketed individually

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Note is the Note mentioned in the within-mentioned Resolution authenticated on the following date:

U.S. TRUST COMPANY OF CALIFORNIA, N.A.,
as Trustee[/Paying Agent]

BY _____
AUTHORIZED REPRESENTATIVE

ASSIGNMENT

For Value Received, the undersigned, _____, hereby sells, assigns and transfers unto _____ (Tax Identification or Social Security No. _____) the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-315

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ALBERT E. AND CELESTE S. NAVARRA FOR THE ACQUISITION OF 2.378± SQUARE FEET OF THEIR PROPERTY NEEDED FOR THE BRIGGSMORE WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Albert E. and Celeste S. Navarra for the acquisition of 2.378± square feet of their property needed for the Briggsmore widening project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994w, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-316

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHANNES T. AND MARI L. NIJSKENS TO COMPENSATE THEM FOR A COMPLICATION OF CONSTRUCTION NOT COVERED BY THEIR ORIGINAL AGREEMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Johannes T. and Mari L. Nijskens to compensate them for a complication of construction not covered by their original agreement be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994w, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-317

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A 1993/94 USED OIL CURBSIDE COLLECTION PROMOTION GRANT.

WHEREAS, the people of the State of California have enacted the California Oil Recycling Enhancement Act that mandates the California Integrated Waste Management Board to develop and implement an information and education program for the promotion of alternatives to the illegal disposal of used oil, and

WHEREAS, as part of this statewide public education and information campaign, the Board is offering a one-time grant to local governments for promotion of existing used oil curbside collection programs to encourage residents already served by curbside collection to make use of this part of California's used oil collection infrastructure, and

WHEREAS, the California Integrated Waste Management Board has been delegated the responsibility for the administration of the program within the state, setting up necessary procedures governing application by cities and counties under the program, and

WHEREAS, said procedures established by the California Integrated Waste Management Board require the applicant to certify by resolution the approval of application before submission of said application to the state, and

WHEREAS, the applicant will enter into an agreement with the State of California for development of the project,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto authorizes the submittal of an application to the California Integrated Waste Management Board for a 1993/94 Used Oil Curbside Collection Promotion Grant. The City Manager of the City of Modesto is hereby authorized and empowered to execute in the name of the City of Modesto all necessary applications, contracts, agreements and amendments hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-318

A RESOLUTION OF INTENTION TO VACATE AND
ABANDON A PORTION OF NORTH JEFFERSON STREET
LOCATED BETWEEN STATE HIGHWAY 99 AND LAUREL
STREET, AND RESERVE UTILITY EASEMENTS WITHIN
THE SUBJECT RIGHT-OF-WAY.

WHEREAS, the City Council has received and referred to
the Planning Commission a request by Fallis Carson to vacate and
abandon a portion of North Jefferson Street located between State
Highway 99 and Laurel Street, and the reservation of several
utility easements within the subject right-of-way, and

WHEREAS, a title report was submitted with the
abandonment request which vests fee title to the North Jefferson
Street right-of-way in adjacent land owners who are proponents of
the abandonment, and

WHEREAS, the proposed street abandonment has been
referred to affected City departments and local utility
companies, and no objection to the abandonment has been received,
and

WHEREAS, notices of an informal public hearing to
consider the request to vacate and abandon North Jefferson Street
between State Highway 99 and Laurel Street were posted in the
area and said public hearing was held by the Planning Commission
on March 8, 1993, and

WHEREAS, the Planning Commission by Resolution No. 93-
9, adopted on March 8, 1993, found and determined as follows:

1. The North Jefferson Street right-of-way between State Highway 99 and Laurel Avenue is unnecessary for present or prospective public vehicular use. The street right-of-way is unnecessary because it has not been used for many years as it deadends at the freeway right-of-way. Notice of a future need for the subject right-of-way has not been received.
2. Utility easements will be reserved or relocated for all City service lines as approved by the City Public Works and Transportation Director. Other utility service lines will be reserved as approved by the respective public utility agency.
3. This abandonment and vacation was subject to environmental review by the City of Modesto Environmental Assessment Committee on January 23, 1993, which recommended that a Negative Declaration be certified and filed.
4. The abandonment and vacation of the subject North Jefferson Street right-of-way is in conformance with the City General Plan.

and

WHEREAS, the Planning Commission by said Resolution No. 93-9 recommended to the City Council the vacation and abandonment of a portion of North Jefferson Street located between State Highway 99 and Laurel Street, and the reservation of several utility easements within the subject right-of-way, subject to the following conditions:

1. An easement for all City utility service lines shall be reserved or relocated as approved by the City of Modesto Public Works and Transportation Director.
2. Public utility service lines and easements shall be reserved and or relocated as approved by affected utility companies.
3. The abandonment shall be closed with the

installation of street signage, curb, gutter, and sidewalk along the north boundary of the abandoned right-of-way in conformance with the City of Modesto's Standard Specifications.

4. That prior to the vacation and abandonment of the North Jefferson Street right-of-way by the City Council, the applicant shall post a security with the City in an amount to be determined by the City Engineer to guarantee construction of the street improvements.
5. That prior to the vacation and abandonment of the street right-of-way by the City Council, the applicant of the abandonment shall agree in writing to comply with all conditions of the abandonment imposed by the City Council. Said agreement shall also specify that the required improvement will be installed within 90 days following final abandonment action by the City Council.

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

SECTION 1. The Council of the City of Modesto hereby declares its intention to vacate and abandon a portion of North Jefferson Street located between State Highway 99 and Laurel Street and the reservation of several utility easements within the subject right-of-way, sufficient in width to serve existing utility lines and to allow continued maintenance of said lines, subject to the conditions recommended by the Planning Commission and hereinabove set forth. Said proposed vacation and abandonment is more particularly shown on that certain map entitled "Right-Of-Way Abandonment N. Jefferson Street" dated December 1992, encompassing the westerly 25 feet and the southwesterly 20 feet of a portion of North Jefferson Street,

which is on file in the office of the City Clerk, and more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof as though set forth in full herein.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment referred to above, pursuant to the provisions of the State of California Streets and Highways Codes, Sections 8300-8363 and Public Streets, Highways, and Service Easements Vacation Law.

SECTION 3. Notice is hereby given that June 14, 1994, at the hour of 4:00 p.m., in the Council Chambers, 801 11th Street, Modesto, California is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment.

SECTION 4. The City Clerk is hereby directed to cause to be published in full in The Modesto Bee, the official newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing.

SECTION 5. The Planning and Community Development Director is hereby directed to cause notices of the proposed vacation and abandonment of a portion of North Jefferson Street located between State Highway 99 and Laurel Street, and reservation of utility easements within the subject right-of-way, to be posted conspicuously at each end of North Jefferson

Street located between State Highway 99 and Laurel Street, at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the portion of the street proposed to be abandoned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Greg O'Connell
Planning and Community Development
Department

EXHIBIT "A"

All that portion of N. Jefferson Street lying Westerly and adjacent to Lot 1 in block 429 of the City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records, described as follows:

Beginning at a point marking the Northwest corner of Lot 1 in said Block 429 of the City of Modesto thence along the East line of N. Jefferson street, South $0^{\circ} 40' 10''$ East 109.47 feet to a point on the West line of Lot 1 of Block 429, thence North $46^{\circ} 45' 24''$ West 56 feet, more or less to a point on the centerline of N. Jefferson Street, thence N $0^{\circ} 49' 10''$ West along the centerline of N. Jefferson street 72 feet, more or less to point, thence in a Easterly direction 40 feet to the Point Of Beginning.

Excepting therefrom all abutters rights of access appurtenant to the herein described property to and from the State Freeway as said State Freeway was conveyed on document recorded June 29, 1961 as File No. 20467.



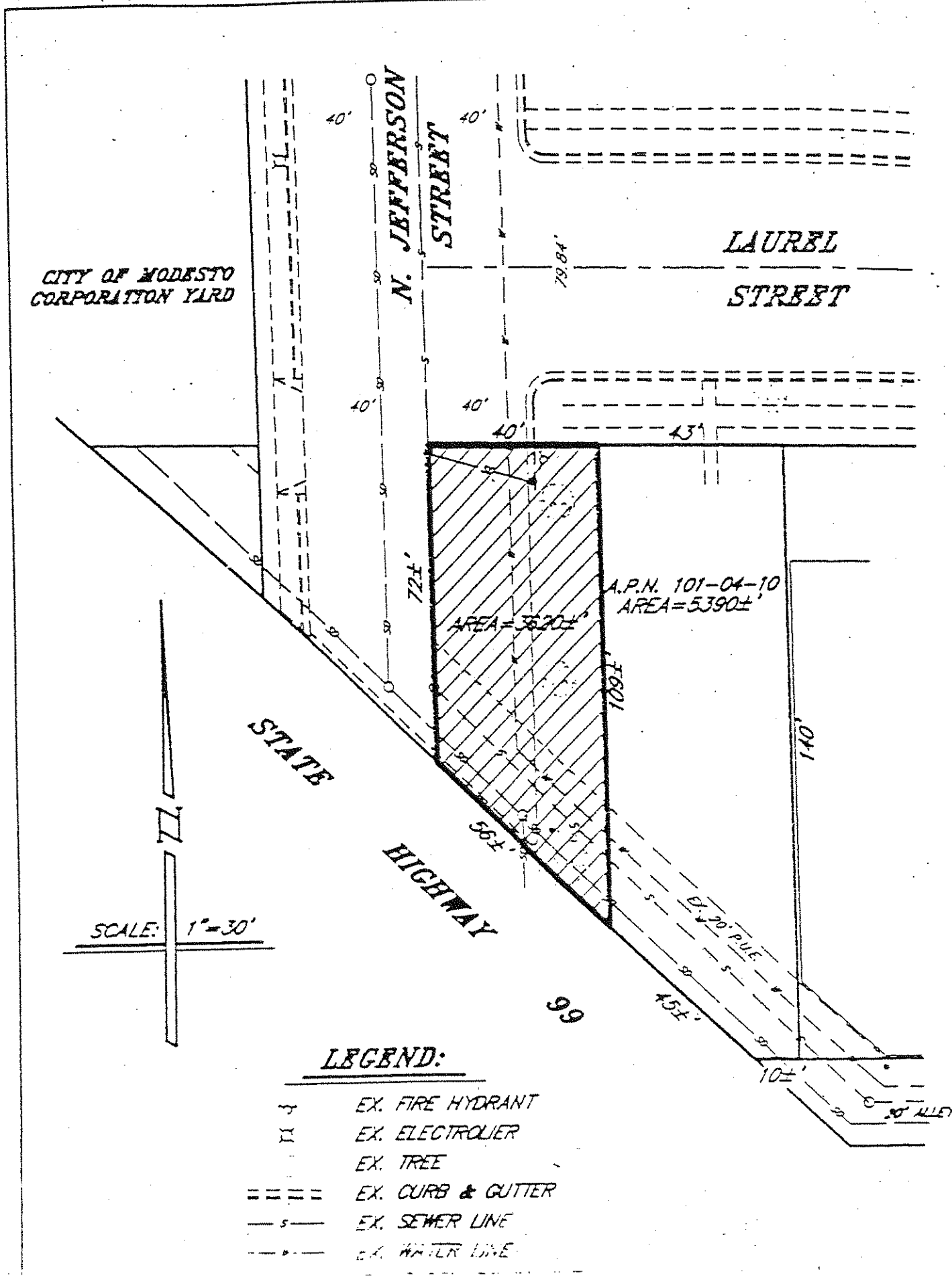
P.O. BOX 816, MODESTO, CALIFORNIA 95353
(209) 526-4214

RIGHT-OF-WAY ABANDONMENT

N. JEFFERSON STREET
CITY OF MODESTO, CALIFORNIA

Date: DEC. 92
Scale: 1"=30'
Job No. 70-472

1.
OF



LEGEND:

- EX. FIRE HYDRANT
- EX. ELECTROLIER
- EX. TREE
- EX. CURB & GUTTER
- EX. SEWER LINE
- EX. WATER LINE

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-319

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE INTENTION TO VACATE AND ABANDON A PORTION OF NORTH JEFFERSON STREET AND RESERVE UTILITY EASEMENTS WITHIN THE SUBJECT RIGHT-OF-WAY.

WHEREAS, on January 20, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the proposed vacation and abandonment of a portion of North Jefferson Street, between Laurel Street and State Highway 99, might have significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and

considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment, and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM: .

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-320

A RESOLUTION REVISING THE POSITION
CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Police Lieutenant

The revised specification for the classification of Police Lieutenant (Range 616), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after May 24, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang.

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

May, 1994
NO. 2923

CITY OF MODESTO

POLICE LIEUTENANT

DEFINITION

To perform responsible management, supervisory and technical police work in serving as Watch Commander or Area Commander over patrol or in supervising sections or units in Support Services Division, and Investigations Services Division, and the Stanislaus Drug Enforcement Agency; and to provide responsible staff support to the department.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from higher level supervisory and management staff.

Exercises direct and indirect supervision over sworn and nonsworn personnel.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Recommend goals and objectives; assist in the development of, and implement policies and procedures.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

Review the work of subordinates to ensure compliance with departmental policies and procedures; participate and lead staff meetings to review Department services, procedures and activities.

Plan, coordinate and supervise the activities of the Field Operations Division on an assigned shift; serve as Watch Commander or commander of an area of community policing; conduct the studies and analyses as necessary; make procedural recommendations; prepare reports.

Plan, coordinate and supervise the Traffic Enforcement activities; schedule assigned shifts, beats and assignments; supervise and direct traffic accident investigation, parking control, abandoned vehicle abatement, crossing guard and reserve officer activities; provide support to the City Traffic Commission and Code Enforcement Committee.

Supervise and direct the operations and activities of an area of command (community policing); personally conduct internal affairs investigations; compile and maintain operational statistical records and prepare related reports.

EXAMPLES OF DUTIES (continued)

Assume immediate command of police activities in the event of an emergency.

Serve on special assignment with the Hostage Emergency Reaction Team, Fire Arms Committee, FTO Program and various training programs.

Prepare, review and coordinate performance evaluations for subordinate personnel; conduct internal investigation of citizen and officer complaints as assigned.

Review, correct and participate in the preparation of police reports and records.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for additional staff and equipment; monitor and control expenditures.

Assist in developing and conducting training programs on the various phases of police activities.

Respond to citizen complaints and requests for information; prepare press releases and confer with the media in matters related to assigned activities.

Serve in the absence of a Police Captain or the Police Chief as assigned.

Perform related work as required.

QUALIFICATIONS

Knowledge of:

Modern police practices, techniques and methods.

Principles and practices of organization and personnel management.

QUALIFICATIONS (continued)

Knowledge of:

Pertinent Federal, State and local laws and ordinances, particularly with reference to apprehension, arrest, search and seizure, evidence and records maintenance and traffic control.

Modern office procedures, methods and computer equipment.

Departmental rules and regulations.

Bookkeeping and record keeping methods and procedures.

Modern investigative methods.

Principles and techniques of budget development and administration.

Functions and objectives of Federal, State and other local law enforcement agencies.

Ability to:

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Effectively plan, direct, supervise and coordinate the work of assigned personnel.

Properly interpret and make decisions in accordance with laws, regulations and policies.

Recommend improvements in operations and in the rules, regulations, and policies governing assigned area of responsibility.

Analyze situations quickly and objectively, and determine proper course of action.

Obtain information through interviews and interrogation.

Meet and deal with the public tactfully and effectively.

QUALIFICATIONS (continued)

Ability to:

Communicate clearly and concisely, both orally and in writing.

Supervise, train and evaluate assigned staff.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years combined law enforcement experience as a Police Sergeant/Corporal.

Training:

Equivalent to an Associate of Arts degree from an accredited college or university with major course work in police science, law enforcement, criminal justice or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of a P.O.S.T. Intermediate and Supervisory Certificate.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-321

A RESOLUTION GRANTING THE APPEAL OF J. WILMAR
JENSEN REGARDING THE PRESERVATION OF A CITY
TREE LOCATED AT 830 CAROLYN AVENUE.

WHEREAS, a large walnut tree located on Griswold Avenue
at the street address of 830 Carolyn Avenue in Modesto is a City
of Modesto street tree, and

WHEREAS, City staff has reported that in 1986 the Tree
Division staff inspected the walnut tree and determined that the
tree had significant decay in critical parts of the tree and was
a candidate for removal, and

WHEREAS, because of the property owners' desire to save
the tree, the City agreed to reduce the crown of the tree by 50%
to lessen the likelihood of tree failure, and

WHEREAS, in 1991, a more comprehensive inspection was
made of the root crown by the Tree Division staff, and
inspections indicated that the decay had advanced rapidly since
1986 and findings lead to the conclusion that the tree should be
removed, and

WHEREAS, the property owners, Mr. and Mrs. J. Wilmar
Jensen, were notified by City staff that the City intended to
remove the walnut tree, and

WHEREAS, given the condition of the tree, it was the
determination of City staff that a high probability of complete
tree failure existed; and, should the tree fall, damage would
occur to houses, power lines, and/or motorists, resulting in a

decision to remove the walnut tree located on Griswold Avenue at the street address of 830 Carolyn Avenue in the City of Modesto is hereby granted, the City staff decision is hereby overruled, and the Parks and Recreation Department is directed to work with Mr. Jensen on the preservation of the tree.

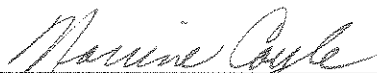
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST:



NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By



MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-322

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING A CASHIERING SYSTEM FOR THE FINANCE DEPARTMENT

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

SECTION 1. The specifications for furnishing a cashiering system for the Finance Department, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 28, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dohbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-323

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REROOFING HANGAR NO. 1 AT THE MODESTO CITY-COUNTY AIRPORT

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

SECTION 1. The specifications for the reroofing Hangar No. 1 at the Modesto City-County Airport

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 30 , 1994, at 11:00a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-324

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE 1994 RIP RAP REPAIR PROJECT AT THE STORAGE PONDS ON JENNINGS ROAD

WHEREAS, Resolution No. 94-251, adopted by the Council of the City of Modesto on May 10, 1994, approved the plans and specifications for the 1994 rip rap repair project at the storage ponds on Jennings Road, and authorized the calling for bids; and

WHEREAS, the bids received for the 1994 rip rap repair project at the storage ponds on Jennings Road were opened at 11:00 a.m. on May 26, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Teichert Construction in the amount of \$33,710, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Teichert Construction in the amount of \$33,710, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-325

A RESOLUTION ACCEPTING THE BID OF NORTHWESTERN CARBON, INC. FOR
FURNISHING TWO GRANULAR ACTIVATED CARBON ADSORPTION SYSTEMS

WHEREAS, Resolution No. 94-208, adopted by the Council of the City of Modesto on April 19, 1994, approved the plans and specifications for the purchase of two Granular Activated Carbon Adsorption Systems, and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of two Granular Activated Carbon Adsorption Systems were opened at 11:00 a.m. on May 3, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Northwestern Carbon, Inc. in the amount of \$248,820, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Northwestern Carbon, Inc. in the amount of \$248,820, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-325A

A RESOLUTION ACCEPTING THE BID OF CALGON CARBON CORPORATION FOR FURNISHING CARBON

WHEREAS, Resolution No. 94-208 , adopted by the Council of the City of Modesto on April 19 , 19 94 , approved the plans and specifications for the purchase of two Granular Activated Carbon Adsorption Systems

and authorized the calling for bids; and

WHEREAS, the bids received for purchase of two Granular Activated Carbon Adsorption Systems

were opened at 11:00 a.m. on May 3, 19 94 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Calgon Carbon Corporation in the amount of \$58,430

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Calgon Carbon Corporation in the amount of \$58,430 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June , 19 94 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

10

MODESTO CITY COUNCIL
RESOLUTION NO. 94-326

A RESOLUTION ACCEPTING THE INSTALLATION OF WATERLINES IN "I" STREET FROM 6TH TO 8TH STREET AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the installation of waterlines in "I" Street from 6th to 8th Street has been completed by Patch Master of Central California in accordance with the contract agreement dated January 11, 1994.

NOW, THEREFORE, BE IT RESOLVED that the installation of waterlines in "I" Street from 6th to 8th Street

be accepted from said contractor, Patch Master of Central California; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$57,358.85 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-327

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$4,600 TO FUND
THE INSTALLATION OF WATERLINES IN "I" STREET FROM 6TH TO 8TH STREET

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

FROM:	Water Tank No. 5 Construction (612 480 C118 6040)	\$4,600
TO:	"I" Street waterline (612 480 C111 6050)	\$4,600

During the course of construction, the contractor encountered concrete treated roadbase under the asphalt paving at 6th and I Streets resulting in additional costs to jackhammer and remove the concrete material.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June , 19 94 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: 

NORRINE COYLE, City Clerk

11

MODESTO CITY COUNCIL
RESOLUTION NO. 94-328

A RESOLUTION APPROVING A PROGRAM SUPPLEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS FOR THE H AND I STREET RECONSTRUCTION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Program Supplement agreement between the City of Modesto and Caltrans for the H and I Street reconstruction project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Patterson

ATTEST: _____


NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94.329

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT ENTERPRISE COMMUNITY APPLICATION WITH STANISLAUS COUNTY FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO BE DESIGNATED AN ENTERPRISE COMMUNITY.

WHEREAS, the City, together with the County of Stanislaus, has prepared an application and strategic plan for submittal to the U.S. Department of Housing and Urban Development (HUD), to be designated an Enterprise Community, and

WHEREAS, the strategic plan addresses economic problems, human concerns, community needs, and physical improvements for six census tracts, and

WHEREAS, each Enterprise Community will be eligible for a one-time grant of \$2.95 million,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute an application and any accompanying documents for a grant of \$2.95 million, said application to be submitted to the U.S. Department of Housing and Urban Development (HUD) for purposes of being designated an Enterprise Community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-330

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY AUTHORIZING A JOINT ENTERPRISE COMMUNITY APPLICATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to enter into a joint application for submittal to the U.S. Department of Housing and Urban Development (HUD) to be designated an Enterprise Community be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Patterson

ATTEST: _____

Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-331

A RESOLUTION APPROVING A FINANCIAL AGREEMENT BETWEEN THE CITY OF MODESTO AND LORENA WRIGHT FOR THE PURPOSE OF REHABILITATING PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financial agreement between the City of Modesto and Lorena Wright for the purpose of rehabilitating her property at 345 Alturas Avenue, pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-332

A RESOLUTION APPROVING A FINANCIAL AGREEMENT BETWEEN THE CITY OF MODESTO AND CATHERINE WHITE FOR THE PURPOSE OF REHABILITATING PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financial agreement between the City of Modesto and Catherine White for the purpose of rehabilitating her property at 433 Yosemite Avenue, pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-333

A RESOLUTION APPROVING A FINANCIAL AGREEMENT BETWEEN THE CITY OF MODESTO AND ALMA SMITH FOR THE PURPOSE OF REHABILITATING PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financial agreement between the City of Modesto and Alma Smith for the purpose of rehabilitating her property at 1217 Tuolumne Blvd., pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-334

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$8,000 TO ADVANCE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE MELLIS PARK PROJECT TO PROVIDE LIGHTING IMPROVEMENTS

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

FROM: Emergency Home Repair Program \$8,000
(113 140 1456 0495)

TO: CIP - Mellis Park Renovation Project \$8,000
(113 140 0409 6040)

These funds are needed to provide light improvements in Mellis Park. This project needs to be expedited prior to the heaviest use of the park this summer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 19 94, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: 

MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-335

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MARY E. KILGORE FOR THE ACQUISITION OF HER PROPERTY AT 3620 MERLE AVENUE AND ACCEPTING SAID REAL PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mary E. Kilgore for the acquisition of her property at 3620 Merle Avenue is hereby approved, and said property is hereby accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-336

A RESOLUTION FINDING THAT THE PROPOSED ACQUISITION OF PROPERTY LOCATED AT 3620 MERLE AVENUE FROM MARY E. KILGORE FOR A FUTURE SCHOOL SITE IN THE MERLE NEIGHBORHOOD IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Council has adopted Resolution No. 94-297 approving a Supplement to the EIR for Village One,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the acquisition of property located at 3620 Merle Avenue from Mary E. Kilgore for a future school site in the Merle Neighborhood in the Village One Area is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-337

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$151,000 FOR
ACQUISITION OF PROPERTY AT 3620 MERLE AVENUE

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

FROM: N.E. McHenry Neighborhood Park \$151,000
 (135 310 P950)

TO: Village I Acquisition \$151,000
 (135 310 D406)

Funds are needed to purchase property at 3620 Merle Avenue
under the City's Hardship Acquisition Policy.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 7th day of June
19 94 , by Councilmember Friedman , who moved its adoption, which motion
being duly seconded by Councilmember Dobbs , was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-338

A RESOLUTION APPROVING SUBMISSION OF THE ANNUAL TRANSPORTATION DEVELOPMENT ACT FUND CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG).

WHEREAS, the greatest portion of the City's funding for the Bus Service Fund other than farebox revenues is the Local Transportation Fund, and

WHEREAS, the funding is apportioned by the State in accordance with the Transportation Development Act through the Stanislaus Area Association of Governments (SAAG) to the City of Modesto, and

WHEREAS, the City of Modesto has requested that funds previously allocated and held by SAAG be rescinded and made available for reallocation, and

WHEREAS, the City of Modesto's claim for fiscal year 1994-95 has been prepared in the amount of \$5,133,434 which includes some funds for bicycle lanes and street maintenance purposes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute said Transportation Development Act claim on behalf of the City of Modesto, and that submission of the City of Modesto's Transportation Development Act Fund claim to the Stanislaus Area Association of Governments (SAAG) in the amount of \$5,133,434 for fiscal year 1994-95 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Coddill, Dobbs, Friedman, McClanahan,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-339

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A BID PROPOSAL TO THE MODESTO IRRIGATION DISTRICT FOR THE CITY TREE CREWS TO PERFORM LINE CLEARANCE WORK.

WHEREAS, the Modesto Irrigation District (MID) presently contracts out all of its tree work, and

WHEREAS, the City Parks and Recreation Department Urban Forestry Division staff has been contacted by the MID to explore the possibility of City staff providing, as a pilot project, line clearance, and

WHEREAS, as the authorized representative of the City of Modesto, the City Manager's signature is required on the City's bid package for submittal to the MID, and

WHEREAS, if the City's bid is accepted by the MID, City crews will perform the work for the MID and the MID will be billed by the City according to the bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute a bid proposal and any other documents related to the bid proposal for submittal to the Modesto Irrigation District for City tree crews to perform, as a pilot project, line clearance work.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION 94-340

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO APPROPRIATE ADDITIONAL FUNDS FOR AND EXISTING CIP PROJECT, MISCELLANEOUS IMPROVEMENT PROJECTS.

WHEREAS, sidewalks are needed on the north and south property lines of Yosemite Neighborhood Park which is adjacent to Hughes Elementary School.

WHEREAS, the Public Works and Transportation Department has hired D& L Concrete to perform work city-wide. This company is willing to provide the walkway for a cost lower than if the project were bid and let separately.

WHEREAS, the total project will cost \$7,675. Currently, \$5,400 is available in the Miscellaneous Project Account. It is necessary to transfer \$2,275 from the Park Fund Contingency Reserve.

WHEREAS, the following adjustments are necessary.

Parks Fund		Increase (Decrease)
Fund/Agy/Org		
Expenditures		
140-310-D255-6040	Miscellaneous Parks Projects	\$2,275
140-800-8000-8003	Contingency Reserve	(\$2,275)

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-341

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CLAUDIA MOORAD FROM THE COMMUNITY QUALITIES COMMITTEE, EFFECTIVE JUNE 7, 1994

WHEREAS, Claudia Moorad was appointed a member of the Community Qualities Committee on September 22, 1992; and

WHEREAS, Claudia Moorad has tendered her resignation from the Community Qualities Committee effective June 7, 1994; and

WHEREAS, Claudia Moorad has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Claudia Moorad from the Community Qualities Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Claudia Moorad for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-342

A RESOLUTION APPOINTING EDWARD STALEY TO THE COMMUNITY QUALITIES FORUM

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

SECTION 1. The following person is hereby appointed to the
Community Qualities Forum for the respective term as indicated:

Edward Staley
930 Montmartra Drive
Modesto, Ca. 95355
Term to expire 12/31/97

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Community
Qualities Forum and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 7th day of June, 1994, by
Councilmember McClanahan , who moved its adoption, which motion being
duly seconded by Councilmember Friedman , was upon roll call carried
and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-343

A RESOLUTION APPOINTING BECKY WARD TO THE BOARD OF ZONING ADJUSTMENT AS REPRESENTATIVE OF THE PLANNING COMMISSION

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

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

SECTION 1. Becky Ward is hereby appointed to the Board of Zoning Adjustment as representative of the Planning Commission.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 94-344

A RESOLUTION VACATING AND ABANDONING A PORTION OF NORTH JEFFERSON STREET LOCATED BETWEEN STATE HIGHWAY 99 AND LAUREL STREET, AND RESERVING UTILITY EASEMENTS WITHIN THE SUBJECT RIGHT-OF-WAY AND APPROVING ALL REQUIRED STREET IMPROVEMENTS.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 94-318 on May 24, 1994, declaring its intention to vacate and abandon a portion of North Jefferson Street located between State Highway 99 and Laurel Street, and the reservation of several utility easements within the subject right-of-way, and

WHEREAS, the portion of North Jefferson Street located between State Highway 99 and Laurel Street to be vacated and abandoned is more particularly shown on that certain map entitled, "Right-Of-Way Abandonment N. Jefferson Street, City Of Modesto, California", dated December 1992, which is on file in the office of the City Clerk, and

WHEREAS, said Resolution No. 94-318 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

WHEREAS, the Planning And Community Development Director of the City of Modesto has caused notices of said proposed vacation and abandonment to be posted conspicuously along the lines of the property proposed to be vacated and abandoned at least fourteen (14) days before the date of the

hereinafter referred to hearing in the manner specified by law,
and

WHEREAS, a public hearing was held by the Council of the City of Modesto on Tuesday, June 14, 1994, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear,
and

WHEREAS, the Planning Commission recommended that the abandonment be made subject to the conditions contained in Planning Commission Resolution No. 93-9, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the Council finds and declares that the portion of North Jefferson Street located between State Highway 99 and Laurel Street is unnecessary for present or prospective street purposes, and that the vacation and abandonment thereof is in the public interest,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders and declares the vacation and abandonment of a portion of North Jefferson Street located between State Highway 99 and Laurel Street, as shown on the map entitled "Right-Of-Way Abandonment N. Jefferson Street, City Of

Modesto, California" on file in the office of the City Clerk, and more particularly described on Exhibit "A" which is attached hereto and made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby reserves several utility easements within the subject portion of North Jefferson Street right-of-way, sufficient in width to serve existing utility lines and to allow continued maintenance of said lines, subject to the conditions recommended in Planning Commission Resolution No. 93-9, and

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Acting Mayor McClanahan

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. Richards
Planning And Community Development
Department

EXHIBIT "A"

All that portion of N. Jefferson Street lying Westerly and adjacent to Lot 1 in block 429 of the City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records, described as follows:

Beginning at a point marking the Northwest corner of Lot 1 in said Block 429 of the City of Modesto thence along the East line of N. Jefferson street, South $0^{\circ} 40' 10''$ East 109.47 feet to a point on the West line of Lot 1 of Block 429, thence North $46^{\circ} 45' 24''$ West 56 feet, more or less to a point on the centerline of N. Jefferson Street, thence N $0^{\circ} 49' 10''$ West along the centerline of N. Jefferson street 72 feet, more or less to point, thence in a Easterly direction 40 feet to the Point Of Beginning.

Excepting therefrom all abutter's rights of access appurtenant to the herein described property to and from the State Freeway as said State Freeway was conveyed on document recorded June 29, 1961 as File No. 20467.



P.O. BOX 816, MODESTO, CALIFORNIA 95353
(209) 528-4214

RIGHT-OF-WAY ABANDONMENT

N. JEFFERSON STREET

CITY OF MODESTO, CALIFORNIA

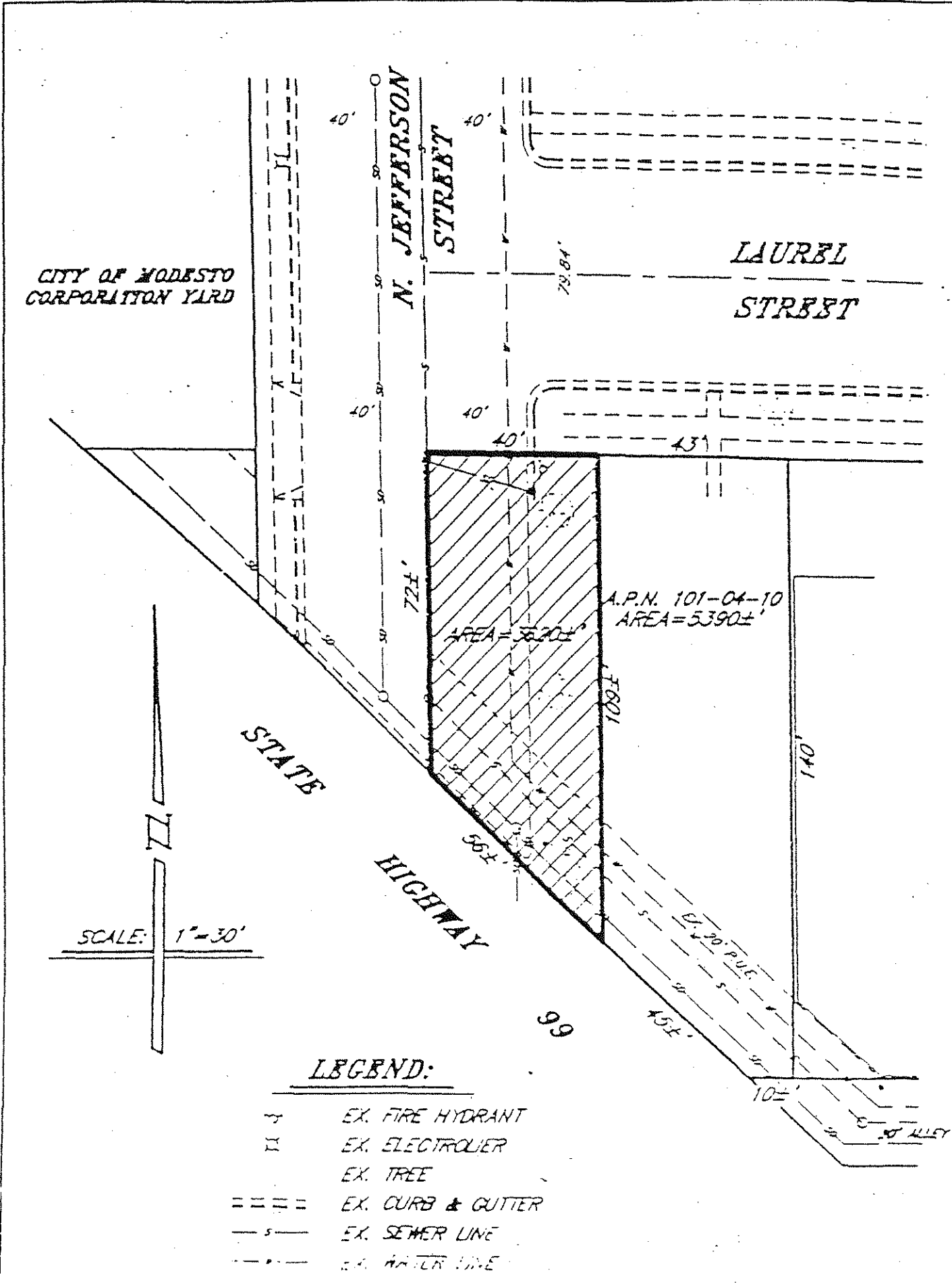
Date DEC 92

Scale 1"=30'

Job No. 70-472

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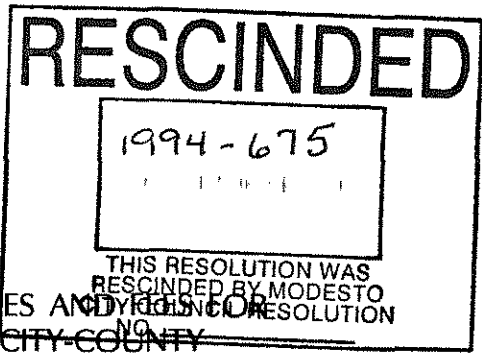
OF



LEGEND:

- ✕ EX. FIRE HYDRANT
- == EX. ELECTRIC
- ✕ EX. TREE
- EX. CURB & GUTTER
- S- EX. SEWER LINE
- W- EX. WATER LINE

Check



MODESTO CITY COUNCIL
RESOLUTION NO. 94-345

A RESOLUTION ESTABLISHING RENTAL CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, AND RESCINDING COUNCIL RESOLUTION NOS. 93.303 AND 93-393.

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field,

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

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) T-Hangars:

Hangar No. A	\$ 92.00 per unit per month
End Units	\$108.00 per unit per month
Hangar No. B	\$113.00 per unit per month
End Units	\$138.00 per unit per month
Hangar No. C	\$119.00 per unit per month
End Units	\$143.00 per unit per month
Hangar No. D	\$106.00 per unit per month
End Units	\$125.00 per unit per month
Hangar No. E	\$156.00 per unit per month
End Units	\$182.00 per unit per month

Hangar No. F	\$156.00 per unit per month
End Units	\$182.00 per unit per month
Hangar No. G	\$156.00 per unit per month
Hangar No. H	\$156.00 per unit per month
Hangar No. J	\$156.00 per unit per month
Portable Land Rent	\$ 46.00 per unit per month

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid for in advance.

(b) Storage Hangars:

Hangar No. 1 . . .	\$1,840.00 per month
Hangar No. 2 . . .	\$ 946.00 per month
Hangar No. 3 . . .	\$ 499.00 per month
Hangar No. 4 . . .	\$ 847.00 per month
Hangar No. 5 . . .	\$ 844.00 per month
Hangar No. 6 . . .	\$ 494.00 per month

SECTION 2. TIE-DOWN FEES: Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

- (a) Tail-in Tie-Down - Permanent, light single and multi-engine (under 12,500 lbs) \$36.00 per month.
- (b) Taxi-in Tie-Down - Permanent, light single and multi-engine aircraft (under 12,500 lbs) \$73.00 per month.

- (c) Taxi-in Tie-Down - Permanent, large multi-engine (over 12,500 lbs) \$.032 per square foot per month.
- (d) Taxi-in Tie-Down - Transient, helicopter/single-engine aircraft \$5.00 per day.
- (e) Taxi-in Tie-Down - Transient, twin-engine aircraft (under 12,500 lbs) \$7.00 per day.
- (f) Taxi-in Tie-Down - Transient, twin-engine aircraft (over 12,500 lbs) \$11.00 per day.
- (g) Jet, Heavy Jet \$11.00 per day.

A five (5%) percent discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO's) that operate flight schools for light single and multi-engine aircraft (under 12,500 pounds) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in tie-down spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. OFFICE SPACE. The charge for office space at the Modesto City-County Airport/Harry Sham Field is hereby established as follows:

- (a) Old Administration Building . . \$.63 per square foot
- (b) Office Building No. 1 \$.63 per square foot

- (c) Office Building No. 2,
Suite A \$.63 per square foot
- (d) Office Building No. 2,
Suite B \$.63 per square foot
- (e) Hangar Office Space \$.298 per square
foot per month

SECTION 4. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING

PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto

City-County Airport/Harry Sham Field shall pay a landing fee as follows:

- (a) All light single, multi-engine aircraft and helicopters, \$10.00 per landing.
- (b) All large single and multi-engine aircraft, \$.60 per 1,000 pounds of gross weight, but not less than \$10.00 per landing.
- (c) All transient aircraft owned and operated by individuals, companies and corporations carrying their own products shall not be charged for the first two (2) trips per calendar month; all other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.
- (d) No landing fee shall be charged for any aircraft which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 5. PASSENGER FACILITY CHARGE (PFC). Commercial air

carriers passengers excluding "frequent flyers", or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158. Collection will become effective September 1, 1994.

- (a) Enplane passenger by airline \$3.00 per ticket passengers.

SECTION 6. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title VI of the Modesto Municipal Code, except that a minimum fee of \$100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title VI of the Modesto Municipal Code.

SECTION 7. FUEL FLOWAGE FEES. A fuel flowage fee of six cents (\$.06) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 8. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths (\$200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths (\$90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 9. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths (\$25.00) Dollars per month, payable in advance.

SECTION 10. PENALTIES. A five (5%) percent penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 11. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 1993, the rents, fees and charges set forth in Sections 1, 2 and 3 of this resolution shall be adjusted annually as of the first day of July.

Said rents, fees and charges shall be adjusted in the following manner: The Consumer Price Index [all urban consumers] (base year 1982-1984 = 100) for San Francisco - Oakland - San Jose - CMSA, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is published most immediately preceding the first day of July ("Adjustment Index"), shall be compared with the Index published most immediately preceding March 17, 1987 ("Beginning Index").

The rents, fees and charges shall be adjusted to the nearest dollar by multiplying the rates, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index. However, in no event shall the annual adjustment in any particular year exceed five (5%) percent.

If the Index is changed so that the base year differs from that used as of March 17, 1987, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date

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

SECTION 12. EFFECTIVE DATE. Sections 1-4 and 6-11 of this resolution shall go into effect and be in full force and operation on July 1, 1994. Section 5 will become effective on September 1, 1994.

SECTION 13. SUPERSEDE. This resolution rescinds Council Resolution Nos. 93-303 and 93-393.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore,
Acting Mayor McClanahan

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-346

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR PROJECT 20 - REPLACEMENT OF CURB, DRIVE APRONS AND SIDEWALKS, VARIOUS LOCATIONS

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

SECTION 1. The specifications for Project 20 - replacement of curb, drive aprons and sidewalks, various locations, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 28, 1994, at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Acting Mayor McClanahan
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Patterson, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-347

A RESOLUTION APPROVING A MEDIAN BREAK IN THE
MEDIAN ON STANDIFORD AT ABOUT 750 FEET WEST
OF PRESCOTT ROAD IN THE CITY OF MODESTO.

WHEREAS, the property owner of the shopping center on
the southwest corner of Standiford and Prescott has requested
that a break in the median on Standiford at about 750 feet west
of Prescott be allowed by the City, and

WHEREAS, the Transportation Policy Committee previously approved
a median break in the median on Standiford Avenue west of
Prescott in concept, but directed City staff to work with the
developer to put in as much landscaping on the narrower part of
the median as possible, if the property owner for the shopping
center on the southwest corner desires to proceed with the
project, and

WHEREAS, the property owner has offered to pay the cost
of providing the median break, and

WHEREAS, said matter was considered by the City Council
at its meeting of June 14, 1994,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the request of the property owner of the
shopping center on the southwest corner of Standiford and
Prescott for a break in the median on Standiford at about 750
feet west of Prescott is hereby approved, as a median break at
the location is consistent with City design standards, provided
as follows:

1. That the property owner shall obtain an encroachment permit to perform the work.

2. That the property owner shall pay the cost of providing the median break.

3. That the property owner shall meet the landscaping requirements imposed by the Transportation Policy Committee as mentioned in the report to the Council dated June 6, 1994, from the Public Works & Transportation Department, a copy of which report is on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Acting Mayor McClanahan

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-348

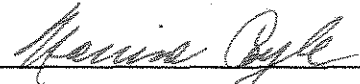
A RESOLUTION APPROVING A FINANCIAL AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT AND SHEILA MUNIAN UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT SMALL BUSINESS LOAN PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financial agreement between the City of Modesto and Robert and Sheila Munian under the Community Development Block Grant Small Business Loan Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Muratore, Acting Mayor McClanahan
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-349

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
GLENDALE FEDERAL BANK FOR THE DEPOSIT OF LUMP SUM DRAW DOWN FUNDS
ALLOCATED TO HOUSING REHABILITATION PROGRAMS FROM THE COMMUNITY
DEVELOPMENT BLOCK GRANT LETTER OF CREDIT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Glendale Federal Bank for
the deposit of lump sum draw down funds in the amount of \$700,000
allocated to housing rehabilitation programs from the Community
Development Block Grant Letter of Credit be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 14th day of June, 1994,
by Councilmember Dobbs , who moved its adoption, which motion being
duly seconded by Councilmember Cogdill , was upon roll call carried
and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore,
Acting Mayor McClanahan
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-350

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1993-94 TO REESTIMATE REVENUE AND EXPENDITURES REFLECTING THE AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE THE DRAWDOWN AGREEMENT WITH GLENDALE FEDERAL BANK.

WHEREAS, the agreement will set up an interest-bearing account in exchange for receiving certain services from the bank. The contract provides for check disbursement and accounting services to the City.

WHEREAS, this agreement will set up a revolving loan program with the requirement that the City make its 1st loan in 45 days of money being deposited. That 25 % of the funds be committed within 180 days of deposit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1993-94 Annual Budget be amended as follows:

COMMUNITY DEVELOPMENT
REVENUE/APPROPRIATION ADJUSTMENTS

		REVENUE				
FUND/ACCOUNT	REVENUE	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET	COLLECTED	
CDBG-Direct Program						
113-140-1455-6225	City Building Rental	0	21,860	21,860	21,860	
113-140-1456-6101	Interest on Bank Accounts	0	4,920	4,920	4,920	
113-140-1456-6104	Direct Loan Interest	0	84,950	84,950	84,950	
113-140-1456-6119	Penalties & Late Charges	0	862	862	862	
113-140-1456-6301	Direct Loan Principal	0	198,802	198,802	198,802	
113-140-1456-8155	Miscellaneous Revenue	0	15,192	15,192	15,192	
	Total Revenue Adjustment		326,586			

		APPROPRIATIONS					UNOBLIGATED
FUND/ACCOUNT	APPROPRIATIONS	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET	EXPENDED	BALANCE	
CDBG-Direct Program							
113-140-1456-0235	Svc. Professional & Other	53,586	(7,924)	45,662	31,407	14,255	
113-140-1456-0497	Loan Principal Payouts	818,085	334,510	1,152,595	452,595	700,000	
	Total Appropriation Adjustment		326,586				

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore,
Acting Mayor McClanahan

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Mike Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-351

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MID-VALLEY ENGINEERING TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN OF THE BRIGGSMORE/COFFEE INTERSECTION IMPROVEMENTS PROJECT

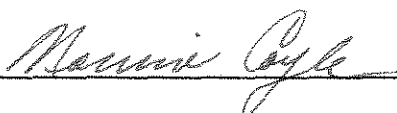
BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mid-Valley Engineering to provide engineering services for the design of the Briggsmore/Coffee intersection improvements project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore,
Acting Mayor McClanahan
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST:


NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-352

A RESOLUTION APPROVING THE FINAL MAP OF THE
NEWPORT WEST II SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, Florsheim Bros., a California general
partnership, is possessed of a tract of land situate in the City
of Modesto, County of Stanislaus, consisting of 11.86 acres,
known as the Newport West II Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission of the City of Modesto on the 6th day of
August, 1990, and

WHEREAS, the Secretary of the Planning Commission of
the City of Modesto has certified that the final map of said
tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has
certified that the final map of said Newport West II Subdivision
meets all of the provisions of the California Subdivision Map Act
and the provisions of the Modesto Municipal Code relating to
subdivisions, and that the map is technically correct,

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

determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Acting Mayor McClanahan

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-353

A RESOLUTION APPROVING THE FINAL MAP OF THE
NEWPORT WEST III SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, Florsheim Bros., a California general
partnership, is possessed of a tract of land situate in the City
of Modesto, County of Stanislaus, consisting of 1.78 acres, known
as the Newport West III Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission of the City of Modesto on the 4th day of
April, 1994, and

WHEREAS, the Secretary of the Planning Commission of
the City of Modesto has certified that the final map of said
tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has
certified that the final map of said Newport West III Subdivision
meets all of the provisions of the California Subdivision Map Act
and the provisions of the Modesto Municipal Code relating to
subdivisions, and that the map is technically correct,

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

determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Acting Mayor McClanahan

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-354

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SYLVAN UNION SCHOOL DISTRICT FOR THE ACQUISITION OF TWO EASEMENTS FOR A WELL SITE AND ACCESS TO THE WELL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sylvan Union School District for the acquisition of two easements for a well site in Sherwood Park, and access to the well be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Muratore, Acting Mayor McClanahan
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST:


NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-355

A RESOLUTION APPROVING THE FINAL MAP OF THE
ALGEN GARDENS SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, PAUL AND JO ANNE HOLTZCLAW, husband and wife,
is possessed of a tract of land situate in the City of Modesto,
County of Stanislaus, consisting of 0.99 acres, known as the
Algen Gardens Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission on the 20th day of September, 1993, and

WHEREAS, the Secretary of the Planning Commission of
the City of Modesto has certified that the final map of said
tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has
certified that the final map of said Algen Gardens Subdivision
meets all of the provisions of the California Subdivision Map Act
and the provisions of the Modesto Municipal Code relating to
subdivisions, and that the map is technically correct, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that said final map be approved; that the
improvements completed in said tract be accepted; that the
streets, alleys and easements as shown thereon within the
boundaries of said tract be accepted on behalf of the public for
public use; and that the City Clerk be authorized to certify the

map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore,
Acting Mayor McClanahan

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-356

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR LIGHTING IMPROVEMENTS AT THE DRYDEN GOLF COURSE DRIVING RANGE, AND CERTIFYING THE NEGATIVE DECLARATION

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

SECTION 1. The plans and specifications for lighting improvements at the Dryden Golf Course driving range, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 21, 1994, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project.

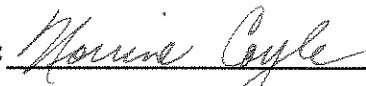
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-357

A RESOLUTION ACCEPTING THE BID OF GRAHAM CONTRACTORS FOR THE 1994 CAPE SEAL OF VARIOUS CITY STREETS PROJECT

WHEREAS, Resolution No. 94-256, adopted by the Council of the City of Modesto on May 10, 1994, approved the plans and specifications for the 1994 cape seal of various city streets project, and authorized the calling for bids; and

WHEREAS, the bids received for the 1994 cape seal of various city streets project were opened at 11:05 a.m., on June 9, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Graham Contractors in the amount of \$207,537, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Graham Contractors in the amount of \$207,537, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-358

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$143,458 TO FUND THE
CAPE SEAL OF CITY STREETS 1994

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

FROM:	Coffee/Sylvan, Pavement Maintenance, and Scenic-Coffee to Rose accounts	\$143,458
TO:	Pavement Maintenance account	\$143,458

The 1994 Cape Seal Project scope was increased to take advantage of
favorable bid prices by utilizing savings from previous projects now
instead of waiting to rebudget the funds next fiscal year.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 21st day of June, 1994, by
Councilmember Friedman , who moved its adoption, which motion being
duly seconded by Councilmember McClanahan , was upon roll call carried
and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-359

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY FOR
UPGRDING THE ELECTRICAL SYSTEM AT THE BUS YARD

WHEREAS, Resolution No. 94-257, adopted by the Council of the City of Modesto on May 10, 1994, approved the plans and specifications for the upgrade of the electrical system at the bus yard, and authorized the calling for bids; and

WHEREAS, the bids received for the upgrade of the electrical system at the bus yard were opened at 11:10 a.m., on June 9, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Collins Electrical Company in the amount of \$26,065, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical Company in the amount of \$26,065, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2^{1st} day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-360

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$10,000 TO FUND THE
UPGRADING OF THE ELECTRICAL SYSTEM AT THE BUS YARD

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

FROM:	Refurbish 2 GMC busses (651 160 C412 6000)	\$10,000
TO:	Upgrade Electrical System at bus yard	\$10,000

Additional funding is needed to cover engineering, construction
administration and contingency costs for the upgrade of the
electrical system at the bus yard.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 21st day of June, 1994, by
Councilmember Friedman , who moved its adoption, which motion being
duly seconded by Councilmember McClanahan , was upon roll call carried
and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-361

A RESOLUTION ACCEPTING THE BID OF MID CAL PIPELINE & UTILITIES FOR THE
GLENN AVENUE WATERLINE PROJECT

WHEREAS, Resolution No. 94-252, adopted by the Council of the City of Modesto on May 10, 1994, approved the plans and specifications for the Glenn Avenue waterline project, and authorized the calling for bids; and

WHEREAS, the bids received for the Glenn Avenue waterline project were opened at 11:00 a.m., on June 9, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Mid Cal Pipeline & Utilities in the amount of \$143,871, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mid Cal Pipeline & Utilities in the amount of \$143,871, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-362

A RESOLUTION ACCEPTING THE BID OF CONCO-WEST, INC. FOR FURNISHING TWO GRANULAR ACTIVATED CARBON ADSORPTION SYSTEMS FOR WELLS 14 and 40

WHEREAS, Resolution No. 94-208, adopted by the Council of the City of Modesto on April 19, 1994, approved the plans and specifications for the purchase of two granular activated carbon adsorption systems for Wells 14 and 40; and

WHEREAS, the bids received for the furnishing of two granular activated carbon adsorption systems for Wells 14 and 40, were opened at 10:00 a.m., on May 3, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Conco-West, Inc. in the amount of \$88,060, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco-West, Inc. in the amount of \$88,060, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-363

A RESOLUTION ACCEPTING THE BID OF B. G. PIPELINE, INC. FOR THE WATERLINE ON SYLVAN AVENUE TO WATER TANK NO. 4 AND WELL NO. 54

WHEREAS, Resolution No. 94-223, adopted by the Council of the City of Modesto on April 26, 1994, approved the plans and specifications for the waterline on Sylvan Avenue to Water Tank No. 4 and Well No. 54; and

WHEREAS, the bids received for the waterline on Sylvan Avenue to Water Tank No. 4 and Well No. 54, were opened at 11:00 a.m., on May 26, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of B.G. Pipeline, Inc. in the amount of \$669,213 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of B.G. Pipeline, Inc. in the amount of \$669,213, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Coddill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-364

A RESOLUTION DECLARING VARIOUS EQUIPMENT AND SUPPLIES SURPLUS AND AUTHORIZING THE SALE OF SAID SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION, OR AS SCRAP.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell obsolete, unused, or surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the proposed Budget for the 1994-95 fiscal year recommends permanently closing the Office Services Division of the Finance Department effective July 1, 1994, and

WHEREAS, the City possesses various Office Services equipment and associated supplies, as set forth in Exhibits "A" and "B" attached hereto, which will be of no further use to the City if Council approves said recommendation to close the Office Services Division, and

WHEREAS, the Fleet Maintenance Services Division of The Public Works and Transportation Department has a variety of equipment and vehicles, as set forth in Exhibit "C" attached hereto, which is no longer of use to the City, and

WHEREAS, the Purchasing Division will seal bid the Office Services equipment and supplies, as set forth in Exhibits "A" and "B" attached hereto, and in the event the sealed bid process does not obtain the desired results the Purchasing

Division will auction the items utilizing the current agreement for auctioning services provided by Roger Ernst and Associates, and

WHEREAS, the Public Works and Transportation Fleet Management Services equipment and other items, as set forth in Exhibit "C" attached hereto, will be auctioned through Roger Ernst and Associates, and

WHEREAS, in the event the aforesaid sealed bid process or the auction process does not bring the desired results, the surplus equipment, as set forth in Exhibits "A", "B", and "C" attached hereto, will be sold for scrap.

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

SECTION 1. The City Manager or his authorized representative is hereby authorized and directed to sell on a sealed bid basis to the highest bidder the various equipment and supplies, as set forth in Exhibits "A" and "B" attached hereto, and to auction the equipment and other items, as set forth in Exhibit "C" attached hereto, which are found to be surplus.

SECTION 2. The sale shall be conducted by the City Manager or by such person as he may select for this purpose.

SECTION 3. If said items of property set forth in Exhibits "A" and "B" attached hereto cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was

entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for autioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said items of property set forth in Exhibits "A", "B", and "C" attached hereto, cannot be sold by the sealed bid process and/or auctioned for the desired results, then said surplus property may be sold for scrap.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

EXHIBIT A
OFFICE SERVICES PRINTING EQUIPMENT

Paper Punch-Multigraph
Serial No. 14282
Asset No. 02672

Collator Thomas
Serial No. 132FRH30
Asset No. 02674

Offset Press 360CD
Serial No. 000874
Asset No. 07792

Paper Cutter Challenge
Serial No. 6077
Asset No. 07811

Platemaker Fliptop Nuarc
Serial No. FT18
Asset No. 07908

Punch-Elec GBC 16in.
Serial No. 2345744
Asset No. 08098

Binding Machine GBC 16in.
Serial No. 2345416
Asset No. 08099

Stitcher Heavy Duty
Serial No. 5003
Asset No. 10766

Printer AB Dick 9840
Serial No. 17514
Asset No. 10785

Paper Folding Machine
Serial No. 10-213
Asset No. 12203

Copier, Royal 2240
Serial No. 022199
Asset No. 13549

Press System 1700 Auto w/attac
Serial No. 16620, 4431, 902800m
Asset No. 14159

Collator, 8015P AB Dick
Serial No. 5076
Asset No. 14160

EXHIBIT B
OFFICE SERVICES PRINTING SUPPLIES

-549oc	14ea.	Cartridges Offset Ink-Christmas Red - 11oz.
3-562oc	8ea.	Cartridges Offset Ink-Golden Orange - 11oz.
3-523oc	24ea.	Cartridges Offset Ink-Rembrandt Brown - 11 oz.
3-542oc	3ea.	Cartridges Offset Ink-Magenta - 11 oz.
3-553oc	16ea.	Cartridges Offset Ink-Process Yellow - 11 oz.
3-552oc	3ea.	Cartridges Offset Ink-Yellow - 11 oz.
3-511oc	10ea.	Cartridges Offset Ink-Regal Blue - 11 oz.
3-522oc	8ea.	Cartridges Offset Ink-Photo Brown - 11 oz.
3-561oc	2ea.	Cartridges Offset Ink-Pumpkin Orange - 11 oz.
3-532oc	10ea.	Cartridges Offset Ink-Christmas Green - 11 oz.
3101oc	36ea.	Cartridges Offset Ink-All Purpose Black - 11oz.
VS101	1-1 lb. can	Black Van Son Ink
VS318	1-1 lb. can	Buffalo Brown Van Son Ink
	5-1 lb. cans	Oil Base AB Dick Ink Pantone #150
3-1010	4-1 lb. cans	Offset Ink - All Purpose Black
3-4120	2-1 lb. cans	Reflex Blue Rubber Base Ink
	1-2 lb. jar	Anti-offset Spray Powder
4-1235	17-1 gal. cans	Offset Automatic Blanket Cleaner Solution
4-4200	2ea.	Offset Blanket
4-4260	7ea.	Offset Blanket
6-2309	6 rolls	Offset Electrostatic Masters 9in. x 500 ft.
6-2311	5 rolls	Offset Electrostatic Masters 11in. x 500 ft.
4-4920	1 pkg.	100 sheets 13 1/2 x 20 Masking Paper
2-9535	1 pkg.	100 short step plus "25" Subtractive Offset Plates
4-1175	2-1 gal. cans	Isopropyl Alcohol
-9014	1-1 gal. can	Super Subtractive Developer
	1-1 gal.	R Process Gum - 3M
4-1115	9-1 gal.	Offset Fountain Concentrate

4-1067-1 11-1 gal. Offset Electrostatic Conversion Solution
4-1015 7-1 gal. Offset Etch
-1320 1-1 gal. Short Step Subtractive Plate Gum
24-2030 2-1 gal. Spirits Process Fluid
3-14 oz. Cans Hurst Graphics - Overnight Spray
92-2285 22-1 qt. Bottles Copier Dispersant
4-3794 16-1qt. Offset Toner Solution
4-1237 1-5 gal. Can Offset Automatic Blanket Cleaner Solution
4-4976 7-1 pint Bottles Offset Ink Roller Conditioner
4-4965 2-1 pint Bottles Offset Chrome Cylinder Cleaner
2-1 gal. Cans Super Rubber Rejuvenator - Varn Products
3-1 gal. Fan A-part Padding Adhesive- NCR Paper
4-4931 43 pkgs. Cotton Pads
4-1407 6-100 sheets pkgs. - Offset Clean-up Mats
4-4952B 8-pkgs. Offset Clean-up Mats
15 spools Wire for Interlake Stitcher

EXHIBIT C
PUBLIC WORKS AND TRANSPORTATION
FLEET MAINTENANCE SERVICE DIVISION
EQUIPMENT

<u>Equip No.</u>	<u>Description</u>
58302	Street Sweeper
58403	Street Sweeper
58444	Street Sweeper
37991	Chevrolet LUV Pickup
58679	Toro 3500 Mower, 5-7 Gang
58161	Cushman Turf Truck
18728	Dodge Diplomat Sedan
58478	Case Loader w/ Claw Attachment
49087	Van, GMC
47537	Dump Truck
47626	Dump Truck
47717	Dump Truck

PARKS AND RECREATION

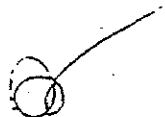
Refrigerator, Frigidare

EXHIBIT C

(Continued)

CITY OF MODESTO
FLEET SERVICES DIVISION

MEMORANDUM

DATE: June 9, 1994
TO: Peter Lucido - Buyer
FROM: Equipment Maintenance Supervisor Turner 
SUBJECT: Surplus Equipment

Please consider the following items to be declared surplus and arrange for their disposal.

- 1 pallet window security bars
- 1 Cannon NP200 copier
- 1 Bubble balancer
- 1 can spot light parts
- 1 box hub caps
- 3 truck bed tool boxes
- 1 Duotherm roof mounted air conditioner
- 1 Marquette battery charger
- 1 AAmco Brake lathe
- 1 floor safe
- 2 sets truck running boards
- 1 floor jack
- 1 box misc radio equipment
- 25 Code 3 light bars
- 25 Simpson seat belts
- 1 can Unitrol 800 control boxes
- 15 Overhead emergency equipment consoles
- 1 1989 Chevrolet Caprice, Vehicle #18907 (Hulk)

cc: Al Hinkle
File

Alk (11)

MODESTO CITY COUNCIL
RESOLUTION NO. 94-365

A RESOLUTION ESTABLISHING PRICE AND
POPULATION FACTORS TO BE USED IN DETERMINING
THE 1994-95 "APPROPRIATIONS LIMIT" ACCORDING
TO ARTICLE XIIIIB OF THE CALIFORNIA
CONSTITUTION.

WHEREAS, adoption of the fiscal year 1994-95 budget
requires that Council also establish the price and population
factors used in determining the City's Proposition 4
Appropriation Limit for fiscal year 1994-95, and

WHEREAS, Article XIIIIB of the California Constitution
specifies that appropriations made by State and local governments
may increase annually by a factor comprised of the change in
population combined with either the change in California per
capita personal income or the change in the local assessment roll
due to local nonresidential construction, and

WHEREAS, the City's appropriation limitation imposed by
Article XIIIIB (Proposition 4) for the State Constitution for
1994-95 is hereby established at \$137,341,051, said limitation
pertains only to appropriations financed from tax proceeds, and

WHEREAS, by a memorandum dated June 13, 1994, the
City's Finance Director has advised the City Council that the
City is in no danger of exceeding the ceiling; that a complete
analysis of the City's status with regard to this Constitutional
requirement will be included in the published Annual Budget
document; that documentation used to compute the Proposition 4

limit is available for public review, that Schedule V attached to said report shows the preferred price and population factors to be used and the appropriation limit; that the recommended factors to be used in calculating the limit are: the price factor of "State growth in per capita income" and the population factor of "growth rate in Stanislaus County". A copy of said report including Schedule V is on file in the Office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appropriation limit and the price and population factors to be used in determining the 1994-95 "Appropriations Limit" according to Article XIII B of the California Constitution is hereby established as set forth on Schedule V which is attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

Schedule V

City of Modesto

Appropriation Limit Calculation

Fiscal Year 94-95

FY 93-94 Appropriation Limit		\$133,756,380
Adjustment factors:		
Population:		
Modesto	1.0123	
County	1.0196	
Price:		
Per Capita Income (State)	1.0071	
Local non-residential new construction	Unavailable	
	Total adjustment percentage	<u>2.68%</u>
Annual adjustment		<u>3,584,671</u>
Other adjustments (unknown until October 1994)		<u> </u>
FY 1994-95 Appropriation Limit		<u><u>\$137,341,051</u></u>

MODESTO CITY COUNCIL
RESOLUTION NO. 94-366

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HARDING LAWSON ASSOCIATES TO PROVIDE CONSULTANT SERVICES FOR A PAVEMENT CONDITION SURVEY OF CITY STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Harding Lawson Associates to provide consultant services for a pavement condition survey of City streets be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-367

A RESOLUTION ACCEPTING A GRANT OFFER FOR
FEDERAL FUNDS TO COMPLETE THE AIRPORT'S
FISCAL YEAR 1994/95 CAPITAL IMPROVEMENT
PROJECTS.

WHEREAS, each year the City is eligible for Airport
Improvement Program (AIP) funds to complete needed airport
capital improvement projects, and

WHEREAS, on April 12, 1994, the City Council approved
an application for federal funds in the amount of \$567,900, which
was submitted to the Federal Aviation Administration (FAA), and

WHEREAS, the FAA notified City Staff that they could
expect to receive \$251,737 in federal funds at this time and that
acceptance of the grant must occur on or before June 30, 1994,
and

WHEREAS, said reduction in federal funds was the result
of the U.S. Senate and House only approving an Airport
Improvement Program bill of approximately 50% of what the
nation's airports and FAA had expected, and

WHEREAS, President Clinton signed the airport funding
bill on May 27, 1994, allowing the FAA only until June 30, 1994,
to allocate all funds in the approved bill, and

WHEREAS, acceptance of the grant offer will obligate
the City of Modesto to accomplish the projects described as AIP
Project No. 3-06-0153-17 offer, and

WHEREAS, because of the critical time factor, Council

is being asked to give final approval to a draft agreement, with the formal offer document from the FAA for City's execution expected to be received by City during the last week of June.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the Federal Aviation Administration in the amount of \$251,737 to complete the Airport's Fiscal Year 1994/95 capital improvements.

BE IT FURTHER RESOLVED that the execution of the grant acceptance by the City's designated official, J. Edward Tewes, City Manager, be and it is hereby authorized.

BE IT FURTHER RESOLVED that the City Manager is also authorized to execute and submit all documents, including but not limited to amendments, payment requests, and other documents which may be necessary regarding the aforementioned grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

101
MODESTO CITY COUNCIL
RESOLUTION NO. 94-368

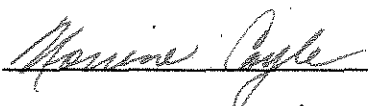
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BALL, JANIK AND NOVACK FOR FEDERAL LEGISLATIVE ADVOCACY FOR THE CITY DURING 1994-95 FISCAL YEAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ball, Janik, and Novack for Federal Legislative Advocacy for the City of Modesto during 1994-95 fiscal year be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 

NORRINE COYLE, City Clerk

15

MODESTO CITY COUNCIL
RESOLUTION NO. 94-369

A RESOLUTION SUMMARILY VACATING AND
ABANDONING A 10-FOOT PUBLIC UTILITY EASEMENT
AT 2008 BOSTON WAY ADJACENT TO THE EAST
PROPERTY LINE OF LOT 14 IN BLOCK 11151 OF THE
NEW ENGLAND SQUARE SUBDIVISION IN THE CITY OF
MODESTO.

WHEREAS, the City of Modesto has received a request
from Bill Bencie, owner, to abandon a 10-foot public utility
easement located at 2008 Boston Way adjacent to the east property
line of Lot 14 in Block 11151 of the New England Square
Subdivision in the City of Modesto, and

WHEREAS, the California Streets and Highways Code
authorizes a city council, by resolution, to summarily vacate
easements, and

WHEREAS, said easement referred to above on the real
property located at 2008 Boston Way adjacent to the east property
line of Lot 14 in Block 11151 of the New England Square
Subdivision in the City of Modesto is more particularly described
in Exhibit "A", attached hereto, and

WHEREAS, all public utilities have been contacted and
they have no objection to the abandonment, and

WHEREAS, the Council finds and declares that:

1. The vacation is made pursuant to Chapter 4,
Section 8333, of Part 3 of Division 9 of the Streets and Highways
Code.

2. The use of the property described in Exhibit "A",
attached hereto, which is a 10-foot public utility easement

located at 2008 Boston Way adjacent to the east property line of Lot 14 in Block 11151 of the New England Square Subdivision in the City of Modesto is not required for public utilities.

3. That from and after the date this resolution is recorded, the 10-foot public utility easement vacated will no longer constitute a public utility easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 10-foot public utility easement located at 2008 Boston Way adjacent to the east property line of Lot 14 in Block 11151 of the New England Square Subdivision in the City of Modesto, which is more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

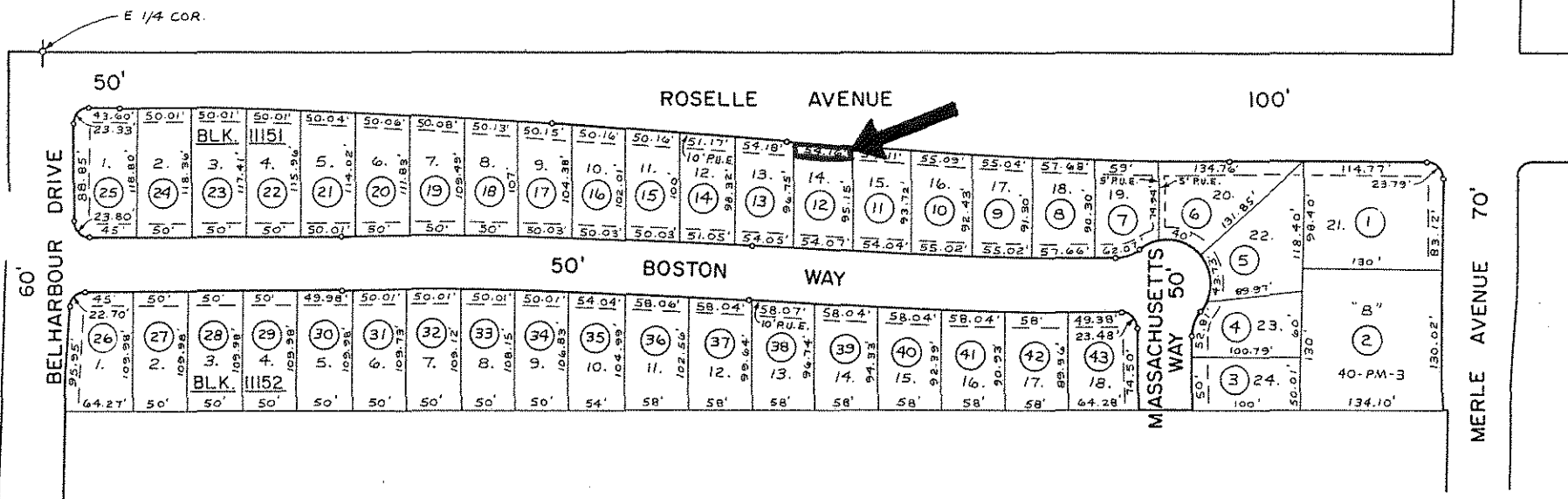
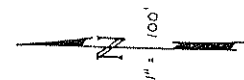
ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

POR. SE 1/4 SECTION 14 T.3S. R.9E. M.D.B.&M.
NEW ENGLAND SQUARE



"Exhibit A"

FROM 13-04, 52-22, 77-07
I.M. 32-49
1-12-88



MODESTO CITY COUNCIL
RESOLUTION NO. 94-370

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM ON BEHALF OF JULIA GONZALES, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present a late claim on behalf of the claimant, Julia Gonzales, against the City of Modesto, was received on May 27, 1994, in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim on behalf of the claimant, Julia Gonzales, against the City of Modesto, received May 27, 1994, in the office of the City Clerk, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clark
3

(MSD-A2)

MODESTO CITY COUNCIL
RESOLUTION NO. 94-371

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ANNEXING TERRITORY TO THE MODESTO
MUNICIPAL SEWER DISTRICT NO. 1 AND FIXING AND
DETERMINING ITS BOUNDARIES. (BRET HARTE
SEWER ANNEXATION - OUTSIDE CITY LIMITS)

WHEREAS, the Council (herein called the "Council") of
the City of Modesto (herein called the "City") on August 15,
1966, duly adopted Resolution No. 66-543, which was recorded in
the Office of the County Recorder of Stanislaus County on
August 16, 1966, and which established the Modesto Municipal
Sewer District No. 1, and

WHEREAS the Council on May 10, 1994, duly adopted
Resolution No. 94-266 (herein called the "resolution")
determining that the public interest and convenience require that
certain territory designated as Modesto Municipal Sewer District
No. 1 Annexation No. 239, which area is located outside the City
limits, be annexed, and naming a time and place for hearing on
annexation of the territory proposed to be annexed and providing
for notice thereof, and

WHEREAS, the resolution, together with the names of the
members of the Council voting for and against it, was posted,
mailed to property owners in the area proposed to be annexed and
published in the time, form and manner required by the resolution
and by the Community Facilities Law of 1911 (California Health

and Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the Office of the City Clerk, and

WHEREAS, on Tuesday, June 28, 1994, at the hour of 4:00 p.m., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

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

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 239 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1

Annexation No. 239, which area is located outside the City limits, to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 239, which area is located outside the City limits, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the Office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 239, which area is located outside the City limits, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

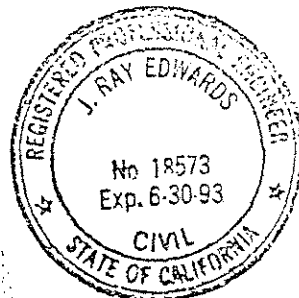
By William J. Swelch
Planning and Community Development
Department

"EXHIBIT A"

All that portion of Section 7, 8, and 9; Township 4 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, described as follows:

BEGINNING at the southeast corner of said Section 7; thence North $89^{\circ}50'$ West 1481.04 feet on the south line of said Section 7 to the westerly line of 44-foot wide Yuma Avenue; thence North $0^{\circ}13'$ East on said westerly line 173.67 feet; thence South $89^{\circ}50'$ East on the northerly line of a 20-foot wide alley, in Block 9712 of the Fairview Tract 710.52 feet to the westerly line of 60-foot wide Tucson Avenue; thence North $0^{\circ}13'$ East on said westerly line 1805.73 feet; thence North $89^{\circ}50'$ West on the southerly line of a 20-foot wide alley in Block 9741 of the Fairview Tract 710.52 feet to the westerly line of said 44-foot wide Yuma Avenue; thence North $0^{\circ}13'$ East on said westerly line, 228.63 feet to the southerly line of T.I.D. Lateral No. 1 right-of-way; thence North $41^{\circ}26'$ East on said right-of-way 449.51 feet; thence North $63^{\circ}30'$ East 131.04 feet; thence South $89^{\circ}30'$ East 1067.62 feet; thence North $0^{\circ}13'$ East 10.41 feet; thence South $89^{\circ}10'$ East 1372.85 feet; thence North $0^{\circ}26'$ East 50.00 feet; thence leaving said southerly line of Lateral No. 1 South $89^{\circ}10'$ East 1265.98 feet along the northerly line of the Rutherford Tract and the centerline at Glenn Avenue to the centerline of Las Vegas Street; thence North $0^{\circ}09'$ East on said centerline 1871.75 feet to the southerly line of T.I.D. Lateral No. 1 right-of-way; thence on said southerly line South $44^{\circ}04'$ West 305.25 feet; thence South $35^{\circ}20'$ West 121.56 feet; thence North $0^{\circ}26'$ East 793.88 along the west line of the Rio Grande Colony and its southerly extension to the centerline of Hatch Road; thence North $71^{\circ}14'42''$ East on said centerline 794.04 feet to the beginning of a curve concave to the south having a radius of 1000.00 feet and a central angle of $8^{\circ}07'59''$; thence Northeasterly on the arc of said curve 141.95 feet to the existing City of Modesto city limit line; thence South $0^{\circ}26'$ West on said city limit line 100.36 feet; thence South $43^{\circ}13'08''$ East 40.00 feet to the northwesterly line of T.I.D. Lateral No. 1; thence South $0^{\circ}14'14''$ West on the northerly extension of and the west line of Gold Vineyard Estates 448.95 feet to the northerly line of Amador Avenue; thence South $88^{\circ}53'$ East on said northerly line 959.56 feet; thence North $0^{\circ}13'06''$ West on the westerly line of the 20-foot wide alley in Block 9008 of the South Modesto Acres Tract No. 3 a distance of 515.00 feet to the northerly line of Alpine Avenue; thence South $89^{\circ}09'$ East on said northerly line and its easterly extension 1054.00 feet to the easterly line of said Section 8; thence South $0^{\circ}02'$ West on said section line 3083.96 feet; thence following the Crows Landing Road annexation North $89^{\circ}14'$ West on centerline of Imperial Avenue 203.37 feet; thence North $74^{\circ}24'$ West 92.58 feet; thence South $0^{\circ}02'$ West 267.70 feet; thence North $89^{\circ}20'$ West 367.85 feet; thence North $0^{\circ}02'$ East 100.00 feet; thence North $89^{\circ}20'$ West 1367.20 feet; thence South $0^{\circ}13'$ West 660.00 feet; thence leaving said annexation North $89^{\circ}20'$ West 1290.80 feet on the southerly line of the Rutherford Tract to the

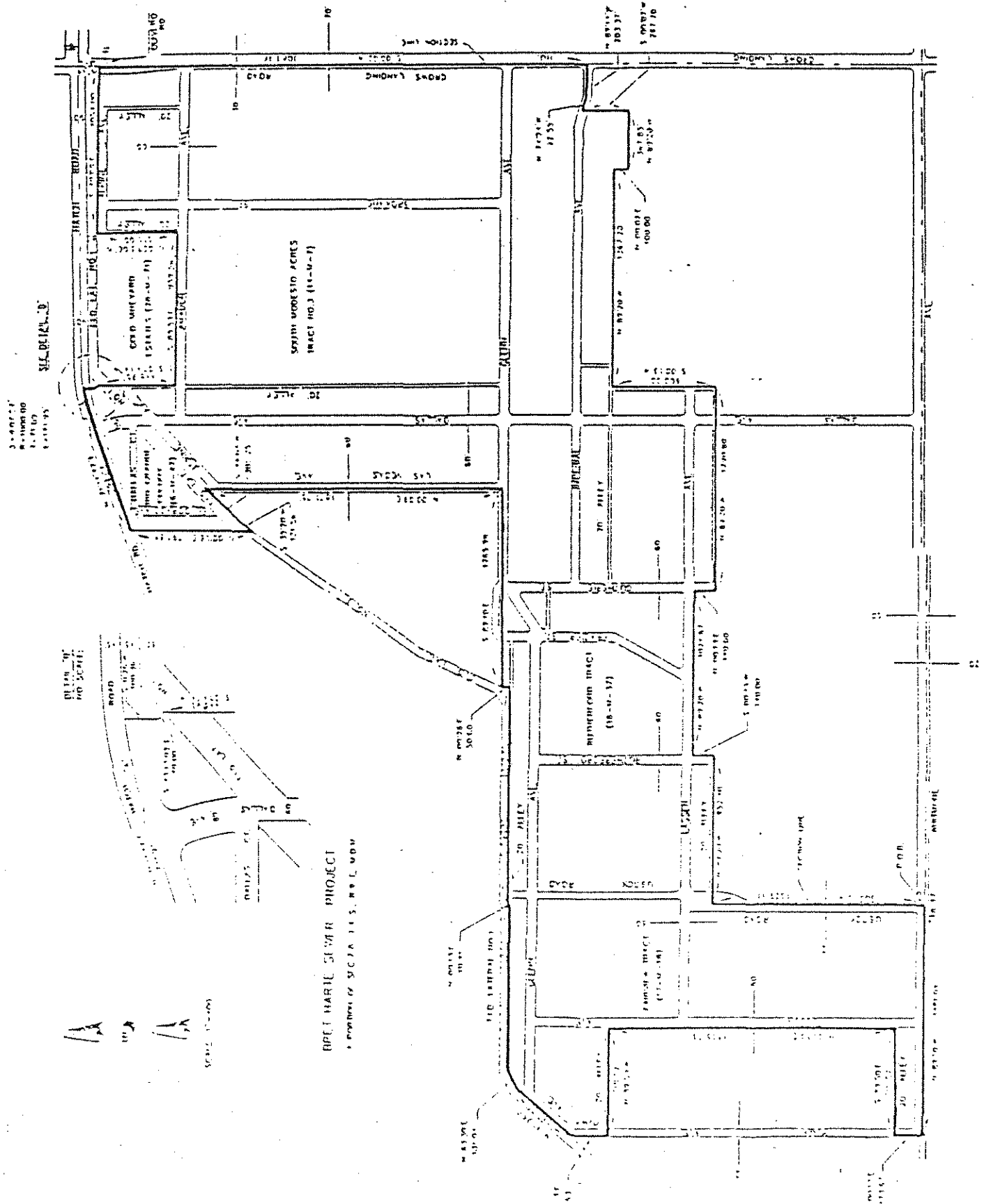
westerly line of Gutherie Street; thence North $0^{\circ}13'$ East on said westerly line 140 feet; thence North $89^{\circ}20'$ West on the southerly line of Lassen Avenue 1024.67 feet to the easterly line of Rutherford Street; thence South $0^{\circ}13'$ West on said easterly line 140 feet; thence North $89^{\circ}20'$ West on the southerly line of a 20-foot wide alley in Block 9806 of the Rutherford Tract 952.40 feet to the east line of said Section 7; thence South $0^{\circ}13'$ West on said easterly line 1329.41 feet to the point of beginning.



GM:cm
(G:\survey\hart-drn.gm)

Approved as to description
<i>J. Ray Edwards</i>
J. Ray Edwards RCE 18573
Date 3/1/93

Exhibit B



MODESTO CITY COUNCIL
RESOLUTION NO. 94-372

A RESOLUTION ADOPTING SPECIFIC PLAN AMENDMENT
NO. 5 TO THE VILLAGE ONE SPECIFIC PLAN.

WHEREAS, Government Code Section 65450 et seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body, and

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan for the purpose of adoption of an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan for the purpose of improving technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to the Village One Specific Plan for the purpose of rewriting and reorganizing the Plan to be implementation oriented, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan for the purpose of making four revisions to the Specific Plan including: 1) widening of Floyd Avenue from three to five Lanes, 2) realignment of the Claus/Sylvan intersection, 3) deletion of the non-potable water supply for public landscaping, and 4) integration of Mitigation Monitoring into the Specific Plan, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH #90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4, and

WHEREAS, on January 31, 1994, at a joint Planning Commission/City Council Public Workshop on Village One, the Planning Commission and City Council directed Planning Staff to work with the Building Industry Association of Central California (BIACC) representatives to propose alternative language to the Village One Specific Plan which would protect the integrity of the Plan yet provide closure on as many design issues as possible, and

WHEREAS, after reviewing proposed revisions with BIACC representatives, Planning staff created Specific Plan Amendment No. 5 for the purpose of incorporating revisions into the Village One Specific Plan, relating to areas of Design Policy including the following:

- 1) Project Processing
- 2) Garage Orientation
- 3) Front and Rear Yard Requirements
- 4) Alleys
- 5) Cul-de-sacs
- 6) Gated Communities,

and

WHEREAS, on May 4, 1994, the City's Environmental Assessment Committee reviewed the proposed Specific Plan Amendment No. 5 and made the determination that it was within the Scope of the Final Supplemental Program EIR, and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 6, 1994, in the City Council Chambers, 801 11th Street, Modesto, California, to receive evidence both oral and documentary regarding the proposed Specific Plan Amendment No. 5, and

WHEREAS, after considering public comments, the Planning Commission, by its Resolution No. 94-33, recommended that the City Council adopt Specific Plan Amendment No. 5 to the Village One Specific Plan as described in Exhibit "A" attached to said Planning Commission Resolution, and

WHEREAS, the City Council held a duly noticed public hearing to consider Village One Specific Plan Amendment No. 5 as recommended by the Planning Commission, which includes revisions to the Residential Design Policies for cul-de-sacs, gated

communities, front and rear yard requirements, alleys, garage orientation, and plan processing,

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

SECTION 1. That the proposed amendments to the Village One Specific Plan have been determined to be within the scope of the Final Supplemental Program EIR.

SECTION 2. That the City Council has reviewed and considered the proposed Specific Plan Amendment No. 5 as recommended by the Planning Commission, which includes revisions to the Residential Design Policies for cul-de-sacs, gated communities, front and rear yard requirements, alleys, garage orientation, and plan processing, and the Council has modified the requirements relating to Policy IV C-4, g on page 14 of the Specific Plan. A copy of the Specific Plan Amendment No. 5 as modified by the Council is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. That the amendments to the Village One Specific Plan are consistent with the Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts Specific Plan Amendment No. 5 to the Village One Specific Plan which includes revisions to the Residential Design Policies for cul-de-sacs, gated communities, front and rear yard requirements, alleys, garage orientation, and plan processing, as set forth in

detail in Exhibit "A", attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: Cogdill, Dobbs

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Adopted Changes to the Village One Specific Plan Text
(SPA #5)

PROJECT PROCESSING POLICIES

1. Policy IV C-4, g on Page IV-14 shall be revised, as follows:

"g) A proposed development review process, consistent with Section IV-D, which effectively implements the relevant Land Use and Community Design principles specified in Section II-G (Chapter II).

For lots which are 5,000 square feet and larger, the Final Development Plan requirements shall allow the Final Subdivision Map to be recorded, without the requirement for plot plans and elevations for model homes. Instead, prior to each individual single-family building permit, the applicant must submit plot plans and elevations for those structures which are designed to meet the following objectives:

- Garage setback a minimum of 20 feet
- House setback between 10 feet and 28 feet
- Garage width no more than one-half the width of the house

GARAGE ORIENTATION POLICIES

1. Page II-41, Policies C-6 through C-10 should be revised and placed in a new section, "Garage Orientation and Design".
2. Section G-13(d) should be added on Page II-41, as a new Policy, to read as follows:

"d) Garage Orientation and Design

The goal in garage placement is to reduce the visual impact of the automobile and to allow the residences to visually dominate the street for these reasons:

- Secure neighborhoods are those where neighbors interact, pursue Neighborhood Watch, and take an active role in observing what is going on in their streets. The more of a residence that is placed at the front yard setback and the less that garages and driveways with parked cars are placed at and within the front yard setback, the more this goal is achieved.
- A pedestrian emphasis, as an alternate mode of transportation as well as a leisure pursuit, is visually enhanced if front yards and residences visually dominate rather than front yards of parked cars, paved driveways, and garage doors.

"To meet this goal as well as other objectives as noted, the following requirements shall apply to garage orientation and design:

1. There are two options for siting garages:

- a. The alley option for lots with less than 50' of frontage as illustrated on page II-72 with a 25' x 110' lot (2,750 sq. ft.). At a minimum, the outer ring of the Village Center will feature smaller lots like this. This option is also shown for a large lot, page II-77, 100' x 110' (11,000 sq. ft.).

The alley-served lots do not have sufficient aprons to park cars. But the street frontage, can accommodate parked cars. This option is also shown for a large lot, page II-77, 100' x 110' (11,000 sq. ft.).

- b. The side drive option for lots with at least 50' frontage as illustrated on page II-74 with a zipper lot of 3,600 sq. ft.; page II-75 with a conventional 50' x 100' lot (5,000 sq. ft.); and page II-76 with a 75' x 100' lot (7,500 sq. ft.). The required features:

- 1) Garage setback a minimum of 20 feet.
- 2) House setback between 10 feet and 28 feet
- 3) Garage width no more than one-half the width of the house

3. No three-car garages should be allowed, except for garages sited to the rear of a lot or lots exceeding 70 feet in width. Where three-car garages are used, an individualized entry door should be provided to one of three parking spaces.
4. Over a three-car garage sited to the rear of a lot, an additional unit should be encouraged, without adding additional parking spaces, to provide greater flexibility in meeting family or life cycle needs, or to make housing more affordable by giving homeowners additional income from a rental unit.
5. Trash storage areas should be enclosed or behind a fence.
6. No two adjacent single-family lots shall utilize the same footprint at the front yard setback, for either the garage or the living area of the house.

FRONT AND REAR YARD REQUIREMENT POLICIES

1. Delete the following Policy:

Page II-39, Policy II G, 13, a), 20:

"Usable back yard space shall be provided as private open space on single-family lots which are 5000 square feet, or greater, in size."

2. Revise Policy II G, 13, a), 4 on page II-37, to read as follows:

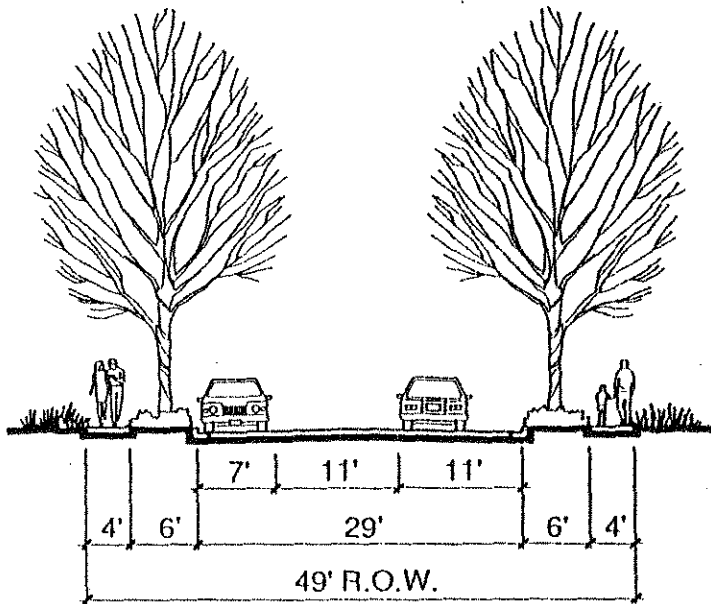
"Setbacks for single-family lots vary depending upon the lot size; however, in all cases, a usable rear yard should be provided for greater private enjoyment. The "usable rear yard space" shall be defined as follows: 300 square feet minimum, with no dimension smaller than 15 feet to meet this minimum.

A minimum ten-foot front yard setback should be required, and staggered, front building facades should be encouraged on small lots within the Village. All setbacks should allow for windows in front and in back on both floors."

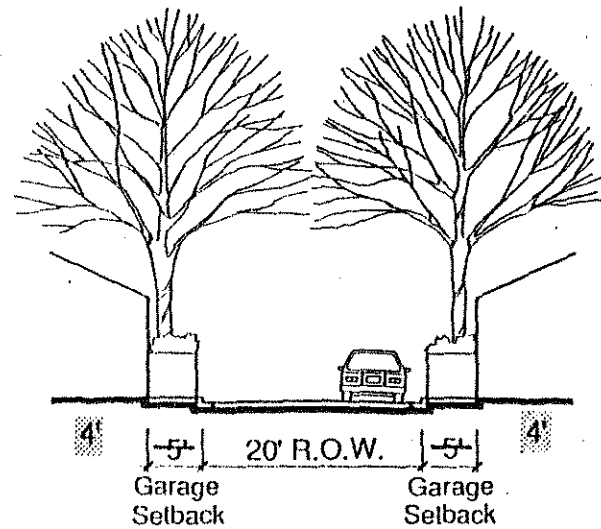
3. Revise Policy II G, 13, a), 1 on page II-37 to read as follows:

"Single-family residential parcels should be encouraged to be "rear-loaded" (e.g. access is taken from an alley which is 20 feet in width) to create a more attractive, continuous street space that is oriented to the pedestrian. Where front-loaded, a minimum 50-foot lot width should be required, and the garage should be set back a minimum of 20 feet from the front property line. Where the garage is rear-loaded, the garage shall be set back four feet from the edge of the alley, such that a 24-foot backup distance is maintained. Figures II-23 through II-28 illustrate compliance with this policy."

4. Revise Policy 17 (page II-39), Figures II-9, II-23, and II-28, to reflect a garage setback of four feet, as specified above, rather than five feet. Replace "motor court" label on Figure II-9 with "alley".
5. Revise Figures II-23, II-25, II-26, II-27, and II-28 to show a rear yard of 15-foot minimum instead of 20- to 25- feet.
6. Because the MID won't allow bay windows or other projections into the ten-foot front yard setback - shift house back to place bay window at ten-foot line on Figures II-23 and II-26. Delete text references to front yard encroachment.
7. Figure II-24, which shows tandem garages should be deleted. Tandem garage designs are not very practical.



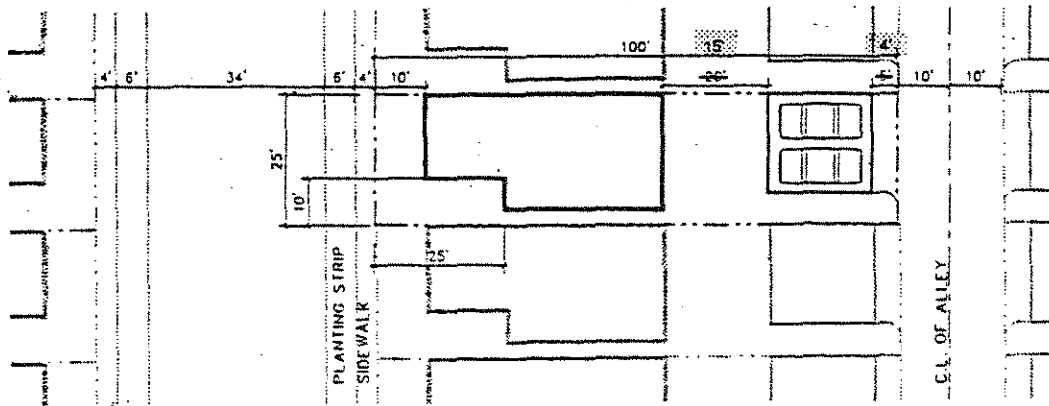
Minor Residential Street: 49' Right-of-way, 2 Lanes



Alley

Meter Lane: 20' Right-of-way

FIGURE II-9
Neighborhood Streets Cross Sections



Lot Size: 2,750 s.f.

Width: 25'

Depth: 110' (assuming 10" center line of Motor Lane)

Setbacks:

Front Yard: 10' (with maximum 2' encroachment for bay window)

Second Floor Stepback: 3' from building front with sloping roof

Sideyard: 10' within 25' of front property line on one side.

No sideyard setback elsewhere.

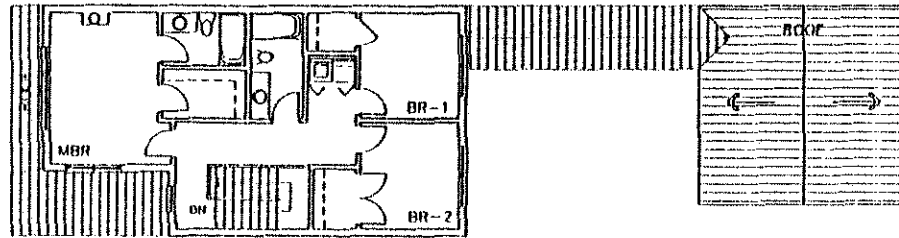
Minimum 15'

Back Yard: 20' deep usable space

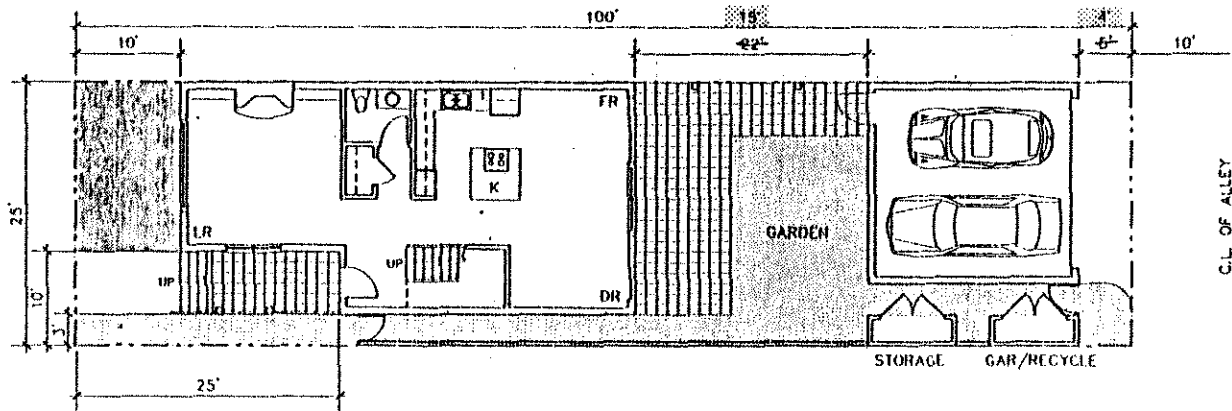
Rear Yard Setback: 0' with garage door setback 5'

FIGURE II-23

Residential Design Standards : *Rear Loaded Small Lot*



Second Floor

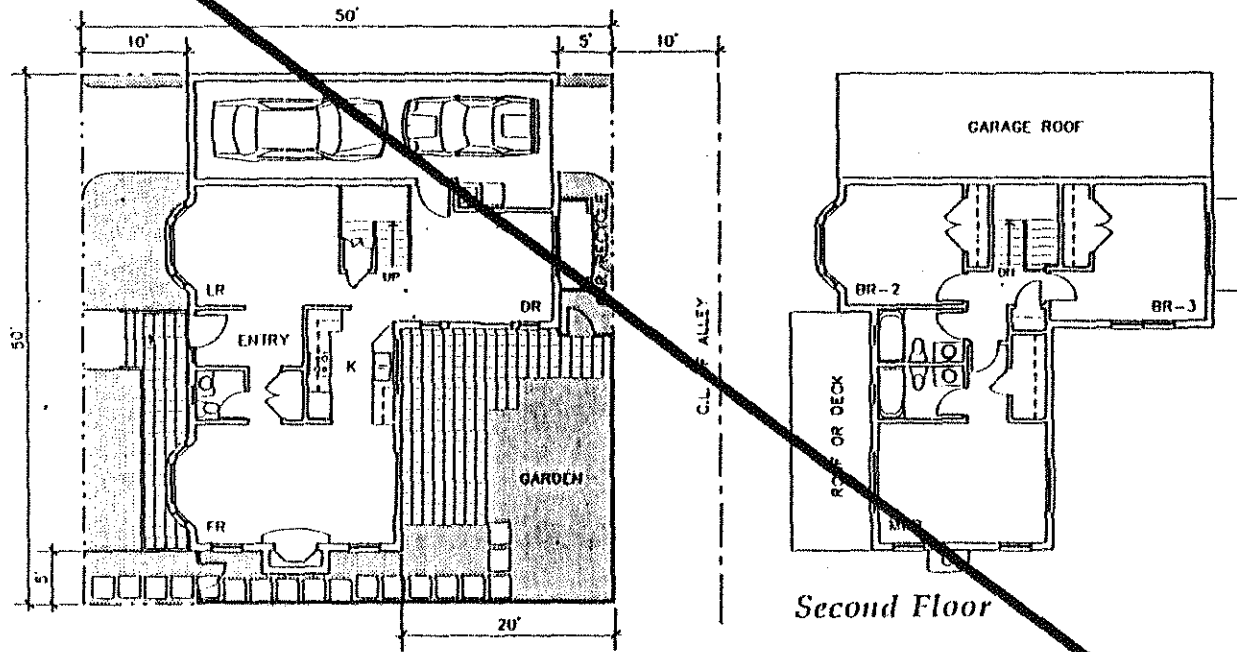


Ground Floor : Floor plans illustrate house size, 1,450 square feet

FIGURE II-23

Residential Design Standards : Rear Loaded Small Lot .

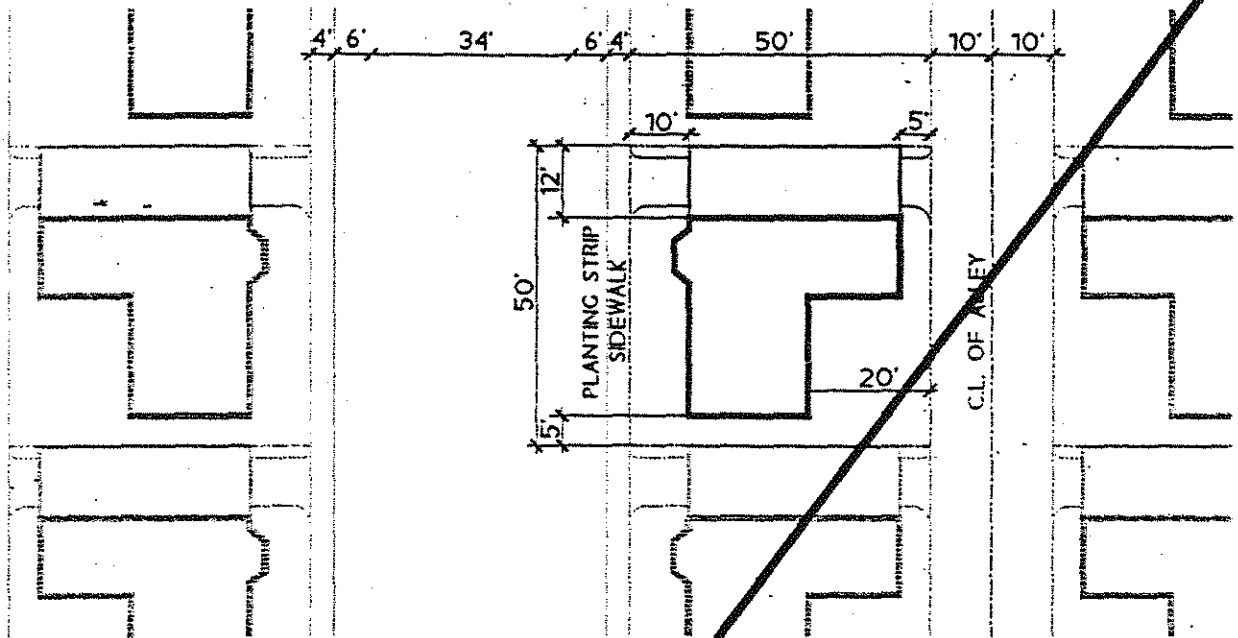
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Ground Floor : Floor plans illustrate house size, 1570 square feet

FIGURE II-24
Residential Design Standards : *Wide and Shallow Small Lot*

This page is deleted



Lot Size: 3,000 s.f.

Width: 50'

Depth: 60' (assuming 10" center line of Motor Lane)

Setbacks:

Front Yard: 10' (with maximum 2' encroachment for bay window);
12' maximum for garage width.

Second Floor Stepback: 3' for 60% of the building front
with slopping roof

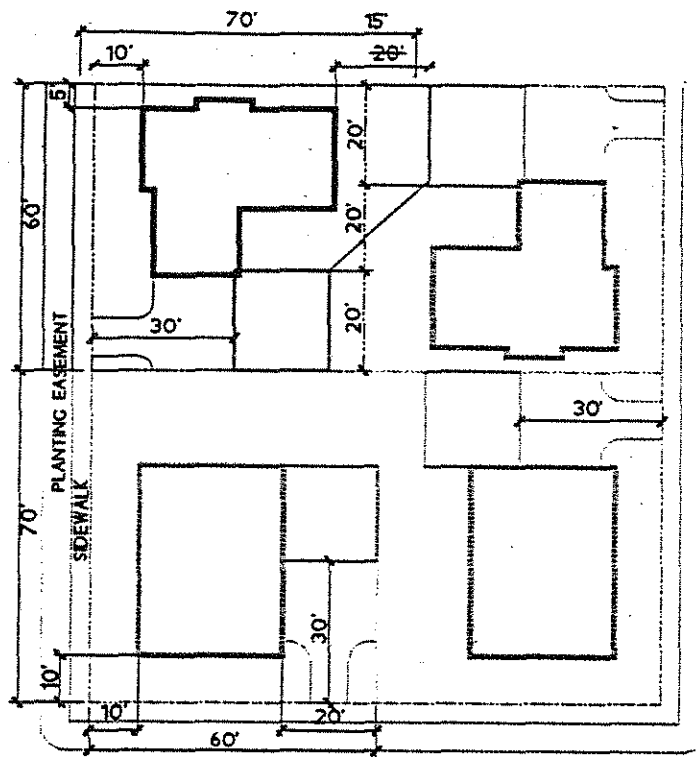
Sidyard: 5' sidyard on one side

Back Yard: 20' deep usable space

Rear Yard Setback: 0' with garage door setback 5'

FIGURE II-24

Residential Design Standards : *Wide and Shallow Small Lot*



Lot Size: 3,600 s.f.

Setbacks:

Front Yard: 10' (with maximum 3' encroachment for bay window)

Second Floor Stepback: 3' for 60% of the building front with sloping roof

Sideyard: 5' sideyard on one side.

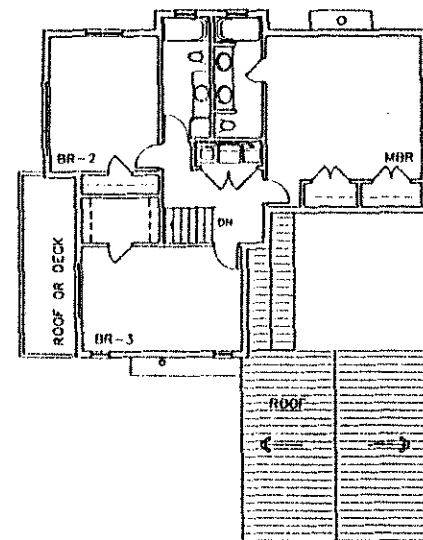
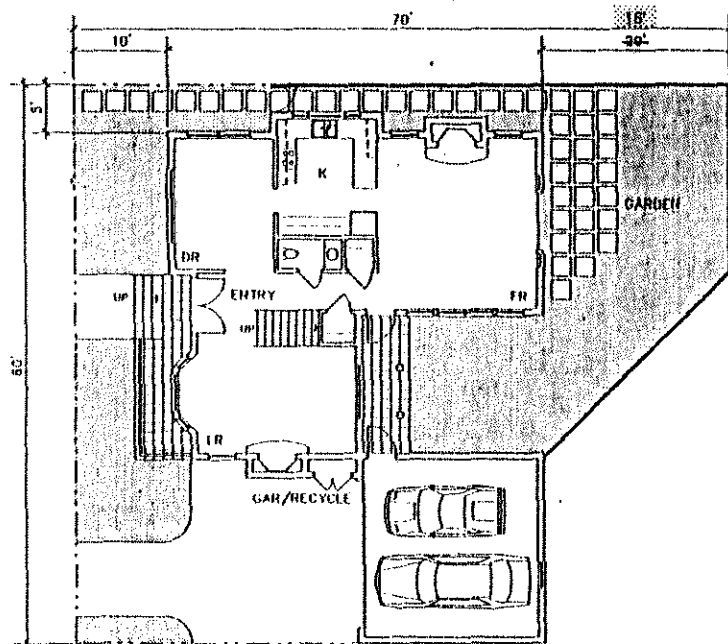
Garage Recess: 30' from front property line - maximum 20' garage front width

Minimum 15'

Back Yard: 20' deep usable back yard

FIGURE II-25

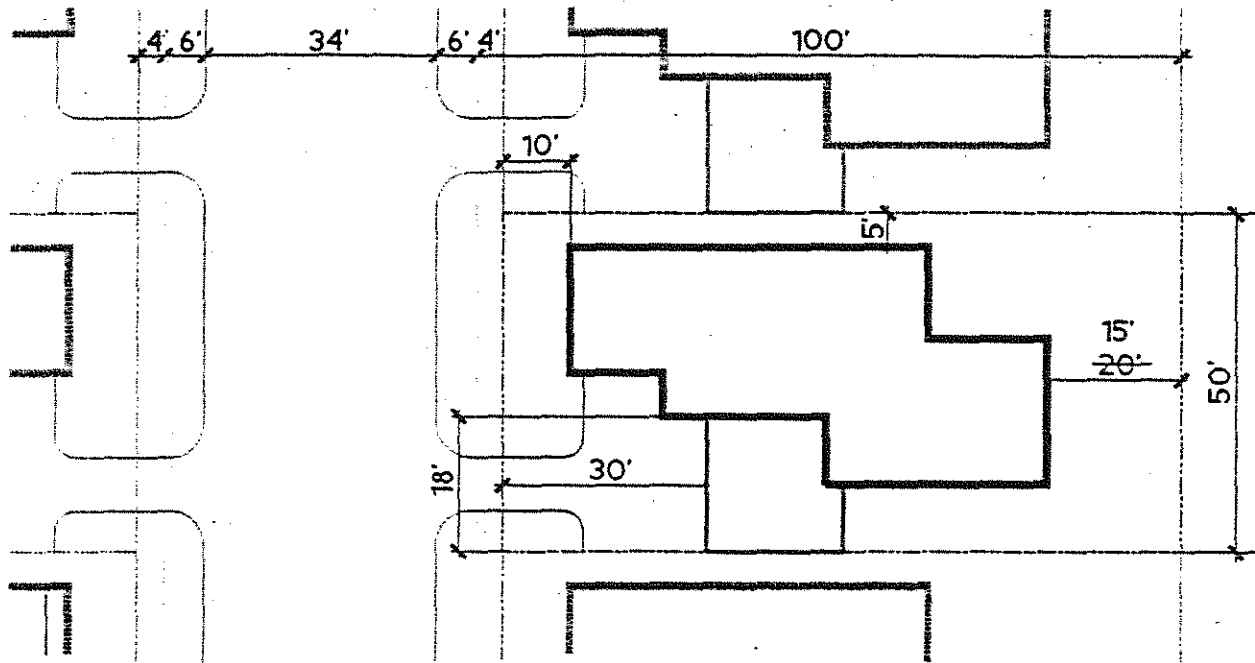
Residential Design Standards : *Front Loaded Zipper Lot*



Second Floor

Ground Floor : Floor plans illustrate house size, 1,950 square feet

FIGURE II-25
Residential Design Standards : Front Loaded Zipper Lot



Lot Size: 5,000 s.f.

Width: 50'

Depth: 100'

Setbacks:

Front Yard: ~~20'~~ ^{10'} (with maximum 3' encroachment for bay window)

Second Floor Stepback: 3' (from building front with sloping roof)

Sidyard: 5' sidyard on one side

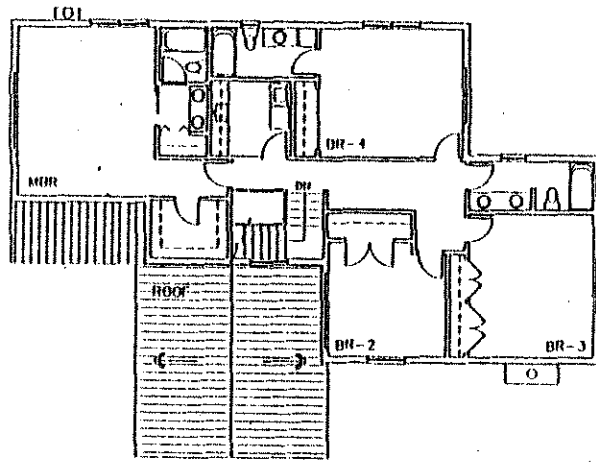
Garage Recess: 30' from front property line-
maximum 18' garage width

Minimum: 15'

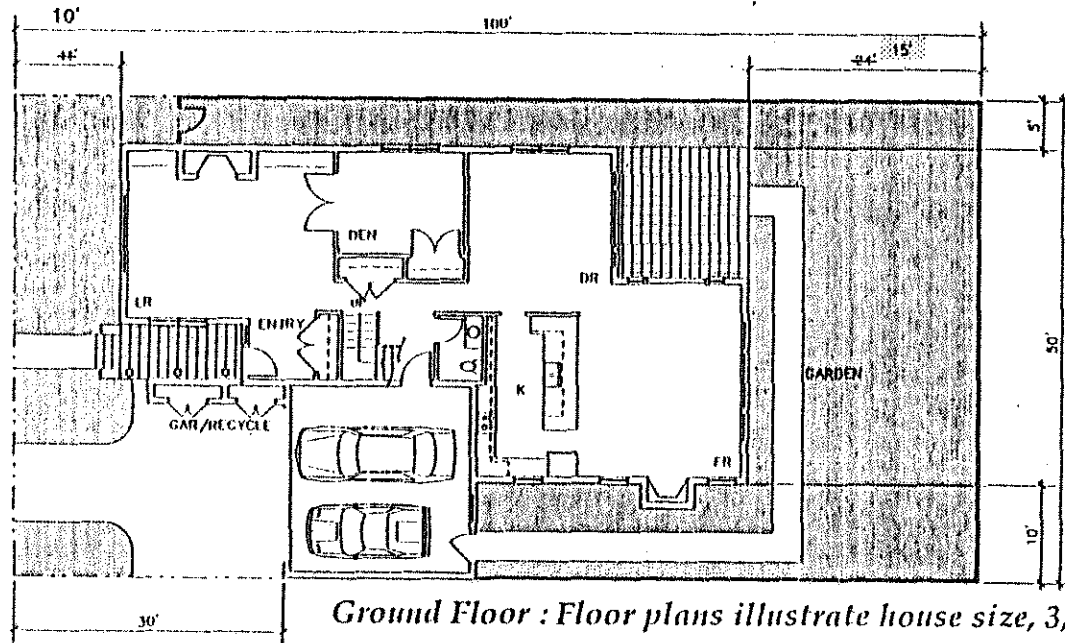
Back Yard: ~~20'~~ deep usable back yard

FIGURE II-26

Residential Design Standards :Front Loaded Lot

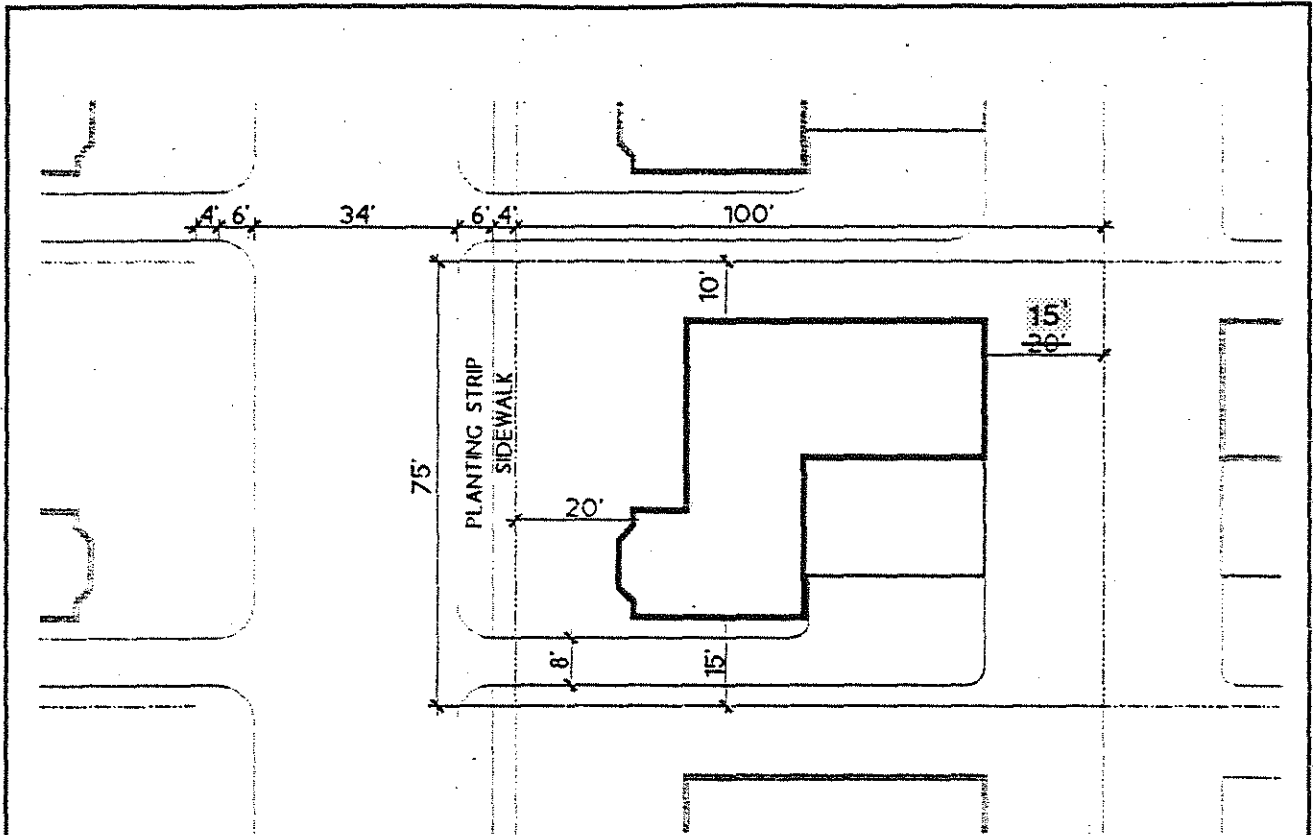


Second Floor



Ground Floor : Floor plans illustrate house size, 3,000 square feet

FIGURE II-26
Residential Design Standards : *Front Loaded Lot*



Lot Size: 7,500 s.f.

Width: 75'

Depth: 100'

Setbacks:

Front Yard: 20' (with 3' encroachment for bay window)

Second Floor Stepback: 5' (from building front with sloping roof)

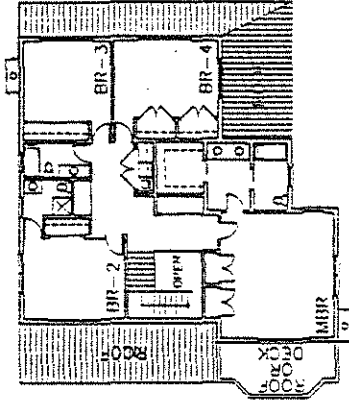
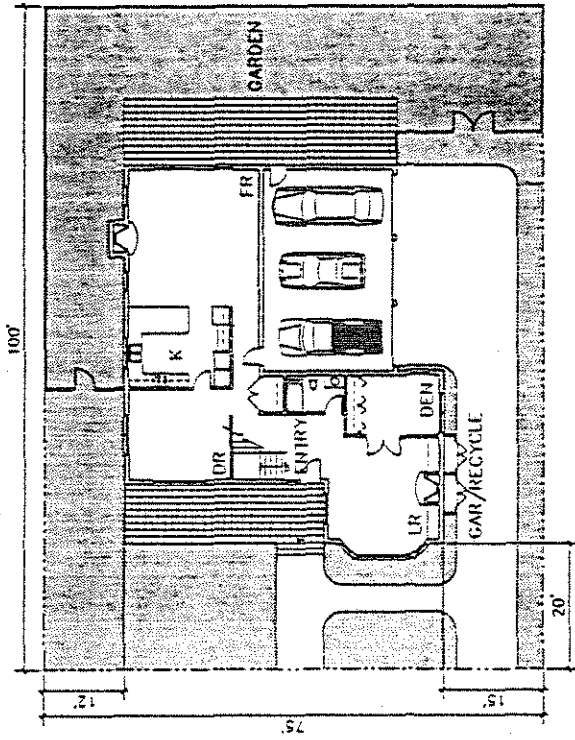
Sideyard: 10' sideyard on one side; 15' sideyard on the other side; maximum 3 car- side-enter garage.

Minimum: 15'

Back Yard: 20' deep usable space

FIGURE II-27

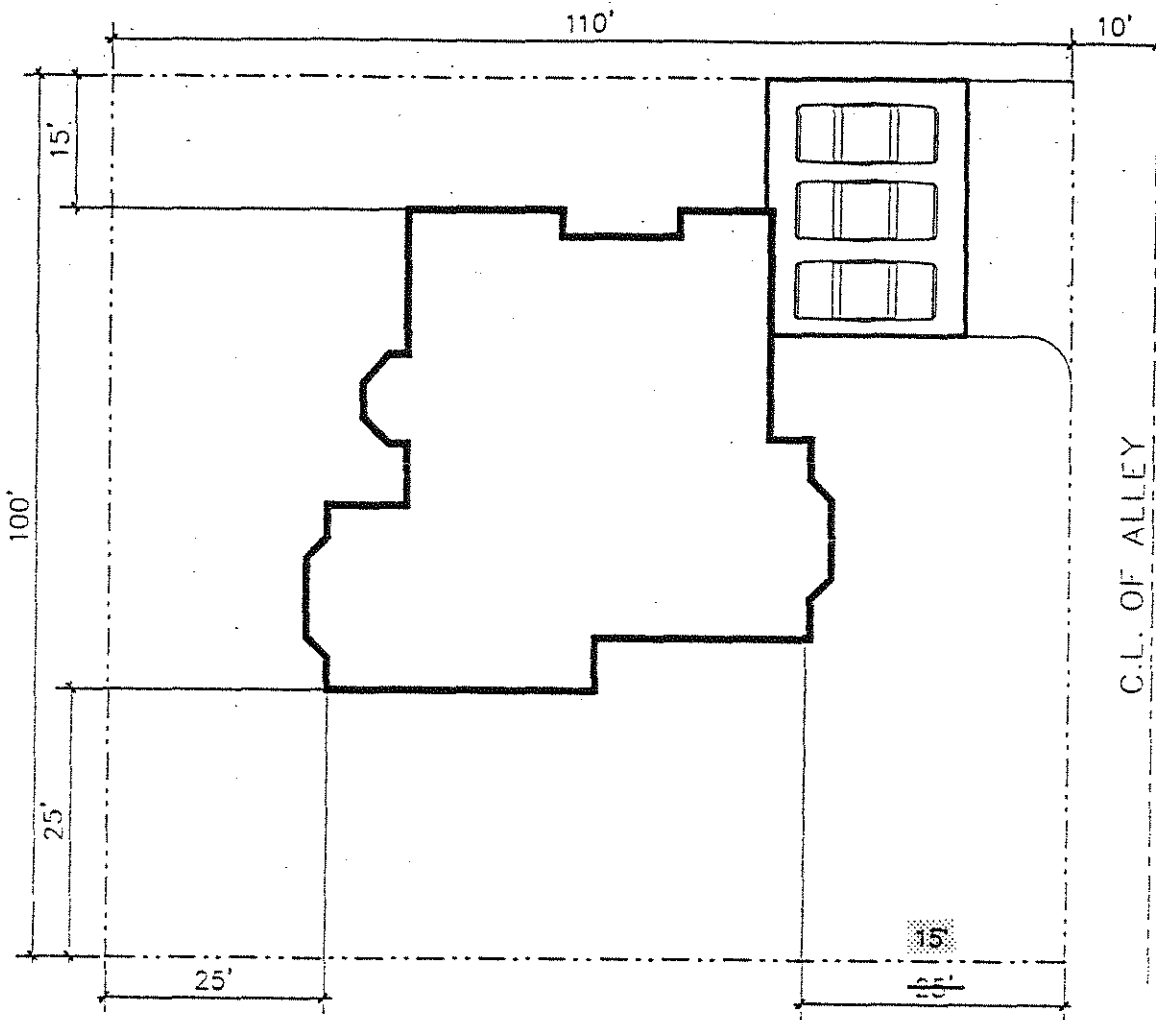
Residential Design Standards :Front Loaded Large Lot



Second Floor

Ground Floor : Floor plans illustrate house size, 3,400 square feet

FIGURE II-27
Residential Design Standards : Front Loaded Large Lot



Lot Size: 12,000 s.f.

Width: 100'

Depth: 120' (assuming 10" center line of Meter Lane Alley)

Setbacks:

Front Yard: 25' (with maximum 3' encroachment for bay window)

Second Floor Stepback: 3' for 60% of the building front with slopping roof

Sidyard: 15' sidyard on one side; 25' sidyard on the other side

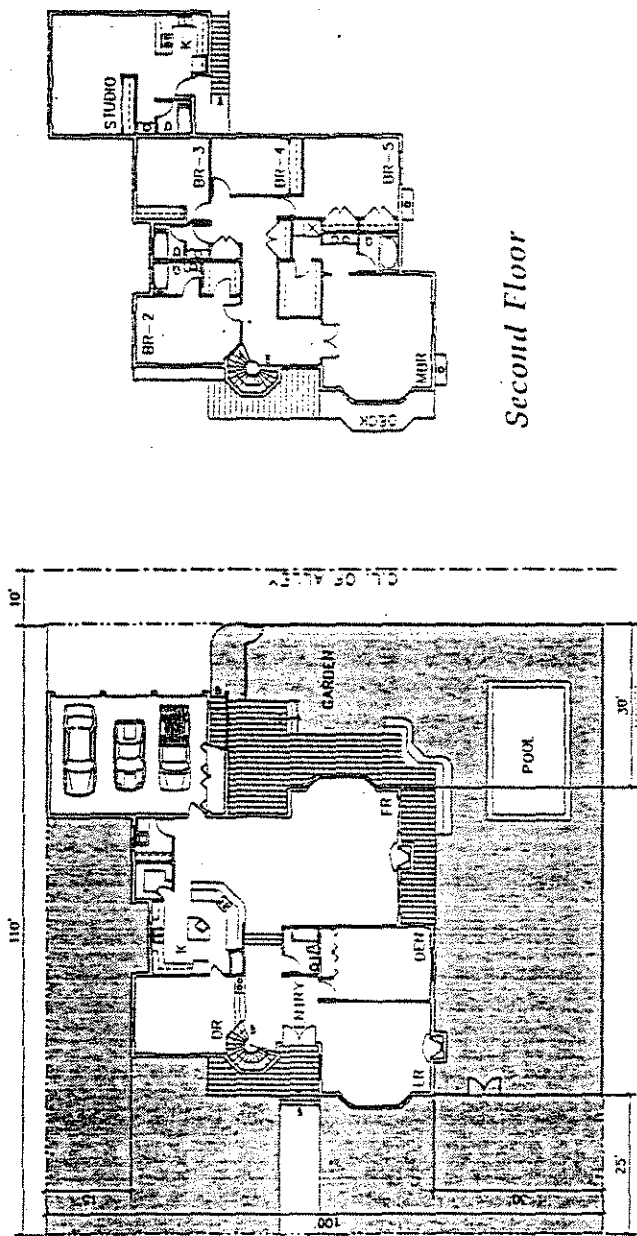
Minimum: 15'

Back Yard: 25' deep usable space

Rear Yard Setback: 0' with garage door setback 4' (Second unit encouraged over all three-car garages)

FIGURE II-28

Residential Design Standards :Rear Loaded Large Lot



Second Floor

Ground Floor : Floor plans illustrate house size, 4,600 square feet

FIGURE II-28
Residential Design Standards : Rear Loaded Large Lot

ALLEY POLICIES

1. Delete Policy II G, 13, a), 16, on page II-39, which reads as follows:

"Alleys should be encouraged to angle, weave, and incorporate a variety of alignments."

2. Add a Policy II G, 13, a), 16 to page II-39 which states:

"16. Alleys provided within Village One shall conform to the following standards:

a) Design

- Alleys should be constructed in public rights of way, as opposed to easements.
- Alley alignments should parallel that of the adjoining streets.
- Alleys should be constructed of Portland Cement concrete or asphalt.
- Standard drive approaches would be used as the design standard for either end of the alley.
- The requirement for a "well-lighted" alley should be accomplished through the building permit process, where each home builder would be required to include one wall-hung fixture, with photocells, on garages. The property owner would be responsible for maintenance/repair/replacement of these fixtures.
- Alley design (geometric and structural) needs to accommodate garbage collection trucks. Public Works and Transportation Department would be responsible for developing alley design standards.

b) Construction

- The cost of alley construction shall be the responsibility of the developer, and included in the subdivision development costs.
- Alleys should be constructed at the same time that other "off-site" public improvements are constructed.
- No half-alley installations should be allowed. Alleys on the edge of developments should be constructed to full width.

c) Maintenance

- Property owners should be responsible for maintaining their abutting half of the alley, equivalent to City-wide practice. Maintenance would occur on an as-needed basis, but the City would have the authority to require maintenance be performed. Maintenance and repair of the alley would be arranged for by the property owner under City encroachment permit procedures. Reconstruction of an alley would be accomplished through a Capital Improvement project arranged for by the City.
- Property owners would be responsible to pay for the maintenance, repair and/or replacement of their abutting half alley only on an as-needed basis. No assessment district would be formed for these purposes. This is a "pay as you go" concept, equivalent to Citywide practice for sidewalks and alley reconstruction.

3. Policy IV-B, 4, b), on page IV-10, shall be expanded as follows:

"b) Landscape and Lighting District and/or Other Assessment Districts

A landscape and lighting district and/or other similar district(s) will be formed to manage and fund pedestrian and trails installation and maintenance, park median landscaping installation and maintenance, landscape corridor installation and maintenance, the maintenance of mini-parks and any other facilities deemed appropriate.

Regardless of the actual maintenance district established to perform this maintenance, the City shall ensure that public facility maintenance service provided to Village One residents does not diminish service capabilities to other parts of the City. To achieve this objective, the landscaping and lighting district(s) and/or other assessment districts shall include adequate provisions, to the satisfaction of the City Attorney and Public Works and Transportation Director, for general liability insurance, administration and adherence to safe design standards."

CUL-DE-SAC DESIGN POLICIES

1. Revise the fifth paragraph of Section II-C,1 on page II-4, to revise the second sentence, as follows:

delete: "...travel; the virtual elimination of cul-de-sacs provides more pedestrian access to all residential areas."

add: "...travel. The limited use and careful review of cul-de-sacs shall protect pedestrian access to all residential areas."

2. Revise Policy II-C, 5, d on page II-8 to read:

d) Cul-de-Sacs Should be Allowed on a Case-By-Case Basis

The case-by-case review is to verify:

1. That pedestrian flow is not unduly inhibited from one residence to other residences; from residences to shopping, schools, churches, parks, and other public facilities.
2. Cul-de-sacs should be used sparingly so that they do not make vehicular traffic unduly circuitous throughout the subdivision.
3. Any cul-de-sac to cul-de-sac walkway connections to provide full pedestrian access shall minimize the amount of side yard fencing needed for adjacent private properties. Long fences encourage graffiti problems and late evening anti-social activities that can be a nuisance to the directly adjacent neighbors of a walkway.

While discontinuous streets in the form of cul-de-sacs reduce traffic speed and volumes through residential areas, there are other strategies that achieve the desired results without the use of cul-de-sacs:

- Street layouts that avoid residential streets that are an eighth-mile, quarter-mile or longer in length.
- Street layouts that use elbows, tees and offsets to avoid through traffic and traffic seeking shortcuts.
- Use of traffic circles at four-legged residential intersections and narrower street sections as provided in this Specific Plan.

GATED COMMUNITY POLICIES

1. Policy II, G, 13, a), 7 of page II-38 should be deleted and replaced with the following:

"7. On a case-by-case basis, gated subdivision may be permitted where the following criteria can be met:

- Pedestrian access to shopping, parks, schools, churches and other public facilities that has to pass by the gates community is not unduly inconvenienced.
- Full access by public safety vehicles (police, fire, paramedic is assured.
- The gated community does not prevent or inhibit the efficient subdivision or other parcels within its respective Precise Plan Area.
- All private facilities will be adequately maintained by a homeowners association."

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 94-373

A RESOLUTION ADOPTING SPECIFIC PLAN AMENDMENT
NO. 6 TO THE VILLAGE ONE SPECIFIC PLAN.

WHEREAS, Government Code Section 65450 et seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body, and

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan for the purpose of adoption of an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan for the purpose of improving technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to the Village One Specific Plan for the purpose of rewriting and reorganizing the Plan to be implementation oriented, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan for the purpose of making four revisions to the Specific Plan including: 1) widening of Floyd Avenue from three to five Lanes, 2) realignment of the Claus/Sylvan intersection, 3) deletion of the non-potable water supply for public landscaping, and 4) integration of Mitigation Monitoring into the Specific Plan, and
and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH #90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-372, adopted Specific Plan Amendment No. 5 to the Village One Specific Plan which included revisions to the Residential Design Policies for cul-de-sacs, gated communities, front and rear yard requirements, alleys, garage orientation, and plan processing, and

WHEREAS, the City's Parks and Recreation Department has proposed a reduction and transfer of neighborhood park acreage within Village One which the Parks and Recreation Department estimated would provide more efficient facilities use, reduce costs and still maintain a level of parks service which would protect the integrity of the Plan, and

WHEREAS, the City's Planning staff has indicated that a

redistribution of single-family residential units within Precise Plan areas of the Specific Plan is necessary to equitably maintain the maximum "cap" of 8,000 dwelling units for the project, and

WHEREAS, on May 25, 1994, the City's Environmental Assessment Committee reviewed the proposed Specific Plan Amendment No. 6 and made the determination that it was within the Scope of the Final Supplemental Program EIR, and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 6, 1994, in the City Council Chambers, 801 11th Street, Modesto, California, to receive evidence both oral and documentary regarding the proposed Specific Plan Amendment No. 6, and

WHEREAS, after considering public comments, the Planning Commission, by its Resolution No. 94-34, recommended that the City Council adopt Specific Plan Amendment No. 6 to the Village One Specific Plan as described in Exhibits "A" through "F" attached to said Planning Commission Resolution, and

WHEREAS, the City Council held a duly noticed public hearing to consider Village One Specific Plan Amendment No. 6 as recommended by the Planning Commission, which consists of two sub-items: Revision of School and Park sites within the Specific Plan and Redistribution of Residential Units among the Village One Precise Plan areas,

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

SECTION 1. That the proposed amendments to the Village One Specific Plan have been determined to be within the scope of the Final Supplemental Program EIR.

SECTION 2. That the City Council has reviewed and considered the proposed Specific Plan Amendment No. 6 as recommended by the Planning Commission, which consists of two sub-items: Revision of School and Park sites within the Specific Plan and Redistribution of Residential Units among the Village One Precise Plan areas. A copy of Specific Plan Amendment No. 6, is attached hereto as Exhibits "A" through "F" and incorporated herein by reference.

SECTION 3. That the amendments to the Village One Specific Plan are consistent with the Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts Specific Plan Amendment No. 6 to the Village One Specific Plan which consists of two sub-items: Revision of School and Park sites within the Specific Plan and Redistribution of Residential Units among the Village One Precise Plan areas. A copy of the Specific Plan Amendment No. 6 as set forth in detail is attached hereto as Exhibits "A" through "F" and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Mike Milich*
MICHAEL D. MILICH, City Attorney

EXHIBIT A

REVISIONS TO PRECISE PLAN AREA # 29

PRECISE PLAN AREA #29
(Figure III-30)

1. Acreage: 45.3 Acres (of which 0.0 acres is devoted to noise setback area)

2. Land Use Intensity

School/Park Site

A.	Village Residential	8.0 Acres
B.	Middle School	20.3 Acres
C.	Elementary School	10.09.0 Acres
D.	Neighborhood Park	15.08.0 Acres

3. Special Considerations

The Precise Plan shall incorporate the following policies:

a. Within Sub-area "A" only Village Residential shall be allowed.

1. The maximum dwelling units shall be calculated as follows:

$$8.0 \text{ acres} \times 6.5 \text{ dwelling units/acre} = 52 \text{ dwelling units}$$

2. The minimum dwelling units shall be calculated as follows:

$$52 \times 90\% = 47 \text{ dwelling units}$$

b. Within Sub-area "B" only a middle school site shall be allowed.

c. Within Sub-area "C" only an elementary school site shall be allowed.

d. Within Sub-area "D" only a neighborhood park site shall be allowed.

ae. A Master Plan for the school sites and/or the neighborhood park shall suffice for a Precise Plan. Plans for development of the Village Residential may be submitted separately, but shall address all applicable Precise Plan policies.

bf. The school/park design shall incorporate facilities/structures that will function as a visual focal point at the terminus of radial Road "K".

eg. The Sylvan School District and City should work together to provide a pedestrian trail that is a continuation of radial Road "K" in order to provide more direct access to the Village Center from Precise Plan Area #'s 30, 33 and 34.

4. Principal Underlying Zone(s)

a. R-1, Low-Density Residential

Figure III-30
PRECISE PLAN AREA #29

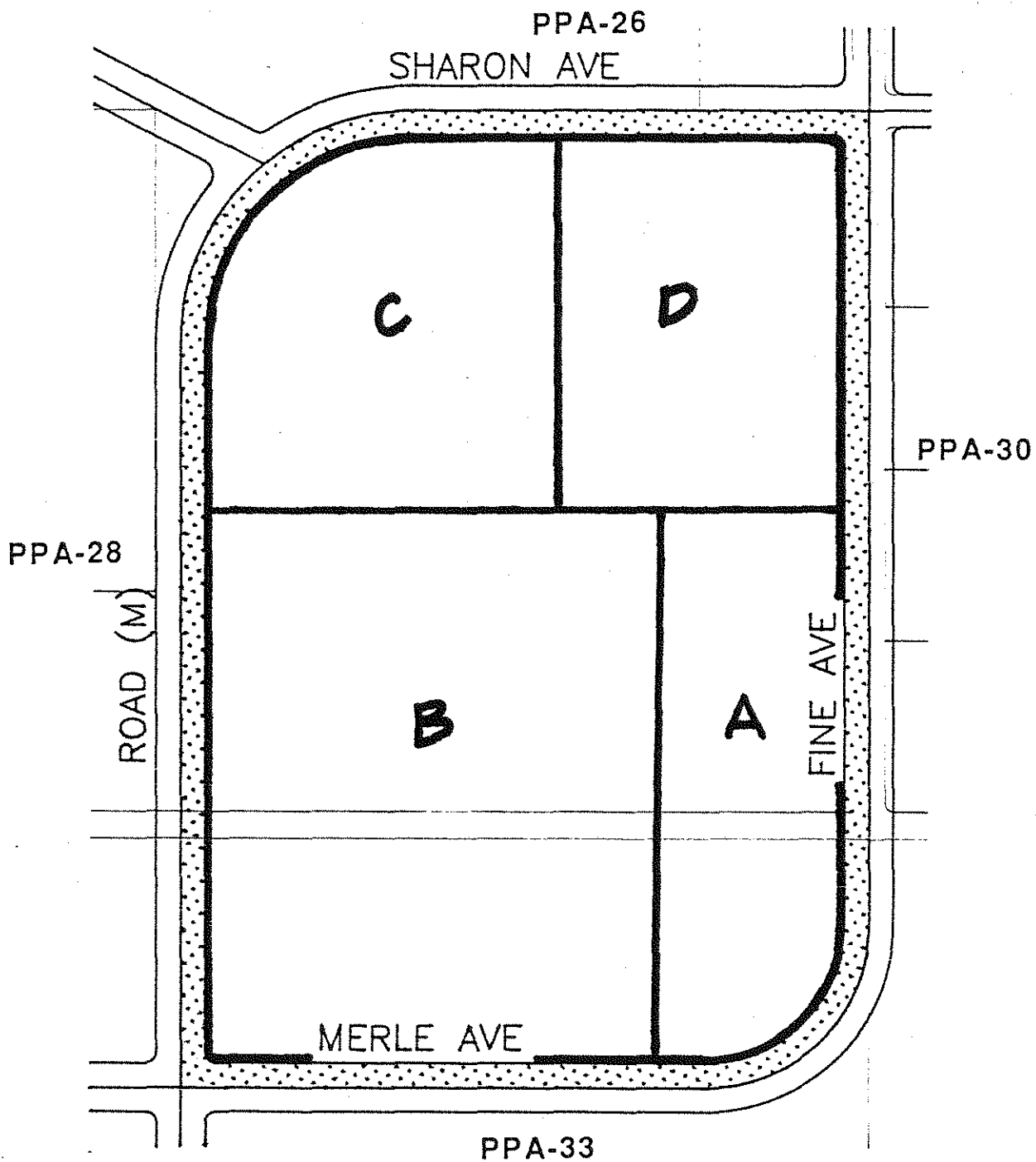


EXHIBIT B

REVISIONS TO PRECISE PLAN AREA # 11

PRECISE PLAN AREA #11
(Figure III-12)

1. Acreeage: 35.0 Acres (of which 0.0 acres is devoted to noise setback area)

2. Land Use Intensity

School/Park Site

A.	Village Residential	18.0 Acres
B.	Elementary Schools-	2010.0 Acres
C.	Neighborhood Park	15-07.0 Acres

3. Special Considerations

The Precise Plan shall incorporate the following policies:

- a. Within Sub-area "A", only single-family residential uses shall be allowed:
 1. The maximum dwelling units shall be calculated as follows:
 $18.0 \text{ acres} \times 6.5 \text{ dwelling units/acre} = 117 \text{ dwelling units}$
 2. The minimum number of dwelling units shall be calculated as follows:
 $117 \times 90\% = 105 \text{ dwelling units}$
- b. Within Sub-area "B", only an elementary school shall be allowed.
- c. Within Sub-area "C", only a neighborhood park shall be allowed.
- ad. A Master Plan for the Elementary School and/or the Neighborhood Park shall suffice as the Precise Plan. Plans for development of the Village Residential, Sub-area "A", may be submitted separately but shall address all applicable Precise Plan policies.
- be. The Master Plan should provide pedestrian access to the school/park site from the surrounding residential areas.
- ef. School/park design shall incorporate facilities/structures that may function as a visual focal point at the terminus of the radial road.
- eg. Where possible, the Master Plan should maximize the open space access for the multi-family site to the north in Precise Plan Area #8.
- eh. The School District and City should work together to provide a pedestrian trail through the site that is a continuation of radial Road "J" in order to provide more direct access to the Village Center from Precise Plan Areas 8, 9, and 10.

4. Principal Underlying Zone(s)

- a. R-1, Low-Density Residential

Figure III-12
PRECISE PLAN AREA #11

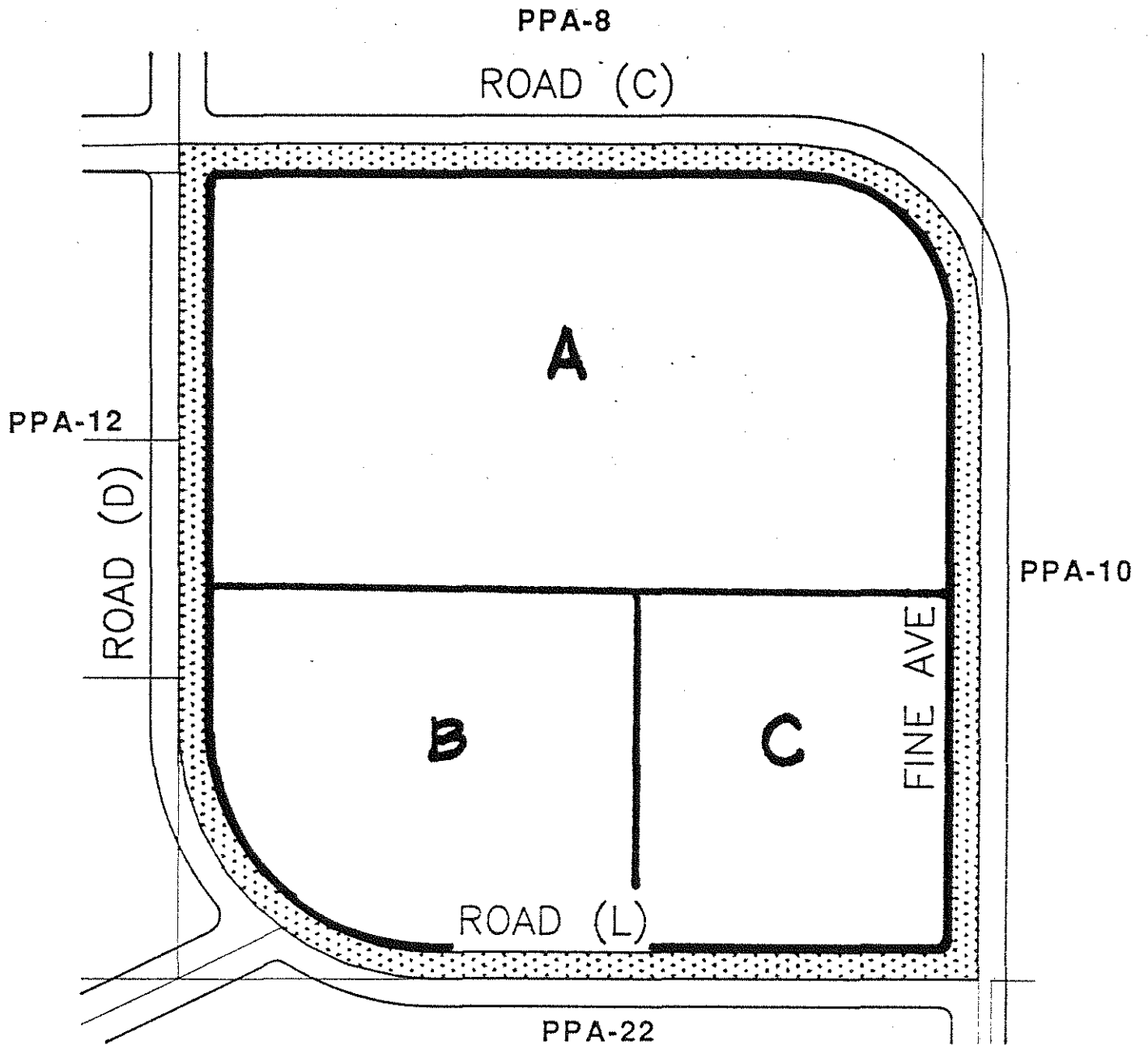


EXHIBIT C

REVISIONS TO PRECISE PLAN AREA # 15

PRECISE PLAN AREA #15
(Figure III-16)

1. Acreeage: 43.0 Acres (of which 0.0 acres is devoted to noise setback area)

2. Land Use Intensity

A.	Village Residential	10.0 Acres
	<u>School/Park Site</u>	
B.	Ustach Middle School	17.014.9 Acres
C.	Elementary School	11.010.0 Acres
D.	Neighborhood Park	15.07.0 Acres

3. Special Considerations

The Precise Plan shall incorporate the following policies:

- a. Within Sub-area "A" only Village Residential shall be allowed.
 - 1. The maximum dwelling units shall be calculated as follows:
 $10.0 \text{ acres} \times 6.5 \text{ dwelling units/acre} = 65 \text{ dwelling units}$
 - 2. The minimum dwelling units shall be calculated as follows:
 $65 \times 90\% = 59 \text{ dwelling units}$
- b. Within Sub-area "B" only a middle school shall be allowed.
- c. Within Sub-area "C" only an elementary school shall be allowed.
- d. Within Sub-area "D" only a neighborhood park shall be allowed.
- ae. A Master Plan for the schools and/or neighborhood park shall suffice for a Precise Plan.
- bf. The Master Plan shall provide pedestrian access to the surrounding Precise Plan Areas.
- eg. The Master Plan shall illustrate the relationship of the school/park facilities to the storm drainage basin at the northwest corner of Precise Plan Area #14.
- eh. The Master Plan shall illustrate how pedestrian access will be provided to open space areas from the multi-family site in Precise Plan Area #18 consistent with Section II(G)(12)(h) in Chapter II.
- ei. The school/park design shall incorporate facilities/structures that may function as a visual focal point at the terminus of the radial road.

- fj. The Sylvan School District and City should work together to provide a pedestrian trail that is a continuation of radial Road "A" through the site in order to provide more direct access to the Village Center from Precise Plan Areas 2, 3, and 16.
- gk. Road F and Lincoln Oak Drive shall tee into Kodiak Drive, and Road C (See map III-1). There should be a visual focal point at the terminus of these intersections.

4. Principal Underlying Zone(s)

- a. ~~R-1, Low Density Residential~~ Sub-area "A", R-1, single-family residential.
- b. Sub-area "B", R-1, single-family residential.
- c. Sub-area "C", R-1, single-family residential.
- d. Sub-area "D", R-1, single-family residential.

Figure III-16
PRECISE PLAN AREA #15

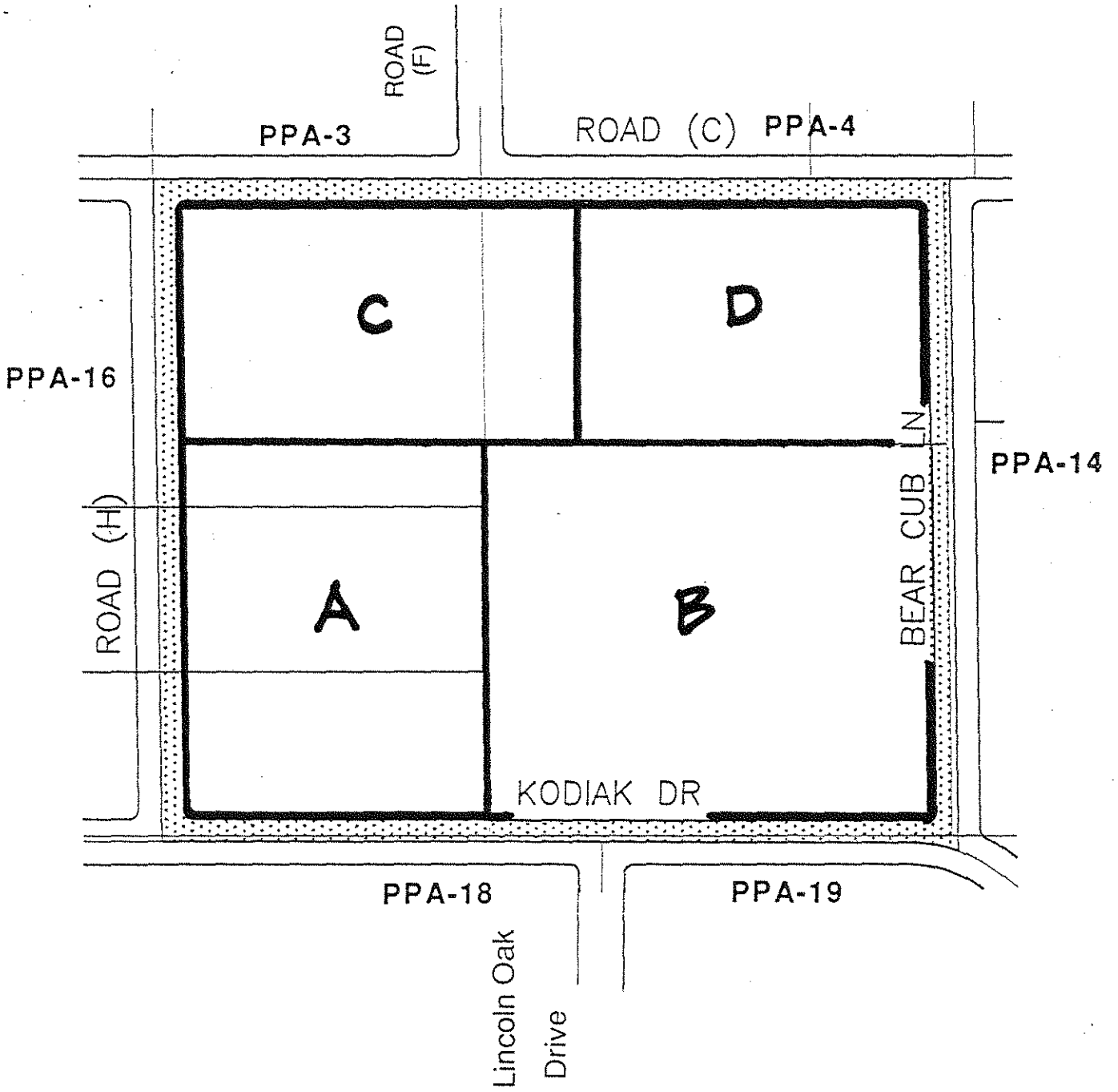


EXHIBIT D

REVISIONS TO PRECISE PLAN AREA # 1

PRECISE PLAN AREA #1
(Figure III-2)

1. Acreeage: 82.5 ~~108.5~~ Acres (of which 0.0 acres are devoted to noise setback area)

2. Land Use Intensity

A. Very Low-Density Residential 7.5 Acres (of which 0.0 acres are devoted to noise setback area)

B. ~~High School/Community Park Site~~
High School:

50.062 Acres

~~C.~~ Community Park:

25.039 Acres

3. Special Considerations

The Precise Plan shall incorporate the following policies:

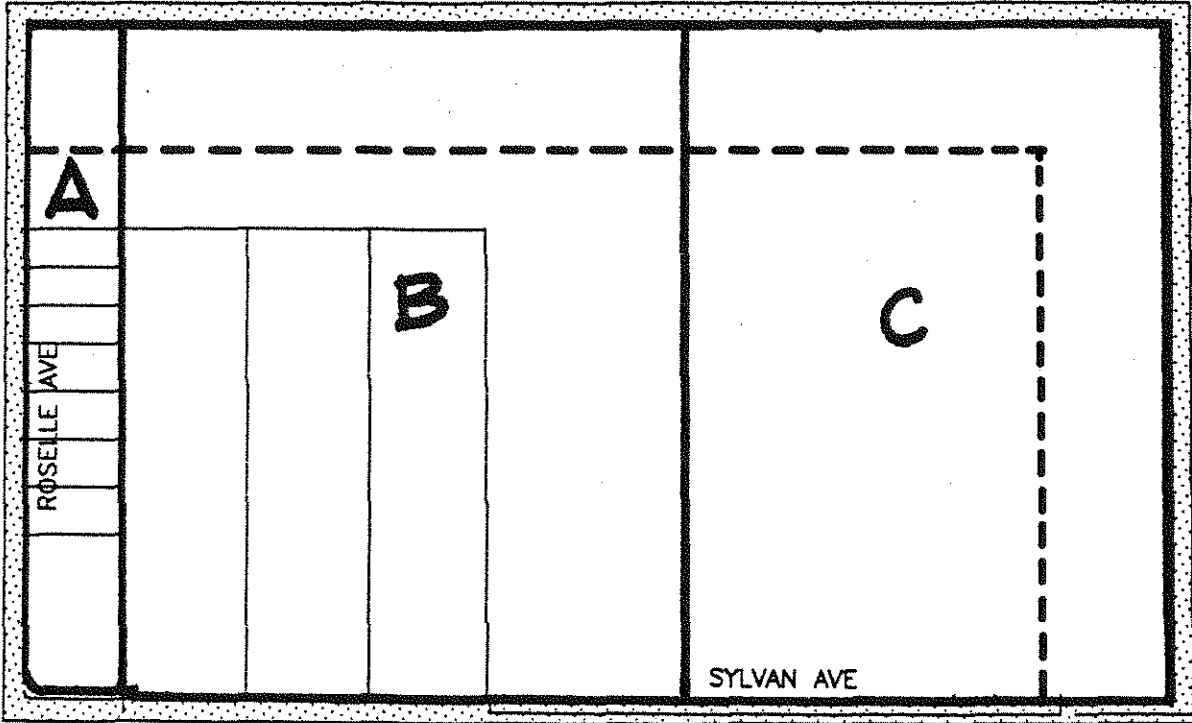
- a. Within Sub-area "A", development regulations shall be established to accommodate up to 15 residential lots with 1/2-acre minimum lot size. This area may also be used for the future expansion of the adjacent high school.
- b. Within Sub-area "B", a high school site and buffer area shall be allowed.
- c. Within Sub-area "C" a community park site and buffer area shall be allowed.
- b. Within Sub-areas "B" and "C", a Master Plan for the High School and/or Community Park shall suffice for a Precise Plan. Precise boundaries shall be determined upon adoption of each respective Master Plan.
- c. A 350-foot wide "buffer area" shall be temporarily provided north of the high school and north and east of the community park. The purpose of the buffer area is to minimize conflicts between the future high school/community park uses and the existing agricultural lands which are designated for future urban development. No permanent structures shall be installed in this buffer area, although a parking lot may be allowed. The buffer area may be acquired through easement agreements with property owners or through purchase of the area as fee-simple lots. This buffer area requirement shall no longer be required when urban development plans are approved adjacent to the buffer area, north of Village One.
- d. The High School Master Plan shall incorporate features to minimize potential conflicts between residential lots located along Roselle Avenue and the south side of Sylvan Avenue. These features may include but are not limited to setbacks, service roads, or other means to separate school activity areas and residential structures.

- e. The High School Master Plan shall indicate conformance with Section II, E, (2) regarding school standards and Section II, F, (2) regarding Park standards.

4. Principal Underlying Zone(s)

- a. Sub-area "A" - R-1, Low-Density Residential, (school facilities permitted per Policy II, C, 4) 1/2-acre minimum lot size.
- b. Sub-area "B" - R-1, Low-Density Residential.
- c. Sub-area "C" - R-1, Low-Density Residential.

Figure III-2
PRECISE PLAN AREA #1



PPA-6

PPA-7

EXHIBIT E

REVISIONS TO SPECIFIC PLAN TEXT AND MAPS

A more efficient utilization of land is made through the use of shared campuses and facilities, which can, in turn also encourage a stronger and more positive relationship to the surrounding neighborhoods.

In Village One, the Plan calls for the development of ~~four~~three elementary schools, two middle schools, one high school, one community park, three neighborhood parks, a Public Safety Center (with fire and police facilities), a library, and a Village Meeting Hall. In addition, a number of existing churches would remain in their present locations.

Schools and parks clearly consume the largest share of land for community facilities within Village One. Of the 1,850 acres of land in the Village, approximately 127 acres would be devoted to schools, and approximately ~~10899~~ acres would be set aside and developed as parks, including pocket parks which will be privately developed and maintained.

Separate fire and police stations would be located within the Village Center, on adjacent half-acre sites. These facilities, thus forming a Public Safety Center, would satisfy the need for future fire and police service in the area, and would provide a police and fire protection presence that would enhance a sense of security within the Village. Figure II-13 reflects the present and planned Public Facilities within Village One.

2. Public Facilities - Police

A new police facility will be constructed within the one-acre Public Safety Center in the Village Center area, adjacent to the new fire station. This facility will not only assist the police in patrolling the Village, but will provide a visible police presence that will provide a stronger sense of security to village residents. Appropriate staffing shall be provided to serve the Village One Specific Plan population.

3. Public Facilities - Fire Protection

A centrally-located fire station should be incorporated into the public facilities planned within Village One. According to the Fire Department, a one-half acre site located near the Village Center would best serve future development areas. This site would be part of a Public Safety Center and would provide a Fire Department presence in a clearly visible location within the heart of the community. Appropriate staffing shall be provided to serve the Village One Specific Plan population.

4. Public Facilities - Other Civic Uses

The Village Meeting Hall, library, and other such facilities will be located by the two-acre park in the Village Center to enhance the cultural and civic spirit of the Village. These would enrich the activities within the Village Center and provide a community focus for the Village as a whole. The Village Meeting Hall is

c) Facilities Master Plan

Chapter IV presents the requirements for a Facilities Master Plan to implement the above design principles.

E. Schools

1. Overview

This section responds to the "Other Essential Facilities" requirements of Section 65451(a)(2) of the Government Code. Table II-2 presents supporting data for the need for school facilities, as explained below.

The need for schools is a function of the expected school-age population. Typically, the lower density housing types produce the greater number of school-age children. It is assumed student generation in Village One will create the need for ~~four~~three new elementary schools, one middle school, and less than one high school. These will be accommodated on-site and an additional middle school, Betty Ustach Middle School, has been built within Village One to serve existing developed areas. In addition, the Sylvan School District is pursuing the acquisition of an elementary school site in the southeastern residential neighborhood.

After exploring alternative sites with the City and the Sylvan and Modesto School Districts, four sites were selected as campuses to serve Village One. These school sites are central to the design and organization of the entire community. They contribute to the location of multi-family sites and are geographically central to best serve the residential population. The careful siting of these facilities requires that they be implemented as shown in the Specific Plan.

2. Location and Design Policies

- (a) The Village One Specific Plan provides for the development of new schools, that are geographically-centered within an appropriate walking radius of new homes.

As in most growing communities in California today, Modesto is faced with the need to provide many new schools to serve its projected population. However, the development of schools has not kept pace with growth in the community. In a family-oriented place, such as Modesto, schools are important not only in providing for the educational needs of the school-age population, but also in providing a focus of social and community activities. To reinforce the important role that schools play in the community and to make them easily accessible from surrounding homes, they should be centrally located within each of the three residential neighborhoods.

- (b) The Village One Specific Plan provides sites for ~~four~~three new elementary (K-5) schools, two new middle schools, and one new high school.

Based upon Village One's projected school-age population, ~~four~~three elementary schools will be needed. In addition, two middle schools will be provided one, of which is planned to serve the local needs of the Village, and the other to serve existing needs in other parts of the City. Development of Village One is not expected to generate enough students to require an entirely new high school, although one is planned to the north of Sylvan Avenue and to the east of existing ranchettes. This campus is intended to accommodate Village One and future students residing in the future village to the north.

- (c) The City shall encourage the Modesto and Sylvan School Districts to develop joint campuses on specific sites and utilize the schools as organizing elements within the community.

The elementary and middle schools are all planned as joint campuses with year-round attendance, sharing sites for a more efficient utilization of facilities and limited land. Three such campuses are planned, and are provided in locations that are centrally located within each of the three residential neighborhoods (see Figures II-1 and II-13). Two will combine elementary/middle school facilities, and the last (located in the northeastern district of the site) will ~~combine two~~include one elementary schools in one location. These schools are linked to one another by a looping road, and through axial streets directly to the Village Center. In addition, the high school is located at the juncture of two villages, (Village One, and a new village to the north), to create a strong connection between the two communities and to better serve both within a campus capable of accommodating 3,500 students.

- (d) The Village One Specific Plan shall establish buffers from existing agricultural areas surrounding the proposed high school site to the north of Sylvan Avenue.

The proposed high school and community park to the north of Sylvan Avenue will be surrounded by a rural/agricultural area. The proximity of these uses to agricultural land could result in potential vandalism of farm crops, as well as the spraying of agricultural chemicals and generation of dust by farm equipment working the land. It is therefore recommended that prior to the development of the proposed high school/community park, the City of Modesto and/or the Modesto School District shall acquire a buffer area on the site, or off-site, with a width of at least 350 feet. In addition, Section 11501.1, Division 6 of the State Food and Agricultural Code prohibits agricultural pesticide spraying and other chemical use within 350 feet of any school or park

uses, in order to protect the health of the high school students and park users.

F. Parks

1. Overview

This section responds to the "Essential Facilities" requirement of Section 65451(a)(2) of the Government Code.

The need for specific park facilities is determined on the basis of population standards, and the City has adopted a standard of three acres per 1,000 population, which is consistent with the National Recreation and Park Association (NRPA) standards for community and neighborhood parks; it is also consistent with the minimum required under the State standards contained in the Government Code (Quimby Act). With roughly 20,000 new residents in Village One, 60 acres of new community and neighborhood parks would be required. (See Table II-3)

Consistent with adopted City policy, the neighborhood and community parks are shown adjacent to proposed school facilities in order to take better advantage of joint-use possibilities. Soccer and softball fields are shared to provide schools with expanded grounds during school hours, and to provide the community with augmented park space when school is not in session. However, while these provide the facilities for certain active sports, they do not address the wide range of recreational activities within a community, such as linear sports (jogging, walking and bike riding), passive sports (sitting, people watching), and socializing, and specialized activities specific to a particular age or interest group (~~shuffleboard, swimming, or tennis~~). These different types of parks and open spaces not only help to differentiate the constituent neighborhoods within the Village, but they also help to provide additional open space needed to serve a higher density residential community. Further, as schools increasingly expand their school year, the need for additional parks also increases. The ratio of ~~six~~ about five acres per 1,000 population set forth in this Plan for Village One is consistent with the NRPA standards for the full range of park needs.

2. Location and Design Policies

- (a) The City of Modesto will develop a wide range of parks to serve the specific recreational needs of the new community.

It is anticipated that there will be the need for a number of new parks in Village One, particularly as a result of the higher residential densities. Smaller lot sizes and limited private open space further increases the need for public parks. As a result, approximately 10899 acres of land, which is nearly twice what would be required by conforming to the minimum City standards, have been reserved in Village One. These include not only neighborhood and community

parks adjoining school sites, but also other open spaces, such as trails and pocket parks.

- (b) The Village One Specific Plan provides for neighborhood and community parks adjacent to planned schools. Figures II-19 and II-20 illustrate compliance with this policy.

The Plan provides for approximately ~~seventysixty-one~~ acres of public park land that would be designed to meet the active recreational needs of residents (e.g., soccer and ball fields) and which would be shared in a joint-use arrangement with school students.

- (c) The Village One Specific Plan provides for linear recreational facilities.

Linear parks and trails would be provided to create opportunities for recreational activities such as jogging, walking and bicycling. In particular, a trail would be located down the eastern boundary of the site along the west side of the Claus Expressway, to link areas within Village One to a citywide trail system to the north and south. As shown in Figure II-3, it would be developed to accommodate both pedestrian and bicycle trails.

- (d) The Village One Specific Plan provides for pocket parks (or mini-parks) centrally located within residential Precise Plan Areas. Figure II-22 illustrates design solutions within pocket parks.

The higher density of Village One and the year-round school enrollment at each of the campuses results in a greater need for parks than reflected in the City's standard criteria. The pocket park would help satisfy the greater need for open space within Village One. A one-half-acre pocket park would be required for every 150 single-family residences, and it would be well located to optimally serve residents within each Precise Plan Area. These parks would be designed to serve the special recreational interests of the community and reflect the population characteristics of each Precise Plan Area. These parks will provide a valuable amenity that will add to the identity of the Precise Plan Area.

Table II-1

VILLAGE ONE
RESIDENTIAL DEVELOPMENT PROGRAM

Housing Type	Units	Percentage	Acres
Single-Family (Ranchettes)	87	1%	44
Single-Family	5,540 5,533	69%	873
Multi-Family		30%	80
Senior Housing	600		
Multi-Family	1,730		
Mixed-Use	50		
TOTAL	8,000		995

NOTE: The number of total units will range from a maximum of 8,000 dwelling units to a minimum of 7,200 dwelling units. The acreage is gross acreage. The single-family acreage includes 26 acres devoted to noise setback areas, that will not contain residential dwellings.

TABLE II-2

VILLAGE ONE
SCHOOL DEVELOPMENT PROGRAM

Units	SCHOOL								
	Elementary (K-5) Average ¹ Students	Middle School(6-8) Average ¹ Students	High School(9-12) Average ² Students	Resident Average ³ Population					
Single-Family	5,620	0.347	1,950	0.173	972	0.20	1,124	2.79	15,680
Multi-Family	1,780	0.12	214	.04	71	0.10	178	1.74	3,097
Senior Housing	600							1.74	1,044
TOTAL	8,000		2,164		1,043		1,302		19,821

Schools	Average Student Capacity Per School	Planned
K-5	1/800 students= 2.7	43
6-8	1/1,200 students= .87	1
9-12	1/2,000 students= .55	1

¹Source: Sylvan Union School District, Calculation is based on current school generation rates shifting one-seventh of the K-6 students to middle school (6-8).

²Source: Modesto City School District.

³Source: City Planning and community Development Department, City of Modesto.

Table II-3

VILLAGE ONE
PARK DEVELOPMENT PROGRAM

<u>Parks Required</u>		<u>Parks Proposed</u>	
Neighborhood Parks	40 acres (2 ac./1,000 people)	Neighborhood Parks	4522 acres*
Community Park	20 acres (1 ac./1,000 people)	Community Park	2539 acres
		Neighborhood Mini-parks	20 acres
		Linear Recreational	18 acres
		Gateway Park,	
		Village Green and	
		Linear Recreational	
TOTAL	60 acres		10099 acres

*Figure does not include credit for school ground facilities because year-round school limits joint use.

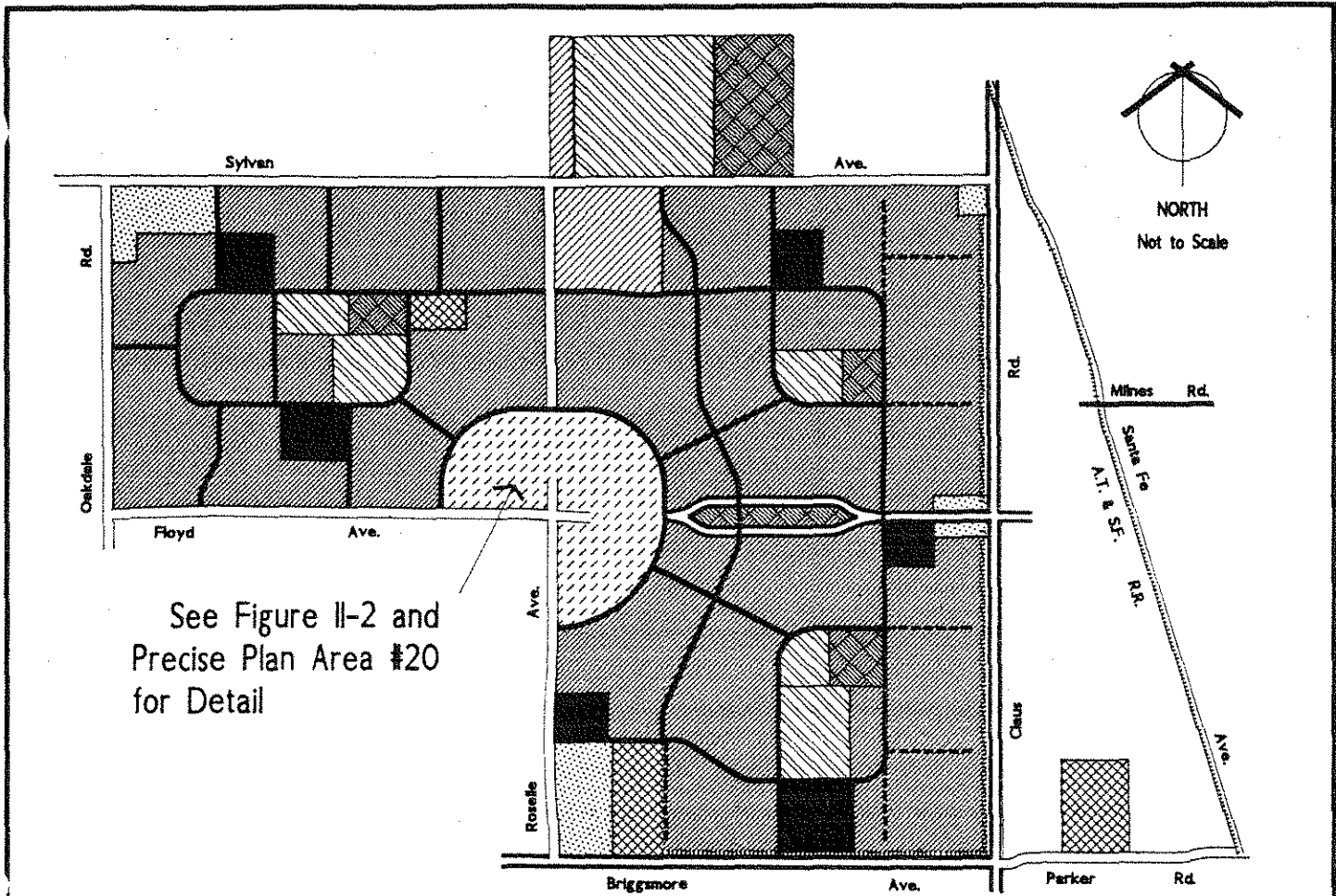
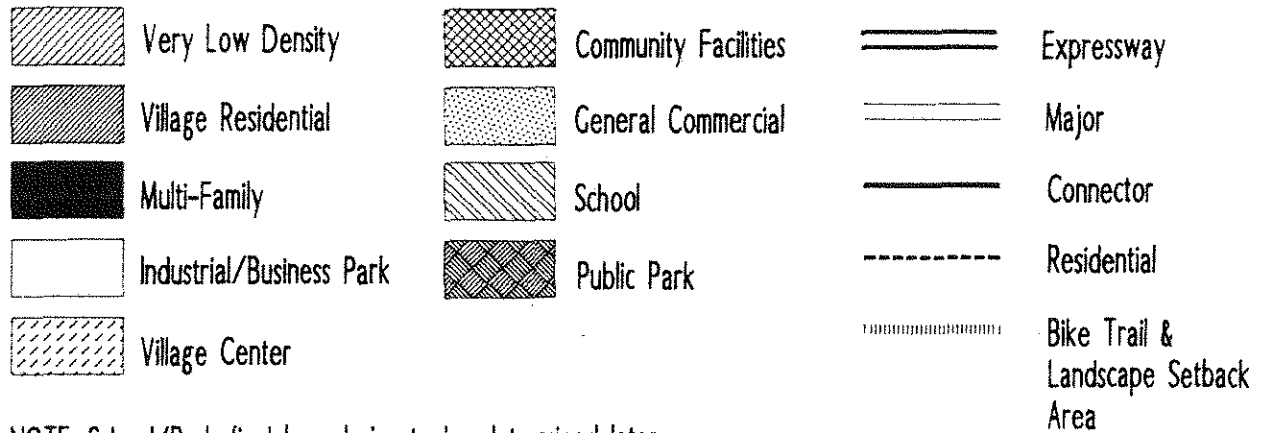
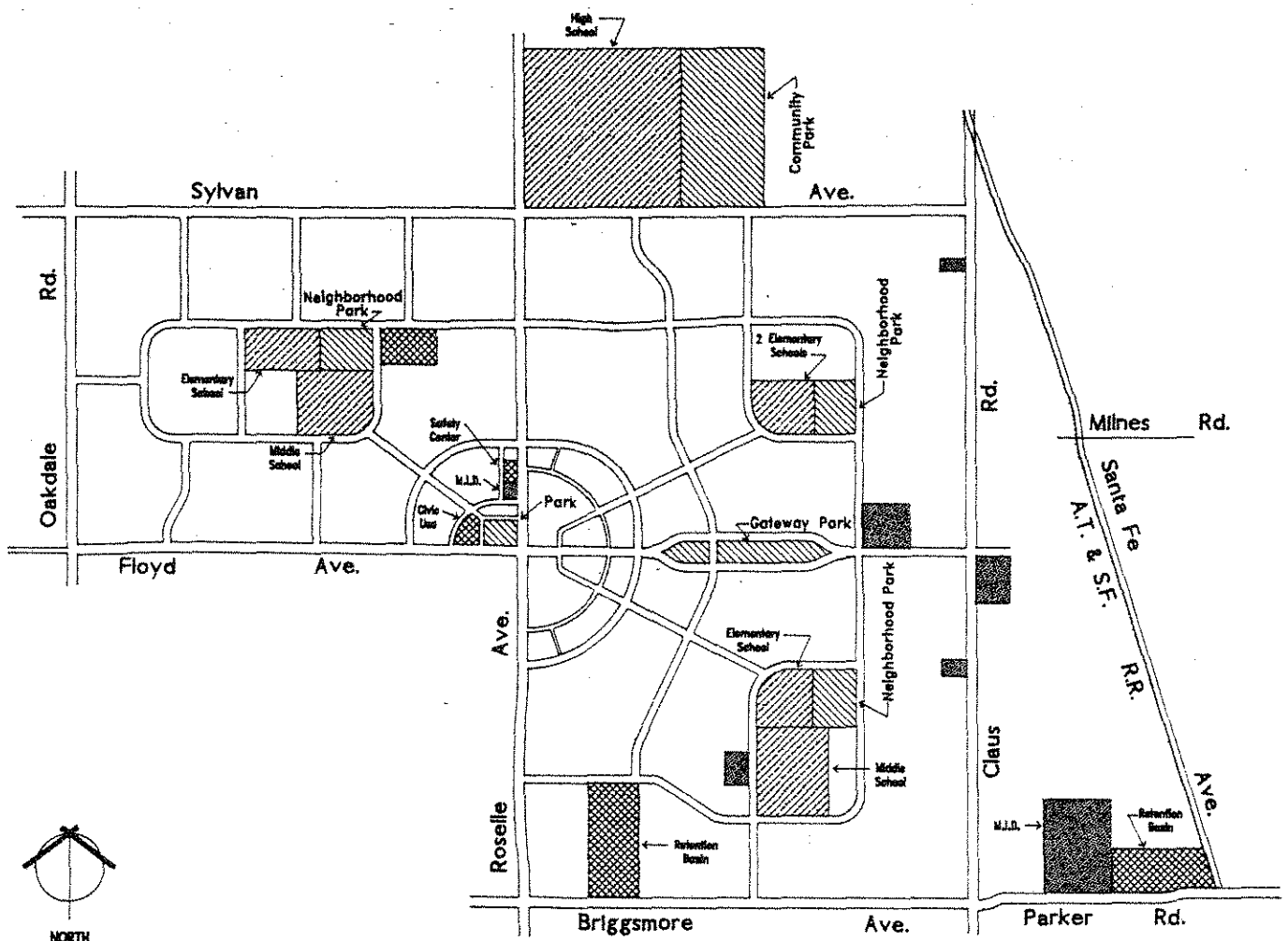



FIGURE II-1

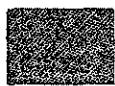
LAND USE AND CIRCULATION DIAGRAM




NOTE: School/Park final boundaries to be determined later.



	SCHOOLS:
	3 Elementary Schools (30 acres total)
	2 Middle Schools (35 acres total)
	1 High Schools (62 acres)
<hr/>	
	TOTAL 127 acres

	EXISTING FACILITIES:
	5 Existing Churches (21 acres total)
	2 M.I.D. Substations (23 acres total)
<hr/>	
	TOTAL 44 acres

	PARKS:
	3 Neighborhood Parks (22 acres total)
	1 Community Park (39 acres)
	Linear Recreational (6 acres)
	Neighborhood Mini-Park(s) (20 acres total, not shown on this map)
	Gateway Park (10 acres)
	Village Green (2 acres)
<hr/>	
	TOTAL 99 acres


	OTHER COMMUNITY FACILITIES:
	Civic Uses (Village Meeting Hall, Branch Library; 2 acres total)
	3 Retention Basins (33 acres total)
<hr/>	
	TOTAL 36 acres

FIGURE II-13
Public Facilities

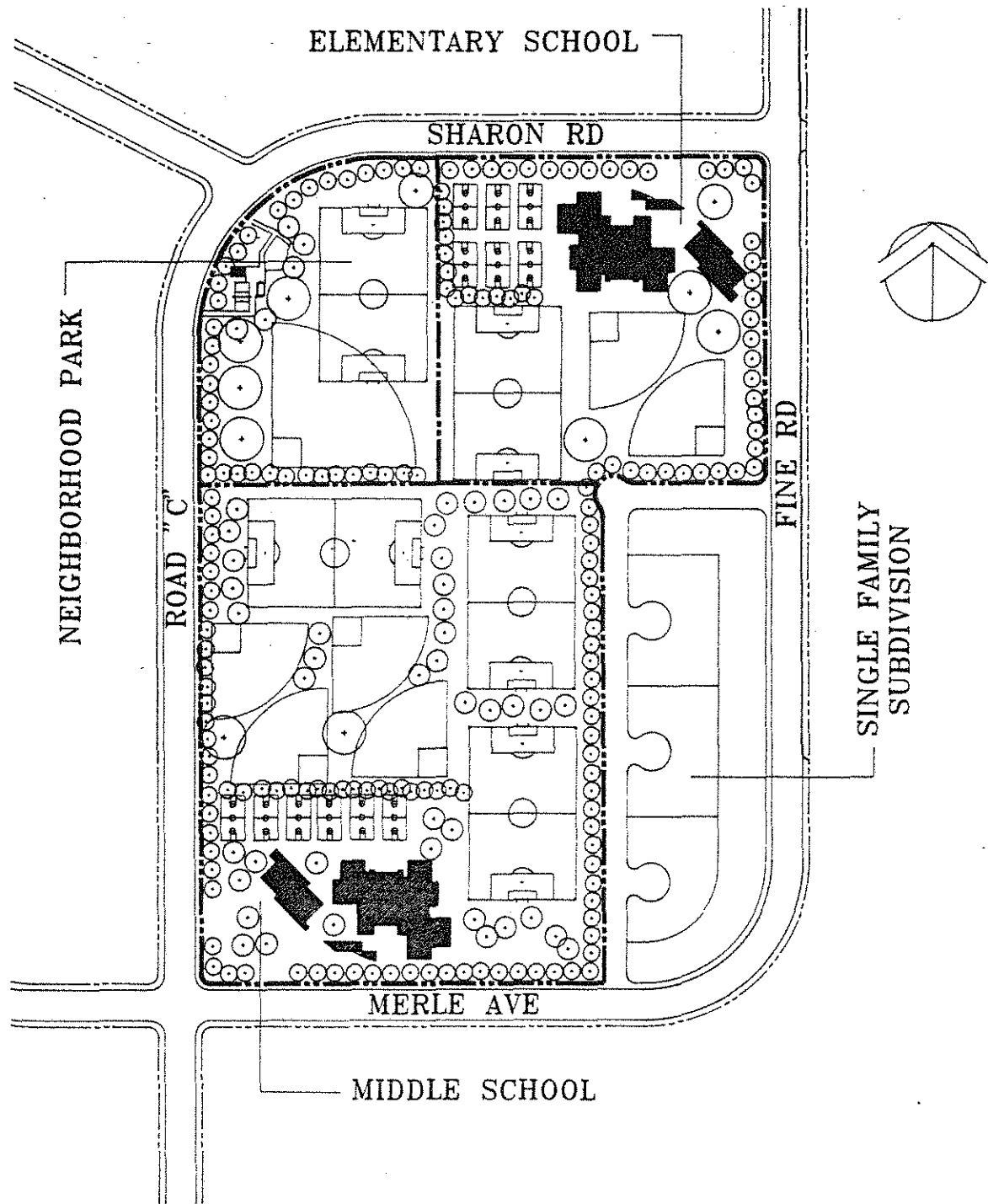


FIGURE II-19

Illustrative School and Neighborhood Park Plan

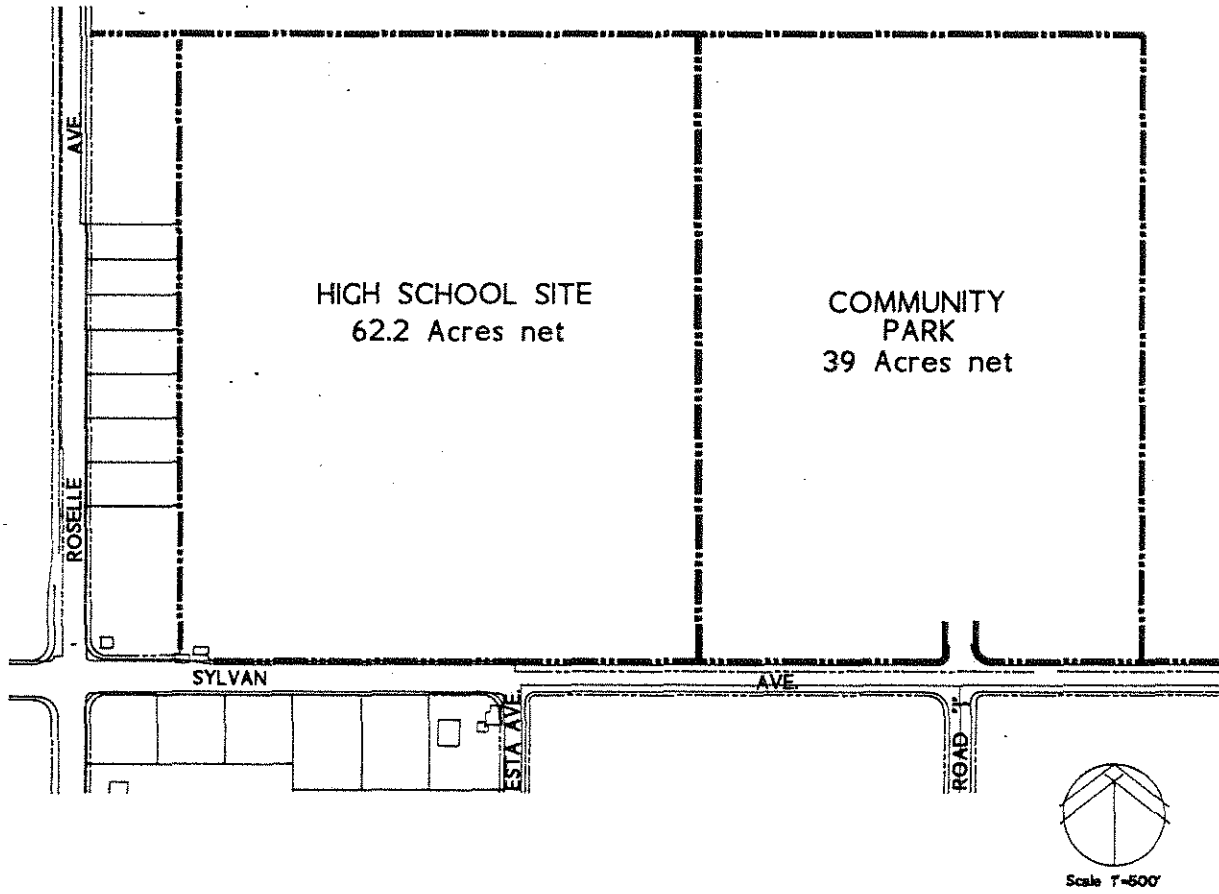


FIGURE II-20
 Community Park / High School Site

Facilities Planners to provide safe and continuous linkage from the residential areas to the school facility.

-or-

As an alternative to construction of pedestrian linkage, reimburse the school district for busing arrangement until such time as necessary pedestrian linkage is in place.

This policy does not intend for developers to construct walkways to schools that don't exist.

12. Potential Revisions to Gateway Park - Precise Plan Area #23

As plans become final for Gateway Park, the total area may be reduced, either narrowed or slightly shorter in length... This reduction in Precise Plan Area No. 23 may result in possible expansion of adjacent Precise Plan Area Nos. 21, 22, and 26. If this occurs, the land area within these Precise Plan Areas shall be increased, however the dwelling unit yield shall not.

E. Precise Plan Areas

The following pages present the 35 Precise Plan Areas established to implement the polices of the Village One Specific Plan.

EXHIBIT F

SINGLE-FAMILY RESIDENTIAL REDISTRIBUTION

SINGLE-FAMILY RESIDENTIAL REDISTRIBUTION

Precise Plan Area #	Maximum number of Single-family dwelling units Permitted by SPA #3	Maximum number of Single-family dwelling units Permitted by SPA # 6
1	15	15
2	163	159
3	140	136
4	239	234
5	198	193
6	99	95
7	162	158
8	138	134
9	142	72
10	289	203
11	0	117
12	167	163
13	362	355
14	267	261
15	0	65
16	188	184
17	244	238
18	196	192
19	172	168
20	175	171
21	144	140
22	281	275
23	0	0
24	216	178
25	155	121
26	276	270
27	286	286
28	248	242
29	0	52
30	214	202

SINGLE-FAMILY RESIDENTIAL REDISTRIBUTION (contd.)

Precise Plan Area #	Maximum number of Single-family dwelling units Permitted by SPA #3	Maximum number of Single-family dwelling units Permitted by SPA # 6
31	0	125
32	173	169
33	66	62
34	214	185
35	0	0
Totals:	5,627*	5,620

Village One Residential Development Program

Village One Single-Family:	5,620
Village One Multi-Family:	1,730
Village One Senior Housing:	600
Village One Mixed-Use:	<u>50</u>

Total Village One Residential Units: 8,000

* The Specific Plan, as amended by SPA#3, contained 7 more dwelling units listed as "single-family" on Table II-1 than should actually be permitted (e.g. 5540 vs. 5533). This minor discrepancy has been corrected by this Redistribution Accounting.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-374

A RESOLUTION ADOPTING THE VILLAGE ONE
FACILITIES MASTER PLAN FOR THE CITY OF
MODESTO.

WHEREAS, development of a Facilities Master Plan for Village One is required by the Village One Specific Plan prior to approval of development plans within Village One, and

WHEREAS, the City contracted with Brown and Caldwell, Consultants, to prepare a proposed Facilities Master Plan for Village One, retained Mid-Valley Engineering to prepare plans modifying the street alignments, and City staff prepared supplemental information for said Plan, and

WHEREAS, the proposed Facilities Master Plan for Village One establishes base infrastructure and provides the location and size for streets, water mains, sanitary sewer, and storm drainage pipe and basins, and

WHEREAS, the proposed Facilities Master Plan also provides the basis for detailed design of construction plans and allows processing of development plans, as well as providing estimated costs of these facilities and other public facilities such as parks, schools, and fire and police facilities, and

WHEREAS, on June 1, 1994, the City's Environmental Assessment Committee reviewed the proposed Facilities Master Plan for Village One and made the determination that the project is within the scope of the Village One Final Supplemental Program EIR, and

WHEREAS, the proposed Facilities Master Plan is not a finance plan, a separate finance plan will be a companion document to the Village One Specific Plan recommending a funding strategy, and

WHEREAS, the Community Development and Housing Committee has reviewed the proposed Village One Facilities Master Plan and agrees with the staff report dated June 10, 1994, recommending adoption of said proposed Plan, and

WHEREAS, a public hearing to consider the adoption of the proposed Village One Facilities Master Plan was set for a public hearing of the City Council to be held on June 28, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing was held relating to the proposed Village One Facilities Master Plan,

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

SECTION 1. That the proposed Facilities Master Plan for Village One has been determined to be within the scope of the Final Supplemental Program EIR.

SECTION 2. That the Council hereby adopts the Village One Facilities Master Plan dated June 1994, as prepared by Brown and Caldwell, Consultants, Mid-Valley Engineering, and supplemented by City staff, and which provides the location and

size for streets, water mains, sanitary sewer and storm drainage piping and basins, and the cost of these facilities and other public facilities. A copy of said Village One Facilities Master Plan is on file in the office of the City Clerk and consists of a binder containing narrative description and a separate booklet of maps and plans for streets and utilities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Absent

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-375

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR WATER CAPITAL IMPROVEMENTS, FOUR ALLEYS - FAIRMONT AND MAGNOLIA

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

SECTION 1. The specifications for water capital improvements, four alleys - Fairmont and Magnolia, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 28, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-376

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE LATERAL NO. 6 WATERLINE - PRESCOTT ROAD TO CARVER ROAD

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

SECTION 1. The specifications for Lateral No. 6 waterline - Prescott Road to Carver Road, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 28, 1994, at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

10
MODESTO CITY COUNCIL
RESOLUTION NO. 94-377

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR SEWER LIFT STATION REHABILITATION - TRASK/ENCINA AND COLLEGE/ORANGEBURG

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

SECTION 1. The specifications for sewer lift station rehabilitation - Trask/Encina and College/Orangeburg, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 28, 1994, at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

11

MODESTO CITY COUNCIL
RESOLUTION NO. 94-378

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE ANNUAL
SEWER REHABILITATION PROJECT - COLEMAN COURT/HELMS LANE

WHEREAS, Resolution No. 94-302, adopted by the Council of the City of Modesto on May 24, 1994, approved the plans and specifications for the annual sewer rehabilitation project - Coleman Court/Helms Lane; and

WHEREAS, the bids received for the annual sewer rehabilitation project - Coleman Court/Helms Lane, were opened at 11:15 a.m., on June 16, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Rolfe Construction, in the amount of \$64,895 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Rolfe Construction, in the amount of \$64,895, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

12

MODESTO CITY COUNCIL
RESOLUTION NO. 94-379

A RESOLUTION ACCEPTING THE DISSOLVED AIR FLOTATION THICKENERS - RECOATING EQUIPMENT AND TANK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Dissolved Air Flotation Thickeners - recoating equipment and tank, has been completed by Sancon Inc., in accordance with the contract agreement dated March 22, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Dissolved Air Flotation Thickeners - recoating equipment and tank, be accepted from said contractor, Sancon Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$175,930 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-380

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF BULK GASOLINE AND DIESEL FUELS FROM THE BEST AVAILABLE SOURCES FOR THE FISCAL YEAR 1994-95

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of bulk gasoline and diesel fuels for the fiscal year 1994-95 is hereby waived.

BE IT FURTHER RESOLVED that purchase of gas and diesel from the source with the best available price or from any other source available in the event of restricted supplies, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-381

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE CLAUS ROAD
WIDENING PROJECT - GARST ROAD TO GOMES ROAD

WHEREAS, Resolution No. 94-287, adopted by the Council of the City of Modesto on May 17, 1994, approved the plans and specifications for the Claus Road widening project - Garst Road to Gomes Road and authorized the calling for bids; and

WHEREAS, the bids received for the Claus Road widening project - Garst Road to Gomes Road were opened at 11:05 a.m., on June 16, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of George Reed, Inc. in the amount of \$268,673.75, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of \$268,673.75 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-382

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE ENCINA
STORM DRAIN UPGRADE PROJECT

WHEREAS, Resolution No. 94-285, adopted by the Council of the City of Modesto on May 17, 1994, approved the plans and specifications for the Encina storm drain upgrade project; and

WHEREAS, the bids received for the Encina storm drain upgrade project, were opened at 11:10 a.m., on June 16, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Rolfe Construction, in the amount of \$109,656.40 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Rolfe Construction, in the amount of \$109,656.40, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-383

A RESOLUTION ACCEPTING THE BID OF UTILITY SERVICE & ELECTRIC FOR THE
HIGBEE STREET LIGHT CIRCUIT PROJECT

WHEREAS, Resolution No. 94-303, adopted by the Council of the City of Modesto on May 24, 1994, approved the plans and specifications for the Higbee street light circuit project; and

WHEREAS, the bids received for the Higbee street light circuit project, were opened at 11:20 a.m., on June 16, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Utility Service & Electric, in the amount of \$98,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Utility Service & Electric, in the amount of \$98,000, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-384

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$22,700 TO FUND THE HIGBEE STREET LIGHT CIRCUIT PROJECT

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

FROM:	Wylie/Oakdale, Sunrise/Helen and Miscellaneous street light accounts	\$22,700
TO:	Higbee street light circuit account	\$22,700

The low bid for the Higbee street light circuit project was 35% higher than the engineer's estimate because an item was not included in the estimate. The appropriation will allow completion of this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-385

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAYTON HUDSON CORP. TO INSTALL TRAFFIC SIGNALS AT SISK ROAD/VINTAGE DRIVE INTERSECTION, ISSUE REIMBURSEMENT FOR SISK ROAD PUBLIC IMPROVEMENTS, AND APPROVE AN ALTERNATIVE MEDIAN DESIGN FOR SISK ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dayton Hudson Corp. to install traffic signals at Sisk Road/Vintage Drive intersection, issue reimbursement for Sisk Road public improvements, and approve an alternative median design for Sisk Road be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-386

A RESOLUTION ADOPTING A LABOR POLICY
PROVIDING FOR PUBLIC EMPLOYEES' RETIREMENT
SYSTEM (PERS) MEMBER CONTRIBUTIONS TO BE PAID
BY THE CITY ON BEHALF OF THE EMPLOYEES AND
FOR THE REPORTING OF EMPLOYER-PAID NORMAL
MEMBER CONTRIBUTIONS TO PERS AS COMPENSATION.

WHEREAS, the City of Modesto has drafted a labor
policy, a copy of which is attached hereto, which provides for
Public Employees' Retirement System (PERS) member contributions
to be paid by the City on behalf of the employees and for the
reporting of employer-paid normal member contributions to PERS as
compensation, and

WHEREAS, the Council of the City of Modesto is desirous
of adopting said policy,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that said labor policy as attached hereto is
hereby adopted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Coddill, Dobbs, Friedman, McClanahan, Muratore, Mayor

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

DRAFT

June 21, 1994

Policy

Pursuant to the provisions of Section 20615 of the California Government Code, the City of Modesto shall pay the 7% (miscellaneous) or 9% (safety) employee contribution in the employee's name to the Public Employees' Retirement System. Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

This policy of reporting EPMC shall be effective 6-28-94 for all members of the groups listed below, and shall remain in effect until further action by the City Council.

All agreements or policies providing for the conversion to salary of that portion of City-paid employee contribution in the employee's final compensation period shall become void effective 6-28-94.

All unrepresented management and confidential employees.

Authorized by: _____
J. Edward Tewes _____ Date _____

All members of the unit represented by MPMA.

Agreed: _____
Gene Wilkinson, President MPMA _____ Date _____

All members of the unit represented by MPOA.

Agreed: _____
Denis Holmes, President MPOA _____ Date _____

All members of the unit represented by MCFFA.

Agreed: _____
Larry Sederquist, President MCFFA _____ Date _____

All members of the unit represented by MCEA.

Agreed: _____
John Horton, President MCEA _____ Date _____

MODESTO CITY COUNCIL
RESOLUTION NO. 94-387

A RESOLUTION AUTHORIZING THE REPORTING OF
EMPLOYER-PAID MEMBER CONTRIBUTIONS TO PUBLIC
EMPLOYEES' RETIREMENT SYSTEM (PERS) AS
COMPENSATION.

WHEREAS, the City of Modesto has the authority to
implement Government Code Section 20023(C)(4) pursuant to Section
20615, and

WHEREAS, the City of Modesto has a labor policy or
agreement which specifically provides for the inclusion of normal
member contributions paid by the employer on behalf of the
members, and

WHEREAS, one of the steps in the procedures to
implement this section is the adoption by the governing body of
the City of Modesto of a Resolution giving notice of its
intention to commence reporting the value of employer-paid member
contributions (EPMC) as compensation for all members of a group
or class, and

WHEREAS, the following is a statement of the proposed
change in reporting compensation to Public Employees' Retirement
System:

The City of Modesto elects to pay for miscellaneous
employees seven (7%) per cent and for safety employees
nine (9%) percent of the normal member contributions as
employer-paid member contributions (EPMC) and report
same percent to PERS as compensation.

This benefit shall apply to all employees of the
miscellaneous and safety membership groups.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto shall implement Government Code Section 20023(C)(4) pursuant to Section 20615 by paying the normal member contributions as employer-paid member contributions and reporting the same percent to PERS as compensation for all employees of the miscellaneous and safety membership groups.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-388

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER, INC. FOR THE LEASE OF CORPORATE HANGAR PLOT AT MODESTO CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Modesto Executive Air Charter, Inc. for the lease of corporate hangar plot at the Modesto City/County Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-389

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND INPATIENT DENTAL SERVICE, INC. FOR THE LEASE OF A PORTION OF THE FORMER AIRPORT ADMINISTRATION BUILDING

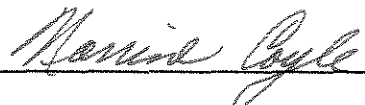
BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Inpatient Dental Service, Inc. for the lease of a portion of the former Airport Administration building be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



NORRINE COYLE, City Clerk

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-390

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KRAFT GENERAL FOODS FOR THE ACQUISITION OF 4,000± SQUARE FEET OF PROPERTY NEEDED FOR THE CITY WATER SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kraft General Foods for the acquisition of 4,000± square feet of property needed for the City water system be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-391

A RESOLUTION GRANTING THE REQUEST OF THE
MODESTO POLICE DEPARTMENT TO ALLOW CORPORAL
JERRY SANDERS AND OFFICER BOB FINLEY,
RETIRING OFFICERS, THE OPPORTUNITY TO
PURCHASE THEIR ASSIGNED DUTY REVOLVERS.

WHEREAS, the Modesto Police Department has requested approval to allow retiring officers, Corporal Jerry Sanders and Officer Bob Finley, the opportunity to purchase their assigned duty revolvers, two 38 caliber Smith and Wesson Model 19 revolvers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto Police Department request to allow Corporal Jerry Sanders and Officer Bob Finley, retiring officers, the opportunity to purchase from the City of Modesto their assigned duty 38 caliber Smith and Wesson Model 19 revolvers is hereby granted, the purchase price to be determined by the fair market value after examination by a qualified departmental armorer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-392

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. PHILIP TROMPETTER TO PROVIDE MENTAL HEALTH SERVICES TO SWORN POLICE OFFICERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dr. Philip Trompetter to provide mental health services to sworn police officers be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-393

A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AND TRANSPORTATION/DESIGNEE TO EXECUTE MAINTENANCE AGREEMENTS WITH STANISLAUS COUNTY FOR CITY-OWNED FACILITIES INSTALLED WITHIN THE COUNTY RIGHT OF WAY

WHEREAS, recently, Stanislaus County has required that the City execute an agreement setting forth the responsibilities of maintenance of City-owned facilities being installed within the County right of way before approving the installation of those facilities.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Director of Public Works and Transportation/Designee is hereby authorized to execute maintenance agreements with Stanislaus County for City-owned facilities installed within the County right of way.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: _____

Norrine Coyle
NORRINE COYLE, City Clerk

Clerk
(28)

MODESTO CITY COUNCIL
RESOLUTION NO. 94-394

A RESOLUTION ORDERING THE CITY ENGINEER TO PREPARE AND FILE AN ANNUAL REPORT RELATING TO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6, the City Engineer, the person designated by this Council as the Engineer of Work for Assessment

District No. 1, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Yick

MODESTO CITY COUNCIL
RESOLUTION NO. 94-395

A RESOLUTION ORDERING THE CITY ENGINEER TO
PREPARE AND FILE AN ANNUAL REPORT RELATING TO
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO.
2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS.
7-10 AND CREEKWOOD MEADOWS SUBDIVISION.

WHEREAS, Resolution No. 89-459 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there are substantial changes in the improvements, specifically within the existing Landscape Maintenance Assessment District No. 2, there is a parcel which has been subdivided per Creekwood Meadows Subdivision. This has

increased the number of residential lots within the District from 418 lots to 514 lots. Also, there have been several parcel maps recorded which have increased the number of commercial parcels from 2 to 6 in Dry Creek Meadows Subdivisions Nos. 7-10 and Creekwood Meadows Subdivision. The City Engineer, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-396

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MID-VALLEY ENGINEERING TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN OF THE YOSEMITE BOULEVARD IMPROVEMENTS BETWEEN CREEKWOOD DRIVE AND FRAZINE ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mid-Valley Engineering to provide engineering services for the design of the Yosemite Boulevard improvements between Creekwood Drive and Frazine Road be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-397

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$26,000 TO FUND THE
YOSEMITE BOULEVARD IMPROVEMENTS BETWEEN CREEKWOOD DRIVE AND FRAZINE ROAD

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

FROM: Expressway Planning/Scoping - Design \$26,000
(141 430 0695 6010)
TO: Claus/Yosemite & Claus/Norseman-Design \$26,000
(141 430 D269 6010)

The scope of the project has increased to include improvements at
the Old Claus/New Claus transition, temporary storm drainage at
Claus/Norseman and a Project Study Report.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 28th day of June, 1994,
by Councilmember Friedman, who moved its adoption, which motion being
duly seconded by Councilmember Dobbs, was upon roll call carried
and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

RESCINDED

MAY 27 2008

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 2008-305

MODESTO CITY COUNCIL
RESOLUTION NO. 94-398

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT MONTHLY VEHICLE ALLOWANCES TO THE COMMUNITY DEVELOPMENT DIRECTOR AND PARKS AND RECREATION DIRECTOR.

WHEREAS, by Resolution No. 92-348 adopted by the Council of the City of Modesto on June 23, 1992, the Council authorized the City Manager to grant monthly vehicle allowances to the Deputy City Manager and Public Works and Transportation Director, and

WHEREAS, the Council desires to authorize the City Manager to grant monthly vehicle allowances to the Community Development Director and Parks and Recreation Director,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to grant vehicle allowances in an amount not to exceed Three Hundred Fifty and no/100ths (\$350) Dollars per month to each of the positions designated below:

Community Development Director

Parks and Recreation Director

BE IT FURTHER RESOLVED that Resolution No. 92-348 adopted on June 23, 1992, authorizing the City Manager to grant monthly vehicle allowances to the Deputy City Manager and Public Works and Transportation Director shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-399

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1993-94 TO REESTIMATE THE EXPENDITURES FOR THE ELECTIONS ACCOUNT DUE TO A REQUIRED RUN-OFF ELECTION.

WHEREAS, funds were available for the November election and if a run-off election was required funds would be appropriated, and

WHEREAS, the run-off election incurred additional costs in legal and other costs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1993-94 Annual Budget be amended as follows:

CITY CLERK APPROPRIATIONS ADJUSTMENTS

<u>Fund/Account</u>	<u>Appropriations</u>	<u>Current Budget</u>	<u>Adjustment</u>	<u>Revised Budget</u>
Elections City Clerk & Auditor				
010-050-0502-0238	Elections	\$121,635	\$15,965	\$137,600
010-050-0502-0401	Membership & Dues	<u>330</u>	<u>35</u>	<u>365</u>
Total Appropriation Adjustment		\$121,965	\$16,000	\$137,965

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-400

A RESOLUTION APPOINTING MEMBERS TO THE HIGHWAY VILLAGE COMMUNITY SERVICES DISTRICT

WHEREAS, the Economic Development, Community and Intergovernmental Relations Committee met on June 23, 1994, to consider names of persons eligible to fill three positions on the Highway Village Community Services District.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that April Boland, Penny Hampton and William Yandell are hereby appointed to the Highway Village Community Services District.

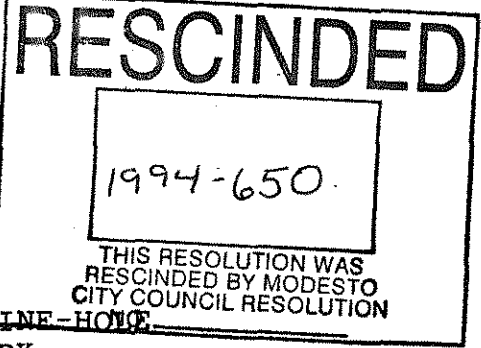
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: None

ABSENT: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 94-401

A RESOLUTION ESTABLISHING RATES AND
CONDITIONS FOR PLAY ON THE MODESTO ~~NINE-HOLE~~
MUNICIPAL GOLF COURSE, THE DRYDEN PARK
MUNICIPAL GOLF COURSE, AND THE CREEKSIDE
MUNICIPAL GOLF COURSE AND RESCINDING
RESOLUTION NO. 91-522.

WHEREAS, the Council of the City of Modesto finds that
golf rates for golfers at its Modesto Nine-Hole Municipal Golf
Course; Dryden Park Municipal Golf Course, and the Creekside
Municipal Golf Course need to be revised,

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

SECTION 1. RATES. The rates for players upon the
Modesto Nine-Hole Municipal Golf Course, the Dryden Park
Municipal Golf Course, and the Creekside Municipal Golf Course
are hereby established as follows:

<u>Muni/Dryden/Creekside:</u>	<u>Rates</u>
Monthly Unlimited Junior Ticket	\$41.00
<u>Dryden/Creekside:</u>	
Monthly Unlimited Individual Ticket	\$81.00
Monthly Senior/Retired/Disabled Ticket	\$61.00
Weekday Greens Fees - 9-Holes	\$ 9.00
Weekday Greens Fees - 18-Holes	\$14.00
Weekend/Holiday Greens Fees - 9-Holes	\$11.00
Weekend/Holiday Greens Fees - 18-Holes	\$16.00
Weekday Late Afternoon Play (Twilight)	\$ 9.00

Weekend/Holiday Late Afternoon Play (Twilight) \$11.00

Muni:

Weekday Greens Fees - 9-Holes \$ 7.00

Weekend/Holiday Greens Fees - 9-Holes \$ 8.00

Weekday Late Afternoon Play (Twilight) \$ 5.00

Weekend/Holiday Late Afternoon Play (Twilight) \$ 6.00

Weekday Senior/Junior/Disabled Discount 20%

Weekday 10 Play Discount Card 15%

SECTION 2. TICKETS. (a) Monthly Tickets. Each monthly ticket issued will become invalid on the last day of the month issued and will not be validated for play on the golf courses until the appropriate monthly rate has been paid. Monthly tickets will not be valid on Saturdays, Sundays or holidays. Monthly ticket holders wishing to play during these periods shall be subject to the regular green fees. Monthly tickets, with the exception of junior tickets, will not be valid at Modesto Nine-hole Municipal Golf Course (Muni Golf Course). Monthly ticket holders wishing to play at Muni Golf Course shall be subject to the regular greens fees.

(b) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf

facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools' schedules of matches from each school coach.

(c) Senior/Retired/Disabled Tickets.

Senior/Retired/Disabled tickets are to be issued only to persons who are sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled ticket.

(d) Junior Tickets. Junior tickets are to be issued only to persons who are under nineteen (19) years of age and who possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.

(e) Special Rates. From time to time, the Parks and Recreation Director or his designee may provide up to a fifty percent (50%) discount off of daily greens fees. Such specials shall occur no more than ten (10) days per month at each golf course.

SECTION 3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others,

for services rendered to the golf course. Free play must be approved by the Parks and Recreation Director or designee.

SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King's Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 6. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

SECTION 7. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after July 1, 1994.

SECTION 8. REPEALS. Resolution No. 91-522 adopted on August 13, 1991, is hereby rescinded June 30, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore

NOES: Councilmembers: Dobbs, Mayor Lang

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-402

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE NEECE DRIVE WATERLINE

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

SECTION 1. The specifications for the Neece Drive waterline, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 4, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-403

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE MCHENRY AVENUE WATERLINE

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

SECTION 1. The specifications for the McHenry Avenue waterline, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 4, 1994, at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-404

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE CLAUS ROAD SIDEWALK AND LANDSCAPING MODIFICATIONS

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

SECTION 1. The specifications for the Claus Road sidewalk and landscaping modifications, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 28, 1994, at 11:15 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-405

A RESOLUTION ACCEPTING THE BID OF ALLEN A. WAGGONER CONSTRUCTION FOR THE
YOSEMITE BOULEVARD WATERLINE PROJECT

WHEREAS, Resolution No. 94-301, adopted by the Council of the City of Modesto on May 24, 1994, approved the plans and specifications for the Yosemite Boulevard waterline project; and

WHEREAS, the bids received for the Yosemite Boulevard waterline project, were opened at 11:10 a.m., on June 23, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Allen A. Waggoner Construction, in the amount of \$56,212.60 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Allen A. Waggoner Construction, in the amount of \$56,212.60, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-406

A RESOLUTION ACCEPTING THE BID OF CENTRL REDY MIX FOR FURNISHING READY-MIX CONCRETE FOR FISCAL YEAR 1994-95

WHEREAS, Resolution No. 94-116, adopted by the Council of the City of Modesto on February 22, 1994, approved the plans and specifications for the purchase of ready-mix concrete; and

WHEREAS, the bids received for the furnishing of ready-mix concrete for fiscal year 1994-95, were opened at 11:05 a.m., on March 14, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Central Ready Mix, fo an estimated cost of \$15,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Central Ready Mix, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-407

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND APPROVING A LEASE/PURCHASE AGREEMENT WITH XEROX FOR THE PURCHASE OF A XEROX LASER PRINTER AND DUPLO BAR-CODE READER TO BE PURCHASE FROM THE LOS ANGELES COUNTY COOPERATIVE CONTRACT

WHEREAS, outdated equipment for processing utility payments is providing inaccurate data and is frequently down for maintenance; and

WHEREAS, staff has determined that the Xerox 4850 Color Laser printing system is most compatible with our P.C and mainframe system.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of a Xerox Laser Printer and Duplo Bar-Code Reader is hereby waived.

BE IT FURTHER RESOLVED that purchase of a Xerox Laser Printer and Duplo Bar-Code Reader to be purchased from the Los Angeles County Cooperative Contract for a total value of \$145,861 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mduratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-408

A RESOLUTION AMENDING THE ANNUAL BUDGET OF
THE CITY OF MODESTO FOR THE FISCAL YEAR
1994-95.

WHEREAS, it has been determined that by purchasing
through Los Angeles County Cooperative Contract #0105801-06 a
laser printer, savings will be realized in Data Processing
Operational Budget in the amount of \$5,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the 1994-95 Annual Budget be amended as
follows:

FINANCE DEPARTMENT APPROPRIATIONS

<u>Fund/Account</u>	<u>Appropriations</u>	<u>Current Budget</u>	<u>Adjustment</u>	<u>Revised Budget</u>
Data Processing 010-120-1242-0235	Repair & Maint Outside Forces	\$210,000	(\$5,000)	\$205,000

BE IT FURTHER RESOLVED that the Finance Director is
hereby authorized to take the necessary steps to implement the
provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 94-409

A RESOLUTION AMENDING RESOLUTION NO. 88-649,
AS AMENDED, PROVIDING FOR ADDITIONAL TIME FOR
CFF CREDITS FOR DEMOLISHED USES.

WHEREAS, the City Council of the City of Modesto has
adopted Modesto Municipal Code Sections 8-1.904 et seq. creating
and establishing the authority for imposing and charging capital
facilities fees (CFF), and

WHEREAS, the current capital facilities fees are set
forth in Resolution No. 88-649, as amended by Resolution Nos.
89-373, 89-986, 89-1132, 91-90, 91-703, 91-780, 92-176, and
92-570, and

WHEREAS, at the present time, a CFF credit or exemption
is allowed for destroyed or demolished uses provided that a
building permit is issued for the reconstruction within two (2)
years after the building was destroyed or demolished, and

WHEREAS, the current rule for a CFF credit or exemption
for demolished or destroyed uses has worked a hardship on
property owners in some cases, and

WHEREAS, City Council desires to extend the time within
which a CFF credit or exemption is allowed for a demolished or
destroyed building or structure, and

WHEREAS, the City Council determines that the cutoff
date for exemptions and CFF credits can logically be rolled back
to November 21, 1989, the date that the City Council adopted the
second phase of the City's current CFF program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that paragraph 3 of Resolution No. 88-649 as amended by Resolution Nos. 89-373, 89-986, 89-1132, 91-90, 91-703, 91-780, 92-176, and 92-570 is hereby amended to read as follows:

3. EXEMPTIONS FROM AND DEFERRAL OF CAPITAL FACILITIES FEES.

- (a) The Capital Facilities Fees established by this resolution shall not be imposed on any of the following:
- (1) Any low-income housing units constructed or expanded by the Stanislaus County Housing Authority.
 - (2) Any low-income housing units constructed or expanded by any other person or entity on a not-for-profit basis. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the units to be constructed or expanded are in fact low-income and whether or not the development will be on a not-for-profit basis. As used in this subparagraph and the preceding subparagraph, the term "low-income housing" shall mean: housing at rents affordable to households earning fifty percent (50%) or less of the Median Area Income as determined from time to time by the United States Department of Housing and Urban Development.
 - (3) For each use listed above for which the fee is calculated on the basis of the total number of square feet of building space, the area of public or private parking garages shall not be included in the area of building space for the purpose of calculating the capital facilities fee for that use. As used herein, the term "public parking garage"

and the term "private parking garage" shall mean the same as those terms are defined in the Uniform Building Code.

- (4) Any alteration or addition to a residential structure, except to the extent that additional units are created.
- (5) Any replacement or reconstruction of a residential structure existing on November 21, 1989, that has been destroyed or demolished since that time.
- (6) Any replacement or reconstruction of a non-residential structure existing on November 21, 1989, that has been destroyed or demolished since that time, unless the replacement or reconstruction increases the square footage of the structure, ten percent (10%) or more, changes the use of the structure to a higher density category, or will result in the generation of additional peak hour trip ends.
- (7) Any replacement of an existing residential or non-residential structure that has been or will be vacated due to the fact that the title to the property has been acquired by a public entity through eminent domain proceedings or the threat of such proceedings provided that the building permit for the replacement structure or structures is applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated, whichever occurs last. The exemption granted by this subparagraph shall not apply to the replacement of a non-residential structure to the extent it adds additional square feet, the use is devoted to a higher density category, or results in the generation of additional peak hour trip ends or to the replacement of a residential structure to the extent additional units are created.

- (b) Whenever the alteration, addition, replacement or reconstruction is not exempt pursuant to the provisions hereinabove, the fee shall be imposed only on the additional units, change in use, or additional trips generated.
- (c) Rather than paying capital facilities fees at the time a building permit is issued, the developer of a "qualified project" may elect to defer payment of all or a portion of those fees as hereinafter set forth.
 - (1) There shall be two (2) categories of qualified projects defined as follows:
 - (a) Category A qualified projects shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees exceed \$150,000.00. Category A qualified projects shall also include any industrial/warehouse project on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees exceed \$50,000.00.
 - (b) Category B qualified projects shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than \$25,000.00 but less than \$150,000.00. Category B qualified projects shall also include industrial/warehouse projects on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than \$25,000.00 but less than \$50,000.00.

- (2) Other projects which may be designated by the City Council as "qualified projects", are private construction projects on the City/County Airport where the capital facilities fees exceed \$5,000.00.
- (3) The property owner and/or developer in the case of "Category A qualified projects" may enter into a Deferred Payment Agreement with the City to pay ten percent (10%) of those fees at the time the building permit is issued with the remaining ninety percent (90%) to be paid in equal installments over the next ten (10) years (or less at the property owner's option).

The property owner and/or developer in the case of "Category B qualified projects" may enter into a Deferred Payment Agreement with the City to pay twenty percent (20%) of those fees at the time the building permit is issued with the remaining eighty percent (80%) to be paid in equal installments over the next five (5) years (or less at the property owner's option).

The unpaid balance of the fees will be subject to interest and collection charges. The annual interest rate shall be equal to the Wall Street Journal Prime Rate adjusted thereafter semi-annually every July and January. Adequate security acceptable to the City in the form of an irrevocable letter of credit in an amount sufficient to secure both principal and interest shall be provided for the duration of the deferral. The terms and conditions of the deferral shall be set forth in an agreement which shall also provide that the unpaid balance of the fee shall be due and payable on the sale or transfer to the property. As an alternative to providing the irrevocable letter of credit, the agreement may, at the option of the property owner/developer, authorize the City to lien the property and collect the balance of the capital

facilities fees due through property tax assessment.

- (4) For those projects where a mitigated negative declaration or an EIR has been certified, no CFF deferral shall be allowed to the extent that one or more of the mitigation measures consists of payment of CFF or the construction or installation of a public improvement, the cost of which is eligible as a credit toward the payment of CFF.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

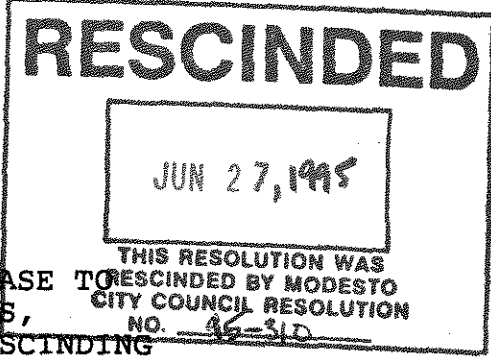
ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 94-410

A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION 91-464.

WHEREAS, the Council of the City of Modesto desires to approve a two (2%) percent salary increase for unrepresented Management and Confidential employees, and

WHEREAS, the Council desires to approve a two (2%) percent salary increase for Council Appointees,

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

SECTION 1. SALARY RANGES, RATES AND EFFECTIVE DATES.

The salary rates, salary ranges and salary steps as set forth in the following exhibits which are attached hereto and made a part hereof are hereby established and approved effective June 28, 1994 , to provide for a two (2%) percent salary adjustment for unrepresented Management and Confidential employees and a two (2%) percent salary adjustment for Council Appointees:

1. Exhibit "A" entitled "City of Modesto Class Range Table, Management and Confidential Non-Sworn Classes, Effective June 28, 1994".
2. Exhibit "B" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 94/95, Effective June 28, 1994 - Schedule D Management/Confidential - General".
3. Exhibit "C" entitled "City of Modesto Class Range Table, Fire Management Classes, Effective June 28, 1994".

4. Exhibit "D" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 94/95, Effective June 28, 1994 - Schedule E Management/Confidential - Fire".
5. Exhibit "E" entitled "City of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective June 28, 1994".
6. Exhibit "F" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 94/95, Effective June 28, 1994 - Schedule G Management/Confidential - Police (Unrepresented)".
7. Exhibit "G" entitled "City of Modesto Class Range Table, Executive Management, Effective June 28, 1994", which includes Council Appointees.

SECTION 2. COUNCIL APPOINTEES. Effective June 28, 1994, the salaries for the positions of the Council Appointees shall be as follows:

<u>TITLES</u>	<u>HOURLY</u>	<u>BI-WEEKLY</u>	<u>MONTHLY</u>
City Manager	\$45.8603	\$3,668.82	\$7,976
City Attorney	\$43.7092	\$3,496.73	\$7,602
City Clerk	\$27.1087	\$2,168.69	\$4,406

SECTION 3. USE OF CLASSES. The designated classes of positions may be used in any organizational unit of the City deemed proper by the City Manager.

SECTION 4. POSITIONS. The City Council authorizes and directs the City Manager, within the limits of funds budgeted therefor, to appoint employees in such number and in such classes in each department as may be necessary to properly operate the department under the Charter, ordinances and resolutions adopted by the city Council, including creating additional positions to

replace employees who are on disability leave or other leaves of absence.

SECTION 5. APPOINTMENTS AND SALARIES. The City Manager is hereby authorized to appoint, in accordance with the applicable provisions of the Modesto Municipal Code and Personnel Rules and within the limits of funds budgeted therefor, any person to a position in a class for which he is the appointing authority and for which the salary is hereby provided, to designate the definite salary rate or salary step at which such person is appointed, and the salary so designated is hereby fixed as the salary of such employee for the position.

SECTION 6. SPECIAL SALARY RATES. The City Manager is further authorized, subject to budgetary appropriation control by the city Council, to fix the salary range or rate for part-time or special positions in the Unclassified Service for which the City Manager is the appointing authority and which are not designated herein.

SECTION 7. PART-TIME EMPLOYMENT. Employees appointed to any of the positions referred to herein who, with the approval of the City Manager, regularly work less hours per week than established for their class by rule 13.1 of the Personnel Rules, shall be paid in approximate proportion of the time worked.

SECTION 8. REPEAL. Resolution No. 91-464 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective June 28, 1994

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	
420	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary Customer Services Supervisor
421	

EXHIBIT "A"

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

- 422 Office Supervisor
- 423 Systems Analyst
- 424 Assistant Planner
Asst. City Clerk/Auditor
- 425 Police Records Supervisor
Administrative Analyst I
Executive Assistant
Legal Services Supervisor
- 426 Stores Manager
Museum Supervisor
- 427 Events Supervisor
- 428 Parks Maintenance Supervisor I
Airport Maintenance Supervisor
Trees Maintenance Supervisor I
Equipment Maintenance Supervisor I
Social Services Coordinator
Buyer
Accountant II
Budget Analyst
Public Works Supervisor I
Building Maintenance Supervisor
Customer Services Specialist
- 429
- 430 Associate Planner
Parks Construction Supervisor I
Junior Civil Engineer
Junior Traffic Engineer
Neighborhood Preservation Supervisor
- 431 Administrative Analyst II
Affirmative Action Officer
Personnel Analyst
Training Coordinator
Assistant Risk Manager
Recycling Program Coordinator
Senior Budget Analyst
- 432 Plant Mechanic Supervisor
Recreation Supervisor II
Historical Buildings Supervisor
Senior Accountant
Youth Program Supervisor
Industrial Waste Supervisor

Class Range Table

Management and Confidential Non-Sworn Class

Page 3

433	Assistant Civil Engineer Laboratory Supervisor Assistant Traffic Engineer
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supt. Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Secondary Treatment Site Supv. Parks Maintenance Supervisor II Operations Supervisor Landscape Designer Arborist Trees Maintenance Supv. II Land Surveyor Equipment Maintenance Supervisor II
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Public Information Officer Budget Officer Financial/Investment Officer Administrative Services Officer Integrated Waste Specialist Project Manager
436	Senior Planner Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor
439	Deputy City Attorney II Associate Civil Engineer Associate Traffic Engineer
440	Purchasing Officer

Class Range Table
Management and Confidential Non-Sworn Class
Page 4

- 441 Community Development Program Manager
Sr. Deputy City Attorney I
Airport Manager
Solid Waste Program Manager
Transit Manager
Streets Maintenance Supt.
Parks Superintendent
Risk Manager
Assistant Personnel Director
Recreation Superintendent
Golf Superintendent
Fleet Manager
Wastewater Collections Superintendent
Water Superintendent
Building Maintenance Superintendent
- 442 Supv. Building Inspector
Finance Data Processing Manager
Supv. Construction Inspector
Manager of Budget and Financial Analysis
- 443 Deputy Chief Bldg. Official
- 444 Water Quality Control Supt.
Principal Planner
- 445 Customer Services Division Manager
Accounting Division Manager
- 446 Senior Civil Engineer
Traffic Engineer
- 447 Chief Building Official
Assistant to City Manager
Asst. Parks & Recreation Dir. - Civic Center
Asst. Parks & Recreation Dir. - Parks
Asst. Parks & Recreation Dir. - Recreation
- 448 Sr. Deputy City Attorney II
- 449
- 450 Deputy Director Public Works - Engineering
Deputy Director Public Works - Operations
Deputy Director Public Works - Transportation
- 451
- 452 Assistant City Attorney

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 94-95
 EFFECTIVE 6/28/94

SCHEDULE - D
 MANAGEMENT/CONFIDENTIAL GENERAL

RANGE	HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0401	8.8016	9.2417	9.7038	10.1890	10.6985	704.13	739.34	776.30	815.12	855.88	1,531.48	1,608.06	1,688.45	1,772.89	1,861.54
0402	9.0216	9.4727	9.9463	10.4436	10.9658	721.73	757.82	795.70	835.49	877.26	1,569.76	1,648.26	1,730.65	1,817.19	1,908.04
0403	9.2471	9.7095	10.1950	10.7048	11.2400	739.77	776.76	815.60	856.38	899.20	1,609.00	1,689.45	1,773.93	1,862.63	1,955.76
0404	9.4783	9.9522	10.4498	10.9723	11.5209	758.26	796.18	835.98	877.78	921.67	1,649.22	1,731.69	1,818.26	1,909.17	2,004.63
0405	9.7153	10.2011	10.7112	11.2468	11.8091	777.22	816.09	856.90	899.74	944.73	1,690.45	1,775.00	1,863.76	1,956.93	2,054.79
0406	9.9582	10.4561	10.9789	11.5278	12.1042	796.66	836.49	878.31	922.22	968.34	1,732.74	1,819.37	1,910.32	2,005.83	2,106.14
0407	10.2072	10.7176	11.2535	11.8162	12.4070	816.58	857.41	900.28	945.30	992.56	1,776.06	1,864.87	1,958.11	2,056.03	2,158.82
0408	10.4624	10.9855	11.5348	12.1115	12.7171	836.99	878.84	922.78	968.92	1,017.37	1,820.45	1,911.48	2,007.05	2,107.40	2,212.78
0409	10.7240	11.2602	11.8232	12.4144	13.0351	857.92	900.82	945.86	993.15	1,042.81	1,865.98	1,959.28	2,057.25	2,160.10	2,268.11
0410	10.9921	11.5417	12.1188	12.7247	13.3609	879.37	923.34	969.50	1,017.98	1,068.87	1,912.63	2,008.26	2,108.66	2,214.11	2,324.79
0411	11.2669	11.8302	12.4217	13.0428	13.6949	901.35	946.42	993.74	1,043.42	1,095.59	1,960.44	2,058.46	2,161.38	2,269.44	2,382.91
0412	11.5486	12.1260	12.7323	13.3689	14.0373	923.89	970.08	1,018.58	1,069.51	1,122.98	2,009.46	2,109.92	2,215.41	2,326.18	2,442.48
0413	11.8373	12.4292	13.0507	13.7032	14.3884	946.98	994.34	1,044.06	1,096.26	1,151.07	2,059.68	2,162.69	2,270.83	2,384.37	2,503.58
0414	12.1332	12.7399	13.3769	14.0457	14.7480	970.66	1,019.19	1,070.15	1,123.66	1,179.84	2,111.19	2,216.74	2,327.58	2,443.96	2,566.15
0415	12.4365	13.0583	13.7112	14.3968	15.1166	994.92	1,044.66	1,096.90	1,151.74	1,209.33	2,163.95	2,272.14	2,385.76	2,505.03	2,630.29
0416	12.7474	13.3848	14.0540	14.7567	15.4945	1,019.79	1,070.78	1,124.32	1,180.54	1,239.56	2,218.04	2,328.95	2,445.40	2,567.67	2,696.04
0417	13.0661	13.7194	14.4054	15.1257	15.8820	1,045.29	1,097.55	1,152.43	1,210.06	1,270.56	2,273.51	2,387.17	2,506.54	2,631.88	2,763.47
0418	13.3928	14.0624	14.7655	15.5038	16.2790	1,071.42	1,124.99	1,181.24	1,240.30	1,302.32	2,330.34	2,446.85	2,569.20	2,697.65	2,832.55
0419	13.7276	14.4140	15.1347	15.8914	16.6860	1,098.21	1,153.12	1,210.78	1,271.31	1,334.88	2,388.61	2,508.04	2,633.45	2,765.10	2,903.36
0420	14.0708	14.7743	15.5130	16.2887	17.1031	1,125.66	1,181.94	1,241.04	1,303.10	1,368.25	2,448.31	2,570.72	2,699.26	2,834.24	2,975.94
0421	14.4226	15.1437	15.9009	16.6959	17.5307	1,153.81	1,211.50	1,272.07	1,335.67	1,402.46	2,509.54	2,635.01	2,766.75	2,905.08	3,050.35
0422	14.7832	15.5224	16.2985	17.1134	17.9691	1,182.66	1,241.79	1,303.88	1,369.07	1,437.53	2,572.29	2,700.89	2,835.94	2,977.73	3,126.63
0423	15.1528	15.9104	16.7059	17.5412	18.4183	1,212.22	1,272.83	1,336.47	1,403.30	1,473.46	2,636.58	2,768.41	2,906.82	3,052.18	3,204.78
0424	15.5316	16.3082	17.1236	17.9798	18.8788	1,242.53	1,304.66	1,369.89	1,438.38	1,510.30	2,702.50	2,837.64	2,979.51	3,128.48	3,284.90
0425	15.9199	16.7159	17.5517	18.4293	19.3508	1,273.59	1,337.27	1,404.14	1,474.34	1,548.06	2,770.06	2,908.56	3,054.00	3,206.69	3,367.03
0426	16.3179	17.1338	17.9905	18.8900	19.8345	1,305.43	1,370.70	1,439.24	1,511.20	1,586.76	2,839.31	2,981.27	3,130.35	3,286.86	3,451.20
0427	16.7258	17.5621	18.4402	19.3622	20.3303	1,338.06	1,404.97	1,475.22	1,548.98	1,626.42	2,910.28	3,055.81	3,208.60	3,369.03	3,537.46
0428	17.1439	18.0011	18.9012	19.8463	20.8386	1,371.51	1,440.09	1,512.10	1,587.70	1,667.09	2,983.03	3,132.20	3,288.82	3,453.25	3,625.92

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 94-95
EFFECTIVE 6/28/94

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

RANGE	HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0429	17.5725	18.4511	19.3737	20.3424	21.3595	1,405.80	1,476.09	1,549.90	1,627.39	1,708.76	3,057.62	3,210.50	3,371.03	3,539.57	3,716.55
0430	18.0118	18.9124	19.8580	20.8509	21.8934	1,440.94	1,512.99	1,588.64	1,668.07	1,751.47	3,134.04	3,290.75	3,455.29	3,628.05	3,809.45
0431	18.4621	19.3852	20.3545	21.3722	22.4408	1,476.97	1,550.82	1,628.36	1,709.78	1,795.26	3,212.41	3,373.03	3,541.68	3,718.77	3,904.69
0432	18.9237	19.8699	20.8634	21.9066	23.0019	1,513.90	1,589.59	1,669.07	1,752.53	1,840.15	3,292.73	3,457.36	3,630.23	3,811.75	4,002.33
0433	19.3968	20.3666	21.3849	22.4541	23.5768	1,551.74	1,629.33	1,710.79	1,796.33	1,886.14	3,375.03	3,543.79	3,720.97	3,907.02	4,102.35
0434	19.8817	20.8758	21.9196	23.0156	24.1664	1,590.54	1,670.06	1,753.57	1,841.25	1,933.31	3,459.42	3,632.38	3,814.01	4,004.72	4,204.95
0435	20.3787	21.3976	22.4675	23.5909	24.7704	1,630.30	1,711.81	1,797.40	1,887.27	1,981.63	3,545.90	3,723.19	3,909.35	4,104.81	4,310.05
0436	20.8882	21.9326	23.0292	24.1807	25.3897	1,671.06	1,754.61	1,842.34	1,934.46	2,031.18	3,634.56	3,816.28	4,007.09	4,207.45	4,417.82
0437	21.4104	22.4809	23.6049	24.7851	26.0244	1,712.83	1,798.47	1,888.39	1,982.81	2,081.95	3,725.41	3,911.67	4,107.25	4,312.61	4,528.24
0438	21.9457	23.0430	24.1952	25.4050	26.6753	1,755.66	1,843.44	1,935.62	2,032.40	2,134.02	3,818.56	4,009.48	4,209.97	4,420.47	4,641.49
0439	22.4943	23.6190	24.8000	26.0400	27.3420	1,799.54	1,889.52	1,984.00	2,083.20	2,187.36	3,914.00	4,109.71	4,315.20	4,530.96	4,757.51
0440	23.0567	24.2095	25.4200	26.6910	28.0256	1,844.54	1,936.76	2,033.60	2,135.28	2,242.05	4,011.87	4,212.45	4,423.08	4,644.23	4,876.46
0441	23.6331	24.8148	26.0555	27.3583	28.7262	1,890.65	1,985.18	2,084.44	2,188.66	2,298.10	4,112.16	4,317.77	4,533.66	4,760.34	4,998.37
0442	24.2239	25.4351	26.7069	28.0422	29.4443	1,937.91	2,034.81	2,136.55	2,243.38	2,355.54	4,214.95	4,425.71	4,647.00	4,879.35	5,123.30
0443	24.8295	26.0710	27.3746	28.7433	30.1805	1,986.36	2,085.68	2,189.97	2,299.46	2,414.44	4,320.33	4,536.35	4,763.18	5,001.33	5,251.41
0444	25.4502	26.7227	28.0588	29.4617	30.9348	2,036.02	2,137.82	2,244.70	2,356.94	2,474.78	4,428.34	4,649.76	4,882.22	5,126.34	5,382.65
0445	26.0865	27.3908	28.7603	30.1983	31.7082	2,086.92	2,191.26	2,300.82	2,415.86	2,536.66	4,539.05	4,765.99	5,004.28	5,254.50	5,517.24
0446	26.7387	28.0756	29.4794	30.9534	32.5011	2,139.10	2,246.05	2,358.35	2,476.27	2,600.09	4,652.54	4,885.16	5,129.41	5,385.89	5,655.20
0447	27.4072	28.7776	30.2165	31.7273	33.3137	2,192.58	2,302.21	2,417.32	2,538.18	2,665.10	4,768.86	5,007.31	5,257.67	5,520.54	5,796.59
0448	28.0924	29.4970	30.9719	32.5205	34.1465	2,247.39	2,359.76	2,477.75	2,601.64	2,731.72	4,888.07	5,132.48	5,389.11	5,658.57	5,941.49
0449	28.7947	30.2344	31.7461	33.3334	35.0001	2,303.58	2,418.75	2,539.69	2,666.67	2,800.01	5,010.29	5,260.78	5,523.83	5,800.01	6,090.02
0450	29.5146	30.9903	32.5398	34.1668	35.8751	2,361.17	2,479.22	2,603.18	2,733.34	2,870.01	5,135.54	5,392.30	5,661.92	5,945.01	6,242.27
0451	30.2525	31.7651	33.3534	35.0211	36.7722	2,420.20	2,541.21	2,668.27	2,801.69	2,941.78	5,263.94	5,527.13	5,803.49	6,093.68	6,398.37
0452	31.0088	32.5592	34.1872	35.8966	37.6914	2,480.70	2,604.74	2,734.98	2,871.73	3,015.31	5,395.52	5,665.31	5,948.58	6,246.01	6,558.30
0453	31.7840	33.3732	35.0419	36.7940	38.6337	2,542.72	2,669.86	2,803.35	2,943.52	3,090.70	5,530.42	5,806.95	6,097.29	6,402.16	6,722.27
0454	32.5786	34.2075	35.9179	37.7138	39.5995	2,606.29	2,736.60	2,873.43	3,017.10	3,167.96	5,668.68	5,952.11	6,249.71	6,562.19	6,890.31
0455	33.3931	35.0628	36.8159	38.6567	40.5895	2,671.45	2,805.02	2,945.27	3,092.54	3,247.16	5,810.40	6,100.92	6,405.96	6,726.27	7,062.57
0456	34.2279	35.9393	37.7363	39.6231	41.6043	2,738.23	2,875.14	3,018.90	3,169.85	3,328.34	5,955.65	6,253.43	6,566.11	6,894.42	7,239.14

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 94-95
EFFECTIVE 6/28/94

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

RANGE	HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0457	35.0836	36.8378	38.6797	40.6137	42.6444	2,806.69	2,947.02	3,094.38	3,249.10	3,411.55	6,104.55	6,409.77	6,730.28	7,066.79	7,420.12
0458	35.9607	37.7587	39.6466	41.6289	43.7103	2,876.86	3,020.70	3,171.73	3,330.31	3,496.82	6,257.17	6,570.02	6,898.51	7,243.42	7,605.58
0459	36.8597	38.7027	40.6378	42.6697	44.8032	2,948.78	3,096.22	3,251.02	3,413.58	3,584.26	6,413.60	6,734.28	7,070.97	7,424.54	7,795.77
0460	37.7812	39.6703	41.6538	43.7365	45.9233	3,022.50	3,173.62	3,332.30	3,498.92	3,673.86	6,573.94	6,902.62	7,247.75	7,610.15	7,990.65
0461	38.7257	40.6620	42.6951	44.8299	47.0714	3,098.06	3,252.96	3,415.61	3,586.39	3,765.71	6,738.28	7,075.19	7,428.95	7,800.40	8,190.42
0462	39.6938	41.6785	43.7624	45.9505	48.2480	3,175.50	3,334.28	3,500.99	3,676.04	3,859.84	6,906.71	7,252.06	7,614.65	7,995.39	8,395.15
0463	40.6861	42.7204	44.8564	47.0992	49.4542	3,254.89	3,417.63	3,588.51	3,767.94	3,956.34	7,079.39	7,433.35	7,805.01	8,195.27	8,605.04
0464	41.7033	43.7885	45.9779	48.2768	50.6906	3,336.26	3,503.08	3,678.23	3,862.14	4,055.25	7,256.37	7,619.20	8,000.15	8,400.15	8,820.17
0465	42.7459	44.8832	47.1274	49.4838	51.9580	3,419.67	3,590.66	3,770.19	3,958.70	4,156.64	7,437.78	7,809.69	8,200.16	8,610.17	9,040.69
0466	43.8145	46.0052	48.3055	50.7208	53.2568	3,505.16	3,680.42	3,864.44	4,057.66	4,260.54	7,623.72	8,004.91	8,405.16	8,825.41	9,266.67
0467	44.9099	47.1554	49.5132	51.9889	54.5883	3,592.79	3,772.43	3,961.06	4,159.11	4,367.06	7,814.32	8,205.04	8,615.31	9,046.06	9,498.36
0468	46.0326	48.3342	50.7509	53.2884	55.9528	3,682.61	3,866.74	4,060.07	4,263.07	4,476.22	8,009.68	8,410.16	8,830.65	9,272.18	9,735.78
0469	47.1834	49.5426	52.0197	54.6207	57.3517	3,774.67	3,963.41	4,161.58	4,369.66	4,588.14	8,209.91	8,620.42	9,051.44	9,504.01	9,979.20
0470	48.3630	50.7812	53.3203	55.9863	58.7856	3,869.04	4,062.50	4,265.62	4,478.90	4,702.85	8,415.16	8,835.94	9,277.72	9,741.61	10,228.70
0471	49.5721	52.0507	54.6532	57.3859	60.2552	3,965.77	4,164.06	4,372.26	4,590.87	4,820.42	8,625.55	9,056.83	9,509.67	9,985.14	10,484.41
0472	50.8114	53.3520	56.0196	58.8206	61.7616	4,064.91	4,268.16	4,481.57	4,705.65	4,940.93	8,841.18	9,283.25	9,747.41	10,234.79	10,746.52
0473	52.0817	54.6858	57.4201	60.2911	63.3057	4,166.54	4,374.86	4,593.61	4,823.29	5,064.46	9,062.22	9,515.32	9,991.10	10,490.66	11,015.20
0474	53.3837	56.0529	58.8555	61.7983	64.8882	4,270.70	4,484.23	4,708.44	4,943.86	5,191.06	9,288.77	9,753.20	10,240.86	10,752.90	11,290.56
0475	54.7183	57.4542	60.3269	63.3432	66.5104	4,377.46	4,596.34	4,826.15	5,067.46	5,320.83	9,520.98	9,997.04	10,496.88	11,021.73	11,572.81
0476	56.0863	58.8906	61.8351	64.9269	68.1732	4,486.90	4,711.25	4,946.81	5,194.15	5,453.86	9,759.01	10,246.97	10,759.31	11,297.28	11,862.15
0477	57.4885	60.3629	63.3810	66.5501	69.8776	4,599.08	4,829.03	5,070.48	5,324.01	5,590.21	10,003.00	10,503.14	11,028.29	11,579.72	12,158.71
0478	58.9257	61.8720	64.9656	68.2139	71.6246	4,714.06	4,949.76	5,197.25	5,457.11	5,729.97	10,253.08	10,765.73	11,304.02	11,869.21	12,462.68
0479	60.3988	63.4187	66.5896	69.9191	73.4151	4,831.90	5,073.50	5,327.17	5,593.53	5,873.21	10,509.38	11,034.86	11,586.59	12,165.93	12,774.23
0480	61.9088	65.0042	68.2544	71.6671	75.2505	4,952.70	5,200.34	5,460.35	5,733.37	6,020.04	10,772.12	11,310.74	11,876.26	12,470.08	13,093.59

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES

Effective June 28, 1994

Range	Title
512	Fire Battalion Chief
513	
514	
515	
516	
517	Fire Division Chief

EXHIBIT "C"

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 94-95
EFFECTIVE 6/28/94

SCHEDULE - E
 MANAGEMENT/CONFIDENTIAL FIRE

RANGE	HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0501	19.9722	20.9708	22.0193	23.1203	24.2763	1,597.78	1,677.66	1,761.54	1,849.62	1,942.10	3,475.17	3,648.91	3,831.35	4,022.92	4,224.07
0502	20.4715	21.4951	22.5699	23.6984	24.8833	1,637.72	1,719.61	1,805.59	1,895.87	1,990.66	3,562.04	3,740.15	3,927.16	4,123.52	4,329.69
0503	20.9833	22.0325	23.1341	24.2908	25.5053	1,678.66	1,762.60	1,850.73	1,943.26	2,040.42	3,651.09	3,833.66	4,025.34	4,226.59	4,437.91
0504	21.5079	22.5833	23.7125	24.8981	26.1430	1,720.63	1,806.66	1,897.00	1,991.85	2,091.44	3,742.37	3,929.49	4,125.98	4,332.27	4,548.88
0505	22.0456	23.1479	24.3053	25.5206	26.7966	1,763.65	1,851.83	1,944.42	2,041.65	2,143.73	3,835.94	4,027.73	4,229.11	4,440.59	4,662.61
0506	22.5967	23.7265	24.9128	26.1584	27.4663	1,807.74	1,898.12	1,993.02	2,092.67	2,197.30	3,931.83	4,128.41	4,334.82	4,551.56	4,779.13
0507	23.1616	24.3197	25.5357	26.8125	28.1531	1,852.93	1,945.58	2,042.86	2,145.00	2,252.25	4,030.12	4,231.64	4,443.22	4,665.38	4,898.64
0508	23.7406	24.9276	26.1740	27.4827	28.8568	1,899.25	1,994.21	2,093.92	2,198.62	2,308.54	4,130.87	4,337.41	4,554.28	4,782.00	5,021.07
0509	24.3341	25.5508	26.8283	28.1697	29.5782	1,946.73	2,044.06	2,146.26	2,253.58	2,366.26	4,234.14	4,445.83	4,668.12	4,901.54	5,146.62
0510	24.9425	26.1896	27.4991	28.8741	30.3178	1,995.40	2,095.17	2,199.93	2,309.93	2,425.42	4,340.00	4,556.99	4,784.85	5,024.10	5,275.29
0511	25.5661	26.8444	28.1866	29.5959	31.0757	2,045.29	2,147.55	2,254.93	2,367.67	2,486.06	4,448.51	4,670.92	4,904.47	5,149.68	5,407.18
0512	26.2053	27.5156	28.8914	30.3360	31.8528	2,096.42	2,201.25	2,311.31	2,426.88	2,548.22	4,559.71	4,787.72	5,027.10	5,278.46	5,542.38
0513	26.8604	28.2034	29.6136	31.0943	32.6490	2,148.83	2,256.27	2,369.09	2,487.54	2,611.92	4,673.71	4,907.39	5,152.77	5,410.40	5,680.93
0514	27.5319	28.9085	30.3539	31.8716	33.4652	2,202.55	2,312.68	2,428.31	2,549.73	2,677.22	4,790.55	5,030.08	5,281.57	5,545.66	5,822.95
0515	28.2202	29.6312	31.1128	32.6684	34.3018	2,257.62	2,370.50	2,489.02	2,613.47	2,744.14	4,910.32	5,155.84	5,413.62	5,684.30	5,968.50
0516	28.9257	30.3720	31.8906	33.4851	35.1594	2,314.06	2,429.76	2,551.25	2,678.81	2,812.75	5,033.08	5,284.73	5,548.97	5,826.41	6,117.73
0517	29.6488	31.1312	32.6878	34.3222	36.0383	2,371.90	2,490.50	2,615.02	2,745.78	2,883.06	5,158.88	5,416.84	5,687.67	5,972.07	6,270.66
0518	30.3900	31.9095	33.5050	35.1803	36.9393	2,431.20	2,552.76	2,680.40	2,814.42	2,955.14	5,287.86	5,552.25	5,829.87	6,121.36	6,427.43
0519	31.1498	32.7073	34.3427	36.0598	37.8628	2,491.98	2,616.58	2,747.42	2,884.78	3,029.02	5,420.06	5,691.06	5,975.64	6,274.40	6,588.12
0520	31.9285	33.5249	35.2011	36.9612	38.8093	2,554.28	2,681.99	2,816.09	2,956.90	3,104.74	5,555.56	5,833.33	6,125.00	6,431.26	6,752.81
0521	32.7267	34.3630	36.0812	37.8853	39.7796	2,618.14	2,749.04	2,886.50	3,030.82	3,182.37	5,694.45	5,979.16	6,278.14	6,592.03	6,921.65
0522	33.5449	35.2221	36.9832	38.8324	40.7740	2,683.59	2,817.77	2,958.66	3,106.59	3,261.92	5,836.81	6,128.65	6,435.09	6,756.83	7,094.68
0523	34.3835	36.1027	37.9078	39.8032	41.7934	2,750.68	2,888.22	3,032.62	3,184.26	3,343.47	5,982.73	6,281.88	6,595.95	6,925.77	7,272.05
0524	35.2431	37.0053	38.8556	40.7984	42.8383	2,819.45	2,960.42	3,108.45	3,263.87	3,427.06	6,132.30	6,438.91	6,760.88	7,098.92	7,453.86
0525	36.1242	37.9304	39.8269	41.8182	43.9091	2,889.94	3,034.43	3,186.15	3,345.46	3,512.73	6,285.62	6,599.89	6,929.88	7,276.38	7,640.19
0526	37.0273	38.8787	40.8226	42.8637	45.0069	2,962.18	3,110.30	3,265.81	3,429.10	3,600.55	6,442.74	6,764.90	7,103.14	7,458.29	7,831.20
0527	37.9530	39.8507	41.8432	43.9354	46.1322	3,036.24	3,188.06	3,347.46	3,514.83	3,690.58	6,603.82	6,934.03	7,280.73	7,644.76	8,027.01
0528	38.9018	40.8469	42.8892	45.0337	47.2854	3,112.14	3,267.75	3,431.14	3,602.70	3,782.83	6,768.90	7,107.36	7,462.73	7,835.87	8,227.66

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES (Unrepresented)

Effective June 28, 1994

RANGE	TITLE
1612	
1613	
1614	
1615	
1616	
1617	
1618	
1619	
1620	
1621	Police Captain

EXHIBIT "E"

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 94-95
 EFFECTIVE 6/28/94

SCHEDULE - G
 MANAGEMENT/CONFIDENTIAL POLICE - UNREPRESENTED

RANGE	HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1601	18.2145	19.1252	20.0815	21.0856	22.1399	1,457.16	1,530.02	1,606.52	1,686.85	1,771.19	3,169.32	3,327.79	3,494.18	3,668.90	3,852.34
1602	18.6699	19.6034	20.5836	21.6128	22.6934	1,493.59	1,568.27	1,646.69	1,729.02	1,815.47	3,248.56	3,410.99	3,581.55	3,760.62	3,948.65
1603	19.1366	20.0934	21.0981	22.1530	23.2607	1,530.93	1,607.47	1,687.85	1,772.24	1,860.86	3,329.77	3,496.25	3,671.07	3,854.62	4,047.37
1604	19.6150	20.5958	21.6256	22.7069	23.8422	1,569.20	1,647.66	1,730.05	1,816.55	1,907.38	3,413.01	3,583.66	3,762.86	3,951.00	4,148.55
1605	20.1054	21.1107	22.1662	23.2745	24.4382	1,608.43	1,688.86	1,773.30	1,861.96	1,955.06	3,498.34	3,673.27	3,856.93	4,049.76	4,252.26
1606	20.6080	21.6384	22.7203	23.8563	25.0491	1,648.64	1,731.07	1,817.62	1,908.50	2,003.93	3,585.79	3,765.08	3,953.32	4,150.99	4,358.55
1607	21.1232	22.1794	23.2884	24.4528	25.6754	1,689.86	1,774.35	1,863.07	1,956.22	2,054.03	3,675.45	3,859.21	4,052.18	4,254.78	4,467.52
1608	21.6513	22.7339	23.8706	25.0641	26.3173	1,732.10	1,818.71	1,909.65	2,005.13	2,105.38	3,767.32	3,955.69	4,153.49	4,361.16	4,579.20
1609	22.1926	23.3022	24.4673	25.6907	26.9752	1,775.41	1,864.18	1,957.38	2,055.26	2,158.02	3,861.52	4,054.59	4,257.30	4,470.19	4,693.69
1610	22.7474	23.8848	25.0790	26.3330	27.6497	1,819.79	1,910.78	2,006.32	2,106.64	2,211.98	3,958.04	4,155.95	4,363.75	4,581.94	4,811.06
1611	23.3161	24.4819	25.7060	26.9913	28.3409	1,865.29	1,958.55	2,056.48	2,159.30	2,267.27	4,057.01	4,259.85	4,472.84	4,696.48	4,931.31
1612	23.8990	25.0940	26.3487	27.6661	29.0494	1,911.92	2,007.52	2,107.90	2,213.29	2,323.95	4,158.43	4,366.36	4,584.68	4,813.91	5,054.59
1613	24.4965	25.7213	27.0074	28.3578	29.7757	1,959.72	2,057.70	2,160.59	2,268.62	2,382.06	4,262.39	4,475.50	4,699.28	4,934.25	5,180.98
1614	25.1089	26.3643	27.6825	29.0666	30.5199	2,008.71	2,109.14	2,214.60	2,325.33	2,441.59	4,368.94	4,587.38	4,816.76	5,057.59	5,310.46
1615	25.7366	27.0234	28.3746	29.7933	31.2830	2,058.93	2,161.87	2,269.97	2,383.46	2,502.64	4,478.17	4,702.07	4,937.18	5,184.03	5,443.24
1616	26.3800	27.6990	29.0840	30.5382	32.0651	2,110.40	2,215.92	2,326.72	2,443.06	2,565.21	4,590.12	4,819.63	5,060.62	5,313.66	5,579.33
1617	27.0395	28.3915	29.8111	31.3017	32.8668	2,163.16	2,271.32	2,384.89	2,504.14	2,629.34	4,704.87	4,940.12	5,187.14	5,446.50	5,718.81
1618	27.7155	29.1013	30.5564	32.0842	33.6884	2,217.24	2,328.10	2,444.51	2,566.74	2,695.07	4,822.50	5,063.62	5,316.81	5,582.66	5,861.78
1619	28.4084	29.8288	31.3202	32.8862	34.5305	2,272.67	2,386.30	2,505.62	2,630.90	2,762.44	4,943.06	5,190.20	5,449.72	5,722.21	6,008.31
1620	29.1186	30.5745	32.1032	33.7084	35.3938	2,329.49	2,445.96	2,568.26	2,696.67	2,831.50	5,066.64	5,319.96	5,585.97	5,865.26	6,158.51
1621	29.8466	31.3389	32.9058	34.5511	36.2787	2,387.73	2,507.11	2,632.46	2,764.09	2,902.30	5,193.31	5,452.96	5,725.60	6,011.90	6,312.50
1622	30.5928	32.1224	33.7285	35.4149	37.1856	2,447.42	2,569.79	2,698.28	2,833.19	2,974.85	5,323.14	5,589.29	5,868.76	6,162.19	6,470.30
1623	31.3576	32.9255	34.5718	36.3004	38.1154	2,508.61	2,634.04	2,765.74	2,904.03	3,049.23	5,456.23	5,729.04	6,015.48	6,316.27	6,632.08
1624	32.1415	33.7486	35.4360	37.2078	39.0682	2,571.32	2,699.89	2,834.88	2,976.62	3,125.46	5,592.62	5,872.26	6,165.86	6,474.15	6,797.88
1625	32.9450	34.5923	36.3219	38.1380	40.0449	2,635.60	2,767.38	2,905.75	3,051.04	3,203.59	5,732.43	6,019.05	6,320.01	6,636.01	6,967.81
1626	33.7686	35.4570	37.2299	39.0914	41.0460	2,701.49	2,836.56	2,978.39	3,127.31	3,283.68	5,875.74	6,169.52	6,478.00	6,801.90	7,142.00
1627	34.6128	36.3434	38.1606	40.0686	42.0720	2,769.02	2,907.47	3,052.85	3,205.49	3,365.76	6,022.62	6,323.75	6,639.95	6,971.94	7,320.53
1628	35.4781	37.2520	39.1146	41.0703	43.1238	2,838.25	2,980.16	3,129.17	3,285.62	3,449.90	6,173.19	6,481.85	6,805.94	7,146.22	7,503.53

EXHIBIT "F"

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective June 28, 1994

RANGE	TITLE	MINIMUM	MAXIMUM
703	City Clerk/Auditor	3995	4994
704			
705-711			
712			
713	Personnel Director	5113	6392
714			
715			
716			
717	Finance Director	5645	7056
718			
719			
720	Parks & Recreation Director Fire Chief	6079	7599
721			
722	City Attorney Police Chief Community Development Director	6386	7983
723	Public Works and Transportation Director	6546	8183
724	Deputy City Manager	6710	8387
725			
726			
727			
728	City Manager	7406	9258

6/21

MODESTO CITY COUNCIL
RESOLUTION NO. 94-411

A RESOLUTION AUTHORIZING AN INCREASE IN
UNIFORM ALLOWANCE FOR UNREPRESENTED SWORN
POLICE MANAGEMENT EMPLOYEES.

WHEREAS, the change in uniform allowance from \$70.00 per month to \$80.00 per month for unrepresented police management employees is consistent with the increase granted to Police Officers and Detectives in Fiscal Year 1993-1994,

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

SECTION 1. UNIFORM ALLOWANCE FOR UNREPRESENTED SWORN POLICE MANAGEMENT PERSONNEL. An increase in uniform allowance from \$70.00 per month to \$80.00 per month for unrepresented sworn police management employees is hereby granted.

SECTION 2. PROCEDURE FOR PAYMENT. The Police Chief shall submit signed reports to the Finance Director showing the names of department personnel eligible to receive the uniform allowances authorized by this resolution.

SECTION 3. RESTRICTIONS. The uniform allowance authorized by this resolution shall not accrue to persons not specifically included in this resolution.

SECTION 4. EQUITABLE ADMINISTRATION. The City Manager is authorized to establish rules for the equitable administration of the uniform allowances authorized by this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-412

A RESOLUTION APPROVING AN AMENDED GRANT AGREEMENT BETWEEN THE CITY OF
MODESTO AND THE STATE DEPARTMENT OF TRANSPORTATION FOR THE
TRANSPORTATION CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the amended grant agreement between the City of Modesto and the State
Department of Transportation for the Transportation Center be, and it is
hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 5th day of July,
1994 , by Councilmember Friedman, who moved its adoption, which
motion being duly seconded by Councilmember Muratore , was upon roll
call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-413

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT AND MODESTO JUNIOR COLLEGE TO PARTICIPATE IN THE SUBSIDIZED FEDERAL WORK-STUDY PROGRAM FOR THE 1994-95 AUGUST-JUNE ACADEMIC YEAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal Work-Study Program for the 1994-95 August-June academic year be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1994 , by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-414

A RESOLUTION OF INTENTION TO LEVY AND COLLECT
ASSESSMENTS FOR LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK
MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 18, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

- a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.
- b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.
- c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.
- d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.
- e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 1994-95.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and that the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

- a. Street medians in Creekwood Drive
- b. Areas adjacent to the access control walls along Creekwood Drive
- c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 19th day of July, 1994, at the hour of 7:00 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-415

A RESOLUTION OF INTENTION TO LEVY AND COLLECT
ASSESSMENTS FOR LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK
MEADOWS SUBDIVISIONS NOS. 7-10 AND CREEKWOOD
MEADOWS SUBDIVISION.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

- a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.
- b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.
- c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.
- d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.
- e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 1994-95.
2. There are no substantial changes in the improvements, specifically within the existing Landscape Maintenance Assessment District No. 2, there is a parcel which has been subdivided per Creekwood Meadows Subdivision. This has increased the number of residential lots within the District from 418 lots to 514 lots. Also, there have been several parcel maps recorded which have increased the number of commercial parcels from 2 to 6 in Dry Creek Meadows Subdivisions Nos. 7-10 and

Creekwood Meadows Subdivision and that the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

- a. Street medians in Creekwood Drive
- b. Areas adjacent to the access control walls along Creekwood Drive
- c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 19th day of July, 1994, at the hour of 7:00 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council

located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-416

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE ROCKWELL REPLACEMENT/ADDITION PROJECT FOR 1994-95

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

SECTION 1. The specifications for the rockwell replacement/addition project for 1994-95, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 4, 1994, at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Coddill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-417

A RESOLUTION ACCEPTING THE BID OF CONCO WEST, INC. FOR THE REHABILITATION OF STORM WATER LIFT STATION - HATCH/DALLAS AND ASHFORD COURT

WHEREAS, Resolution No. 94-300, adopted by the Council of the City of Modesto on May 24, 1994, approved the plans and specifications for the rehabilitation of storm water lift station - Hatch/Dallas and Ashford Court; and

WHEREAS, the bids received for the rehabilitation of storm water lift station - Hatch/Dallas and Ashford Court, were opened at 11:05 a.m., on June 23, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Conco West, Inc. in the amount of \$177,600 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco West, Inc. in the amount of \$177,600 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-418

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$44,000 TO COMPLETE THE REHABILITATION OF STORM WATER LIFT STATION - HATCH/DALLAS AND ASHFORD COURT

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

FROM:	Misc. Storm Drains (Engr.) (628 480 E578 6040)	\$44,000
TO:	Rehabilitate Submersible Lift Station (628 480 D328 6040)	\$44,000

The previous lift station project used up part of the funds for this project, leaving not enough funding for this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-419

A RESOLUTION ACCEPTING THE SCENIC DRIVE WIDENING EAST OF OAKDALE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Scenic Drive widening east of Oakdale, has been completed by Ross F. Carroll, Inc., in accordance with the contract agreement dated December 7, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Scenic Drive widening east of Oakdale, be accepted from said contractor, Ross F. Carroll, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$64,941 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-420

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT TO S.A.A.G. THE CONGESTION MANAGEMENT PLAN (CMP) ANNUAL SELF-CERTIFICATION CHECKLIST.

WHEREAS, the Stanislaus County Congestion Management Program (CMP) became effective on July 1, 1992, and

WHEREAS, one requirement of the CMP is an annual Self-Certification Checklist, which must be submitted to S.A.A.G. by July 15, 1994, and each July 15 thereafter, and

WHEREAS, the Transportation Policy Committee has reviewed and approved the Self-Certification Checklist filled out by City staff which covers the period between May 1, 1993, and May 1, 1994, and

WHEREAS, completion of the checklist and submittal to S.A.A.G. will satisfy the City's requirement to demonstrate its compliance with the CMP requirement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Self-Certification Checklist form is hereby approved and the City Manager or his authorized designee is hereby authorized to execute the Self-Certification form for submittal to S.A.A.G. to comply with the CMP requirements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:



NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By



MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-421

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STEPHEN AND SANDRA STREETER dba STREETER FLYING SERVICE FOR THE LEASE OF HANGAR NO. 2 AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stephen and Sandra Streeter dba Streeter Flying Service for the lease of Hangar No. 2 at the Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-422

A RESOLUTION APPROVING THE FINAL MAP OF THE
YOSEMITE MEADOWS UNIT NO. 1 SUBDIVISION OF
THE CITY OF MODESTO.

WHEREAS, Lowe Development Company, a California general partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 5.93 acres, known as the Yosemite Meadows Unit No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 13th day of November, 1990, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Yosemite Meadows Unit No. 1 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for

public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-423

A RESOLUTION APPROVING AN AMENDMENT TO THE HUMAN RELATINOS
COMMISSION BYLAWS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the Human Relation Commissions Bylaws to change the regular meeting day of the Human Relation Commission from the third Tuesday of each month to the third Thursday of each month at 5:30 p.m. be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-424

A RESOLUTION APPROVING A HOME LOAN AGREEMENT BETWEEN THE CITY OF MODESTO
AND THE HOUSING AUTHORITY OF STANISLAUS COUNTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the HOME Loan agreement between the City of Modesto and the Housing Authority of Stanislaus County to assist in the construction of an 80 unit senior citizen housing complex on Conant Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-425

A RESOLUTION APPROVING A HOME LOAN AGREEMENT BETWEEN THE CITY OF MODESTO
AND THE MODESTO SENIOR HOUSING INVESTORS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the HOME Loan agreement between the City of Modesto and the Modesto Senior Housing Investors to assist in the development of a 38 unit senior citizen housing project at 725 Maze Boulevard, directly behind the Maze Boulevard Christian Church be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-426

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM R. RENFROW, JR. FOR THE PURPOSE OF REHABILITATING PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the HOME Loan agreement between the City of Modesto and William R. Renfrow, Jr. for the purpose of rehabilitating his property at 402 Colorado Avenue pursuant to the City of Modesto's Housing Rehabilitation Program, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-427

A RESOLUTION APPOINTING KEN HANIGAN TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

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

SECTION 1. Ken Hanigan is hereby appointed to the Housing Rehabilitation Loan Committee for a one-year term.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Coddill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Boards and Commissions

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-428

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED MITIGATED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE APPROVAL OF A MODESTO URBAN AREA GENERAL PLAN AMENDMENT REDESIGNATING A COMMERCIAL DESIGNATION FOR A NEIGHBORHOOD SHOPPING CENTER TO A RESIDENTIAL DESIGNATION; A REZONE OF PROPERTY FROM P-D(456) TO R-1 AND P-D(504); AND APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP FOR PARKER PLACE SUBDIVISION. (REDEV, INC., ON BEHALF OF MARY AND JAMES LAMATIS).

WHEREAS, on March 30, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the proposed project relating to a General Plan Amendment redesignating property from a Commercial Designation for a Neighborhood Shopping Center to a Residential Designation, a rezone from Planned-Development Zone, P-D(456), to a Residential Zone, R-1, and a new Planned-Development Zone, and approval of a Vesting Tentative Subdivision Map for Parker Place Subdivision, might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft mitigated negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft mitigated negative declaration were forwarded to the City Council for consideration with the

recommended negative declaration, and

WHEREAS, the EAC identified no long-term unmitigated environmental impacts with the project,

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

SECTION 1. The City Council has reviewed and considered the mitigated negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed mitigated negative declaration that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the mitigated negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Mayor
Lang
NOES: Councilmembers: Cogdill, Muratore
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-429

A RESOLUTION GRANTING THE APPEAL OF REDEV, INC., TO THE DECISION OF THE PLANNING COMMISSION, AND AMENDING THE LAND USE ELEMENT OF THE MODESTO URBAN AREA GENERAL PLAN MAP TO REDESIGNATE PROPERTY FROM A COMMERCIAL DESIGNATION FOR A NEIGHBORHOOD SHOPPING CENTER TO A RESIDENTIAL DESIGNATION (PARKER PLACE SUBDIVISION) ON THE SOUTHEAST CORNER OF CLAUS ROAD AND PARKER ROAD, AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS.

WHEREAS, a General Plan for the City of Modesto entitled "Modesto-Ceres-Empire Area General Plan", as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 59-33 on January 23, 1959, and has been subsequently amended, which amendments include the title which is currently "Modesto Urban Area General Plan", and

WHEREAS, thereafter, as recommended by the Planning Commission, said General Plan has been amended by Modesto City Council Resolutions:

No. 65-695, adopted on December 27, 1965 (Land Use, Public Facilities, and Circulation)

No. 70-235, adopted on March 16, 1970 (Housing Element, Phase #1)

No. 72-1042, adopted on October 2, 1972 (Interim Open Space Plan)

No. 73-671, adopted on August 6, 1973 (Open Space and Recreation Elements)

No. 74-651, adopted on August 5, 1974 (Land Use and Circulation Elements)

No. 75-364, adopted on March 10, 1975 (Phase Two Housing Element)

No. 75-638, adopted on June 9, 1975 (Safety, Scenic Highways and Seismic Safety Elements)

No. 76-906, adopted on July 26, 1976 (Housing Element, Phase #3)

No. 77-724, adopted on July 11, 1977 (Amended Land Use and Circulation Elements Map with Text Amendment on Storm Drains)

No. 77-765, adopted on July 25, 1977 (Amendment to Land Use and Circulation Elements Map - Orchard Neighborhood)

No. 78-854, adopted on August 14, 1978 (Conservation Element)

No. 78-855, adopted on August 14, 1978 (Noise Element)

No. 80-322, adopted on April 8, 1980 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)

No. 80-636, adopted on July 1, 1980 (Amendment to Land Use and Circulation Elements Map)

No. 81-50, adopted on January 27, 1981 (Amendment to Housing Element)

No. 81-419, adopted on May 26, 1981 (Amendment to Land Use and Circulation Elements Map)

No. 81-801, adopted on September 15, 1981 (Amendment to Housing Element)

No. 82-457, adopted on June 22, 1982 (Amendment to Land Use and Circulation Elements Map)

No. 83-33, adopted on January 18, 1983 (Amendment to Open Space and Recreation Elements)

No. 84-13, adopted on January 10, 1984 (Amendment to Land Use and Circulation Elements Map)

No. 84-462, adopted on July 10, 1984 (Rewrite of the Housing Element)

No. 85-318, adopted on May 21, 1985 (Amendment to Land Use and Circulation Elements - Yosemite Trunk)

No. 86-1297, adopted on November 26, 1986 (Circulation Element)

No. 86-1298, adopted on November 26, 1986 (Circulation Element)

No. 86-1299, adopted on November 26, 1986 (Circulation Element)

No. 86-1300, adopted on November 26, 1986 (Circulation Element)

No. 86-1301, adopted on November 26, 1986 (Circulation Element)

No. 88-145, adopted on February 23, 1988 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)

No. 89-579, adopted on May 23, 1989 (Amendment to the Modesto Urban Area General Plan Map - Orchard Neighborhood)

No. 89-632, adopted on June 13, 1989 (Amendment to Land Use and Circulation Elements Map - Bret Harte)

No. 89-857, adopted on August 22, 1989 (Amendment to Modesto Urban Area General Plan Map - Merle Neighborhood)

No. 89-985B, adopted on October 10, 1989 (Amendment to Modesto Urban Area General Plan Map Chrysler-99 Neighborhood)

No. 90-349, adopted on March 13, 1990 (Amendment to Modesto Urban Area General Plan Map - Empire West Neighborhood)

No. 90-479, adopted on April 24, 1990 (Amendment to Modesto-Ceres-Empire General Plan)

No. 90-758, adopted on September 11, 1990 (Amendment to Modesto Urban Area General Plan - Village One)

No. 91-233, adopted on April 23, 1991, (Amendment to Modesto Urban Area General Plan Map - Fleur De Ville Subdivision)

No. 92-273, adopted on May 19, 1992, (Rewrite of the Housig Element)

No. 93-631, adopted on November 9, 1993, (Amendment to Modesto Urban Area General Plan Map - Target and Wood Colony Neighborhood Shopping Center),

and

WHEREAS, pursuant to the provisions of Government Code Section 65402 of the State of California, the Modesto City Planning Commission is charged with the responsibility of recommending to the City Council amendments to the Modesto Urban Area General Plan regarding the physical development of land, and

WHEREAS, an application was submitted by Redev., Inc., to amend the Modesto Urban Area General Plan to redesignate property owned by James and Mary Lamatis, located on the southeast corner of Claus Road and Parker Road, from a Commercial Designation for a Neighborhood Shopping Center to A Residential Designation, and

WHEREAS, the project site is located within the Lakewood East Neighborhood which is bounded by Parker Road, Claus Road, SFRR and Dry Creek, and

WHEREAS, on June 6, 1994, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to the application filed by Redev, Inc., for an amendment to the Land Use Element of the Modesto Urban Area General Plan from a Commercial designation for a Neighborhood Shopping Center to a Residential Designation of the subject area, and

WHEREAS, in relation to this matter, a public hearing

was also held at the same time and place on an amendment to Section 19-3-10 of the Zoning Map to rezone from P-D(456) to R-1 and a new P-D, for a one-acre commercial development, as well as a public hearing on a request for a Vesting Tentative Subdivision Map for Parker Place Subdivision, and

WHEREAS, after considering evidence both oral and documentary the Modesto City Planning Commission adopted Resolution No. 94-30, denying the proposed amendment to the Land Use Element of the subject area as requested by Redev., Inc., for the reasons set forth in said Planning Commission Resolution, and

WHEREAS, by letter which was received in the Office of the City Clerk on June 20, 1994, an appeal to the decision of the Planning Commission denying the request for an amendment to the Land Use Element of the General Plan was filed by Richard Hagerty of Resource Development, and

WHEREAS, said appeal was set for a public hearing of the City Council to be held on July 12, 1994, at 4:00 p.m., which was continued to July 19, 1994, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, on said date and at said time said duly noticed public hearing of the City Council was held to consider said appeal for an amendment to the Land Use Element of the Modesto Urban Area General Plan Map,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the appeal filed by Richard Hagerty of Resource Development to the

decision of the Planning Commission denying the request to amend the Modesto Urban Area General Plan from a Commercial Designation for a Neighborhood Shopping Center to a Residential Designation regarding property on the southeast corner of Claus Road and Parker Road for Parker Place Subdivision is required for the public health, safety and welfare for the following reason:

The land inventory for residential development within the City of Modesto is low. More residential land is needed for adequate housing opportunity.

BE IT FURTHER RESOLVED by the Council that it hereby grants the appeal filed by Richard Hagerty of Resource Development to amend the Modesto Urban Area General Plan from a Commercial Designation for a Neighborhood Shopping Center to a Residential Designation regarding property on the southeast corner of Claus Road and Parker Road for Parker Place Subdivision, and the decision of the Planning Commission is hereby overruled for the reason set forth above.

BE IT FURTHER RESOLVED by the Council that the Land Use Element of the General Plan Map be and hereby is amended to redesignate the Commercial Designation for a Neighborhood Shopping Center to a Residential Designation for Parker Place Subdivision, located on the southeast corner of Claus Road and Parker Road, as shown on the map which is attached hereto marked Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to certify copies of said Amended General Plan Map to the Board of Supervisors of the County of Stanislaus.

BE IT FURTHER RESOLVED that this resolution shall become effective thirty (30) days after adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	Cogdill, Muratore
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

Exhibit A

General Plan prior to City Council Resolution No. 94-429

(Neighborhood Commercial designation at the
southeast corner of Claus Road and Parker Road.)

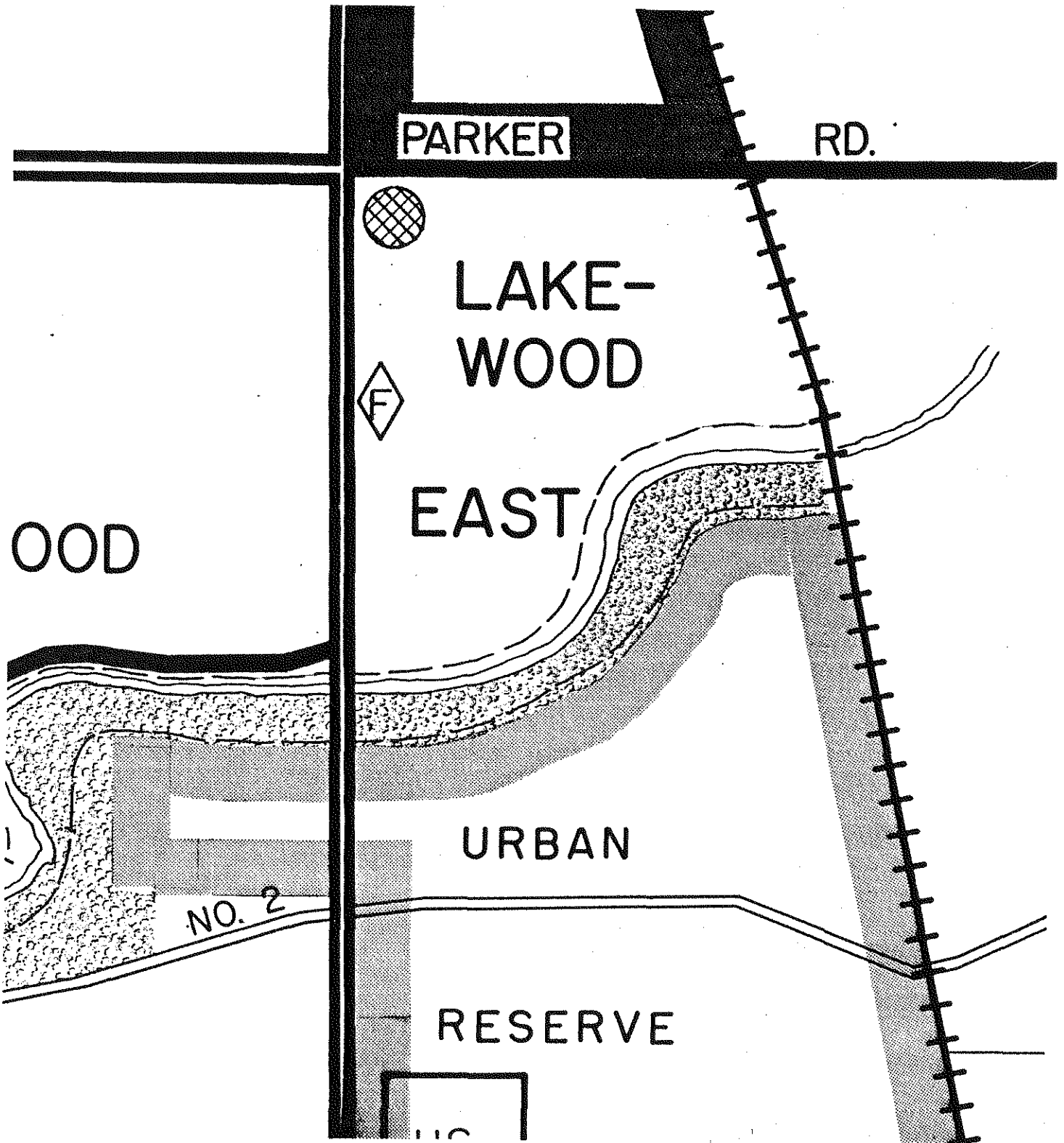
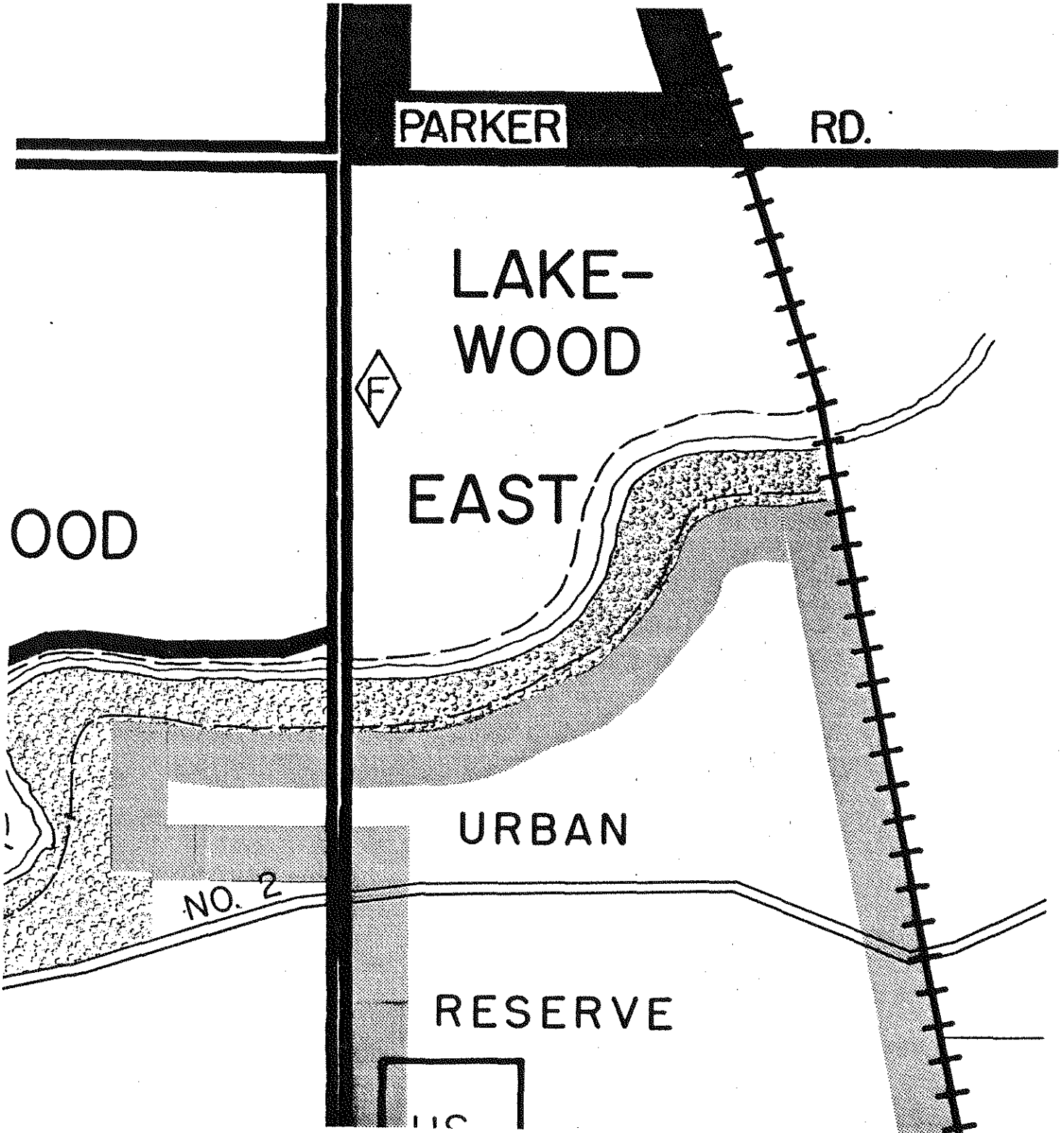


Exhibit A

General Plan as modified by City
Council Resolution No. 94-429

(Neighborhood Commercial designation deleted
and replaced with Residential designation.)



Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-430

A RESOLUTION GRANTING THE APPEAL OF REDEV,
INC. TO THE DECISION OF THE PLANNING
COMMISSION AND APPROVING THE VESTING
TENTATIVE SUBDIVISION MAP OF PARKER PLACE
SUBDIVISION, PROPERTY LOCATED ON THE
SOUTHEAST CORNER OF CLAUS ROAD AND PARKER
ROAD.

WHEREAS, the vesting tentative subdivision map of
Parker Place Subdivision was filed in the office of the Secretary
of the Planing Commission on March 8, 1994, in accordance with
the provisions of Section 4-4.401 of the Modesto Municipal Code,
and

WHEREAS, copies of said vesting tentative subdivision
map have been sent to the Empire Elementary School and Modesto
High School Districts, and Modesto Irrigation District, the local
utility companies, and the City Public Works and Transportation
Department, and

WHEREAS, City services, including sewer and water
facilities, are available, and

WHEREAS, the area can be served by elementary schools
in the Empire School District, and

WHEREAS, a public hearing was held by the Planning
Commission on June 6, 1994, in the City Council Chambers, City
Hall, 801 11th Street, Modesto, California, at which hearing
evidence both oral and documentary was received and considered,
and

WHEREAS, at said hearing the Planning Commission, by Resolution No. 94-32, found and determined that the vesting tentative subdivision map of Parker Place Subdivision accepted for filing in the office of the Secretary of the Planning Commission on March 8, 1994, should be denied for the reasons set forth in Planning Commission Resolution No. 94-32, and

WHEREAS, an appeal to the decision of the Planning Commission denying said vesting tentative subdivision map of Parker Place Subdivision was filed with the City Clerk by Redev, Inc. by letter dated June 20, 1994, and

WHEREAS, said matter was set for a public hearing on July 12, 1994, and continued to July 19, 1994, at 7:00 p.m. in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, for consideration of said appeal, and

WHEREAS, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Redev, Inc. to the decision of the Planning Commission denying approval of the vesting tentative subdivision map of Parker Place Subdivision should be granted for the following reason and the decision of the Planning Commission should be overruled:

1. To provide additional housing stock along with some commercial land uses at this intersection.

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

1. That the proposed subdivision map, together with the provisions for its design and improvements, is

consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.

2. That the discharge of waste was a result of the proposed subdivision into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
3. That a Mitigated Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated March 30, 1994, should be certified as adopted.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the appeal of Redev, Inc. to the decision of the Planning Commission denying approval of the vesting tentative subdivision map of Parker Place Subdivision is hereby overruled.

BE IT FURTHER RESOLVED that the vesting tentative subdivision map of Parker Place Subdivision which was accepted for filing in the office of the Secretary of the Planning Commission on March 8, 1994, be and is hereby approved as shown in red on the face of the map and subject to the following conditions:

1. That all street dedication be provided and subdivision improvements shall be constructed in accordance with City of Modesto Standard Specifications and as required by the Public Works and Transportation Director pursuant to improvement plans.
2. That public utility easements, as required by the utility companies serving the subdivision, shall be dedicated by the final map.
3. Vehicle and pedestrian access shall be denied along Claus Road and Parker Road consistent with

City standards. Appropriate notes shall be placed on the map showing the access restrictions.

4. That a final map shall not be recorded until such time as appropriate P-D Zoning to allow the proposed development is granted by the City Council and is in effect.
5. That the subdivider shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code of the State of California. The City of Modesto shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.
6. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this subdivision map shall be based on the rates in effect at time of issuance of the building permit.
7. That prior to recordation of a final subdivision map, the subdivider shall contact the United States Postal Service for review and establishment of a mail delivery plan.
8. That the following mitigation measures be required by the adopted Mitigated Negative Declaration shall be completed:
 - a. Prior to recording of the final map, an eight-foot-high, solid decorative masonry wall along Claus Road next to the R-1 lots shall be installed or appropriate security posted as approved by the Public Works and Transportation Department.
 - b. School mitigations pursuant to a signed agreement between the proponent and the Modesto High School. The agreement shall be

completed prior to the City Council approval of the General Plan Amendment and Prezone.

c. Traffic mitigation as listed follows:

- (1) No driveways on Claus Road.
- (2) Dedication and widening of Claus Road.
- (3) Dedication, widening, and realigning of Parker Road.
- (4) Modifications to the approaches and signal controls at the Briggsmore/Parker intersection.
- (5) Driveway locations, intersection modifications, street widenings, and median installation shall be designed and approved before construction begins.
- (6) The developer shall provide street lighting for the north side of Parker Road to meet current City Standards.
- (7) The developer shall provide traffic signal modification plans and specifications before construction can begin. All improvements shall be built per current City of Modesto Specifications at the time of construction.
- (8) The developer shall receive credit against the Streets portion of Capital Facilities Fees for any intersection and signal improvements are eligible for CFF funding. Cost estimates for such improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director.
- (9) While the ultimate lane configuration and street widths for Claus Road and Briggsmore Avenue and their intersection are known, the development of this project will only improve the southeast quadrant. A feasible design for interim improvements and operation the intersection with only the improvements to be constructed along with the

development needs to be developed and approved by the Public Works and Transportation Director before construction begins.

- d. Pedestrian access to the existing sidewalk system on Claus Road just south of the project site as approved by the Public Works and Transportation Director.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan,
Mayor Lang

NOES: Councilmembers: Cogdill, Muratore

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 94-430A

A RESOLUTION GRANTING THE APPEAL OF REDEV, INC. RELATING TO AN AMENDMENT TO SECTION 19-3-10 OF THE ZONING MAP TO REZONE PROPERTY FROM PLANNED DEVELOPMENT ZONE, P-D(456), TO LOW DENSITY RESIDENTIAL ZONE, R-1, AND PLANNED DEVELOPMENT ZONE, P-D(504), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF CLAUS ROAD AND PARKER ROAD (REDEV, INC.).

WHEREAS, a verified application for an amendment to Section 19-3-10 of the Zoning Map was filed by Redev, Inc., on March 8, 1994, to reclassify from Planned Development Zone, P-D(456), to Low Density Residential Zone, R-1, and Planned Development Zone, P-D(504), property located on the southeast corner of Claus Road and Parker Road, described as follows:

P-D(456) to R-1

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

BEGINNING at the Southwest corner of Parcel 2 as shown on the Parcel Map filed in Book 18 of Parcel Maps at Page 9, Stanislaus County Records; thence North 0°39'16" West, 320.00 feet along the west line of said Parcel 2 and the East right-of-way line of Claus Road; thence North 89°20'44" East, 336.00 feet; thence North 0°39'16" West, 200.75 feet to the South right-of-way line of Parker Road; thence North 89°38'36" East, 594.46 feet along said South right-of-way line to the Northeast corner of Parcel 3 of said Parcel Map; thence South 0°31'18" East, 537.07 feet along the east line of said Parcel 3 to the Southeast thereof; thence North 89°27'29" West, along the South line of said Parcel 2 and 3 a distance of 929.41 feet to the point of beginning.

Including the East 50.00 feet of Claus Road located between the above described property at the West section line of said Section 19.

Also including all of Parker Road and that portion of Modesto Irrigation Lateral No. 3 located between the north line of said Section 19 and the above described property.

P-D(456) to P-D(504)

All that certain real property situate in a portion of Parcel 2 as shown on the Parcel Map filed in Book 18 of Parcel Maps at Page 9, Stanislaus County Records, lying in a portion of the North half of the Northwest quarter of the Northwest quarter of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the Southwest corner of said Parcel 2; thence North 0°39'16" West along the West line of said Parcel 2 and the East right-of-way line of Claus Road, a distance of 320.00 feet to the Point of Beginning; thence continuing North 0°39'16" West along said East right-of-way line a distance of 127.42 feet to a tangent curve concave to the Southeast; thence 23.65 feet along said curve having a central angle of 90°19'14" and a radius of 15.00 feet to the South right-of-way line of Parker Road and the North line of said Parcel 2; thence continuing along said South right-of-way line North 89°39'58" East, 66.19 feet to a tangent curve concave to the Northwest; thence 109.46 feet along said curve having a central angle of 27°16'04" and a radius of 230.00 feet to a tangent line; thence North 62°23'54" East along said tangent line a distance of 34.18 feet to a tangent curve concave to the Southeast; thence 80.84 feet along said curve having a central angle of 27°14'42" and a radius of 170.00 feet to a tangent line; thence North 89°38'36" East along said tangent line a distance of 40.82 feet; thence South 0°39'16" East, 200.75 feet; thence South 89°20'44" West, 336.00 feet to the point of beginning.

Including the East 50.00 feet of Claus Road located between the above described property at the West section line of said Section 19.

Also including all of Parker Road and that portion of Modesto Irrigation Lateral No. 3 located between the north line of said Section 19 and the above described property.

WHEREAS, a public hearing was held by the Planning Commission on June 6, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 94-31, and

WHEREAS, an appeal of the Planning Commission's denial of the request to rezone the property was filed with the Office of the City Clerk by Redev, Inc. by letter dated June 20, 1994, and

WHEREAS, said appeal was set for public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers in City Hall, 801 11th Street, Modesto, California, on July 12, 1994, and continued to July 19, 1994, at 7:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council of the City of Modesto found and determined that said appeal to the denial of the requested rezoning of the property from Planned Development Zone, P-D(456),

to Low Density Residential Zone, R-1, and Planned Development Zone, P-D(504), should be granted for the following reason:

1. To provide additional housing stock along with some commercial land uses at this intersection.

and

WHEREAS, on July 19, 1994, the City Council introduced Ordinance No. 2918-C.S. giving approval to a project relating to an amendment to Section 19-3-10 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(456) to Low Density Residential Zone, R-1, and Planned Development Zone, P-D(504), property located on the southeast corner of Claus Road and Parker Road,

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

SECTION 1. APPEAL GRANTED. The appeal of Redev, Inc. for an amendment to Section 19-3-10 of the Zoning Map to reclassify the property described above from Planned Development Zone, P-D(456), to Low Density Residential Zone, R-1, and Planned Development Zone, P-D(504), is hereby granted and the decision of the Planning Commission is overruled for the reasons set forth above.

SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(504), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Parker/Claus Retail Use" as

amended in red, stamped approved by the City Council on July 19, 1994.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the east and south property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Eight-foot-high decorative masonry wall along the east and south property lines of the commercial site.
4. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
5. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
6. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
7. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.
8. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation easements for irrigation lines to remain shall be dedicated.

9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
10. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
11. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
12. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.
13. All signs shall comply with the sign requirements of the C-3 Zone.
14. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
15. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Planning and Community Development Department.
16. Traffic mitigation measures as required by the Mitigated Negative Declaration as approved by the Public Works and Transportation Department Director as follows:
 - a. No driveways on Claus Road.
 - b. Dedication and widening of Claus Road.
 - c. Dedication, widening, and realigning of Parker Road.

- d. Modifications to the approaches and signal controls at the Briggsmore/Parker intersection.
- e. Driveway locations, intersection modifications, street widenings, and median installation shall be designed and approved before construction begins.
- f. The developer shall provide street lighting for the north side of Parker Road to meet current City standards.
- g. The developer shall provide traffic signal modification plans and specifications before construction can begin. All improvements shall be built per current City of Modesto specifications at the time of construction.
- h. The developer shall receive credit against the Streets portion of Capital Facilities Fees for any intersection and signal improvements are eligible for CFF funding. Cost estimates for such improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director.
- i. While the ultimate lane configuration and street widths for Claus Road and Briggsmore Avenue and their intersection are known, the development of this project will only improve the southeast quadrant. A feasible design for interim improvements and operation the intersection with only the improvements to be constructed along with the development needs to be developed and approved by the Public Works and Transportation Director before construction begins.

SECTION 3. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(504):

The project must be started within the next 24 months and completed no later than 12 months after that.

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

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

SECTION 6. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(504), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan,
Mayor Lang

NOES: Councilmembers: Cogdill, Muratore

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By *William J. Davis*
Planning and Community Development

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-431

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 18, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a

resolution of intention to levy and collect assessments within the assessment district for the fiscal year 1994-95, and

WHEREAS, the Council has adopted Resolution No. 94-414 on July 5, 1994, which is the Resolution of Intention to levy and collect assessments within the assessment district for the fiscal year 1994-95 and to set a public hearing to be held on July 19, 1994, in the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California. Notice of the hearing was given in the time and manner required by law, and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby confirms the diagram and assessment as set forth in the annual report of the City Engineer, said Engineer of Work, for Landscape Maintenance Assessment District No. 1 and hereby levies the assessment set forth therein for fiscal year 1994-95.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-432

A RESOLUTION APPROVING THE ANNEXATION OF
ASSESSOR'S PARCEL NUMBER 079-2603-070 INTO
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO.
2, LOCATED WITHIN THE CITY OF MODESTO.

WHEREAS, Resolution No. 88-935 adopted by the Council
of the City of Modesto on December 18, 1988, initiated
proceedings for the formation of Landscape Assessment District
No. 2 for the purpose of administering the maintenance of
landscaping in the public right of way within the street medians
and adjacent to the access control walls in Dry Creek Meadows
Subdivisions Nos. 7-10, and

WHEREAS, said Assessment District was formed in
accordance with the Landscaping and Lighting Act of 1972,
(Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22605 of the Streets and Highways Code
authorizes the City Council to annex a property into an
assessment district, and

WHEREAS, in such annexation proceedings, Section 22608
provides for the waiver of resolutions, report, notices of
hearing and right of majority protest when written consent has
been received from all of the owners of property within the
territory to be annexed, and

WHEREAS, the sole property owner of Assessor's Parcel
Number 079-2603-070 is Mr. Rod Lowe, and said property owner has
filed a written consent with the City to the annexation of his

parcel to Landscape Maintenance Assessment District No. 2 located within the City of Modesto, and

WHEREAS, the Council has determined that said Assessor's Parcel No. 079-2603-070 does receive benefit from said District No. 2, and

WHEREAS, Section 22608 of the Streets and Highways Code requires the legislative body (the City Council) to give notice of hearing on the proposed annexation, which notice shall be published, posted, and mailed, and

WHEREAS, the Council duly noticed a public hearing which was held on July 19, 1994, in the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California. Notice of the time hearing was given in the time and manner required by law, and the City Council afforded to every interested person an opportunity to make a protest to the annual report and/or annexation either in writing or orally, and

WHEREAS, no protests were received by the City Council, and

WHEREAS, by Resolution No. 94-415 adopted by the Council of the City of Modesto, the Council confirmed the diagram and annual assessment of said Assessor's Parcel as set forth in the annual report of the City Engineer, the Engineer of Work, for Landscape Maintenance Assessment District No. 2, which report is on file with the City Clerk.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby annexes Assessor's Parcel Number

079-2603-070, owned by Rod Lowe, into Landscape Maintenance Assessment District No. 2 in order to provide maintenance, in perpetuity, of street medians, landscaping upon the medians, landscaping of all areas behind the curb line of Creekwood Drive, Claus Road and Yosemite Boulevard, and any and all improvements required for such maintenance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-433

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10 AND CREEKWOOD MEADOWS SUBDIVISION.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 18, 1988, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a

resolution of intention to levy and collect assessments within the assessment district for the fiscal year 1994-95, and

WHEREAS, the Council has adopted Resolution No. 94-415 on July 5, 1994, which is the Resolution of Intention to levy and collect assessments within the assessment district for fiscal year 1994-95 and to set a public hearing to be held on July 19, 1994, in the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California. Notice of the hearing was given in the time and manner required by law, and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby confirms the diagram and assessment as set forth in the annual report of the City Engineer, said Engineer of Work, for Landscape Maintenance Assessment District No. 2 and hereby levies the assessment set forth therein for fiscal year 1994-95.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-434

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE THOUSAND OAKS LIFT STATION REMODELING PROJECT

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

SECTION 1. The specifications for the Thousand Oaks lift station remodeling project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 18, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-435

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE
RECONSTRUCTION OF "H" AND "I" STREETS

WHEREAS, Resolution No. 94-286, adopted by the Council of the City of Modesto on May 17, 1994, approved the plans and specifications for the reconstruction of "H" and "I" Streets; and

WHEREAS, the bids received for the reconstruction of "H" and "I" Streets, were opened at 11:00 a.m., on June 16, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of George Reed, Inc. in the amount of \$936,818.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of \$936,818.50 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-436

A RESOLUTION AUTHORIZING ISSUANCE OF CONTRACT CHANGE ORDERS TO THE CONTRACTOR, GEORGE REED, INC., ON THE RECONSTRUCTION OF 'H' AND 'I' STREET

WHEREAS, the City of Modesto has contracted with George Reed, Inc. for the reconstruction of "H" and "I" Streets; and

WHEREAS, the recent sewer project on "H" Street has revealed that a much higher than anticipated number of City-owned utilities must be lowered and/or replaced because of their condition and because of their proximity to what will ultimately be the new subgrade during construction of "H" and "I" Streets.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the issuance of contract change orders to the contractor, George Reed, Inc. on the reconstruction of "H" and "I" Street.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-437

A RESOLUTION ACCEPTING THE BID OF SCRIMSHER AND MINENI CONSTRUCTION, INC. FOR THE EMERALD AVENUE SEWAGE LIFT STATION REHABILITATION

WHEREAS, Resolution No. 94-299, adopted by the Council of the City of Modesto on May 24, 1994, approved the plans and specifications for the Emerald Avenue sewage lift station rehabilitation; and

WHEREAS, the bids received for the Emerald Avenue sewage lift station rehabilitation, were opened at 11:00 a.m., on June 23, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Scrimsher and Mineni Construction, Inc. in the amount of \$473,123.49 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Scrimsher and Mineni Construction, Inc. in the amount of \$473,123.49 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-438

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$45,000 TO FUND THE EMERALD AVENUE SEWAGE LIFT STATION REHABILITATION

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

FROM:	Lakewood Trunk Extension (622 480 D311 6010)	\$45,000
TO:	Emerald Lift Station (622 480 E600 6040)	\$45,000

This transfer is needed to cover the increased scope of the project to include the repair of structural damage to the wet pit discovered during the design process.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-439

A RESOLUTION ACCEPTING THE BID OF D 7 L CONCRETE PUMPING FOR PROJECT NO. 20 - REPLACEMENT OF CURBS AND SIDEWALKS, VARIOUS LOCATIONS

WHEREAS, Resolution No. 94-346, adopted by the Council of the City of Modesto on June 14, 1994, approved the plans and specifications for Project No. 20 - replacement of curbs and sidewalks, various locations; and

WHEREAS, the bids received for Project No. 20 - replacement of curbs and sidewalks, various locations, were opened at 11:05 a.m., on June 14, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of D & L Concrete Pumping in the amount of \$89,028.21 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of D & L Concrete Pumping in the amount of \$89,028.21 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-440

A RESOLUTION ACCEPTING THE 12TH AND 'B' STREET WATERLINE PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the 12th and "B" Street waterline project, has been completed by Allen A. Waggoner Construction, inc., in accordance with the contract agreement dated April 12, 1994.

NOW, THEREFORE, BE IT RESOLVED that the 12th and "B" Street waterline project, be accepted from said contractor, Allen A. Waggoner Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$127,817.70 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Mcclanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-441

A RESOLUTION ACCEPTING THE BID OF NATIONAL LINEN SERVICE FOR FURNISHING LINEN SERVICES FOR FISCAL YEAR 1994-95 AND AUTHORIZING THE PURCHASE OF LINEN SERVICES FOR TWO ADDITIONAL YEARS

WHEREAS, Resolution No. 94-93, adopted by the Council of the City of Modesto on February 15, 1994, approved the plans and specifications for the purchase of linen services for Fiscal Year 1994-95 and authorizing the purchase of linen services for two additional years up to and including Fiscal Year 1996-97 and authorized the calling for bids; and

WHEREAS, the bids received for furnishing linen services for Fiscal Year 1994-95 and two additional years were opened at 11:05 a.m. on March 7, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of National Linen Service for a total 3-year cost of \$55,514.16, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of National Linen Service be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-442

A RESOLUTION COMMENDING WILLIAM (BILL) J.
LYONS, JR.

WHEREAS, William (Bill) J. Lyons, Jr. has represented Division Number Four (4), the northwest area of the Modesto Irrigation District, since December 1985, and

WHEREAS, during his years of service as a Modesto Irrigation District Director, including two terms as Board President, Mr. Lyons capably represented both the agricultural and urban constituency in the affairs of the District, and

WHEREAS, during his tenure, Mr. Lyons played an instrumental role in managing the scarce water supply during the six year drought, the worst drought in recorded California history, and maintaining an adequate supply of water, dependable electric power and financial stability, and

WHEREAS, Mr. Lyons provided leadership in the planning and construction of the surface water treatment plant to ensure that an adequate supply of quality water is available to meet the needs of our growing community, and

WHEREAS, Mr. Lyons not only served the interests of the water and electrical customers, but has also been active in local affairs, including the local and State Farm Bureau, Modesto Chamber of Commerce and many other activities that contributed to the well being of the community, and

WHEREAS, the Modesto Irrigation District water users and electric customers will benefit for many years from his efforts on their behalf,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the Council does hereby express its appreciation to Mr. Lyons for his years of dedicated service.

BE IT FURTHER RESOLVED, by the Council of the City of Modesto that the Council does hereby extend to Mr. and Mrs. Lyons best wishes for many years of happiness in their future endeavors.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Mike Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-443

A RESOLUTION ESTABLISHING A CHANGE ORDER APPROVAL POLICY FOR THE CITY OF MODESTO CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS

WHEREAS, each Public Works construction contract includes language which provides the Public Works and Transportation Director with the authority to execute Change Orders during the course of construction; and

WHEREAS, providing a written policy establishes clear guidelines within which the Public Works and Transportation Department can issue Contract Change Orders consistent with current construction principles and practices while maintaining Council Control over budgetary concerns.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does hereby adopt a policy entitled, "Change Order Approval Policy", a copy of which is attached hereto marked Exhibit "A" and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, Mcclanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Policy

The Public Works and Transportation Director is authorized to issue changes in construction contracts via written change orders within the limitations established below after determining that the change order is within the original project scope, both reasonable and necessary, and that funds are available in the approved Capital Improvement Program budget.

1. For contracts originally awarded for a cost of less than \$250,000, the Director has the authority to issue change orders for an increase in contract price of up to \$25,000, provided that the sum of all such change orders for any single contract does not exceed \$25,000.
 2. For contracts originally awarded for a cost of at least \$250,000, but less than \$1,000,000, the Director has the authority to issue change orders, provided the sum of all such change orders for any single contract does not exceed ten percent (10%) of the original contract price.
 3. For contracts originally awarded for a cost of at least \$1,000,000, but less than \$10,000,000, the Director has the authority to issue change orders, provided the sum of all such change orders for any single contract does not exceed eight percent (8%) of the original contract price.
 4. For contracts originally awarded for a price of \$10,000,000 or more, the Director has the authority to issue change orders, provided the sum of all such change orders for any single contract does not exceed six percent (6%) of the original contract price.
- Any individual change order in excess of \$20,000 will require the approval of both the Director and the City Manager.
6. Variance from the above limitations may be requested at the time of bid award for unusual situations, including, but not limited to contracts for building renovations. In addition, variances may be requested in response to unforeseen conditions which may arise in the field.
 7. Notwithstanding the above limitations, if in the Director's discretion it becomes necessary to issue a change order in order to:
 - Prevent the interruption of work which has the potential to result in a substantial increase in cost to the City; or
 - Protect the work, equipment, or materials to be used in the work, human safety, or the environment at or near the site of the work, from substantial and immediate danger or injury; or
 - Protect, where damage or injury has occurred, the work, equipment, or materials to be used in the work, human safety, or the environment, at or near the site of the work from further damage, injury or deterioration caused by man, nature or other sources;

then the Director shall have the authority to issue change orders in such sums as may reasonably be necessary for such purposes; provided, however, in the event any such action exceeds the specific authority set forth in the above, the Director shall report to the City Council regarding any such action as soon as is reasonably possible, but no later than thirty (30) days subsequent. If said change orders will require an adjustment to the approved budget for the project, prior approval shall be obtained from the City Manager.

Clerk

MODESTO CITY COUNCIL
RESOLUTION 94-444

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE FUNDING FOR A NEW CAPITAL IMPROVEMENT PROGRAM PROJECT: PVEA MODESTO CITY TRAFFIC SIGNAL RETIMING AND UPGRADE PROJECT.

WHEREAS, staff applied for federal funding under the Petroleum Violation Escrow Account (PVEA) grant program for this project and was successful in obtaining federal funds for 100% of the project, for a total amount of \$125,000.

WHEREAS, this project involves retiming of traffic signals at 98 intersections on 15 arterial and collector streets in the city.

WHEREAS, it is necessary to appropriate these funds in a new CIP project.

WHEREAS, the following adjustments are necessary.

Gas Tax Fund		Increase (Decrease)
Fund/Agy/Org		
Expenditures		
070-160-E952-6040	PVEA T/S Retiming & Upgrade	\$125,000
Revenue		
070-510-9510-3504	Federal Funds	\$125,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:



NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By



MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-445

A RESOLUTION INDEXING THE RATE FOR MILEAGE REIMBURSEMENT TO CITY EMPLOYEES WHEN USING PERSONAL VEHICLES WHILE PERFORMING CITY BUSINESS TO THE IRS ALLOWABLE RATE.

WHEREAS, by Resolution NO. 92-349, adopted by the Council of the City of Modesto on June 23, 1992, the Council, among other matters, set mileage rates in the amount of 23¢ per mile for use of personal vehicles by City employees while performing City business, and

WHEREAS, City staff has recommended an increase in the mileage rates for use of personal vehicles by City employees while performing City business at the current Internal Revenue Service (IRS) reimbursement rate, and

WHEREAS, the Financial Policy Committee considered this issue at its July 6, 1994, meeting and endorsed the Staff recommendation, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby indexes the mileage reimbursement rate to City employees for use of personal vehicles while performing City business to the Internal Revenue Service (IRS) allowable rate.

BE IT FURTHER RESOLVED that all other provisions set forth in City Council Resolution No. 92-349 adopted by the City Council on June 23, 1992, not in conflict with this resolution, shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-446

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ELDON LARSON FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE JULY 19, 1994

WHEREAS, Eldon Larson was appointed a member of the Affirmative Action Commission on April 28, 1992; and

whereas, Eldon Larson has tendered his resignation from the Affirmative Action Commission, effective July 19, 1994; and

WHEREAS, Eldon Larson has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Eldon Larson from the Affirmative Action Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Eldon Larson for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Marvyn Coyle*
NO FFINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-447

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING A COMPUTER NETWORK SYSTEM FOR THE POLICE DEPARTMENT

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

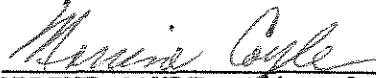
SECTION 1. The specifications for furnishing a Computer Network System for the Police Department, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 29, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July 26, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-448

A RESOLUTION ACCEPTING THE BID OF MUNICIPAL MAINTENANCE EQUIPMENT, INC.
FOR FURNISHING TWO VACUUM SEWER CLEANING TRUCKS

WHEREAS, Resolution No. 94-241, adopted by the Council of the City of Modesto on May 3, 1994, approved the plans and specifications for the purchase of two vacuum sewer cleaning trucks, and authorized the calling for bids; and

WHEREAS, the bids received for furnishing two vacuum sewer cleaning trucks were opened at 11:00 a.m. on May 27, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Municipal Maintenance Equipment, Inc. in the amount of \$408,188, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Municipal Maintenance Equipment, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION 94-449

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO TRANSFER FUNDS FROM THE STORM DRAINAGE FUND TO THE FLEET FUND TO PROVIDE ADDITIONAL FUNDING FOR TWO VACUUM SEWER CLEANING TRUCKS.

WHEREAS, funds were budgeted for the purchase of tow vacuum sewer cleaning trucks in the 1994-95 budget; however, bids came in higher than anticipated.

WHEREAS, it is necessary to transfer additional funds from the Storm Drainage Fund to the Fleet Fund for the purchase of these trucks.

WHEREAS, the following adjustments are necessary.

Storm Drainage Fund		Increase (Decrease)
Fund/Agy/Org		
Expenditures		
628-700-7000-7720	Transfer out to Fleet Mngmt Fund	\$61,688
628-800-8000-8003	Storm Drainage Fund Contingency Reserve	(\$61,688)
720-480-5814-5021	Vactor Truck	\$30,844
720-480-5814-5314	Vactor Truck	\$30,844
Revenue		
720-700-7000-9628	Transfer in from Storm Drainage Fund	\$61,688

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-450

A RESOLUTION SUPPORTING CRIME PREVENTION AND
PROCLAIMING TUESDAY, AUGUST 2, 1994, AS
"NATIONAL NIGHT OUT".

WHEREAS, the National Town Watch Association is
sponsoring the 11th Annual edition of a special, coast-to-coast
community crime prevention event on Tuesday, August 2, 1994,
called "National Night Out", and

WHEREAS, the City of Modesto plays an essential role
assisting the Modesto Police Department through its cooperative
crime prevention efforts in Modesto and is in support of the
"National Night Out" locally, and

WHEREAS, the Modesto Police Department is coordinating
local activities planned by Neighborhood Watch groups and
anticipates that approximately 50 neighborhoods in Modesto will
have activity for "National Night Out", and

WHEREAS, it is important that all citizens in Modesto
be aware of the importance of crime prevention programs and the
positive impact that their participation can have in reducing
crime in our neighborhoods, and

WHEREAS, "National Night Out" provides an opportunity
for Modesto to join together with thousands of other communities
across the country in support of safe neighborhoods and to
demonstrate the success of cooperative crime prevention efforts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Council does hereby call upon all of the citizens of Modesto to join the Modesto Police Department and the National Town Watch Association in supporting and participating in the 11th Annual "National Night Out" on Tuesday, August 2, 1994.

BE IT FURTHER RESOLVED that the Council of the City of Modesto does hereby proclaim Tuesday, August 2, 1994, as "National Night Out" in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None.

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-451

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES AND MARY LAMATIS, JOHN AND MARY R. LUST, AND GREG SATRILES FOR THE ACQUISITION OF 0.68± ACRES PERMANENT EASEMENT, 0.20± ACRES TEMPORARY EASEMENT, AND 0.16± ACRES OF EXCESS LAND FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and James and Mary Lamatis, John and Mary R. Lust, and Greg Satriles for the acquisition of 0.68± acres permanent easement, 0.20± acres temporary easement, and 0.16± acres of excess land for the Lakewood Sewer Trunk Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-452

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS FOR COMPENSATION FOR THE LOSS OF LEACH FIELDS BECAUSE OF SEWER EASEMENTS NEEDED FOR THE EXTENSION OF THE SONOMA SEWER TRUNK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City Schools for compensation for the loss of leach fields because of sewer easements needed for the extension of the Sonoma Sewer Trunk be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-453

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM RADUS L. BRAY FOR THE ACQUISITION OF THE FORMER RAINBO BAKERY BUILDING NEEDED FOR THE KANSAS/NEEDHAM OVERCROSSING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Radus L. Bray for the acquisition of the former Rainbo Bakery Building needed for the Kansas/Needham overcrossing be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Radus L. Bray for the Kansas/Needham overcrossing be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill, McClanahan, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-454

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA-STATE LANDS COMMISSION FOR THE INSTALLATION OF AN 18-INCH POTABLE WATERLINE ON THE CARPENTER ROAD BRIDGE OVER THE TUOLUMNE RIVER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and the State of California-State Lands Commission for the installation of an 18-inch potable waterline on the Carpenter Road bridge over the Tuolumne River be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

10/1

MODESTO CITY COUNCIL
RESOLUTION NO. 94-455

A RESOLUTION SUMMARILY VACATING AND
ABANDONING A TWENTY-FOOT WIDE STORM DRAIN
EASEMENT BETWEEN HATCH ROAD AND CRATER AVENUE
LOCATED AT THE EAST LINE OF BLOCK 9215 OF THE
CITY OF MODESTO PURSUANT TO THE CALIFORNIA
STREETS AND HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request from Cary Pope of Pope Development on behalf of River Bend Joint Venture, the owner of seven affected lots in Block 9215 of River Bend Estates, to abandon a twenty-foot (20-foot) wide storm drain easement between Hatch Road and Crater Avenue at the east line of said Block 9215 of the City of Modesto, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily abandon an easement superseded by relocation, and

WHEREAS, said easement was created across the east twenty (20) feet of Lots 1, 2, 3, 4, 5, 6, and 7 of Block 9215 of River Bend Estates, City of Modesto, County of Stanislaus, State of California, as per map filed June 27, 1990, in Volume 35 of Maps, Page 13, Stanislaus County Records, and is more particularly described on the map attached hereto as Exhibit "A", and

WHEREAS, said storm drain line was re-routed through the River Terrace Subdivision, and the subject easement and line are no longer needed, and

WHEREAS, the Council of the City of Modesto finds and

declares that:

1. The vacation is made pursuant to Chapter 4, Article 1, Section 8333, subdivision (c) of the Streets and Highways Code.

2. Section 8333, subdivision (c) provides that the legislative body of a local agency may summarily vacate an easement superseded by relocation.

3. The subject twenty-foot (20-foot) wide storm drain easement proposed for abandonment is not needed for future use.

4. That from and after the date this resolution is recorded, said twenty-foot (20-foot) wide storm drain easement across the east 20 feet of Lots 1, 2, 3, 4, 5, 6, and 7 of Block 9215 of River Bend Estates, City of Modesto, will be vacated and will no longer constitute an easement on said property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the twenty-foot (20-foot) wide storm drain easement located across the east 20 feet of Lots 1, 2, 3, 4, 5, 6, and 7 of Block 9215 of River Bend Estates, City of Modesto, as more particularly described on Exhibit "A" which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

PORTION NW 1/4 SECTION 8 T.4S. R.9E. M.D.B.&M.
 RIO GRANDE COLONY - PORTIONS LOTS 12 thru 14
 POR. RIVER BEND ESTATES

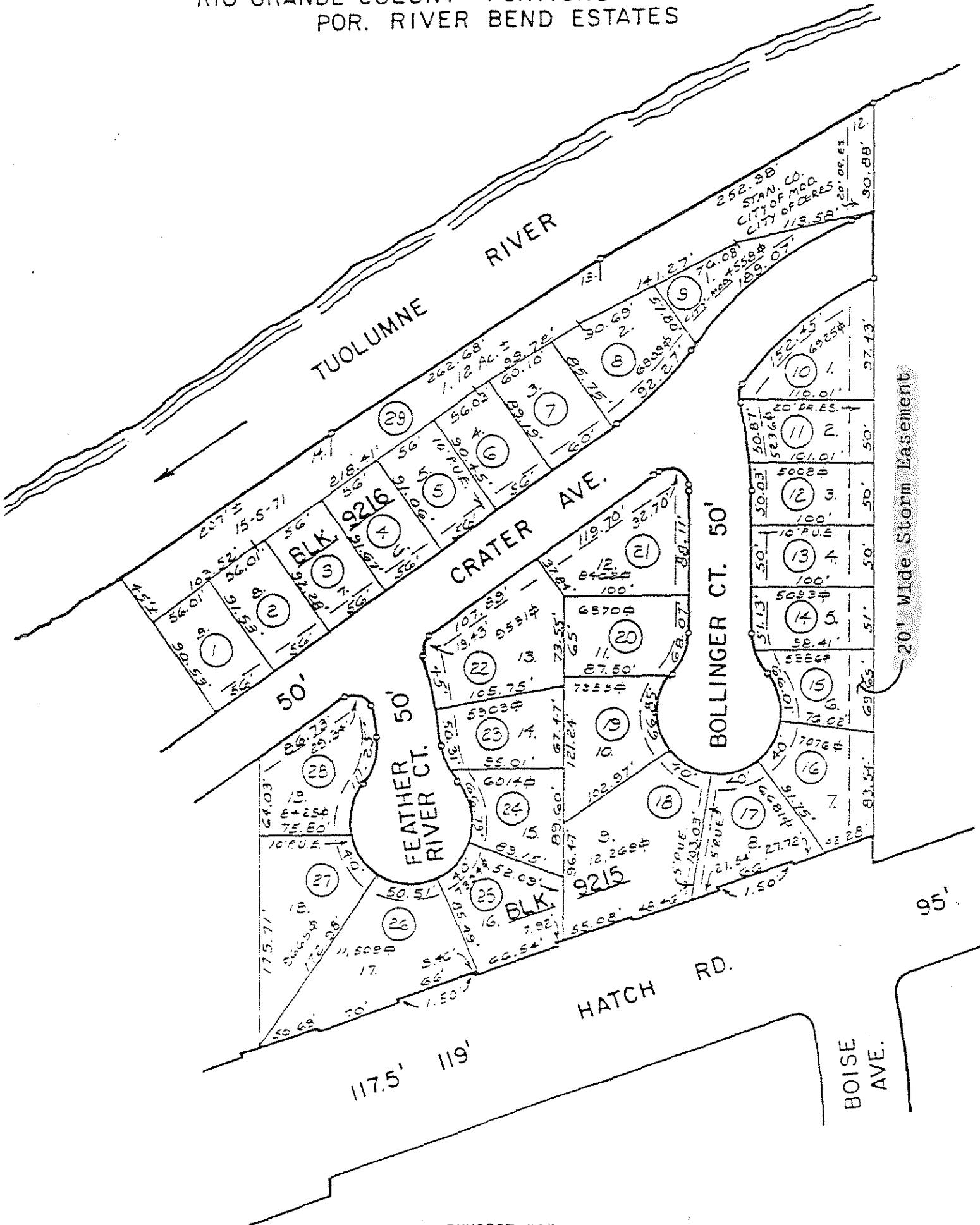


EXHIBIT "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 94-456

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
ATHER SPORTS CLINIC TO PROVIDE PERSONAL FITNESS INSTRUCTION FOR THE FIRE
FIGHTER PHYSICAL FITNESS PILOT PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Ather Sports Clinic to
provide personal fitness instruction for the Fire Fighter Physical
Fitness Pilot Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 26th day of July,
1994, by Councilmember Friedman , who moved its adoption, which motion
being duly seconded by Councilmember Dobbs , was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-457

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$25,000 TO FUND THE
FIRE FIGHTER PHYSICAL FITNESS PILOT PROJECT

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

FROM:	Claims Payments (732-030-6610-0410)	\$25,000
TO:	Professional Services (732-030-6610-0235)	\$25,000

This agreement will cover a two-year pilot project and will
provide personal fitness instruction for the Fire Fighter Physical
Fitness Pilot Project

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 26th day of July, 1994,
by Councilmember Friedman, who moved its adoption, which motion being
duly seconded by Councilmember Dobbs, was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 94-458

A RESOLUTION REVISING THE POSITION
CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by the Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

SECTION 1. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Firefighter/Firefighter Trainee

The revised specification for the classification of Firefighter/Firefighter Trainee, as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to

create the following classifications:

Wastewater Collection System Operator

Wastewater Collection System Crewleader

The revised specifications for the classifications of Wastewater Collection System Operator (Range 116), as shown on the attached Exhibit "B", and Wastewater Collection System Crewleader (Range 124), as shown on the attached Exhibit "C", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after July 19, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

FIREFIGHTER
FIREFIGHTER TRAINEE

DEFINITION

To respond to fire alarms, medical emergency and other calls to protect life and property; and to participate in fire prevention, training and station and equipment maintenance activities.

DISTINGUISHING CHARACTERISTICS

Firefighter Trainee - This is the entry level class in the Firefighter series. Employees at this level are not expected to perform with the same independence of direction and judgment on matters related to established procedures and guidelines as are positions allocated to the journey level. Since this class is typically used as a training class, employees may have only limited or no directly related fire suppression work experience. Employees work under general supervision while learning job tasks and are expected to be performing at the journey level within the prescribed time frame.

Firefighter - This is the full journey level class within the professional Firefighter series. Employees within this class are distinguished from the Firefighter Trainee by the performance of the full range of duties as assigned. Employees at this level receive instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies within the work unit. Positions in this class are flexibly staffed and are normally filled by advancement from the Firefighter Trainee level.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Respond to fire alarms with assigned company; lay and connect hose; maintain pumping apparatus; hold nozzles and direct water streams; raise and climb ladders.

Operate all types of portable fire extinguishers, pike poles, hand lines, smoke ejectors, salvage covers, forcible entry tools, aerial ladder equipment, emergency medical equipment and other rescue equipment.

Provide basic life support while responding to emergency medical incidents, analyzing and initiating patient care until relieved by proper medical personnel.

EXAMPLES OF DUTIES - Continued

Administer first aid; assist paramedics at medical emergencies; apply techniques for the control of bleeding; utilize immobilization techniques to stabilize patient.

Perform water rescues of victims from swimming pools, irrigation canals, rivers, and other related water rescue situations.

Respond to hazardous materials incidents.

Participate in fire inspection activities and other fire prevention and public education activities as assigned; ensure that businesses are operating in compliance with the fire code; maintain appropriate records and files.

Monitor appropriate air traffic control frequencies and visually monitor the airfield during times that the FAA tower is closed but commercial flights are scheduled to either arrive or depart.

Inspect aircraft ramp and refueling operations at the airport.

Perform the airfield and runway inspections on weekends and holidays, as required.

Participate in the Fire Prevention Program providing various public relation services, including facility tours, High School Career Day, Neighborhood Watch programs and public education seminars.

Participate in fire drills; serve as drill instructor as assigned; attend training sessions which include fire fighting techniques, emergency medical care, and the proper use of all equipment and related tools.

Clean apparatus and equipment and perform general custodial duties as required.

Assist in maintaining prefire plans; update maps as required.

Respond to public complaints regarding weed abatement and fire and safety hazards.

Issue bicycle licenses.

Perform related duties as assigned.

QUALIFICATIONS

FIREFIGHTER TRAINEE

Ability to:

Learn to understand and act in accordance with departmental policies, rules, and instructions in the field of fire fighting.

Learn to apply fire fighting and medical techniques and procedures.

Demonstrate mechanical aptitude as required in the operation of fire fighting equipment.

Demonstrate physical aptitude.

Learn the layout of the City's water main system and street numbering system.

Retain presence of mind in emergency situations.

Think and act quickly and effectively in emergencies.

Understand and follow oral and written directions promptly and accurately.

Perform heavy lifting and physical maneuvering.

Perform general office and clerical duties in support of assigned activities.

Communicate effectively, both orally and in writing.

Shall pass all required oral, manipulative and written exams for Firefighter Trainee.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines - Firefighter Trainee

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

No experience.

Training:

Graduation from high school or possession of a G.E.D. Certificate at the high school equivalency level.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license prior to appointment.

Possession of, or ability to obtain, an appropriate, valid Advanced First Aid Certificate.

FIREFIGHTER

In addition to the qualifications for Firefighter Trainee:

Knowledge of:

Principles, practices, and procedures of modern firefighting.

Fire apparatus, equipment, tools, devices, facilities and their proper use.

Basic principles of hydraulics relating to fire equipment.

Safe driving practices.

Advanced first aid, C.P.R. and other medical assistance techniques.

Ability to:

Analyze fire and emergency situations and adopt effective courses of action.

Maintain and test fire sprinkler systems and fire hydrants.

QUALIFICATIONS - (continued) - Firefighter

Ability to:

Operate and maintain voice radio equipment.

Safely remove victims from buildings and automobiles.

Shall pass all required oral, manipulative, and written exams for Firefighter.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience and Training:

Successful completion of the City of Modesto Firefighter Trainee Program.

License or Certificate:

Possession of an Emergency Medical Training (EMT) I certificate prior to completion of probation. Failure to obtain this certificate shall be grounds for release from Probation. Once the EMT I certification is obtained and probation completed, recertification shall not be required.

Possession of, or ability to obtain, an appropriate, valid Advanced First Aid Certificate.

Possession of, or ability to obtain, an appropriate, valid C.P.R. Certificate.

Possession of, or ability to obtain, an appropriate, valid California Firefighter I Certificate is desirable.

WASTEWATER COLLECTION SYSTEM OPERATOR

DEFINITION

To perform a variety of skilled maintenance, operational, inspection and repair tasks, according to required standards, to ensure proper flows and minimum interruption of sewer and storm drain systems for commercial/industrial and residential facilities; and to ensure public health and safety by preventing and/or responding to sewage overflows and blockages.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

May exercise functional and technical supervision over lower level maintenance staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Drive and operate heavy duty rodding machines, hydra flush truck and the rodder/vacuum trucks to remove roots, grease, grit and debris that clogs sewer lines and drains.

Remove stoppages and enact preventative maintenance of sewer/storm collection systems using mechanical, high pressure hydraulic and hand tools.

Inspect sewer and positive storm drain lines with closed circuit television equipment to determine condition, gather data on service connections and evaluate for rehabilitation projects.

Clean and service rockwells, catch basins and drain lines, and wet pits at lift stations.

Respond to emergencies involving overflows and spills of wastewater and contaminated materials onto streets, alleys or into waterways; flooding into residences, businesses, and determine responsibility, location of cause, identify equipment needed and restore service.

Operate pumping equipment during emergency bypass operations when lift stations fail, due to mechanical or electrical problems.

Excavate, repair, replace, install wastewater lines, storm lines, catch basins and rockwells as required.

Complete work report sheets, record time for work projects.

Check sanitary sewers for connections verification performing dye tests into flow as requested, needed.

EXAMPLES OF DUTIES (continued)

Use tripods, cranes, harnesses, SCBA, hazardous gas/air sensor equipment, ladders to enter manholes, confined spaces, trenches, to repair, inspect, maintain system.

Set-up and position, barricades, safety cones, flag stands, signs and arrow boards for directing traffic, protecting job sites and remove after completion of operation.

Check and adjust fluid levels; grease, lubricate designated points; perform minor repairs; inspect and complete safety data sheets; report the need for major repair on all equipment used daily.

Clean and service tools and equipment.

Provide training to lower level staff as required.

Perform standby on-call duties as scheduled. Report to appropriate agencies; liaison with Police, Fire, and the Environmental Health Department.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Function and characteristics of gravity/pressure sewer and storm collection systems and their related structures.

Terminology, materials, methods and equipment used in construction, maintenance and repairs of sewer and storm collection systems.

Operation and maintenance requirements of complex technical equipment used for collection system work.

Safety and health hazards related to sewer/storm collection systems work and precautionary methods and practices to use.

Confined space entry procedures using atmospheric hazard test equipment and SCBA gear required to comply with CAL-OSHA standards.

Safe trenching/shoring operations for construction.

Traffic laws, ordinances, and safety rules involved in truck and equipment operations.

Safe work practices.

First Aid and CPR procedures.

QUALIFICATIONS (continued)

Ability to:

Operate a variety of complex technical equipment, specialized for maintenance of sewer/storm collection systems.

Understand, follow and complete oral and written instructions, including use of sewer maps, block books, blue prints, work orders, operational and safety manuals.

Perform a variety of skilled maintenance and construction tasks requiring prolonged standing, walking, bending, climbing, lifting up to 100 pounds.

Work in confined spaces and follow confined space entry/egress procedures.

Handle contaminated, infectious materials and equipment.

Perform duties in all weather conditions and at any time as needed, including nights, weekends and holidays.

Work independently or in a crew situation to investigate and resolve sewer and storm complaints, using good judgement and tact with irate citizens/customers.

Communicate effectively, to establish and maintain cooperative working relationships with those contacted in the course of work.

Represent the City in situations where the public is frequently upset over sewer service interruptions or street flooding.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities would be:

Experience:

Two years of increasingly responsible wastewater collection system operation experience, performing maintenance work, involving the operation of complex equipment.

Experience and Training Guidelines (continued)

Training:

Formal or informal education or training which ensures the ability to read, write and communicate at a level necessary for successful job performance.

License or Certificate:

Possession of a valid Class B California Drivers License.

Grade I certification or higher in Collection System Maintenance by California Water Pollution Control Association is desirable.

WASTEWATER COLLECTION SYSTEM CREWLEADER

DEFINITION

To assist in supervising and to participate in the work of a crew involved with maintaining and repairing sewer and storm drain systems for commercial/industrial and residential facilities; and to ensure public health and safety by preventing and/or responding to sewage overflows and blockages.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a higher level supervisory and management staff. Exercises functional and technical supervision over assigned wastewater collection operators.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Provide lead supervision, train, and provide assistance to maintenance staff involved in wastewater collection systems inspection, maintenance, and repair; participate in the selection of staff.

Assist in coordination of sewer and storm drain maintenance activities; requisition supplies, maintain time, material, and equipment use records.

Drive and operate heavy duty rodding machines, hydra flush truck and the rodder/vacuum trucks to remove roots, grease, grit, and debris that clog sewer lines and drains.

Remove stoppages and enact preventative maintenance of sewer/storm collection systems using mechanical, high pressure hydraulic, and hand tools; clean and service rockwells, catch basins, drain lines, and wet pits at lift stations.

Inspect sewer and positive storm drain lines with closed circuit television equipment to determine condition, gather data on service connections, and evaluate for rehabilitation projects.

Respond to emergencies involving overflows and spills of wastewater and contaminated materials onto streets, alleys, or into waterways; flooding into residences, businesses, and determine responsibility, location of cause, identify equipment needed, and restore service.

Operate pumping equipment during emergency bypass operations when lift stations fail, due to mechanical or electrical problems.

EXAMPLES OF DUTIES - continued

Excavate, repair, replace or install wastewater lines, storm lines, catch basins and rockwells, and complete work report sheets, as required; check sanitary sewers for connections verification performing dye tests into flow as requested and as needed.

Use tripods, cranes, harnesses, SCBA, hazardous gas/air sensor equipment, ladders to enter manholes, confined spaces, trenches, to repair, inspect, and maintain system.

Set-up and position barricades, safety cones, flag stands, signs and arrow boards for directing traffic, protecting job sites and remove after completion of operation.

Check and adjust fluid levels; grease, lubricate designated points; perform minor repairs; inspect and complete safety data sheets; report the need for major repair on all equipment used daily; clean and service tools and equipment.

Perform standby on-call duties as scheduled. Report to appropriate agencies; liaison with Police, Fire, and the Environmental Health Department.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Function and characteristics of gravity/pressure sewer and storm collection systems and their related structures; operation and maintenance requirements of complex technical equipment used for collection system work.

Terminology, materials, methods, and equipment used in construction, maintenance, and repairs of sewer and storm collection systems.

Safety and health hazards related to sewer/storm collection systems work and precautionary methods and practices to use; safe trenching/shoring operations for construction.

Confined space entry procedures using atmospheric hazard test equipment and SCBA (self-contained breathing apparatus) gear required to comply with CAL-OSHA environmental standards.

Traffic laws, ordinances, safety rules and work practices involved in truck and equipment operations.

First Aid and CPR (cardiopulmonary resuscitation) procedures.

Principles of personnel supervision and training.

Ability to:

Lead, train, and supervise Wastewater Collection System Operators; use and train others in proper use of atmospheric electronic testing devices, and in safe work procedures.

Work independently in the absence of supervision, or lead a crew in a situation involving investigating and resolving sewer and storm complaints, using good judgment and tact with irate citizens/customers.

Represent the City in situations where the public is frequently upset over sewer service interruptions or street flooding.

Perform duties in all weather conditions and at any time as needed, including nights, weekends, and holidays.

Operate a variety of complex technical equipment, specialized for maintenance of sewer/storm collection systems.

Understand, follow, and complete oral and written instructions, including use of sewer maps, block books, blue prints, work orders, operational and safety manuals.

Perform a variety of skilled maintenance and construction tasks requiring prolonged standing, walking, bending, climbing, and lifting up to 100 pounds.

Work in confined spaces and follow confined space entry/egress procedures.

Estimate necessary materials and supplies with a reasonable degree of accuracy; handle contaminated, infectious materials, and equipment.

Communicate effectively with those contacted in the course of work.

JULY, 1994

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities would be:

Experience:

Three years of increasingly responsible wastewater collection system operation experience, performing maintenance work, involving the operation of complex equipment.

Training:

Formal or informal education or training which ensures the ability to read, write, and communicate at a level necessary for successful job performance.

License or Certificate:

Possession of a current valid Class B California Driver's License.

Grade I, or higher, Certificate of Competence in Collection System Maintenance issued from the California Water Pollution Control Association, within 18 months of appointment.

3/1/94

MODESTO CITY COUNCIL
RESOLUTION NO. 94-459

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 91-724 TO APPROVE A REVISED
CLASS RANGE TABLE FOR GENERAL NON-SWORN
CLASSES.

WHEREAS, Exhibit "A" of Resolution No. 91-724 has been previously amended by Resolution No. 92-18 and Resolution No. 94-129, and

WHEREAS, the City Council desires to further amend Exhibit "A" of Resolution No. 91-724,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-724.

Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective November 26, 1991", attached to Resolution No. 91-724, is hereby amended as shown on the amended Exhibit "A" entitled, "City of Modesto Class Range Table General Non-Sworn Classes Effective July 19, 1994", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Wastewater Collection System Operator (Range 116) and Wastewater Collection System Crewleader (Range 124) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 19, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective July 19, 1994

RANGE	TITLE
103	Administrative Clerk I Printing Services Operator I
104	
105	
106	
107	Printing Services Operator II Administrative Clerk II Animal Control Officer I Custodian
108	
109	Police Clerk
110	Maintenance Worker I Equipment Service Worker I
111	Account Clerk Sr. Printing Service Operator Animal Control Officer II Evidence & Property Specialist
112	Code Enforcement Officer I
113	Computer Operator Administrative Technician Drafting & Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Equipment Service Worker II

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective July 19, 1994

RANGE	TITLE
115	Accounting Technician Planning Technician I Wastewater Treatment Plant Attendant Community Service Officer Assistant to the Events Coordinator
116	Code Enforcement Officer II Equipment Operator Fire Prevention Technician I Meter Reader/Repair Worker Motor Sweeper Operator Traffic Technician Traffic Painter Traffic Sign Worker Water Line Worker Wastewater Collection System Operator
117	Electrical Technician II Storm Water Inspector
118	Tree Trimmer Senior Storeskeeper Street Trees Crewleader Parking Lot Maintenance Crewleader Parks Crewleader
119	Maintenance Mechanic - Parks Planning Technician II Maintenance Mechanic - Pumps Wastewater Treatment Plant Operator Civil Engineering Technician I Building Maintenance Mechanic Police Administrative Assistant

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective July 19, 1994

RANGE

TITLE

120

Welder/Fabricator
Senior Equipment Operator
Fire Prevention Technician II
Equipment Mechanic
Assistant Electrician
Traffic Painter Crewleader
Accountant I
Assistant Lab Technician

121

122

Coach Mechanic
Fire Equipment Mechanic
Tree Trimmer Crewleader
Programmer Analyst I
Industrial Waste Inspector I
Cross Connection Specialist

123

Sr. Wastewater Treatment Plant Operator
Maint. Mech. Crewleader - Pumps
Civil Engineering Technician II
Maint. Mech. Crewleader - Parks

124

Plant Mechanic
Laboratory Technician
Equipment Mechanic Crewleader
Planning Assistant
Equipment Crewleader
Community Development Program Specialist I
Wastewater Collection System Crewleader

125

Crime Analyst

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective July 19, 1994

RANGE	TITLE
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector II Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist Community Development Program Specialist II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Materials Inspector Senior Crime Analyst
131	Sr. Civil Engineering Asst.
132	
133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

MODESTO CITY COUNCIL
RESOLUTION NO. 94-460

A RESOLUTION GRANTING THE APPEAL OF DONALD H. LUNDY TO A BOARD OF ZONING ADJUSTMENT DECISION RELATING TO APPROVAL OF A SECOND-STORY DWELLING ADDITION ON PROPERTY LOCATED AT 321 NORTHWOOD DRIVE.

WHEREAS, Rodger and Joanna Hansen applied to the Planning and Community Development Department for approval of a second-story addition to their home located at 321 Northwood Drive, and

WHEREAS, on April 1, 1994, Planning and Community Development Department staff, in compliance with Section 10-2.508 and Article 27 of the Zoning Regulations, sent notice to owners of property adjoining 321 Northwood Drive advising them of the proposed second-story addition and invited neighbors to see the plans for said addition and to express their concerns, and

WHEREAS, in response to some concerns for privacy, the staff worked with the applicants and their contractor to revise the plans to improve compatibility of the proposed second-story addition with the existing neighborhood, and

WHEREAS, said revised plans for the second-story addition were approved by Planning and Community Development staff effective April 28, 1994, and

WHEREAS, on April 29, 1994, an appeal was filed by Donald H. Lundy of 401 Northwood Drive on behalf of himself and surrounding property owners objecting to the construction of a

second-story addition to the property at 321 Northwood Drive and requesting a hearing date, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on Thursday, June 23, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, thereafter, the Board of Zoning Adjustment, by Resolution No. 1532, adopted on June 23, 1994, denied the appeal of Donald H. Lundy on the basis that said denial was required by public necessity, convenience and general welfare, and sustained the approval of the revised plans for the second-story addition for the following reasons:

1. The approved plans, with the raised sill on the north-facing second-story window and the solid wall on the north side of the deck provide for proper relationship of second-story windows, doors, exterior stairways, exterior balconies, sundecks, etc., with the privacy of the neighbors.
2. The relationship of building mass with the neighbors' views and the use and enjoyment of their yards is proper and assured, respectively, in that the addition is oriented toward the 60-foot public street on the west and is separated by an alley on the north and these setbacks, together with mature street trees and plantings will soften any visual impacts from both the streets and the rear yards.
3. The relationship of building mass, due to the relative distance from adjoining properties, will not unduly interfere with the neighbors' accessories such as solar collectors and satellite antennas.

and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment sustaining approval of the revised plans for a second-story addition at 321 Northwood Drive was filed with the Office of the City Clerk by Donald H. Lundy, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on August 2, 1994, at 7:00 p.m., and

WHEREAS, the City Council, at said hearing, after hearing evidence both oral and documentary, found and determined that said appeal to the administrative decision should be granted, and the decision of the Board of Zoning Adjustment should be overruled, for the following reasons:

1. Despite the design changes approved by the Board of Zoning Adjustment, the proposed second-story dwelling addition would still have some adverse effects on the privacy of some of the adjoining neighbors.
2. The proposed second-story dwelling addition would be in conflict with maintaining the architectural integrity of the residential neighborhood which almost entirely consists of one-story homes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Donald H. Lundy to the administrative decision relating to the second-story addition to property at 321 Northwood Drive is granted, and the decision of the Board of Zoning Adjustment is overruled for the reasons set

forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-461

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE AIRPORT HANGAR NO. 1 TRUSS MODIFICATION

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

SECTION 1. The specifications for the Airport Hangar No. 1 truss
modification, copies of which are on file, are hereby accepted and
approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
August 18, 1994, at 11:05 a.m., the City Clerk is hereby directed to
give notice inviting such sealed bids in the time, form, and manner
provided by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 2nd day of August,
1994, by Councilmember Friedman , who moved its adoption, which motion
being duly seconded by Councilmember McClanahan , was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Jobbs, Friedman, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-462

A RESOLUTION ACCEPTING THE BID OF CONTINENTAL TRANSFORMER SERVICES FOR THE DRYDEN GOLF COURSE DRIVING RANGE LIGHTING PROJECT

WHEREAS, Resolution No. 94-356, adopted by the Council of the City of Modesto on June 21, 1994, approved the plans and specifications for the Dryden Golf Course driving range lighting project and authorized the calling for bids; and

WHEREAS, the bids received for the Dryden Golf Course driving range lighting project were opened at 11:00 a.m. on July 21, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Continental Transformer Services in the amount of \$40,500, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Continental Transformer Services be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of August, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: Dobbs
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-463

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$5,000 TO FUND THE DRYDEN GOLF COURSE DRIVING RANGE LIGHTING PROJECT

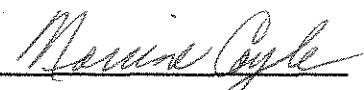
BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Dryden Lakes Construction (660 330 D249 6010)	\$5,000
TO:	Dryden Driving Range Lights (660 330 D248 6040)	\$5,000

Unanticipated costs for the driving range lights at Dryden include State Environmental Fees and higher engineering consulting costs. Funds are available in the Dryden Lakes Construction account due to costs being lower than budgeted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of August, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	Dobbs
ABSENT:	Councilmembers:	Patterson

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-464

A RESOLUTION ACCEPTING THE BID OF KSENCO CONSTRUCTION FOR THE CARPENTER ROAD WATERLINE PROJECT

WHEREAS, Resolution No. 94-258, adopted by the Council of the City of Modesto on May 10, 1994, approved the plans and specifications for the Carpenter Road waterline from Torrid to Woodland Avenue and authorized the calling for bids; and

WHEREAS, the bids received for the Carpenter Road waterline from Torrid to Woodland Avenue were opened at 11:15 a.m. on June 9, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ksenco Construction in the amount of \$129,469, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ksenco Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Coddill, Dobbs, Friedman, McClanahan, Muratore, Mavor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-465

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$76,000 TO FUND THE
CARPENTER ROAD WATERLINE FROM TORRID TO WOODLAND AVENUE

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

FROM:	Water Tank No. 3 (612 480 C118 6000)	\$76,000
TO:	Carpenter Road Waterline (612 480 C114 6000)	\$76,000

The project scope was increased to extend the waterline to the New
Home Depot Development, rather than stopping at Woodland Avenue.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 2nd day of August, 1994,
by Councilmember Friedman , who moved its adoption, which motion being
duly seconded by Councilmember McClanahan , was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-466

A RESOLUTION APPROVING A LETTER OF APPOINTMENT BETWEEN THE CITY OF
MODESTO AND GOULD MEDICAL FOUNDATION FOR OCCUPATIONAL MEDICINE SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the Letter of Appointment between the City of Modesto and Gould Medical
Foundation for occupational medicine services be, and it is hereby
approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 2nd day of August,
1994, by Councilmember Dobbs , who moved its adoption, which motion
being duly seconded by Councilmember Cogdill , was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Tobbs, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman, Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-467

A RESOLUTION APPROVING A LETTER OF APPOINTMENT BETWEEN THE CITY OF MODESTO AND MEMORIAL HOSPITAL ASSOCIATION FOR AFTER-HOURS AND INPATIENT CARE FOR THE CITY'S WORKERS' COMPENSATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Letter of Appointment between the City of Modesto and Memorial Hospital Association for after-hours and inpatient care for the City's Workers' Compensation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of August, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None.
ABSENT: Councilmembers: Friedman, Patterson

ATTEST:



NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-468

A RESOLUTION GRANTING THE MODESTO POLICE
DEPARTMENT AUTHORITY TO RECOVER FROM
CONVICTED ARRESTEES COSTS INCURRED RELATING
TO JAIL BOOKING FEES.

WHEREAS, jail booking fees are a relatively new and
very substantial cost to cities, and

WHEREAS, Government Code Sections 29550(c), 29550.1 and
29550.2, enable arresting agencies to recover from persons who
have been convicted of offenses for which they were arrested
costs incurred relating to jail booking fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it does hereby authorize the Modesto Police
Department to charge its arrestees, after conviction of offenses
for which they were arrested, jail booking fees.

BE IT FURTHER RESOLVED that the fee to be charged to
compensate the City for booking fee costs incurred relating to
arrests shall be in the amount of the current fee, at the time of
billing, as established by the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-469

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE ORCHARD NEIGHBORHOOD PARK PROJECT

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

SECTION 1. The specifications for the Orchard neighborhood Park project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 8, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9nd day of August, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-470

A RESOLUTION ACCEPTING THE BID OF KSENCO CONSTRUCTION FOR THE WATER CAPITAL IMPROVEMENTS - FOUR ALLEYS, FAIRMONT/MAGNOLIA

WHEREAS, Resolution No. 94-375, adopted by the Council of the City of Modesto on June 28, 1994, approved the plans and specifications for the Water Capital Improvements - four alleys, Fairmont/Magnolia and authorized the calling for bids; and

WHEREAS, the bids received for the Water Capital Improvements - four alleys, Fairmont/Magnolia were opened at 11:00 a.m. on July 28, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ksenco Construction in the amount of \$139,990.00, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ksenco Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-471

A RESOLUTION ACCEPTING THE BID OF GROVER LANDSCAPING, INC. FOR THE CLAUS ROAD SIDEWALK AND LANDSCAPING MODIFICATIONS

WHEREAS, Resolution No. 94-404, adopted by the Council of the City of Modesto on July 5, 1994, approved the plans and specifications for the Claus Road sidewalk and landscaping modifications and authorized the calling for bids; and

WHEREAS, the bids received for the Claus Road sidewalk and landscaping modifications were opened at 11:15 a.m. on July 28, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Grover Landscaping, Inc. in the amount of \$45,131.29, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Grover Landscaping, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-472

A RESOLUTION APPROVING A REDUCTION IN
RETENTION MONIES RELATING TO THE CLAUS ROAD
BRIDGE WIDENING PROJECT FROM 10% TO 5% OF THE
TOTAL CONTRACT AMOUNT.

WHEREAS, the City has received a request from Agee
Construction Company, the prime contractor on the Claus Road
Bridge Widening project, to reduce the retention of monies in
relation to said project, and

WHEREAS, a reduction of retention monies to five (5%)
percent is permissible under Section 9203 of the Public Contract
Code, when it is deemed that satisfactory progress is being made
on the work, and

WHEREAS, there are two (2) stop notices currently on
file with the City Clerk on the project, and the Contractor is
substantially complete on this project, and

WHEREAS, the only items remaining are minor punch list
items and fulfillment of the landscape maintenance period, thus
said project cannot be closed-out and processed for acceptance by
the City Council until these items are complete, and

WHEREAS, currently, the City is retaining \$189,918.71
in relation to said project, and the five (5%) percent requested
reduction in the retention monies would reduce the amount
retained by the City to \$94,959.35,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the request received from Agee Construction

Company to reduce the retention of monies relating to the Claus Road Bridge Widening project is hereby approved, said reduction in the retention of monies shall consist of a five (5%) percent reduction which is permissible under Section 9203 of the Public Contract Code, reducing the amount retained by the City from \$189,918.71 to \$94,959.35.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-473

A RESOLUTION ACCEPTING THE BID OF ARTISTIC PRINTING, INC. FOR PRINTING
THE MONTHLY UTILITY BILL INSERTS

WHEREAS, Resolution No. 94-304, adopted by the Council of the City of Modesto on May 24, 1994, approved the plans and specifications for printing the monthly utility bill inserts and authorized the calling for bids; and

WHEREAS, the bids received for printing the monthly utility bill inserts were opened at 11:00 a.m. on June 14, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Artistic Printing, Inc. in the amount of \$21,236.68 for one year, and authorizing printing for an additional two years up to and including Fiscal Year 1996-1997, for a total 3-year cost of \$64,992.97, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Artistic Printing, Inc. be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 1994, by Councilmember McClanahan , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore,
- NOES: Councilmembers: Cogdill, Mayor Lang
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-474

A RESOLUTION ACCEPTING THE BID OF SEEGER'S PRINTING FOR PRINTING THE
QUARTERLY EMPLOYEES' NEWSLETTER

WHEREAS, Resolution No. 94-304, adopted by the Council of the City of Modesto on May 24, 1994, approved the plans and specifications for printing the quarterly Employees' Newsletter and authorized the calling for bids; and

WHEREAS, the bids received for printing the quarterly Employees' Newsletter were opened at 11:00 a.m. on June 14, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Seeger's Printing in the amount of \$2,800.00 for one year, and authorizing printing for an additional two years up to and including Fiscal Year 1996-1997, for a total 3-year cost of \$8,700.00, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Seeger's Printing be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, Muratore,
NOES:	Councilmembers:	Cogdill, Mayor Lang
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-475

A RESOLUTION SUPPORTING "STAND UP...AND BE COUNTED", A 1994 ELECTION HIGH SCHOOL OUTREACH PROJECT.

WHEREAS, fewer than forty (40%) percent of young adults, 18-21 years of age, are currently registered to vote and less than sixteen (16%) percent of eligible young adults voted in 1990, and

WHEREAS, a group of local non-profit organizations, private businesses and public agencies are working together to encourage and motivate high schoolers regarding civic involvement and the upcoming 1994 general election, and

WHEREAS, "STAND UP...and be counted" will include classroom presentations to high schoolers, voter registration opportunities, and student involvement manuals, and

WHEREAS, local businesses and organizations have requested the City's support for this project which is proposed to be implemented in all Modesto High Schools,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that to encourage and motivate high schoolers regarding civil involvement and the upcoming 1994 general election, the Council hereby supports the 1994 Election High School Outreach project, "STAND UP...and be counted".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-476

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TERRY ABST, dba ABST AVIATION, FOR AN AIR TAXI OPERATION AT THE MODESTO CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Terry Abst, dba Abst Aviation, for an air taxi operation at the Modesto City/County Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Codgill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-477

A RESOLUTION APPROVING AN AGREEMENT WITH THE MCCLATCHY FAMILY, ACCEPTING THE PARK SITE AT THE CORNER OF 15TH AND I STREETS, AND NAMING THE SITE 'MCCLATCHY SQUARE'

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement with the McClatchy family, accepting the park site at the corner of 15th and I Streets, and naming the site "McClatchy Square" be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9nd day of August,

1994, by Councilmember Dobbs who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill, Patterson

ATTEST: 

NORRINE COYLE, City Clerk

RESOLUTION NO. 94-478 UNUSED

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 94-478A

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 24-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-D(486) TO R-1. (GLEN HOLT)

WHEREAS, on June 1, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 24-3-9 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(486), to Low Density Residential Zone, R-1, property located on the north side of East Orangeburg Avenue, west of Claus Road might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-479

A RESOLUTION AWARDING A CONTRACT TO B.G. PIPELINE FOR THE LATERAL NO. 6
WATERLINE FROM PRESCOTT TO CARVER ROAD

WHEREAS, Resolution No. 94-376, adopted by the Council of the City of Modesto on June 28, 1994, approved the plans and specifications for the Lateral No. 6 waterline from Prescott to Carver Road, and authorized the calling for bids; and

WHEREAS, the bids received for the Lateral No. 6 waterline from Prescott to Carver Road were opened at 11:05 a.m. on July 28, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of B.G. Pipeline in the amount of \$109,421.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of B.G. Pipeline be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-480

A RESOLUTION AWARDING A CONTRACT TO ALLEN A. WAGGONER CONSTRUCTION FOR
THE NEECE WATERLINE PROJECT

WHEREAS, Resolution No. 94-402, adopted by the Council of the City of Modesto on July 5, 1994, approved the plans and specifications for the Neece waterline project, and authorized the calling for bids; and

WHEREAS, the bids received for the Neece waterline project were opened at 11:00 a.m. on August 4, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Allen A. Waggoner Construction in the amount of \$412,936.10, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Allen A. Waggoner Construction be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-481

A RESOLUTION AWARDING A CONTRACT TO ROLFE CONSTRUCTION FOR THE MCHENRY WATERLINE PROJECT

WHEREAS, Resolution No. 94-403, adopted by the Council of the City of Modesto on July 5, 1994, approved the plans and specifications for the McHenry waterline project, and authorized the calling for bids; and

WHEREAS, the bids received for the McHenry waterline project were opened at 11:05 a.m. on August 4, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Rolfe Construction in the amount of \$78,260.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Rolfe Construction be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-482

A RESOLUTION AWARDING A CONTRACT TO TEICHERT CONSTRUCTION FOR THE
1994/95 ROCKWELL REPLACEMENT/ADDITION PROJECT

WHEREAS, Resolution No. 94-416, adopted by the Council of the City of Modesto on July 12, 1994, approved the plans and specifications for the 1994/95 rockwell replacement/addition project, and authorized the calling for bids; and

WHEREAS, the bids received for the 1994/95 rockwell replacement/addition project were opened at 11:10 a.m. on August 4, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Teichert Construction in the amount of \$253,581.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Teichert Construction be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-483

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$12,400 TO FUND THE
1994/95 ROCKWELL REPLACEMENT/ADDITION PROJECT

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

FROM:	Miscellaneous Storm Drains (628 480 E578 6000)	\$12,400
TO:	Rockwell Replacement/Addition (628 480 E585 6000)	\$12,400

Additional areas requiring storm drainage improvements were added
to the project as requested by the Utility Division, requiring the
need for more funds.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 16th day of August, 1994,
by Councilmember Friedman, who moved its adoption, which motion being
duly seconded by Councilmember Dobbs , was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-484

A RESOLUTION AWARDING BID TO DAVID W. VAUGHN MECHANICAL FOR FURNISHING HEATING, VENTILATING AND AIR CONDITIONING SERVICES AT THE CENTRE PLAZA FOR FISCAL YEAR 1994-1995

WHEREAS, Resolution No. 94-2, adopted by the Council of the City of Modesto on January 4, 1994, approved the plans and specifications for furnishing heating, ventilating and air conditioning services at the Centre Plaza for fiscal year 1994-1995, and authorized the calling for bids; and

WHEREAS, following a vendor job-site inspection, the bid specifications were revised and sent to the same vendors with the bid opening on March 7, 1994 at 11:10 a.m.

WHEREAS, the bids received for the purchase of heating, ventilating and air conditioning services at the Centre Plaza for fiscal year 1994-1995, were later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of David W. Vaughn Mechanical in the amount of \$16,454.16, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of David W. Vaughn Mechanical be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-485

A RESOLUTION ACCEPTING THE BID OF CENTRAL JANITORS SUPPLY, MODESTO JANITORIAL SUPPLY, NATIONAL SANITARY SUPPLY COMPANY, RANDIK PAPER COMPANY, RAYBAN SUPPLY COMPANY, INC. AND SAN JOAQUIN SUPPLY FOR FURNISHING VARIOUS JANITORIAL SUPPLIES AND RECYCLED PAPER PRODUCTS UNDER A ONE-YEAR COOPERATIVE LOCAL GOVERNMENT AGENCY BID

WHEREAS, Resolution No. 94-739, adopted by the Council of the City of Modesto on December 28, 1993, approved the plans and specifications for furnishing annual janitorial supplies and recycled paper products under a cooperative local government agency bid, and authorized the calling for bids; and

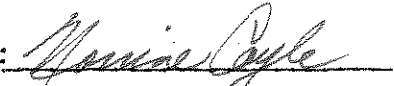
WHEREAS, the bids received for the purchase of annual janitorial supplies and recycled paper products under a cooperative local government agency bid were opened at 11:00 a.m. on January 24, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of Central Janitors Supply, Modesto Janitorial Supply, National Sanitary Supply Company, Randik Paper Company, Rayban Supply Company, Inc. and San Joaquin Supply for an estimated amount of \$34,000, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Central Janitors Supply, Modesto Janitorial Supply, National Sanitary Supply Company, Randik Paper Company, Rayban Supply Company, Inc. and San Joaquin Supply be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-486

A RESOLUTION AWARDDING BID TO C.B. SCOTO JR. CUSTOM FARMING FOR
FURNISHING DISCING SERVICES FOR FISCAL YEAR 1994-1995

WHEREAS, Resolution No. 94-137, adopted by the Council of the City of Modesto on March 1, 1994, approved the plans and specifications for the purchase of discing services, and authorized the calling for bids; and

WHEREAS, no bids were received for furnishing discing services and the recommended vendor, C.B. Scoto Jr. Custom Farming of Ceres, has performed the discing services for the Parks and Recreation Department for the past 3 years; and

WHEREAS, the Director of Finance has recommended that the bid of C.B. Scoto Jr. Custom Farming of Ceres for a total cost of \$26,400, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of C.B. Scoto Jr. Custom Farming of Ceres be accepted and a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-487

A RESOLUTION AWARDING BID TO PROTOTYPE, INC. FOR FURNISHING A FLEET
MAINTENANCE MANAGEMENT SYSTEM

WHEREAS, Resolution No. 93-727, adopted by the Council of the City of Modesto on December 21, 1993, approved the plans and specifications for the purchase of a joint City/County fleet maintenance management system, and authorized the calling for proposals; and

WHEREAS, the pre-qualification proposals were opened February 14, 1994, with pricing proposals submitted and opened on May 16, 1994; and

WHEREAS, the Director of Finance has recommended that the bid of Prototype, Inc., who was the sole vendor to submit a price proposal, for a total cost of \$74,429, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Prototype, Inc. be accepted and a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

13

MODESTO CITY COUNCIL
RESOLUTION NO. 94-488

A RESOLUTION GRANTING PACIFIC BELL'S REQUEST TO HAVE THE CITY OF MODESTO EXECUTE A SUBPOENA IN ORDER TO OBTAIN THEIR UTILITY USER TAX BUSINESS RECORDS

WHEREAS, on June 8, 1993, City Council authorized Municipal Resource Consultants to perform various tax audits including taxes the various utility companies collect for the City of Modesto.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the agreement granting Pacific Bell's request to have the City of Modesto execute a subpoena in order to obtain their Utility User Tax business records be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 

NORRINE COYLE, City Clerk

14

MODESTO CITY COUNCIL
RESOLUTION NO. 94-489

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND CURTIS E. BEERY FOR THE PURPOSE OF REHABILITATING HIS PROPERTY AT 440 YOSEMITE AVENUE PURSUANT TO THE CITY'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Curtis E. Beery for the purpose of rehabilitating his property at 440 Yosemite Avenue pursuant to the City's Housing Rehabilitation Program be and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-490

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CERTIFIED ENGINEERING AND TESTING COMPANY TO PREPARE RESOURCE MAPS AND ENVIRONMENTAL ASSESSMENT FORMS TO MEET HUD REQUIREMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and CERTIFIED Engineering and Testing Company to prepare resource maps and environmental assessment forms to meet HUD requirements be and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

16

MODESTO CITY COUNCIL
RESOLUTION NO. 94-491

A RESOLUTION REVISING THE POSITION
CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

- Business Development Division Manager
- Strategic Planning Division Manager
- Development Services Division Manager
- Housing and Neighborhoods Division Manager

The specifications for the classification of Business Development Division Manager (Range 447), as shown on the attached Exhibit "A", Strategic Planning Division Manager (Range

447), as shown on the attached Exhibit "B", Development Services Division Manager (Range 447), as shown on the attached Exhibit "C", and Housing and Neighborhoods Division Manager (Range 445), as shown on the attached Exhibit "D", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after August 16, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

BUSINESS DEVELOPMENT DIVISION MANAGER

DEFINITION

To assist the Community Development Director in the planning, directing, coordinating and administration of departmental functions; to manage, supervise and administer the division; to assist in the preparation of operating and capital improvement budgets; and to provide complex staff assistance to the department Director.

SUPERVISION RECEIVED AND EXERCISED:

Receives administrative direction from the Community Development Director.

Exercises direct supervision over professional, technical and clerical staff in assigned area.

EXAMPLES OF DUTIES:

Manage, direct and organize division activities in the areas of development finance, asset management, redevelopment, business retention and recruitment, business loans and environmental regulations.

Implement goals, objectives, policies and priorities for the City's redevelopment services; identify resource needs.

Supervise negotiation and preparation of documents such as disposition and development agreements, owner participation agreements, contracts, resolutions, and requests for proposals/qualifications.

Assist in negotiating development agreements with proponents of private development projects.

Administer land acquisition policies and strategies.

Evaluate complex revenue and other financial analysis studies used in financial and budgetary planning, assessment districts, tax increment financing, and business loans.

Evaluate revenue projects; investigate and recommend appropriate sources of funding for projects relating to the division.

Review impact of environmental regulations and laws; make recommendation for legislative amendments; and represent the City with regulatory and other governmental agencies.

August, 1994

Evaluate proposals containing incentives to help broaden the local tax bases, generate or attract new capital, increase business activity, produce jobs and diversify the local economy.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Administer the division budget; direct the forecast of funds needed for departmental goals; monitor and approve expenditures; implement mid-year adjustments.

Direct, oversee and participate in the development of the division's workplan; assign work activities, projects and programs; monitor work flow; implement policies and procedures.

Appear before the City Council, boards, commissions and numerous civic organizations representing the Department.

Coordinate Department activities with those of other departments and outside agencies and organizations; prepare and present staff reports and other necessary correspondence.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of business development, redevelopment, financing programs and real estate.

Property values and effect of economic trends on value and price.

Pertinent laws, codes and regulations relating to land acquisition, real estate transactions and environmental issues.

Principles and practices of organization, administration, supervision, training and personnel management.

Methods and techniques of statistical analysis, effective technical report preparation and presentation (both oral and graphic).

Principles of budget preparation and expenditure control.

August, 1994

Knowledge of (Continued)

General legal authority and parameters for carrying out bonds, grants, assessment, loans and other financial transactions.

Ability to:

Assist with the preparation and administration of departmental operating and capital improvement budgets and control budget expenditures.

Effectively manage assigned areas of the departmental program.

Analyze economic studies, financial statements, marketing studies, plans, specifications and bid documents.

Supervise, evaluate and train assigned staff.

Interpret and apply pertinent laws, rules and regulations.

Ensure project and grant compliance with Federal, State and local rules, laws and regulations.

Prepare and analyze technical and administrative reports, statements and correspondence.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years increasingly responsible experience in development finance, business development, redevelopment or a related field including at least two years of administrative and supervisory experience.

August, 1994

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business development, redevelopment, business/development finance, public or business administration or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

STRATEGIC PLANNING DIVISION MANAGER

DEFINITION

To assist the Community Development Director in the planning, directing, coordinating and administration of departmental functions; to manage, supervise and administer the division; to assist in the preparation of operating and capital improvement budgets; and to provide complex staff assistance to the department Director.

SUPERVISION RECEIVED AND EXERCISED:

Receives administrative direction from the Community Development Director.

Exercises direct supervision over professional, technical and clerical staff in assigned area.

EXAMPLES OF DUTIES:

Manage, direct and organize division activities in the areas of urban growth management, specific plans, transportation planning, utility planning, and the City's General Plan.

Coordinate feasibility studies and planning for transportation deficiencies and improvements including streets, transit, rail and air.

Supervise preparation of internal traffic studies to analyze land use impact on traffic flow and circulation and recommend mitigations.

Provide oversight and direction for writing and/or amending the General Plan.

Administer traffic studies prepared by consultants.

Provide administrative support to the Director; assist with special projects as assigned; prepare complex and sensitive reports; analyze and develop recommendations on complex planning, urban growth management, transportation and utility planning proposals.

Advise the City Council and the Planning Commission on matters relating to the division.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct

Examples of Duties, Continued

deficiencies; implement discipline procedures; recommend employee terminations.

Administer the division budget; direct the forecast of funds needed for departmental goals; monitor and approve expenditures; implement mid-year adjustments.

Direct, oversee and participate in the development of the division's workplan; assign work activities, projects and programs; monitor work flow; implement policies and procedures.

Appear before the City Council, boards, commissions and numerous civic organizations representing the Department.

Coordinate Department activities with those of other departments and outside agencies and organizations; prepare and present staff reports and other necessary correspondence.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of urban planning and program development with particular emphasis on growth management, transportation and utility planning.

Pertinent Federal, State and local laws, codes and regulations.

Methods of preparing designs, plan estimates, reports and recommendations relating to all phases of planning municipal facilities.

Computer simulation models for developing traffic scenarios.

Principles and practices of organization, administration, supervision, training and personnel management.

Methods and techniques of statistical analysis, effective technical report preparation and presentation (both oral and graphic).

Principles of budget preparation and expenditure control.

August, 1994

Ability to:

Assist with the preparation and administration of departmental operating and capital improvement budgets and control budget expenditures. Effectively manage assigned areas of the departmental program.

Supervise, evaluate and train assigned staff.

Interpret and apply pertinent laws, rules and regulations.

Prepare ordinances and code amendments.

Ensure compliance with Federal, State and local rules, laws and regulations.

Prepare and analyze technical and administrative reports, statements and correspondence.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years increasingly responsible experience in professional urban or transportation planning or a related field including at least two years of administrative and supervisory experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in urban or regional planning, transportation planning, public or business administration or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

DEVELOPMENT SERVICES DIVISION MANAGER

DEFINITION

To assist the Community Development Director in the planning, directing, coordinating and administration of departmental functions; to manage, supervise and administer the division; to assist in the preparation of operating and capital improvement budgets; and to provide complex staff assistance to the department Director.

SUPERVISION RECEIVED AND EXERCISED:

Receives administrative direction from the Community Development Director.

Exercises direct supervision over professional, technical and clerical staff in assigned area.

EXAMPLES OF DUTIES:

Manage, direct and organize division activities in the areas of land use entitlements, annexation, environmental review, plan checking, building inspection, and permits.

Coordinate staff reports and facilitate division teams relating to current planning, annexations, environmental review and analysis, building inspections, street and utility permits, and all phases of plan checking (building, fire, landscaping).

Coordinate building inspection activities with other City departments, architects, engineers, contractors, developers and the general public.

Review other agencies' environmental impact reports for potential impact to the City; interpret and apply environmental quality laws and regulations to ensure that development, City projects and Municipal Code amendments are in compliance.

Review and approve development plan revisions and administrative site plan approvals.

Provide administrative support to the Director; assist with special projects as assigned; prepare complex and sensitive reports for State and Federal regulatory agencies; analyze and develop recommendations on complex land use, environmental, and annexation issues.

Prepare ordinances and ordinance amendments related to activities of the division.

August, 1994

Develop and recommend changes regarding land use policies; advise the City Council and the Planning Commission on related matters.

Develop Requests for Proposals and contracts.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Administer the division budget; direct the forecast of funds needed for departmental goals; monitor and approve expenditures; implement mid-year adjustments.

Direct, oversee and participate in the development of the division's workplan; assign work activities, projects and programs; monitor work flow; implement policies and procedures.

Appear before the City Council, boards, commissions and numerous civic organizations representing the Department.

Coordinate Department activities with those of other departments and outside agencies and organizations; prepare and present staff reports and other necessary correspondence.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods of preparing designs, plans, specifications, estimates, reports and recommendations relating to proposed projects relating to land use issues, annexation, environmental review and inspections.

Principles and practices of urban planning and development with particular emphasis on environmental review and land usage and division.

Research methods and sources of information related to building code enforcement.

Principles of civil engineering, structural design, engineering mathematics and building inspection.

Pertinent Federal, State and local laws, codes and regulations.

Principles and practices of organization, administration,

Examples of Duties, Continued:

supervision, training and personnel management.

Methods and techniques of statistical analysis, effective technical report preparation and presentation (both oral and graphic).

Principles of budget preparation and expenditure control.

Ability to:

Assist with the preparation and administration of departmental operating and capital improvement budgets and control budget expenditures.

Effectively manage assigned areas of the departmental program.

Supervise, evaluate and train assigned staff.

Prepare ordinances and code amendments.

Interpret and apply pertinent laws, rules and regulations as well as the Uniform Building Codes.

Prepare and analyze technical and administrative reports, statements and correspondence.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years increasingly responsible experience in urban or regional planning, or a related field, including two years of administrative and supervisory experience.

August, 1994

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in urban or regional planning, civil engineering, public or business administration or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

HOUSING AND NEIGHBORHOODS DIVISION MANAGER

DEFINITION

To assist the Community Development Director in the planning, directing, coordinating and administration of departmental functions; to manage, supervise and administer the division; to assist in the preparation of operating and capital improvement budgets; and to provide complex staff assistance to the department Director.

SUPERVISION RECEIVED AND EXERCISED:

Receives administrative direction from the Community Development Director.

Exercises direct supervision over professional, technical and clerical staff in assigned area.

EXAMPLES OF DUTIES:

Manage, direct and organize division activities in the administration of the Community Development Block Grant Program and City Affordable Housing Programs including such areas as housing development loans, emergency home repair and rehabilitation.

Manage, direct and organize division activities in the administration of enforcement and compliance with zoning, neighborhood preservation, water conservation and graffiti abatement.

Supervise the development and administration of the Community Development Block Grant program, HOME program, and other affordable housing programs.

Prepare annual reports to HUD on the Community Development Block Grant HOME, and Rental Rehabilitation Programs.

Provide administrative support to the Director; assist with special projects as assigned; prepare complex and sensitive report for State and Federal regulatory agencies; analyze and develop recommendations on complex housing and zoning proposals.

Review and analyze development plans for compliance with zoning regulations and policies; direct the review of conditional use permits, variances, and rezoning requests.

Develop and recommend changes regarding zoning; advise the City Council and the Planning Commission on zoning matters; supervise the preparation of amendments to the text of the Zoning Code;

August, 1994

direct the city-wide abatement program for nonconforming signs, sign permits, water conservation and graffiti abatement.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Administer the division budget; direct the forecast of funds needed for departmental goals; monitor and approve expenditures; implement mid-year adjustments.

Direct, oversee and participate in the development of the division's workplan; assign work activities, projects and programs; monitor work flow; implement policies and procedures.

Appear before the City Council, boards, commissions and numerous civic organizations representing the Department.

Coordinate Department activities with those of other departments and outside agencies and organizations; prepare and present staff reports and other necessary correspondence.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of rehabilitation and code enforcement programs, housing finance and development.

Pertinent Federal, State and local laws, codes, programs and regulations.

Principles and practices of organization, administration, supervision, training and personnel management.

Methods and techniques of statistical analysis, effective technical report preparation and presentation (both oral and graphic).

Principles of budget preparation and expenditure control.

General legal authority and parameters for carrying out bonds, grants and other financial transactions.

Ability to:

Assist with the preparation and administration of

August, 1994

Ability to (continued):

departmental operating and capital improvement budgets and control budget expenditures.

Effectively manage assigned areas of the departmental program.

Supervise, evaluate and train assigned staff.

Interpret and apply pertinent laws, rules and regulations.

Ensure project and grant compliance with Federal, State and local rules, laws and regulations.

Prepare and analyze technical and administrative reports, statements and correspondence.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years increasingly responsible experience in finance, housing program management, community development or a related field including at least two years of administrative and supervisory experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in urban housing, urban or regional planning, community development, public or business administration or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-492

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 94-410 ENTITLED "A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION 91-464", TO AMEND THE CLASS RANGE TABLE TO ADD BUSINESS DEVELOPMENT DIVISION MANAGER, STRATEGIC PLANNING DIVISION MANAGER, DEVELOPMENT SERVICES DIVISION MANAGER, AND HOUSING AND NEIGHBORHOODS DIVISION MANAGER.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 94-410.

Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 28, 1994", attached to Resolution No. 94-410, is hereby amended as shown on the amended Exhibit "A" entitled, "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective August 16, 1994", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adopts class specifications for Business Development Division Manager at Range 447, Strategic Planning Division Manager at Range 447, Development Services Division Manager, at Range 447, and Housing and Neighborhoods Division Manager at Range 445.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after August 16, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective August 16, 1994

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	
420	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary Customer Services Supervisor
421	

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Stores Manager Museum Supervisor
427	Events Supervisor
428	Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Social Services Coordinator Buyer Accountant II Budget Analyst Public Works Supervisor I Building Maintenance Supervisor Customer Services Specialist
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Training Coordinator Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Senior Accountant Youth Program Supervisor Industrial Waste Supervisor

Class Range Table
Management and Confidential Non-Sworn Class
Page 3

433	Assistant Civil Engineer Laboratory Supervisor Assistant Traffic Engineer
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supt. Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Secondary Treatment Site Supv. Parks Maintenance Supervisor II Operations Supervisor Landscape Designer Arborist Trees Maintenance Supv. II Land Surveyor Equipment Maintenance Supervisor II
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Public Information Officer Budget Officer Financial/Investment Officer Administrative Services Officer Integrated Waste Specialist Project Manager
436	Senior Planner Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor
439	Deputy City Attorney II Associate Civil Engineer Associate Traffic Engineer
440	Purchasing Officer

Class Range Table

Management and Confidential Non-Sworn Class

Page 4

- 441 Community Development Program Manager
Sr. Deputy City Attorney I
Airport Manager
Solid Waste Program Manager
Transit Manager
Streets Maintenance Supt.
Parks Superintendent
Risk Manager
Assistant Personnel Director
Recreation Superintendent
Golf Superintendent
Fleet Manager
Wastewater Collections Superintendent
Water Superintendent
Building Maintenance Superintendent
- 442 Supv. Building Inspector
Finance Data Processing Manager
Supv. Construction Inspector
Manager of Budget and Financial Analysis
- 443 Deputy Chief Bldg. Official
- 444 Water Quality Control Supt.
Principal Planner
- 445 Customer Services Division Manager
Accounting Division Manager
Housing and Neighborhoods Division Manager
- 446 Senior Civil Engineer
Traffic Engineer
- 447 Chief Building Official
Assistant to City Manager
Asst. Parks & Recreation Dir. - Civic Center
Asst. Parks & Recreation Dir. - Parks
Asst. Parks & Recreation Dir. - Recreation
Business Development Division Manager
Development Services Division Manager
Strategic Planning Division Manager
- 448 Sr. Deputy City Attorney II
- 449
- 450 Deputy Director Public Works - Engineering
Deputy Director Public Works - Operations
Deputy Director Public Works - Transportation
- 451
- 452 Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-493

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE MANAGEMENT ASSOCIATION FOR THE FISCAL YEARS 1994-95 AND 1995-96.

WHEREAS, the representatives of the City and the Modesto Police Management Association (MPMA) have met and conferred in good faith concerning wages, hours, and other terms and conditions of employment for employees represented by the MPMA for the Fiscal Years 1994-95 and 1995-96, and

WHEREAS, the Memorandum of Understanding represents the mutual understandings reached as a result of such meet and confer sessions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto Police Management Association for the Fiscal Years 1994-95 and 1995-96 is hereby approved and shall become effective retroactive on June 28, 1994, a copy of said MOU is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City Officials is hereby authorized, retroactive to June 28, 1994.

BE IT FURTHER RESOLVED that the implementation of salary schedules for the MPMA is hereby authorized as set forth on page 2 of said MOU.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-494

A RESOLUTION AMENDING THE CITY-PAID AND
EMPLOYEE-PAID RETIREMENT CONTRIBUTIONS FOR
MODESTO POLICE MANAGEMENT ASSOCIATION (MPMA)
EMPLOYEES.

WHEREAS, the City of Modesto has the authority to
implement Government Code Section 20023(c)(4) pursuant to Section
20615, and

WHEREAS, the City of Modesto has a labor agreement
which specifically provides for the inclusion of normal member
contributions paid by the employer on behalf of the members, and

WHEREAS, one of the steps in the procedure to implement
this section is the adoption by the governing body of the City of
Modesto of a resolution giving notice of its intention to
commence reporting the value of employer paid member
contributions (EPMC) as compensation for all members of a group
or class, and

WHEREAS, the following is a statement of the proposed
change in reporting compensation to PERS:

Effective August 9, 1994, the City of Modesto elects to
pay eight percent (8%) of the normal member
contributions of nine percent (9%) as employer paid
member contributions (EPMC) and report same to PERS as
compensation.

Effective June 27, 1995, the City of Modesto elects to
pay seven and one-half percent (7.5%) of the normal
member contributions of nine percent (9%) as employer
paid member contributions (EPMC) and report same to
PERS as compensation.

This benefit shall apply to all employees represented
by the Modesto Police Management Association (MPMA) who
are classified police safety members by PERS.

The effective date of this Resolution shall be August 9, 1994.

and

WHEREAS, by Resolution No. 94-386 adopted by the Council on June 28, 1994, the Council adopted a labor policy providing for Public Employees' Retirement System (PERS) member contributions to be paid by the City on behalf of the employees and for the reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, the Council desires to amend the policy for the reporting of employer-paid normal member contributions to PERS as compensation as it relates to police management employees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto shall implement Government Code Section 20023(c)(4) pursuant to Section 20615 by paying the above percentages of normal member contributions as employer paid member contributions and reporting the same percent to PERS as compensation for all employees of the Modesto Police Management Association.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 94-386 not in conflict with this resolution shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-495

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF VICTOR HOLLINGSHEAD FROM THE MODESTO AIRPORT ADVISORY COMMITTEE

WHEREAS, Victor Hollingshead was appointed a member of the Modesto Airport Advisory Committee on February 13, 1990; and

WHEREAS, Victor Hollingshead has tendered his resignation from the Modesto Airport Advisory Committee, effective August 16, 1994; and

WHEREAS, Victor Hollingshead has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Victor Hollingshead from the Modesto Airport Advisory Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Victor Hollingshead for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: None

ABSENT: Councilmember Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-496

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY FIRE FIGHTERS ASSOCIATION FOR THE FISCAL YEARS 1994-95 AND 1995-96.

WHEREAS, the representatives of the City and the Modesto City Fire Fighters Association (MCFFA) have met and conferred in good faith concerning wages, hours, and other terms and conditions of employment for employees represented by MCFFA for the Fiscal Years 1994-95 and 1995-96, and

WHEREAS, the Memorandum of Understanding represents the mutual understandings reached as a result of such meet and confer sessions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters Association for the Fiscal Years 1994-95 and 1995-96 is hereby approved and shall become effective retroactive on August 9, 1994, a copy of said MOU is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City Officials is hereby authorized.

BE IT FURTHER RESOLVED that the implementation of salary schedules is as set forth on page 2 of said MOU.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-497

A RESOLUTION AMENDING THE CITY-PAID AND
EMPLOYEE-PAID RETIREMENT CONTRIBUTIONS FOR
MODESTO CITY FIRE FIGHTERS ASSOCIATION
(MCFFA) EMPLOYEES.

WHEREAS, the City of Modesto has the authority to
implement Government Code Section 20023(c)(4) pursuant to Section
20615, and

WHEREAS, the City of Modesto has a labor agreement
which specifically provides for the inclusion of normal member
contributions paid by the employer on behalf of the members, and

WHEREAS, one of the steps in the procedure to implement
this section is the adoption by the governing body of the City of
Modesto of a resolution giving notice of its intention to
commence reporting the value of employer paid member
contributions (EPMC) as compensation for all members of a group
or class, and

WHEREAS, the following is a statement of the proposed
change in reporting compensation to PERS:

Effective August 9, 1994, the City of Modesto elects to
pay eight percent (8%) of the normal member
contributions of nine percent (9%) as employer paid
member contributions (EPMC) and report same to PERS as
compensation.

Effective June 26, 1995, the City of Modesto elects to
pay seven and one-half percent (7.5%) of the normal
member contributions of nine percent (9%) as employer
paid member contributions (EPMC) and report same to
PERS as compensation.

This benefit shall apply to all employees represented
by the Modesto City Fire Fighters Association (MCFFA)
who are classified fire safety members by PERS.

The effective date of this Resolution shall be August 9, 1994.

and

WHEREAS, by Resolution No. 94-386 adopted by the Council on June 28, 1994, the Council adopted a labor policy providing for Public Employees' Retirement System (PERS) member contributions to be paid by the City on behalf of the employees and for the reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, the Council desires to amend the policy for the reporting of employer-paid normal member contributions to PERS as compensation as it relates to fire fighter employees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto shall implement Government Code Section 20023(c)(4) pursuant to Section 20615 by paying the above percentages of normal member contributions as employer paid member contributions and reporting the same percent to PERS as compensation for all employees of the Modesto City Fire Fighters Association.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 94-386 not in conflict with this resolution shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

Cliff

MODESTO CITY COUNCIL
RESOLUTION NO. 94-498

A RESOLUTION ESTABLISHING A VILLAGE ONE
SCHOOL IMPACT FEE FOR THE CHARLESTON PLACE
SUBDIVISION. (ART MARTIN, DEVELOPER)

WHEREAS, a request for a Development Agreement has been filed for the Charleston Place Subdivision, together with a proposed agreement entitled "Development Agreement Between City of Modesto and Charleston Place, a California Limited Partnership", relating to the development known as Charleston Place Subdivision to be located on the southeast corner of Belharbour Drive and Roselle Avenue in Modesto, California, and

WHEREAS, the Development Agreement is required pursuant to condition No. 7 on page 6 of City Council Resolution No. 93-589, which approved the Vesting Tentative Subdivision Map of Charleston Place Subdivision, and

WHEREAS, pursuant to condition No. 6 on page 3 of City Council Resolution No. 93-589A, which approved a development plan for the precise plan for area 27 of Village One, and which required that in the event that the developer seeks issuance of building permits prior to the establishment of the Area of Benefit (AOB) for Village One, then in lieu of the AOB assessment, the developer shall pay for each lot an amount to be determined by the City Council after holding a public hearing for that purpose prior to the issuance of any building permit, and

WHEREAS, after a public hearing held on August 15, 1994, by Resolution No. 94-40, the Planning Commission recommended to the City Council approval of a Development Agreement for Charleston Place Subdivision, subject to the successful resolution by the Modesto City Council relating to the issue of school fees, and

WHEREAS, a duly noticed public hearing was held by the City Council on August 23, 1994, to consider the establishment of fees in-lieu of an Area of Benefit (AOB) and School Impact Fees which are designed to cause the development to pay its fair share of the Village One infrastructure costs set forth in the Village One Financing Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts as School Impact Fees for the Charleston Place Subdivision, those fees as set forth attached hereto as Exhibit "A". Said fees are also set forth on page 21, Paragraph 7 of the Development Agreement, a copy of which Development Agreement is on file in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, McClanahan, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Roland R. Stevens, Assistant*
MICHAEL D. MILICH, City Attorney

School Impact Mitigation. Developer shall be subject to such mitigation program as is established by the City Council in the Village One Finance Plan. This shall include, but not be limited to, participation in a Mello-Roos Community Facilities District ("CFD"). Developer and City acknowledge and agree that at present City and the appropriate school districts contemplate that a CFD shall be formed by the districts to levy a one-time special tax not to exceed three dollars sixty-five cents (\$3.65) per square foot of "assessable space," (subject to annual adjustments for inflation) as that term is defined in Government Code Section 65995. Such one-time tax shall be payable at the close of escrow for any single family residential unit and prior to certificate of occupancy for any multiple family unit. The CFD shall also include an annual special tax not to exceed three hundred dollars (\$300.00) per residential unit (which may escalate at the rate of two percent (2%) per year). Developer hereby concurs and agrees that the amounts just stated are acceptable to him.

In the event that it is determined that school impacts will be mitigated through the formation of a CFD as outlined above, Developer understands and agrees to:

- a) fully cooperate with the districts in the formation of the CFD as outlined above, including providing a waiver and consent to the timelines proposed by the schools for holding the CFD formation election;
- b) be responsible for providing to districts such boundary maps and legal descriptions for the "project site" as are required for the formation of the CFD; and
- c) not transfer title to any lot and/or completed residential unit and lot, or allow any bulk sale of land to take place within the "project site" prior to January 31, 1995, or until there has been a successful election resulting in the participation of developer's entire project in the CFD, whichever shall occur first.

If Developer satisfies the performance requirements listed in a) and b) above but the CFD is not formed on or before January 31, 1995, then the Project Site shall not be subject to subsequent inclusion in the CFD.

If Developer has not complied with the performance requirements listed in a) and b) above and seeks to transfer title to any lot and/or completed residential unit and lot, or complete any bulk sale of land within the "project site" on or before January 31, 1995, or prior to the formation of the CFD, then Developer shall pay to districts an amount per dwelling unit which provides an

equivalent level of funding to that provided by the CFD as outlined above. This equivalent fee has been calculated to be \$5.41 to be paid at close of escrow on any single family dwelling or \$9,750 per residential lot sold prior to construction of a dwelling unit. Such fee shall be paid as a condition of close of escrow for any transfer of title as described above. Should the lots and/or homes which are sold pursuant to this condition become subject to the requirements of the CFD within one year of occupancy, the amount paid in excess of the one-time tax shall be refunded.

martin.4

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 94-499

A RESOLUTION ESTABLISHING VILLAGE ONE FEES
IN-LIEU OF THE VILLAGE ONE AREA OF BENEFIT
ASSESSMENT FOR THE CHARLESTON PLACE
SUBDIVISION. (ART MARTIN, DEVELOPER)

WHEREAS, a request for a Development Agreement has been filed for the Charleston Place Subdivision, together with a proposed agreement entitled "Development Agreement Between City of Modesto and Charleston Place, a California Limited Partnership", relating to the development known as Charleston Place Subdivision to be located on the southeast corner of Belharbour Drive and Roselle Avenue in Modesto, California, and

WHEREAS, the Development Agreement is required pursuant to condition No. 7 on page 6 of City Council Resolution No. 93-589, which approved the Vesting Tentative Subdivision Map of Charleston Place Subdivision, and

WHEREAS, pursuant to condition No. 6 on page 3 of City Council Resolution No. 93-589A, which approved a development plan for the precise plan for area 27 of Village One, and which required that in the event that the developer seeks issuance of building permits prior to the establishment of the Area of Benefit (AOB) for Village One, then in lieu of the AOB assessment, the developer shall pay for each lot an amount to be determined by the City Council after holding a public hearing for that purpose prior to the issuance of any building permit, and

WHEREAS, after a public hearing held on August 15, 1994, by Resolution No. 94-40, the Planning Commission recommended to the City Council approval of a Development Agreement for Charleston Place Subdivision, subject to the successful resolution by the Modesto City Council relating to the issue of school fees, and

WHEREAS, a duly noticed public hearing was held by the City Council on August 23, 1994, to consider fees in-lieu of the Village One Area of Benefit (AOB) Assessment for the Charleston Place Subdivision,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts Village One Fees in the amount of \$58,221 per acre In-Lieu of the Village One Area of Benefit (AOB) Assessment for the Charleston Place Subdivision. Said fees are also set forth in paragraph No. 5 on Exhibit "F" of the Development Agreement, a copy of which Development Agreement is on file in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, McClanahan, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-500

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE MCHENRY MUSEUM REROOF PROJECT

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

SECTION 1. The specifications for the McHenry Museum reroof project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 6, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, McClanahan, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-501

A RESOLUTION ACCEPTING THE MECHANICAL BAR SCREEN REPLACEMENT PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Mechanical Bar Screen Replacement project, has been completed by Scrimsher & Mineni Construction, Inc., in accordance with the contract agreement dated September 21, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Mechanical Bar Screen Replacement project, be accepted from said contractor, Scrimsher & Mineni Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$570,038.73 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, McClanahan, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-502

A RESOLUTION ACCEPTING THE BID OF QUADRANT SYSTEMS, INCORPORATED FOR
FURNISHING A CASHIERING SOFTWARE SYSTEM

WHEREAS, Resolution No. 94-322, adopted by the Council of the City of Modesto on June 7, 1994, approved the plans and specifications for the purchase of a cashiering software system for the Finance Department, and authorized the calling for bids; and

WHEREAS, the bids received for the cashiering software system were opened at 11:00 a.m. on June 28, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Quadrant Systems, Incorporated, in the amount of \$50,491, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Quadrant Systems, Incorporated, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, McClanahan, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-503

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CHAMBER OF COMMERCE TO PROVIDE \$198,030.00 IN FUNDING TO THE CONVENTION AND VISITORS BUREAU FOR FISCAL YEAR 1994-95

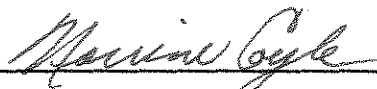
BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Chamber of Commerce to provide \$198,030.00 in funding to the Convention and Visitors Bureau for Fiscal Year 1994-95, be and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, McClanahan, Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-504

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND ESTEBAN SANCHEZ, OWNER OF PROPERTY AT 136 FRESNO AVENUE FOR THE PURPOSE OF REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Esteban Sanchez, owner of property at 136 Fresno Avenue, for the purpose of rehabilitating his property pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Robbs, McClanahan, Patterson

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-505

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND LELAND PROUTY, OWNER OF PROPERTY AT 1205 TUOLUMNE BLVD. FOR THE PURPOSE OF REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Leland Prouty, owner of property at 1205 Tuolumne Blvd. Avenue, for the purpose of rehabilitating his property pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Ebbs, McClanahan, Patterson

ATTEST:


NORRINE COYLE, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 94-506

A RESOLUTION CHANGING THE STREET NAME OF
COURTNEY WAY TO BOBS WAY IN THE CITY OF
MODESTO.

WHEREAS, Courtney Way is a street that runs north-
south just east of Oakdale Road, from Sylvan Avenue to Post
Office Drive in the northwest corner of Village One, and

WHEREAS, no residents reside on Courtney Way, and

WHEREAS, it is proposed to change the name of Courtney
Way to Bobs Way as there is already a Courtney Way in the City of
Modesto, and

WHEREAS, Mr. Courtney has requested that the street be
renamed to Bobs Way, and

WHEREAS, said matter was considered by the City Council
at its meeting held at 4:00 p.m. on August 23, 1994, in the
Council Chambers located at 801 11th Street in the City of
Modesto, and

WHEREAS, Section 34091.1 of the Government Code of the
State of California provides that when the existing name of any
city street should be changed, the legislative body is authorized
to adopt a resolution to change the name of existing streets,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto hereby approves the proposal to change the street
name of Courtney Way to Bobs Way.

BE IT FURTHER RESOLVED that in accordance with
Government Code Section 34092 the City Clerk is directed to

transmit a certified copy of this resolution to the Stanislaus County Board of Supervisors.

BE IT FURTHER RESOLVED that City staff shall immediately notify affected public agencies, utility companies, and city departments regarding the name change.

BE IT FURTHER RESOLVED that the City shall replace the street name sign.

BE IT FURTHER RESOLVED that the street name change shall become effective 30 days after its passage and introduction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Tobbs, McClanahan, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-507

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PUBLIC RESOURCES ADVISORY GROUP TO PROVIDE SPECIAL FINANCIAL ADVISORY SERVICES FOR THE WASTE-TO-ENERGY PROJECT

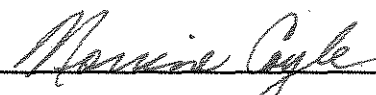
BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Public Resources Advisory Group to provide special financial advisory services for the Waste-to-Energy Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, McClanahan, Patterson

ATTEST:



NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-508

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SCENIC ROAD PROPERTIES FOR THE ACQUISITION OF A TEMPORARY CONSTRUCTION SEWER EASEMENT FOR THOUSAND OAKS SEWER LIFT STATION REHABILITATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Scenic Road Properties for the acquisition of a temporary construction sewer easement for Thousand Oaks Sewer Lift Station Rehabilitation project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, McClanahan, Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-509

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS, SHERIFF'S AERO SQUADRON, FOR THE LEASE OF SUITE B, OFFICE BUILDING NO. 2, AT THE MODESTO CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the County of Stanislaus, Sheriff's Aero Squadron, for the lease of Suite B, Office Building No. 2, at the Modesto City/County Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ibbbs, McClanahan, Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-510

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MCELROY MARITAL TRUST FOR THE LEASE OF 5,640 SQUARE FEET OF OFFICE SPACE FOR THE POLICE DEPARTMENT

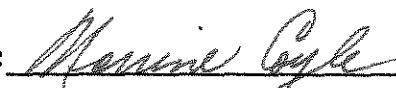
BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the McElroy Marital Trust for the lease of 5,640 square feet of office space at 1124 F Street for the Police Department be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, McClanahan, Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-511

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR DISBURSEMENT OF FUNDS HELD IN THE AB 939 - SOURCE REDUCTION AND RECYCLING ACCOUNT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and Stanislaus County for disbursement of funds held in the AB939 - Source Reduction and Recycling Account be and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, McClanahan and Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-512

A RESOLUTION ACCEPTING IMPROVEMENTS IN NEWPORT WEST II SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS (FLORSHEIM BROS.)

WHEREAS, Florsheim Bros., subdividers of Newport West II Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 475,550.00 and \$ 237,775.00 respectively to guarantee improvements in Newport West II Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated August 18, 1994, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

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

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

1. The improvements in Newport West II Subdivision Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bonds for faithful performance in the amount of \$ 475,550.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$237,775.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, McClanahan, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-513

A RESOLUTION ACCEPTING IMPROVEMENTS IN NEWPORT WEST III SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS (FLORSHEIM BROS.)

WHEREAS, Florsheim Bros., subdividers of Newport West III Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 39,700.00 and \$ 19,850.00 respectively to guarantee improvements in Newport West III Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated August 18, 1994, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

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

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

1. The improvements in Newport West III Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 39,700.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$ 19,850.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, McClanahan, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-514

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF RICHARD
BARHITE FROM THE LANDMARK PRESERVATION COMMISSION

WHEREAS, Richard Barhite was appointed a member of the
Landmark Preservation Commission on February 21, 1989; and

WHEREAS, Richard Barhite has tendered his resignation from the
Landmark Preservation Commission effective August 23, 1994; and

WHEREAS, Richard Barhite has been a devoted and sincere public
servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Richard
Barhite from the Landmark Preservation Commission be, and hereby
is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of
Modesto, on its own behalf, and on behalf of the citizens of this
City, hereby expresses its sincere appreciation to Richard Barhite
for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 23rd day of
August, 1994, by Councilmember Friedman , who moved its adoption,
which motion being duly seconded by Councilmember Cogdill , was
upon roll call carried and the resolution adopted by the following
vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, McClanahan, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-515

A RESOLUTION ORDERING THE WORK OF INSTALLATION OF STREET LIGHTS ON HELEN AVENUE BETWEEN MCHENRY AVENUE AND ILA WAY

WHEREAS, the California Streets and Highways Code (CS&HC) Section 5870 et seq. provides a means for installing street lighting with the costs assessed against the property owners requesting such installation; and

WHEREAS, one of the CS&HC requirements is that a petition must be signed by at least 60% of the property owners in order to start the process; and

WHEREAS, 60% of the property owners on Helen Avenue have signed a petition requesting the installation of street lighting on Helen Avenue between McHenry Avenue and Ila Way to prevent vandalism; and

WHEREAS, the Superintendent of Streets did set the 6th day of September, 1994, at 7:00 p.m. in the City Council Chambers, as the time and place for a hearing for the purpose of providing the opportunity to area residents and interested persons, parties, or agencies to publicly comment on the project; and

WHEREAS, the Superintendent of Streets has caused notices to be mailed as required by the Streets and Highways Code; and

WHEREAS, at the time set for hearing public comment on the proposed work, Council proceeded to hear the same.

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

SECTION 1. All protests and objections of any kind or nature whatsoever to the proposed work as set forth in the notices mailed

to property owners, are hereby overruled or denied.

SECTION 2. The Superintendent of Streets is hereby directed to proceed with the project as to the properties described in the notices sent to property owners in accordance with the provisions of California Streets and Highways Code of the State of California, Section 5870 et seq.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September 1994, by Councilmember [obbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION 94-516

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE FORCED CONSTRUCTION REIMBURSEMENT FOR THE HELEN AVENUE STREET LIGHTING PROJECT.

WHEREAS, the property owner's on Helen Avenue have signed a petition requesting the installation of street lighting on Helen Avenue between McHenry Avenue and Ila Way to prevent vandalism. This project requires the installation of four street lights.

WHEREAS, the California Streets and Highways Code Section 5870 et seq. provides a means for installing street lighting with the costs assessed against the property owners requesting such installation. One of the CS&HC requirements is tat a petition must be signed by at least 60% of the property owners in order to start the process. This requirement has been fulfilled.

WHEREAS, the installation costs will be paid back by the property owners after the project is completed, or over a three year period, along with their property taxes, with a 7% interest charge. The total estimated cost of the project is \$11,000.

WHEREAS, the following adjustments are necessary:

		Gas Tax Fund	
Fund/Agy/Org			Increase (Decrease)
Revenues			
070-510-9510-4053	Forced Construction Reimbursement		\$11,000
Expenditures			
070-160-E972-6010	Helen Avenue Street Lighting-Engineering		\$500
070-160-E972-6040	Helen Avenue Street Lighting-Construction		\$9,000
070-160-E972-6050	Helen Avenue Street Lighting-Contingencies		\$500
070-160-E972-6060	Helen Avenue Street Lighting-Construction Admin		\$1,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-517

A RESOLUTION APPROVING THE APPLICATION OF WATERFORD COMMUNITY AMBULANCE FOR A PERMIT TO OPERATE A LIMITED AMBULANCE SERVICE IN THE CITY OF MODESTO FOR A PERIOD OF THIRTY (30) DAYS.

WHEREAS, on April 21, 1994, Waterford Community Ambulance, a non-profit corporation, submitted an application and paid the appropriate fees to provide non-emergency ambulance services within the City limits of the City of Modesto, and

WHEREAS, Chapter 9 of Title III of the Modesto Municipal Code regulates the licensing of limited ambulances in the City of Modesto, and Section 3-9.05 of the Modesto Municipal Code requires that in determining whether the public convenience and necessity require the operation of a limited ambulance service for which application is made, the Council shall hold a public hearing as may be necessary to for the purpose of making such determination, and

WHEREAS, as required by Section 3-9.05 of the Modesto Municipal Code, the City Manager has caused the Police Chief of the City of Modesto to make an investigation and report, in writing, to the City Council on said application for a permit to operate a limited ambulance service in the City of Modesto, and

WHEREAS, on September 6, 1994, the City Council held a duly noticed public hearing at 7:30 p.m., in the City Council Chambers in City Hall, located at 801 11th Street, Modesto, California, to consider the application of Waterford Community

Ambulance for a permit to operate a limited ambulance service in the City of Modesto,

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

1. That the public convenience and necessity requires the operation of the limited ambulance service which will be furnished by Waterford Community Ambulance, because this provider has an agreement to provide non-emergency service to a local hospital, and that such service will promote the convenience, safety and welfare of the general public.

2. That the vehicles described in the application and proposed to be used are adequate and safe for the purpose of carrying or transporting injured or sick persons.

3. That the name "Waterford Community Ambulance" and the color scheme, insignia, monogram or other distinguishing characteristics proposed to be used upon such ambulances are not in conflict with and do not imitate any color scheme, insignia, monogram or other distinguishing characteristics used by any other company, in such a manner as to mislead or tend to mislead, deceive, or defraud the public.

4. That such limited ambulance service in the City is required by the public convenience and necessity and that Waterford Community Ambulance is a company fit, willing, and able to perform ambulance service and able to conform to the provisions of Chapter 9 of Title III of the Modesto Municipal

Code, and such rules and regulations as may be promulgated by the Council.

BE IT FURTHER RESOLVED that the application of Waterford Community Ambulance for a permit to operate a limited ambulance service in the City of Modesto is hereby approved for the reasons set forth above for a period of thirty (30) days. Said ambulance service shall operate under the name of "Waterford Community Ambulance", and a total number of three (3) ambulances may be operated under said permit.

BE IT FURTHER RESOLVED that after Waterford Community Ambulance has complied with all of the requirements of Chapter 9 of Title III of the Modesto Municipal Code, the City Clerk of the City of Modesto is hereby authorized to issue a Certificate of Public Convenience and Necessity to Waterford Community Ambulance for the purpose of operating three (3) ambulances as set forth herein for a period of thirty (30) days.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-518

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE GENERAL AVIATION AREA CAPE SEAL AND TAXIWAYS C AND E SLURRY SEAL PROJECT

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

SECTION 1. The specifications for the general aviation area cape seal and taxiways C and E slurry seal project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 6, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

7
MODESTO CITY COUNCIL
RESOLUTION NO. 94-519

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE GENERAL AVIATION AREA WATER SYSTEM UPGRADE

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

SECTION 1. The specifications for the general aviation area water
system upgrade, copies of which are on file, are hereby accepted and
approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
October 13, 1994, at 11:00 a.m., the City Clerk is hereby directed to
give notice inviting such sealed bids in the time, form, and manner
provided by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 6th day of September,
1994, by Councilmember Muratore , who moved its adoption, which motion
being duly seconded by Councilmember McClanahan , was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-520

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
UPGRADING SIGNS AT THE AIRPORT

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

SECTION 1. The specifications for upgrading signs at the Airport,
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
October 13, 1994, at 11:05 a.m., the City Clerk is hereby directed to
give notice inviting such sealed bids in the time, form, and manner
provided by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 6th day of September,
1994, by Councilmember Muratore , who moved its adoption, which motion
being duly seconded by Councilmember McClanahan , was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-521

A RESOLUTION ACCEPTING THE BID OF CONCO-WEST, INC. FOR THE SEWER LIFT STATION REHABILITATION PROJECT - TRASK/ENCINA AND COLLEGE/ORANGEBURG

WHEREAS, Resolution No. 94-377, adopted by the Council of the City of Modesto on June 28, 1994, approved the plans and specifications for the sewer lift station rehabilitation project - Trask/Encina and College/Orangeburg, and authorized the calling for bids; and

WHEREAS, the bids received for the sewer lift station rehabilitation project - Trask/Encina and College/Orangeburg, were opened at 11:10 a.m. on July 28, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Conco-West, Inc., in the amount of \$243,700, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco-West, Inc., be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-522

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$118,000 TO FUND THE SEWER LIFT STATION REHABILITATION PROJECT - TRASK/ENCINA AND COLLEGE/ORANGEBURG

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

FROM:	Lakewood Trunk (622 480 D311 6040)	\$118,000
TO:	Lift Stations (622 480 E602 6040)	\$118,000

This transfer is needed primarily because a portion of this project's funds were utilized to fund additional costs on the Muriel, Maze and Mark Randy Lift Station Rehabilitation project awarded in Fiscal Year 1993-94. The additional costs on the previous project are attributable to an increased scope of work to meet Caltrans requirements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-523

A RESOLUTION ACCEPTING THE BID OF GSE CONSTRUCTION, INC. FOR THE
RECONSTRUCTION OF THE THOUSAND OAKS PARK SEWER LIFT STATION

WHEREAS, Resolution No. 94-434, adopted by the Council of the City of Modesto on July 19, 1994, approved the plans and specifications for the reconstruction of the Thousand Oaks Park sewer lift station, and authorized the calling for bids; and

WHEREAS, the bids received for the reconstruction of the Thousand Oaks Park sewer lift station, were opened at 11:00 a.m. on August 18, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of GSE Construction, Inc., in the amount of \$1,818,000, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of GSE Construction, Inc., be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Ebbs, Friedman, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-524

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$317,340 TO FUND THE THOUSAND OAKS PARK SEWER LIFT STATION

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

FROM:	Thousand Oaks Reconstruction	\$140,000
	Bar Screen	70,000
	Sonoma Trunk	107,340
TO:	Remodel Thousand Oaks Lift Station	\$317,340

Funds are needed for construction due to building revisions for maintenance, sound proofing and architecturally blending with the existing park site.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-525

A RESOLUTION ACCEPTING THE RIP RAP REPAIR AT THE STORAGE PONDS ON JENNINGS ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the rip rap repair at the storage ponds on Jennings Road, has been completed by Teichert Construction, in accordance with the contract agreement dated June 7, 1994.

NOW, THEREFORE, BE IT RESOLVED that the rip rap repair at the storage ponds on Jennings Road, be accepted from said contractor, Teichert Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$32,974.45 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dbbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-526

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SEVEN USED LATE MODEL SEDANS AND ONE USED LATE MODEL MINI VAN FROM GOLDEN GATE AUTO AUCTION AND/OR BAY CITIES AUTO AUCTION

WHEREAS, the Public Works and Transportation Department, Fleet Management Services Division, has requested the purchase of seven used late model sedans and one used late model mini van to replace vehicles that are no longer serviceable; and

WHEREAS, for the past few years, Golden Gate Auto Auction in Fremont and Bay Cities Auto Auction in Hayward have been selected by the City to furnish vehicles because they have a wide selection of vehicles at a lower acquisition cost, and a high quality that has served the City well.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of seven used late model sedans and one used late model mini van is hereby waived.

BE IT FURTHER RESOLVED that purchase of seven used late model sedans and one used late model mini van from Golden Gate Auto Auction and/or Bay Cities Auto Auction or by sealed bid if the trucks are not available through the auction process, for an estimated cost of \$109,500, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember

McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-527

A RESOLUTION IN SUPPORT OF DISCHARGE PETITION
NUMBER 25.

WHEREAS, the City of Modesto finds that Petition Number 25 will attempt to force consideration of H.R. 140, the "no money, no mandate" bill, and

WHEREAS, Discharge Petition Number 25 is fair in that it allows for Members of Congress to vote on specific mandate relief legislation rather than watered down versions passed by committees, and

WHEREAS, unfunded Federal mandates on State and local governments have become increasingly extensive in recent years, and

WHEREAS, such mandates have, in many instances, added to growing deficits in State and local budgets and have resulted in the need for State and local governments to increase revenue or curtail services, and

WHEREAS, such excessive fiscal burdens on State and local governments have undermined, in many instances, the ability of State and local governments to achieve their responsibilities under State and local law, and

WHEREAS, the purpose of H.R. 140, the "no money, no mandate" bill, is to assure that the Federal Government pays the total amount of direct costs incurred by State and local governments in complying with Federal statutes or regulations, and

WHEREAS, H.R. 140, the "no money, no mandate" bill ends the practice of imposing unfunded Federal mandates on State and local governments and ensures that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby endorses Discharge Petition Number 25 that will force consideration of H.R. 140, the "no money, no mandate" bill.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-528

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BASIC RESOURCES FOR THE LEASE OF 1,100 SQUARE FEET OF OFFICE SPACE IN THE BEATY BUILDING FOR THE NEIGHBORHOOD PRESERVATION UNIT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Basic Resources for the lease of 1,100 square feet of office space in the Beaty Building for the Neighborhood Preservation Unit be and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-529

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$6,500 TO FUND RENTAL OF OFFICE SPACE FOR THE NEIGHBORHOOD PRESERVATION UNIT

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

FROM:	S & W Regular (010 140 1405 010)	\$1,249
	Building Svcs (010 140 1405 0250)	5,251
TO:	Rent of property (010 140 1405 0215)	\$6,500

These funds will establish an account with which to charge the Neighborhooe Preservation Unit's rent at the Beaty Building.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Jobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-530

A RESOLUTION APPROVING AN AMENDED JOINT POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND SYLVAN UNION SCHOOL DISTRICT REGARDING THE MERLE NEIGHBORHOOD PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended joint powers agreement between the City of Modesto and Sylvan Union School District regarding the Merle Neighborhood Park site be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs and Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-531

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$21,477 FROM
CONTINGENCY RESERVE FOR ACQUISITION OF THE MERLE NEIGHBORHOOD PARK

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

FROM: Contingency Fund \$21,477
(135 800 8000 8003)

TO: Merle Neighborhood Park Acquisition \$21,477
(135 310 E611)

Funds are needed to reimburse the Sylvan School District for
acquisition costs that they incurred on behalf of the City of
Modesto for the acquisition of the Merle Neighborhood Park site.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 6th day of September,
1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember McClanahan, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-532

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER FOR THE LEASE OF CORPORATE HANGAR PLOTS 1 AND 2 AT THE MODESTO CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Executive Air Charter for the lease of Corporate Hangar Plots 1 and 2 at the Modesto City/County Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-533

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PROJECT SENTINEL FOR A GRANT OF \$27,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1994-95

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Project Sentinel for a grant of \$27,000 under the Community Development Block Grant Program for Fiscal Year 1994-95 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-534

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CENTER FOR SENIOR EMPLOYMENT FOR A GRANT OF \$10,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1994-95

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Center for Senior Employment for a grant of \$10,000 under the Community Development Block Grant Program for Fiscal Year 1994-95 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

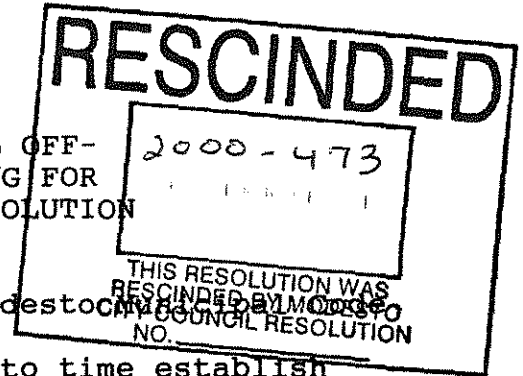
ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-535

A RESOLUTION ESTABLISHING MUNICIPAL OFF-STREET PARKING FACILITIES, PROVIDING FOR CONTROL THEREOF, AND RESCINDING RESOLUTION NO. 93-426.



WHEREAS, Section 3-2.1601 of the Modesto Municipal Code provides that the City Council may from time to time establish and designate municipal off-street parking facilities in the City by resolution of the Council, and

WHEREAS, Section 3-2.1602 of the Modesto Municipal Code provides that the hours and days upon which the operation of off-street parking facilities shall be effective shall be established from time to time by resolution of the Council, and

WHEREAS, Section 3-2.1603 of the Modesto Municipal Code provides that the rates for use of off-street parking facilities shall be established from time to time by resolution of the Council,

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

SECTION 1. PARKING METER LOTS. The municipal off-street parking facilities specified on Exhibit "A" attached hereto are hereby established as parking meter lots to be controlled by parking meters. Parking time limits, rates of fees, and monthly fees for parking passes and reserved parking for said parking meter lots shall be as shown on Exhibit "A". Said Exhibit "A" is hereby incorporated by reference and made a part of this resolution.

SECTION 2. ATTENDANT LOTS. (a) The following municipal off-street parking facility is hereby established as a parking attendant lot:

(1) PAL-28 west side of 11th Street between I and J Streets

(b) Vehicular parking on said parking attendant lot shall be controlled and regulated by parking attendants as follows:

(1) PAL-28 from 8:00 a.m. to 6:00 p.m. Monday through Friday

(c) The rate of fifty cents (50¢) per hour or fraction thereof, unless validated in accordance with the provisions of Section 3-2.1604 of the Modesto Municipal Code, is hereby established for said parking attendant lot PAL-28. The price for validation stamps to be used with the validation system on said parking attendant lot, as provided by Section 3-2.1604 of the Modesto Municipal Code, shall be fifty-five cents (55¢) per stamp.

(d) The Public Works and Transportation Director may designate spaces in said parking attendant lot for the free parking of bicycles. When appropriate signs are erected, bicycles may be parked in such areas without charge.

(e) Monthly parking passes may be authorized by the Public Works and Transportation Director on said parking attendant lot PAL-28 when it does not encroach on the needs of

shopper parking. The monthly charges for such passes shall be Thirty and no/100ths Dollars (\$30.00) for PAL-28.

(f) Additional hours of operation, including weekends, may be authorized by the Public Works and Transportation Director as appropriate to meet parking needs.

SECTION 3. PARKING TICKET LOTS. (a) The following municipal off-street parking facilities are hereby established as parking ticket lots:

- (1) PTL-2 east side of 9th Street between I and J Streets, excepting the portion thereof which is Parking Meter Lot-2 (PML-2).
- (2) PTL-20 west side of 10th Street between G and H Streets and south of PTL-23 (Old City Hall)
- (3) PTL-23 west side of 10th Street between G and H Streets (Brack-Griffin)
- (4) PTL-25 southeast corner of 9th and I Streets. (Parking in PTL-25/PML-25 is controlled by 25¢ per hour meters or \$1.25 per day tickets.)
- (5) PTL-34 southwest corner of 10th and K Streets (Parking in PTL-34/PML-34 is controlled by 25¢ per hour meters or \$1.25 per day tickets.)

(b) Vehicular parking on said parking ticket lots PTL-2, PTL-20, and PTL-23 shall be controlled by means of ticket dispensing devices from 9:00 a.m. to 4:30 p.m., Monday through

Friday. Vehicular parking on said parking ticket lot PTL-25/PML-25 shall be controlled by means of a ticket dispensing device or parking meters from 9:00 a.m. to 6:00 p.m., Monday through Friday. Vehicular parking on said ticket lot PTL-34/PML-34 shall be controlled by means of ticket dispensing device or parking meters from 9:00 a.m. to 6:00 p.m., every day.

(c) The rate of One and 25/100ths Dollars (\$1.25) per day or fraction thereof is hereby established for said parking ticket lots PTL-2, PTL-20, PTL-23, PTL-25 and PTL-34.

(d) Monthly parking passes may be authorized by the Public Works and Transportation Director on any parking ticket lot when it does not encroach on the needs of shopper parking. The monthly charges for such passes shall be Twenty and no/100ths Dollars (\$20.00).

(e) Monthly reserved parking passes may be authorized by the Public Works and Transportation Director on said ticket lot PTL-2 and PTL-34. The monthly charges for such passes shall be Thirty and no/100ths Dollars (\$30.00) per space per month.

(f) The rate of twenty-five cents (25¢) per hour or fraction thereof is hereby established for said parking ticket lot PTL-34/PML-34 for the 14 spaces along K Street. The Public Works and Transportation Director is hereby authorized to adjust the number of metered spaces to provide a reasonable amount of short-term parking on said lot.

SECTION 4. RESERVED PARKING LOTS. (a) The following municipal off-street parking facilities are hereby designated as reserved parking lots:

- (1) RPL-4a west side of 11th Street between H and I Streets (street level)
- (2) RPL-39 south side of I Street between 10th and 11th Streets

(b) Vehicular parking on said reserved parking lots shall be controlled by signs and painted markings.

(c) Charges for reserved parking on RPL-4a and RPL-39 shall be Thirty and no/100ths Dollars (\$30.00) per space per month.

SECTION 5. MODESTO CENTRE PLAZA PARKING. The municipal off-street parking facilities specified on Exhibit "B" attached hereto are hereby established as parking for the Modesto Centre Plaza. Said Exhibit "B" is hereby incorporated by reference and made a part of this resolution.

SECTION 6. FREE PARKING LOTS. (a) The following municipal off-street parking facilities shall be free parking lots:

- (1) PL-10 east side of 8th Street between I and K Streets
- (2) PL-13 north side of H Street between 15th and 16th Streets (Modesto Stanislaus Library)
- (3) PL-15 east side of 11th Street between F and G Streets (north of Fire Station #1)

(4) PL-16 east side of 11th Street between F and G Streets (south of Fire Station #1)

(b) Parking time limit on PL-13 shall be either no time limit or in portions as posted, a two-hour time limit 8:00 a.m. to 5:00 p.m., Monday through Friday.

SECTION 7. DISABLED PERSONS. Notwithstanding any other provision of this resolution, disabled persons, as defined in Section 22511.5 of the California Vehicle Code, displaying a distinguishing license plate or distinguishing placard issued pursuant to Section 22511.5 of the California Vehicle Code may park free in any of the municipal off-street parking facilities specified in this resolution, except in reserved parking spaces.

SECTION 8. JURY PARKING. Persons ordered to appear for jury duty may park exclusively in the following municipal off-street parking facilities in compliance with the fees and regulations specified in this resolution:

- (1) PL-10 - exclusive all day
- (2) PTL-25 - exclusive from 8:00 a.m. to 12:00 noon

SECTION 9. EFFECTIVE DATE. The effective date of this resolution shall be September 30, 1994.

SECTION 10. RESCIND. Resolution No. 93-⁴²⁶~~462~~ adopted July 20, 1993, is rescinded effective September 29, 1994.

Corrected 7-22-15
Cae

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

PARKING METER LOT NUMBER	LOCATION	TIME LIMITS & CLASSIFICATION FEE	FEEES FOR MONTHLY PASSES	MONTHLY FEE FOR RESERVED SPACE
1. PML-2	East side of 9th Street between I and J Streets, excepting the portion thereof which is Parking Ticket Lot-2 (PTL-2)	PM-1	*	**
2. PML-2a	Alley between 9th, 10th, I and J Streets	PM-1	*	**
3. PML-3	Southeast corner of 12th and I Streets	PM-3	*	**
4. PML-11	Southwest corner of 10th and H Streets	PM-2	*	\$30.00***
5. PML-21	Southwest corner of 11th and K Streets	PM-4	\$20.00	**
6. PML-25	Southeast corner of 9th and I Streets	PM-3*****	\$20.00	**
7. PML-32	East side of 10th Street between J and K Streets	PM-1	\$20.00	**
8. PML-33	Northeast corner of 10th and H Streets	PM-1	*	\$30.00****
9. PML-34	Southwest corner of 10th and K Streets	PM-6	\$20.00	\$30.00*****
9. PML-35	County Administration Lot, between 11th, 12th, G and H Streets	PM-5	*	**
10. PML-40	Former Crocker Bank Lot, 10th Near I Street	PM-1	*	\$30.00***

- * Monthly passes are not authorized
- ** Reserved spaces are not authorized
- *** No limit on the number of spaces reserved
- **** The number of spaces reserved is limited to a maximum of 15
- ***** Daily \$1.25 parking tickets are also authorized

TIME LIMITS AND FEE CLASSIFICATION

- PM-1: Three (3) hour limit, 9:00 a.m. to 6:00 p.m., Monday through Friday; five cents (5¢) per twelve (12) minutes or fraction thereof.
- PM-2: Five (5) hour limit, 9:00 a.m. to 6:00 p.m., Monday through Friday; twenty-five cents (25¢) per hour or fraction thereof.
- PM-3: No time limit, 9:00 a.m. to 6:00 p.m., Monday through Friday; twenty-five cents (25¢) per hour or fraction thereof.
- PM-4: No time limit, 9:00 a.m. to 10:00 p.m., Monday through Sunday, five cents (5¢) per twelve (12) minutes or fraction thereof.
- PM-5: Time limit as posted, either twenty-four (24) minute, one hour or three hour time limit, 8:00 a.m. to 5:00 p.m., Monday through Friday, five cents (5¢) per twelve (12) minutes or fraction thereof.
- PM-6: No time limit, 9:00 a.m. to 6:00 p.m., Monday through Sunday, twenty-five cents (25¢) per hour or fraction thereof.

MODESTO CENTRE PLAZA

9th Street Garage

Hourly Rate	\$0.50/Hour
Monthly Pass	\$50.00/Month
Hourly Coupons	\$0.55/Hour
Parking Paid for by Event Sponsor	\$30.00 Plus Cost of Hourly Rate

11th Street Surface Lot

All Day/Evening	\$2.00/Car
Hosted Parking	\$30.00 Plus Cost of All Day Parking
RV's/Motorhomes	\$10.00/Day
	\$20.00/Overnight
Buses	\$20.00/Day

Exhibit "B"

MODESTO CITY COUNCIL
RESOLUTION NO. 94-536

A RESOLUTION ACCEPTING IMPROVEMENTS IN LAS BRISAS NO. 1 SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Busby Development Corporation, subdividers of Las Brisas No. 1 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$63,700.00 and \$31,850.00 respectively to guarantee improvements in Las Brisas No. 1 Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated August 22, 1994, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

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

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

1. The improvements in Las Brisas No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$63,700.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$31,850.00 upon expiration the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-537

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE OFFICERS ASSOCIATION FOR THE FISCAL YEARS 1994-95 AND 1995-96.

WHEREAS, the representatives of the City and the Modesto Police Officers Association (MPOA) have met and conferred in good faith concerning wages, hours, and other terms and conditions of employment for employees represented by the MPOA for the Fiscal Years 1994-95 and 1995-96, and

WHEREAS, the Memorandum of Understanding represents the mutual understandings reached as a result of such meet and confer sessions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association for the Fiscal Years 1994-95 and 1995-96 is hereby approved and shall become effective retroactive on September 6, 1994, a copy of said MOU is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City Officials is hereby authorized.

BE IT FURTHER RESOLVED that the implementation of salary schedules for the MPOA is hereby authorized as set forth on page 2 of said MOU.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-538

A RESOLUTION AMENDING THE CITY-PAID AND
EMPLOYEE-PAID RETIREMENT CONTRIBUTIONS FOR
MODESTO POLICE OFFICERS ASSOCIATION (MPOA)
EMPLOYEES.

WHEREAS, the City of Modesto has the authority to
implement Government Code Section 20023(c)(4) pursuant to Section
20615, and

WHEREAS, the City of Modesto has a labor agreement
which specifically provides for the inclusion of normal member
contributions paid by the employer on behalf of the members, and

WHEREAS, one of the steps in the procedure to implement
this section is the adoption by the governing body of the City of
Modesto of a resolution giving notice of its intention to
commence reporting the value of employer paid member
contributions (EPMC) as compensation for all members of a group
or class, and

WHEREAS, the following is a statement of the proposed
change in reporting compensation to PERS:

Effective September 6, 1994, the City of Modesto elects
to pay eight percent (8%) of the normal member
contributions of nine percent (9%) as employer paid
member contributions (EPMC) and report same to PERS as
compensation.

Effective June 27, 1995, the City of Modesto elects to
pay seven and one-half percent (7.5%) of the normal
member contributions of nine percent (9%) as employer
paid member contributions (EPMC) and report same to
PERS as compensation.

This benefit shall apply to all employees represented
by the Modesto Police Officers Association (MPOA) who
are classified police safety members by PERS.

The effective date of this Resolution shall be September 6, 1994.

and

WHEREAS, by Resolution No. 94-386 adopted by the Council on June 28, 1994, the Council adopted a labor policy providing for Public Employees' Retirement System (PERS) member contributions to be paid by the City on behalf of the employees and for the reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, the Council desires to amend the policy for the reporting of employer-paid normal member contributions to PERS as compensation as it relates to police officer employees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto shall implement Government Code Section 20023(c)(4) pursuant to Section 20615 by paying the above percentages of normal member contributions as employer paid member contributions and reporting the same percent to PERS as compensation for all employees of the Modesto Police Officers Association.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 94-386 not in conflict with this resolution shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION 94-539

**A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO APPROPRIATE
ADDITIONAL FUNDS FOR THE INTERNATIONAL FESTIVAL.**

WHEREAS, members of the International Festival Committee have requested an additional \$3,000 to fund the Festival.

WHEREAS, as part of the 1994-95 budget adoption process, \$1,265 was allocated to the Festival. However, community contributions and fundraising have not provided financial support at the same level as previous years. In order to provide the community with a quality event again this year, additional funding is necessary.

WHEREAS, the additional funding will be provided by the General Fund Contingency Reserve.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org Expenditures	General Fund	Increase (Decrease)
010-360-3622-1047	International Festival	\$3,000
010-800-8000-8003	General Fund Contingency Reserve	(\$3,000)

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-540

A RESOLUTION REVISING THE POSITION
CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Business Development Officer

The revised specifications for the classification of Business Development Officer (Range 438), as shown on the attached Exhibit "A", which are hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS ABOLISHED. The Position

Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Property Agent

Project Manager

Economic Development Manager

Planning and Community Development Director

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after September 6, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

BUSINESS DEVELOPMENT OFFICER

DEFINITION

Under administrative direction, organize and coordinate business development activities which promote the City's economic development and redevelopment efforts with emphasis on recruiting and attracting new business and industry, and retention of current business investment.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Business Development Manager. May supervise professional, clerical and technical support staff.

EXAMPLES OF DUTIES

Recruit business prospects, assist them in the siting and permitting of their businesses both within the redevelopment area and citywide.

Work with existing businesses, both in the redevelopment area and citywide, to protect and expand their investments in the local economy.

Analyze complex real estate transactions.

Create and analyze proformas and other complex financial documents.

Analyze business loan and grant requests.

Negotiate and acquire property for the City and Redevelopment Agency and administer relocation benefits.

Negotiate, prepare, and supervise the processing of documents such as disposition and development agreements, owner participation agreements, contracts, resolutions, and requests for proposals/qualifications.

Negotiate and prepare leases of public property.

Coordinate the City's and Redevelopment Agency's business development activities with other public and private agencies, including the rest of the City organization.

Participate in the development and implementation of the City's and Redevelopment Agency's budgets.

DUTIES, Continued

Participate in the development and implementation of division goals, objectives, policies and priorities.

Supervise and direct the activities of subordinate personnel.

Research redevelopment and economic development problems and solutions and prepare a variety of comprehensive reports.

Perform related duties and responsibilities, as required.

QUALIFICATIONS

Knowledge of:

Principles and practices of community development, redevelopment, and real estate.

Methods for financing buildings, sites, and equipment.

Community characteristics including planning, zoning, schools, budgets, recreational facilities, and civic attractions.

Marketing and financing techniques.

Laws relating to land acquisition, improvements, condemnation, real property, real estate transactions, title searches and rights-of-way.

Property values and effect of economic trends on value and price.

Effects of construction and the cost of improvements on property values.

Principles and practices of public relations.

Ability to:

Prepare various contracts, leases, agreements, loans, and rebates.

Gather and analyze a variety of complex data, including economic studies, financial statements, marketing studies, plans, specifications, and bid documents; prepare comprehensive written and oral reports.

Abilities, Continued

Negotiate and manage contracts with consultants and developers.

Identify and respond to community and City Council issues, concerns, and needs.

Manage and coordinate the work of subordinate personnel.

Be persuasive in marketing and selling the City to prospective businesses and industries.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work, including a variety of City and other government officials, consultants, realtors, community groups, business owners, and the general public.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of increasingly responsible experience in community development, redevelopment project management, real estate finance and development, or property asset management. One year of supervisory experience is desirable.

Education:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in business or public administration, economics, real estate, or a closely related field.

License:

Possession of, or the ability to obtain, an appropriate and valid California driver's license.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-541

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 94-410 ENTITLED "A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION 91-464", TO AMEND THE CLASS RANGE TABLE TO ADD BUSINESS DEVELOPMENT OFFICER.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 94-410.

Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 28, 1994", attached to Resolution No. 94-410, is hereby amended as shown on the amended Exhibit "A" entitled, "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective September 6, 1994", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adopts class specifications for Business Development Officer at Range 438 and abolishes class specifications for Property Agent and Project Manager.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after September 6, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective September 6, 1994

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	
420	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor Office Services Supervisor
421	

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

422 Office Supervisor

423 Systems Analyst

424 Assistant Planner
Asst. City Clerk/Auditor

425 Police Records Supervisor
Administrative Analyst I
Executive Assistant
Legal Services Supervisor

426 Stores Manager
Museum Supervisor

427 Events Supervisor

428 Parks Maintenance Supervisor I
Airport Maintenance Supervisor
Trees Maintenance Supervisor I
Equipment Maintenance Supervisor I
Social Services Coordinator
Buyer
Accountant II
Budget Analyst
Public Works Supervisor I
Building Maintenance Supervisor
Customer Services Specialist

429

430 Associate Planner
Parks Construction Supervisor I
Junior Civil Engineer
Junior Traffic Engineer
Neighborhood Preservation Supervisor

431 Administrative Analyst II
Affirmative Action Officer
Personnel Analyst
Training Coordinator
Assistant Risk Manager
Recycling Program Coordinator
Senior Budget Analyst

432 Plant Mechanic Supervisor
Recreation Supervisor II
Historical Buildings Supervisor
Senior Accountant
Youth Program Supervisor
Industrial Waste Supervisor

Class Range Table
Management and Confidential Non-Sworn Class
Page 3

433 Assistant Civil Engineer
 Laboratory Supervisor
 Assistant Traffic Engineer

434 Senior Programmer Analyst
 Electrical Supervisor
 Assistant Equipment Maint. Supt.
 Engineering Systems Manager
 Sr. Housing Rehab. Specialist
 Public Works Supervisor II
 Secondary Treatment Site Supv.
 Parks Maintenance Supervisor II
 Operations Supervisor
 Landscape Designer
 Arborist
 Trees Maintenance Supv. II
 Land Surveyor
 Equipment Maintenance Supervisor II

435 Management Analyst
 Deputy City Attorney I
 Senior Personnel Analyst
 Public Information Officer
 Budget Officer
 Financial/Investment Officer
 Administrative Services Officer
 Integrated Waste Specialist
 Project Manager

436 Senior Planner
 Parks Construction Supervisor II

437 Property Agent

438 Equipment Maintenance Supt.
 Asst. Water Quality Control Supt.
 Transportation Planner
 Housing Program Supervisor
 Business Development Officer

439 Deputy City Attorney II
 Associate Civil Engineer
 Associate Traffic Engineer

440 Purchasing Officer

Class Range Table
Management and Confidential Non-Sworn Class
Page 4

- 441 Community Development Program Manager
 Sr. Deputy City Attorney I
 Airport Manager
 Solid Waste Program Manager
 Transit Manager
 Streets Maintenance Supt.
 Parks Superintendent
 Risk Manager
 Assistant Personnel Director
 Recreation Superintendent
 Golf Superintendent
 Fleet Manager
 Wastewater Collections Superintendent
 Water Superintendent
 Building Maintenance Superintendent
- 442 Supv. Building Inspector
 Finance Data Processing Manager
 Supv. Construction Inspector
 Manager of Budget and Financial Analysis
- 443 Deputy Chief Bldg. Official
- 444 Water Quality Control Supt.
 Principal Planner
- 445 Customer Services Division Manager
 Accounting Division Manager
 Housing and Neighborhoods Division Manager
- 446 Senior Civil Engineer
 Traffic Engineer
- 447 Chief Building Official
 Assistant to City Manager
 Asst. Parks & Recreation Dir. - Civic Center
 Asst. Parks & Recreation Dir. - Parks
 Asst. Parks & Recreation Dir. - Recreation
 Business Development Division Manager
 Development Services Division Manager
 Strategic Planning Division Manager
- 448 Sr. Deputy City Attorney II
- 449
- 450 Deputy Director Public Works - Engineering
 Deputy Director Public Works - Operations
 Deputy Director Public Works - Transportation
- 451
- 452 Assistant City Attorney

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 94-542

A RESOLUTION APPROVING THE 1994 VILLAGE ONE
FINANCING PLAN.

WHEREAS, in October 1990, the Council approved a draft Village One Finance Plan with facility costs totaling 213.3 million, and

WHEREAS, since that time, the cities, schools, property owners, developers, and other public agencies have worked to prepare a number of documents which Council has since reviewed and approved, including the Facilities Master Plan and six amendments, and the Specific Plan, and

WHEREAS, as of August 5, 1994, the proposed 1994 Village One Financing Plan was available for public review, after which City staff prepared a list of changes and corrections as well as considering comments from interested parties, and

WHEREAS, on August 30, 1994, City staff conducted a workshop for the public to respond to questions regarding the proposed 1994 Village One Financing Plan, and

WHEREAS, on August 22, 1994, the Community Development and Housing Committee received a presentation on the proposed Village One Financing Plan, and the Committee felt that the plan incorporated a flexible approach to implementation of the Facilities Master Plan and recommended that said plan be placed on the September 6, 1994, Council agenda for approval, and

WHEREAS, the Council considered approving the 1994 Village One Financing Plan prepared by Vail Engineering, subject to amendments and corrections,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1994 Village One Financing Plan prepared by Vail Engineering, as amended and corrected, is hereby approved. A copy of said 1994 Village One Financing Plan is on file in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, and Mayor Lang

NOES: Councilmembers: McClanahan

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-543

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND VAIL ENGINEERING FOR CONSULTANT SERVICES FOR VILLAGE ONE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Vail Engineering for consultant services for Village One be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 

NORRINE COYLE, City Clerk

Cleeb

MODESTO CITY COUNCIL
RESOLUTION NO. 94-543A

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1994-95 TO AMEND THE AGREEMENT BETWEEN THE CITY OF MODESTO AND VAIL ENGINEERING FOR ADDITIONAL CONSULTANT WORK.

WHEREAS, funds were available for the original agreement with Vail Engineering and funds were appropriated, and

WHEREAS, additional work was requested which incurred additional costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1994-95 Annual Budget be amended as follows:

STRATEGIC FUND
APPROPRIATIONS ADJUSTMENTS

<u>Fund Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Adjustment</u>	<u>Revised Budget</u>
Village One				
080-140-1433-0235	Professional Services, Other	\$ 4,708	\$7,080	\$ 11,788
080-800-8000-8003	Contingency Reserve	\$371,490	(\$7,080)	\$364,410

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION 94-544

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO APPROPRIATE ASSET FORFEITURE TRUST ACCOUNT FUNDS FOR THE PURCHASE OF FIVE NEW POLICE CANINES.

WHEREAS, the Police Department is currently negotiating for five new police canines from Denmark.

WHEREAS, funding is available from the Police Seized Asset Forfeiture Revenue, currently held in trust Fund 860, account 3410 SCDEU Asset Forfeitures. It is necessary to move the requested amount from the trust fund to a revenue account and appropriate the funds in an expenditure account.

WHEREAS, the following adjustments are necessary.

		General Fund	
Fund/Agy/Org			Increase (Decrease)
Revenue			
010-190-1961-7202	Seized Forfeitures		\$27,100
Expenditures			
010-190-1961-5065	5 Police Canines		\$27,100

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-545

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG) FOR THE PROVISION OF ABANDONED VEHICLE ABATEMENT SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Stanislaus Area Association of Governments (SAAG) for the provision of abandoned vehicle abatement services be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94- 546

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING THE ISSUANCE OF AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$8,970,000 MULTIFAMILY HOUSING REFUNDING REVENUE BONDS, SERIES 1994 (LIVE OAK APARTMENTS PROJECT) FOR THE PURPOSE OF REFINANCING THE LIVE OAK APARTMENTS PROJECT AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Modesto (the "City") is a charter city and municipal corporation organized and existing under the Constitution and laws of the State of California; and

WHEREAS, pursuant to the provisions of Chapter 7 of Part 5 of Division 31 of the Health and Safety Code of the State of California, as amended (the "Law"), the City is authorized (i) to engage in certain activities related to the provision of decent, safe and adequate housing for persons residing in the City, including the financing of multifamily housing and (ii) to issue bonds for the purpose of making loans to finance such residential construction; and

WHEREAS, pursuant to the Law the City has implemented a residential construction financing program and in furtherance of such program, on August 11, 1987, issued its Multifamily Housing Revenue Bonds, 1987 Series A (First Nationwide Bank Program) in the aggregate principal amount of \$9,040,000 (the "Original Bonds"), under and pursuant to that certain Indenture, dated as of August 1, 1987 (the "Original Indenture"), by and between the City and State Street Bank and Trust Company of California, N.A., as trustee thereunder (the "Original Bonds Trustee"), for the purpose of financing the construction of a 328-unit multifamily housing development known as the Live Oak Apartments located in the City of Modesto, California (the "Project"), occupied partially (at least 20%) by individuals of low and moderate income within the meaning of Section 142(d)(1)(A) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, in order to finance the Project, the Original Bonds Trustee, in accordance with that certain Collateral Agreement (the "1987 Agreement"), dated as of August 1, 1987, by and among the City, the Original Bonds Trustee and First Nationwide Bank, A Federal Savings Bank (the "Lender"), deposited moneys under the 1987 Agreement to enable the Lender to make

a loan (the "Project Loan") to Live Oak Associates, a California Limited Partnership (the "Borrower"), secured by a non-recourse Project Note (as defined in 1987 Agreement) and the obligations of the Borrower under such Project Note were secured by a Project Mortgage (as defined in 1987 Agreement); and

WHEREAS, in order to provide additional security for the payment under certain circumstances of principal and interest on the 1987 Bonds, the Trustee, the City, the Borrower and First Nationwide Bank (as "Credit Institution") executed that certain Letter of Credit Agreement, dated as of August 1, 1987 pursuant to which the Credit Institution issued its Letter of Credit, dated as of August 11, 1987; and

WHEREAS, the Project was completed on July 15, 1988, and the Qualified Project Period, as defined in the Regulatory Agreement and Declaration of Restrictive Covenants (the "1987 Regulatory Agreement"), dated as of August 1, 1987, by and between the City and the Borrower commenced on March 18, 1988, the first day on which 10 percent of the units in the Project were occupied; and

WHEREAS, the Borrower desires to refinance the Project through the purchase and/or defeasance the Original Bonds; and

WHEREAS, the City has determined to assist in the refinancing of the Project through the issuance, pursuant to Section 53570 *et seq.* of the Government Code of the State of California (the "Act") and pursuant to an Indenture of Trust, dated as of September 1, 1994 (the "Indenture"), by and between the City and State Street Bank and Trust Company, N.A. (the "Trustee"), of an aggregate principal amount not to exceed \$8,970,000 of its Multifamily Housing Refunding Revenue Bonds, Series 1994 (Live Oak Apartments Project) (the "Bonds"); and

WHEREAS, in furtherance of such refinancing the City, the Borrower and the Trustee are entering into a Financing Agreement, dated as of September 1, 1994 (the "Financing Agreement") pursuant to which the Borrower will release and reconvey the Project Loan and execute a new Mortgage Note and a new Mortgage (each as defined in the Indenture); and

WHEREAS, the Federal National Mortgage Association ("Fannie Mae") has agreed to provide credit enhancement and liquidity for the Bonds by pledging and guaranteeing to the trustee a security interest in certain mortgage loans and other collateral owned by Fannie Mae pursuant to that certain Collateral Agreement ("Collateral Agreement"), dated as of September 1, 1994, by and between Fannie Mae and the Trustee; and

WHEREAS, in furtherance of the financing the City and the Borrower have determined to execute a Tax and Regulatory Agreement, dated as of September 1, 1994 (the "Tax Regulatory Agreement") by and between the Borrower and the City, and pursuant to which the Borrower covenants that it will comply with all requirements of Section 142(d)(1)(A) of the Code, and the regulations and ruling promulgated thereunder, and with all other requirements of the Act and any and all rules and regulations of the City; and

WHEREAS, the City has caused to be prepared and lodged with the City Clerk, the following documents:

- (1) the form of Indenture;
- (2) the form of Financing Agreement;
- (3) the form of Tax Regulatory Agreement;
- (4) the form of Collateral Agreement;
- (5) the form of Escrow Agreement;
- (6) the form of Preliminary Official Statement to be dated on or about September 20, 1994 to be used in connection with the offer and sale of the Bonds; and
- (7) the form of Bond Purchase and Remarketing Agreement;

WHEREAS, pursuant to the requirements of Section 147(f) of the Code, the City is required to obtain the approval of the City Council of the City of Modesto or the Mayor of the City of Modesto prior to issuing the Bonds, which approval is to be preceded by a duly noticed public hearing; and

WHEREAS, the City has given notice of the required public hearing pursuant to the Code, and the issuance of the Bonds is contingent upon the approval by the City Council of the City of Modesto or the Mayor of the City of Modesto; and

WHEREAS, the City is now duly authorized and empowered, pursuant to each and every requirement of law, to issue the Bonds for the purpose and in the manner herein provided; and

WHEREAS, the City now wishes to provide for the issuance of the Bonds;

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

Section 1. Findings. The City Council hereby specifically finds and declares that the actions authorized hereby constitute, and are in furtherance of, the municipal affairs of the City and that the statements, findings and determinations of the City Council set forth in the preambles of the documents approved herein are true and correct.

Section 2. Authorization of Issuance of Bonds: Special Obligations of City. In order to provide funds to refund the Original Bonds, the City Council hereby authorizes and approves the issuance of an aggregate principal amount of not to exceed \$8,970,000 of its Multifamily Housing Refunding Revenue Bonds, Series 1994 (Live Oak Apartments Project), and bearing interest at the rates provided and subject to all of the terms provided in the Indenture of Trust hereinafter approved; provided, however, that the initial interest rate on the Bonds shall not exceed 8.50%.

The Bonds shall be special, limited obligations of the City and shall be payable as to principal, premium and interest, and the obligations of the City under the Indenture shall be paid and satisfied, solely from the revenues, receipts and other moneys pledged therefor under the Trust Indenture. The Bonds shall not constitute a debt or general obligation of the City, the State of California or any political subdivisions thereof (except the City as aforesaid), and neither the City, the State nor any of its political subdivisions (except the City as aforesaid) is liable thereon, nor in any event shall the Bonds or interest thereon be payable out of any funds or properties other than funds as set forth in the Indenture. The Bonds shall not be a debt of the United States of America, or any other governmental agency, and are not guaranteed by the full faith and credit of the United States of America, or any other governmental agency.

Section 3. Approval of Indenture of Trust. The City Council hereby approves the form of an Indenture of Trust, to be dated as of September 1, 1994, by and between the City and the Trustee, substantially in the form lodged with the City Clerk, and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to execute the Indenture of Trust, but with such changes therein, deletions therefrom and modifications thereto as the City Manager or the Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. Approval of Financing Agreement. The City Council hereby approves the form of Financing Agreement, to be dated as of September 1, 1994, by and among the City, the Borrower, and the Trustee (the "Financing Agreement") substantially in the form lodged with the City Clerk, and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Financing Agreement, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof.

Section 5. Approval of Tax Regulatory Agreement. The City Council hereby approves the form of a Tax Regulatory Agreement, to be dated as of September 1, 1994, by and between the City and the Borrower substantially in the form lodged with the City Clerk, and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Tax Regulatory Agreement, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof.

Section 6. Approval of Collateral Agreement. The City Council hereby approves the form of a Collateral Agreement, to be dated as of September 1, 1994, by and between the Trustee and Fannie Mae substantially in the form lodged with the City Clerk, and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to direct the Trustee to enter into such Collateral Agreement, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof.

Section 7. Approval of Escrow Agreement. The City Council hereby approves the form of an Escrow Agreement, to be dated as of September 1, 1994, by and among the City, and the Trustee substantially in the form lodged with the City Clerk, and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Escrow Agreement, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof.

Section 8. Approval of Preliminary Official Statement and Official Statement. The City Council hereby approves the form of the Preliminary Official Statement substantially in the form lodged with the City Clerk. The City Manager or the Finance Director (as the case may be) of the City is authorized (i) to make such changes in the Preliminary Official Statement, deletions therefrom and modifications thereof as the City Manager or the Finance Director (as the case may be) shall approve in connection with the preparation of the Preliminary Official Statement and the preparation of a final Official Statement to be dated on or about the date of sale of the Bonds (the "Official Statement"), and (ii) to execute and deliver the Official Statement on or following the date of sale of the Bonds, the execution of the Official Statement by any of said persons to be conclusive evidence of the approval thereof. The City Manager or the Finance Director (as the case may be) is hereby authorized and directed to execute a certificate deeming the Preliminary Official Statement final for purposes of Rule 15c2-12 of the Securities Exchange Commission. The City Manager or the Finance Director (as the case may be) shall cause copies of the Official Statement to be delivered to the Underwriter no later than seven business days following the sale of the Bonds to the Underwriter. The City Council hereby consents to and approves the distribution and circulation of the Preliminary Official Statement and the Official Statement by the Underwriter in connection with the offering, marketing and sale of the Bonds.

Section 9. Approval of Bond Purchase and Remarketing Agreement; Award of Bonds. The City Council hereby approves the form of Bond Purchase and Remarketing Agreement by and among the City, the Borrower and PaineWebber Incorporated substantially in the form lodged with the City Clerk, and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Bond Purchase and Remarketing Agreement, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof. The City Manager or the Finance Director is hereby authorized to award the Bonds on the terms as provided in the Bond Purchase and Remarketing Agreement and in this Resolution.

Section 10. Further Action Authorized. The City Manager, the Mayor, the City Clerk, the City Attorney, the Finance Director and the other officers of the City are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable in order to consummate the offer of sale of the Bonds and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution, including the execution of any amendment to the Original Indenture required to defease or refund the Original Bonds. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved. It is hereby covenanted that all conditions, acts and things required by the Act or this Resolution to exist, to have happened; and to have been performed precedent to or in the issuance of the Bonds shall exist, have happened and have been performed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September 1994, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember McClanahan was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

AYES: Councilmembers: Cogdill, Patterson

ATTEST:

By: 

JUDY C. HALL,
Acting City Clerk

(S E A L)

APPROVED AS TO FORM:

By: 

Michael D. Milich
City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-547

A RESOLUTION GRANTING THE REQUEST FILED BY
UNCLE CHARLIE'S GROUP HOME FOR AN EXEMPTION
AND DEFERRAL OF CAPITAL FACILITIES FEES
RELATING TO THE PROPOSED CONSTRUCTION OF A
RENTAL APARTMENT COMPLEX FOR ELDERLY PEOPLE,
LOCATED ON NORTH MARTIN LUTHER KING DRIVE.

WHEREAS, the Reverend Charlie Crane, President of Uncle
Charlie's Group Home, a nonprofit corporation, has requested an
exemption from Capital Facilities Fees (CFF) for ten (10) housing
units and a CFF deferral for thirty-two (32) units, with respect
to the proposed construction of a rental apartment complex for
elderly people, located at 523 North Martin Luther King Drive,
and

WHEREAS, the City Council has adopted Resolution No.
88-649, which established CFF, as amended, and Resolution No. 94-
409 sets forth the current exemptions from and deferral of CFF,
and

WHEREAS, Paragraph 3(a)(2) of said Resolution No. 94-
409 provides that an exemption may be granted by the City Council
on a case-by-case basis after a public hearing; that the public
hearing shall focus on whether or not the units to be constructed
or expanded are in fact low-income; whether or not the
development will be on a not-for-profit basis; and that the term
"low-income housing" shall mean housing at rents affordable to
households earning fifty percent (50%) or less of the Median Area
Income as determined from time to time by the United States

Department of Housing and Urban Development, and

WHEREAS, said request by Uncle Charlie's Group Home for an exemption and deferral of CFF for the proposed construction of a forty-two (42) unit elderly rental apartment complex was set for a public hearing of the City Council to be held on September 13, 1994, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, on said date and time a duly noticed public hearing of the City Council was held to consider said request for an exemption and deferral of CFF, and

WHEREAS, at the close of the public hearing, the City Council found and determined that:

1. Uncle Charlie's Group Home is a nonprofit corporation eligible for a CFF exemption for ten (10) very low-income housing units.
2. Uncle Charlie's Group Home is a nonprofit corporation eligible for deferral for thirty-two (32) low-income housing units.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request of Uncle Charlie's Group Home, a nonprofit corporation, for an exemption and deferral of CFF for the proposed construction of a forty-two (42) unit elderly rental apartment complex located at 523 North Martin Luther King Drive is hereby granted as follows:

A CFF exemption in the amount of \$19,200 for ten (10) very low-income housing units, and a CFF deferral in the amount of \$61,440 for thirty-two (32) low income housing units, with a twenty percent (20%) down payment in the amount of \$12,288, and eighty percent (80%)

payable in equal installments in the amount of \$49,152, over a period of five (5) years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-548

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND UNCLE CHARLIE'S GROUP HOME FOR EXEMPTION/DEFERRAL OF CAPITAL FACILITIES FEES FOR THE PROPOSED CONSTRUCTION OF A FORTY-TWO UNIT ELDERLY RENTAL APARTMENT COMPLEX ON VINE STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Uncle Charlie's Group Home for exemption/deferral of Capital Facilities Fees for the proposed construction of a forty-two unit elderly rental apartment complex on vine street be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill, Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-549

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF A PARKING LOT IN BLOCK 56 NEAR THE NORTHERN CORNER OF 9TH AND I STREETS

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

SECTION 1. The specifications for the construction of a parking lot in Block 56 near the northern corner of 9th and I Streets, copies of which are on file, are hereby accepted and approved.

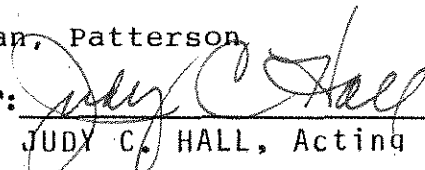
SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 29, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan, Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-550

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE WATERLINE TO WATER TANK NO. 3 AND WELL NO. 30

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

SECTION 1. The specifications for the waterline to water tank No. 3 and Well No. 30, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 13, 1994, at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-551

A RESOLUTION ACCEPTING THE STREET OVERLAY PROJECT ON OAKDALE ROAD AND SYLVAN AVENUE AS COMPLETE


WHEREAS, a report has been filed by the Director of Public Works & Transportation that the street overlay project on Oakdale Road and Sylvan Avenue, has been completed by Granite Construction, in accordance with the contract agreement dated July 6, 1994.

NOW, THEREFORE, BE IT RESOLVED that the street overlay project on oakdale Road and sylvan Avenue, be accepted from said contractor, Granite Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$472,181.82 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-552

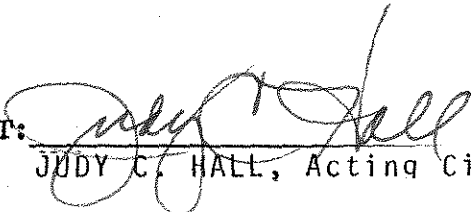
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC BELL TO LEASE POLE AND CONDUIT SPACE FOR INSTALLING THE COMMUNICATION LINES FOR THE ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS) PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pacific Bell to lease pole and conduit space for installing the communication lines for the Advanced Traffic Management System (ATMS) project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
 JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-553

A RESOLUTION DECLARING TWO 1964 VAN PELT FIRE ENGINES SURPLUS PROPERTY AND AUTHORIZING THE TRANSFER OF SAID FIRE ENGINES TO THE YOSEMITE COMMUNITY COLLEGE DISTRICT.

WHEREAS, the Fire Department of the City of Modesto possesses two 1964 Van Pelt fire engines that have become surplus property to the City's needs, and

WHEREAS, Modesto Junior College Fire Science Program personnel have indicated that the engines are very useful to their program and would greatly enhance fire apparatus training, and

WHEREAS, it has been recommended by Fire Department personnel that the fire engines be transferred to the Yosemite Community College District for use in the Modesto Junior College Fire Science Program, and

WHEREAS, generally, the California Constitution, Article XVI, Section 6, prohibits gifts of public funds or assets with the exception that a transfer should be for a public purpose of the recipient as well as of the donor, and

WHEREAS, the Council of the City of Modesto desires to transfer the surplus Van Pelt fire engines to the Yosemite Community College District for donation to the Modesto Junior College Fire Science Program, as recommended by the Fire Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the

City of Modesto that it hereby declares that two 1964 Van Pelt fire engines have become surplus property to the City's needs, and the Council hereby authorizes the transfer of said fire engines to the Yosemite Community College District for donation to the Modesto Junior College Fire Science Program.

BE IT FURTHER RESOLVED that the Council finds and determines that transfer of the two 1964 Van Pelt fire engines to the Yosemite Community College District for donation to the Modesto Junior College would accomplish a public purpose for the City of Modesto, as required by the California Constitution, Article XVI, Section 6, by being used as instructional equipment in the Fire Science Program, and would benefit the recipient by improving firefighter training for the Modesto area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-554

A RESOLUTION APPROVING THE 1994-95 FISCAL YEAR PROGRAM OF PROJECTS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects, and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program, and

WHEREAS, it is required by the U.S. Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964, as amended, that the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder, and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprises be utilized to the fullest extent possible in connection with these projects, and that definite procedures shall be established and administered to ensure that disadvantaged business shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services,

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

1. That the attached Program of Projects attached hereto marked Exhibit "A" and incorporated herein by reference is hereby approved.

2. That the City Manager of the City of Modesto or his authorized designee is authorized to execute and file an application on behalf of the City of Modesto with the U.S. Department of Transportation to aid in the financing of planning, capital and/or operating assistance projects pursuant to Section 9 of the Urban Mass Transportation Act of 1964, as amended, and listed in the Section 9 Program of Projects attached hereto marked Exhibit "A" and incorporated herein by reference.

3. That the City Manager of the City of Modesto or his authorized designee is authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.

4. That the Transit Manager is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the Program of Projects and budget.

5. That the City Manager of the City of Modesto or his authorized designee is authorized to set forth and execute affirmative disadvantaged business policies in connection with the Program of Projects.

6. That the City Manager of the City of Modesto or his authorized designee is authorized to execute grant agreements

on behalf of the City of Modesto with the U.S. Department of Transportation for aid in the financing of the planning, capital and/or operating assistance Program of Projects and budget.

7. That the Personnel Director of the City of Modesto is authorized to execute the Drug Free Workplace Act certification on behalf of the City of Modesto.

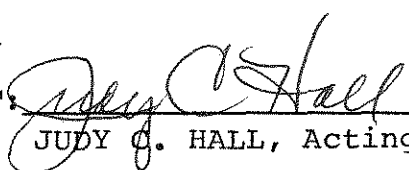
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By


MICHAEL D. MILICH, City Attorney

FY 1994/95 SECTION 9 PROGRAM OF PROJECTS

I. CAPITAL PROJECTS

<u>Project Description</u>	<u>Local</u>	<u>Federal</u>	<u>Total</u>
1. Purchase 4 Bus Shelters ***	\$3,200	\$12,800	\$16,000
2. Purchase 9 Transit Buses	\$450,200	\$1,800,800	\$2,251,000
3. Associated Capital Maintenance Items	\$20,000	\$80,000	\$100,000
4. Computerized Fare data Collection	\$5,600	\$22,400	\$28,000
5. Long-Range Transit Plan	\$30,000	\$120,000	\$150,000
6. Mobile office for bus yard	\$2,800	\$11,200	\$14,000
7. Two above-ground oil storage tanks	\$2,200	\$8,800	\$11,000
8. Capital Cost of Contracting for Demand Response	\$20,000	\$80,000	\$100,000
9. Information Kiosk	\$400	\$1,600	\$2,000
10. Replace Bus Shop service truck	\$8,000	\$32,000	\$40,000
11. Photocopy Machine	\$2,400	\$9,600	\$12,000
12. Tools for A/C Repair	\$2,000	\$8,000	\$10,000
13. Bus Stop Improvements	\$5,000	\$20,000	\$25,000
14. New Bus Yard Entry	\$1,400	\$5,600	\$7,000
<u>SubTotal</u>	\$553,200	\$2,212,800	\$2,766,000
Less Capital Funds applied to Operations	\$40,000 *	\$160,000 *	\$200,000 *
Sub Total Capital Projects	\$513,200	\$2,052,800	\$2,566,000

II. OPERATING ASSISTANCE for period of 7/1/94 to 6/30/95

	<u>Local</u>	<u>Federal</u>	<u>Total</u>
<u>SubTotal</u>	\$3,315,249 **	\$1,142,143 **	\$4,457,392

TOTAL	\$3,828,449	\$3,194,943	\$7,023,392
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* These funds are applied to Operating Budget.

** Includes Capital funds applied to operations.

*** One of these shelters is for the City of Ceres. Ceres will provide the local share amount for the shelter.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-555

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GARY GUNDLACH FOR REHABILITATING HIS PROPERTY AT 2409 CROMMELIN, PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gary Gundlach for rehabilitating his property at 2409 Crommelin, pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-556

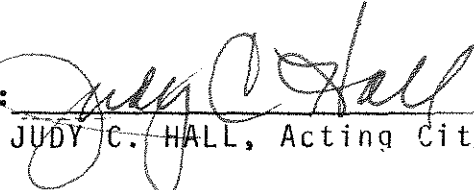
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ESTRELA RODRIGUES FOR REHABILITATING HIS PROPERTY AT 2301 CROMMELIN, PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Estrela Rodrigues for rehabilitating his property at 2301 Crommelin, pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-557

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$75,000 TO COVER THE COST OF PHYSICALLY ESTABLISHING THE NEW COMMUNITY DEVELOPMENT DEPARTMENT

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

FROM:	Salary/benefits account	\$75,000
TO:	Office remodelings	\$75,000

These funds are needed to pay the cost of physically establishing the new Community Development Department, including a one-stop permit counter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-558

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$13,116 TO FUND THE AIRPORT ELECTRICAL REGULATOR ON THE INSTRUMENT RUNWAY PROJECT

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

FROM: Gen. Aviation Area Waterline project \$13,116

TO: Runway 10L/28R/Elec. Reg. Replace.Project \$13,116

The airport was notified by Construction Administration that the runway regulator project will require an additional \$13,116 for project completion and closeout. Change Order #1 has been approved by the Federal Aviation Administration. The airport waterline project is estimated to have savings of \$16,980.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-559

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE RUMBLE ROAD LIFT STATION REHABILITATION - PHASE 2

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

SECTION 1. The specifications for the Rumble Road lift station
rehabilitation - Phase 2, copies of which are on file, are hereby
accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
October 20, 1994, at 11:00 a.m., the City Clerk is hereby directed to
give notice inviting such sealed bids in the time, form, and manner
provided by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 20th day of September,
1994, by Councilmember Dobbs , who moved its adoption, which
motion being duly seconded by Councilmember Friedman , was upon roll
call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-560

A RESOLUTION ENDORSING THE CONCEPT OF
CREATING A BIOSOLIDS CO-COMPOSTING PROGRAM
IN THE SEWER FUND.

WHEREAS, the City currently faces three major challenges: Meeting the state-mandated solid waste reduction of fifty percent (50%); revising the garden refuse program to eliminate General Fund support; and establishing beneficial reuse of biosolids (sludge) generated in our wastewater treatment process, and

WHEREAS, City staff believes that the initiation of a new compost toter service which collects both hard wastes and garden refuse, and then is processed at the biosolids co-compost facility, is the most practical and cost-effective method of responding to these challenges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby endorses development of a biosolids co-composting program as such a program has several benefits, as follows:

1. It provides a replacement disposal method for much of the garden refuse material that would no longer be allowed in the street.

2. It implements a major service change required to meet State mandates and offers an opportunity to revise the residential recycling program to a more cost-effective method.

3. All service changes can occur at one time, which minimizes impact to the customers.

4. It saves the garbage customer money by not having a cost for composting facilities built into their rate, and it saves the sewer customer money by not having to pay for co-composting materials in their rate.

5. This program is good for the environment by creating cleaner streets, reducing solid waste disposal needs, and supporting beneficial reuse of a wastewater treatment process by-product.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION 94-561

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO ESTABLISH A NEW OPERATING ORGANIZATION, BIOSOLIDS COMPOSTING, AND TO TRANSFER FUNDS FROM AN EXISTING SEWER FUND CAPITAL IMPROVEMENT PROJECT TO FUND THE ORGANIZATION.

WHEREAS, the City Council has endorsed the concept of creating a biosolids co-composting program in the Sewer Fund.

WHEREAS, it is necessary to transfer the garden refuse collection costs, estimated to be \$440,000 currently budgeted in the General Fund, to the Sewer Fund.

WHEREAS, the cost of garden refuse is currently budgeted in the General Fund, along with \$440,000 of estimated revenue. It was subsequently determined that a charge would not be made for this service, rather it would become part of the Sewer Fund Biosolids Co-composting program. It is necessary to decrease the estimated revenue and appropriations in the General Fund.

WHEREAS, the funds to do this project are available in the 1994-95 approved CIP project entitled Sludge Removal-Ponds. This project will be decreased and a new organization-Biosolids Composting, organization number 5222, will be set up for the estimated cost of the program \$440,000.

WHEREAS, the following adjustments are necessary:

		General Fund	
Fund/Agy/Org			Increase (Decrease)
Revenues			
010-460-4612-4097	Garden Refuse Program		(\$440,000)
Expenditures			
010-460-4612-0218	Equipment Pool Rental		(\$145,000)
010-460-4612-9990	Service Credits-Increase		(\$295,000)

		Sewer Fund	
Expenditures			
621-480-5222-0218	Equipment Pool Rental		\$145,000
621-480-5222-0255	Services-City Forces		\$295,000
621-480-E566-6070	Sludge Removal-Ponds		(\$440,000)

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore,
Acting Mayor McClanahan

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

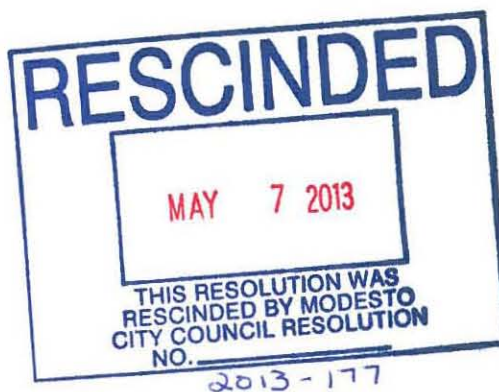
By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-562

A RESOLUTION APPROVING CAPITAL FACILITIES
FEES REVISED ADMINISTRATIVE GUIDELINE NO. 25
RELATING TO A TWO PERCENT (2%) CAP FOR
RESIDENTIAL DEFERRAL/EXEMPTIONS

WHEREAS, it is necessary to clarify the two percent
(2%) cap provisions relating to the maximum number of
exemptions/deferrals for residential projects as set forth in
Capital Facilities Fees Administrative Guideline No. 25,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that a revision to Capital Facilities Fees
Administrative Guideline No. 25 is hereby approved, as set forth
on Exhibit "A" attached hereto, to clarify the two percent (2%)
cap provisions relating to the maximum number of
exemptions/deferrals for residential projects.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Mcclanahan, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Proposed Wording

25. "Maximum Number of CFF Exemptions for Residential Projects - 2% Cap

The Capital Facilities Fees consultant, Recht Hausrath and Associates, recommends that the total number of residential CFF exemptions not exceed two percent of the total CFF program housing units. The total CFF program residential housing units used to define future facilities needs to the year 2010 is 70,900 (Table II-2, February 1989, CFF Report). Two percent of 70,900 is 1,418 housing units.

Staff reports for requests for exemptions shall indicate the cumulative inventory of exempt units and the percent of anticipated total exempt units at buildout. The staff report shall also provide a comparison of cumulative CFF exempt units to total units built since 1989. During recessions and other times of low production of market-rate housing, it is acknowledged that the cumulative, exempt units may exceed 2% of the total units built.

The Annual CFF Update Report will include the cumulative status of exemptions granted.

ISTF 7/26/93, C/C 8/3/93, C/C 9/20/94"

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-563

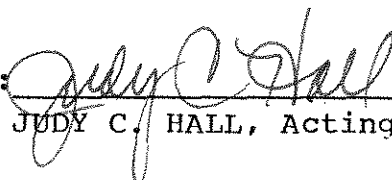
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LEW, GARCIA, AND DAVIS CONSULTING ENGINEERS FOR GENERAL PLAN MAPPING SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Lew, Garcia, and Davis Consulting Engineers for general plan mapping services be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-564

A RESOLUTION GRANTING APPROVAL TO THE STANISLAUS COUNTY CITIZENS AGAINST SUBSTANCE ABUSE TO HOLD AN ANNUAL RED RIBBON CELEBRATION AT GRACEADA PARK ON AN ANNUAL BASIS, AND WAIVING ALL PARK USAGE FEES.

WHEREAS, the Stanislaus County Citizens Against Substance Abuse (hereinafter referred to as SCCASA) seeks permission to hold an annual Red Ribbon Celebration at Graceada Park, and

WHEREAS, the Red Ribbon Celebration activities at Graceada Park propose to include amplified music at Mancini Bowl, Modesto Police and Stanislaus County Sheriff mounted patrols, a children's petting zoo, display of Highway Patrol and other crime prevention vehicles, and food concessions, and

WHEREAS, SCCASA has requested that all Graceada Park usage fees be waived, and

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

1. That the Council does hereby approve the Stanislaus County Citizens Against Substance Abuse (SCCASA) holding a Red Ribbon Celebration at Graceada Park on an annual basis.

2. That each year, Post-Newsweek Cable shall reserve the park facilities in its name and shall provide a valid certificate of insurance to be approved by the City's Risk Manager prior to the event, which certificate shall be kept on file with the City.

3. That the Council does hereby waive all park usage fees for Graceada Park for this event to be held on an annual basis.


4. That amplified music at Mancini Bowl shall meet the provisions of Section 4-7.1302 of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-565

A RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY
COMMITTEE/AIRPORT DISTRICT

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

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

SECTION 1. The following persons are hereby appointed to the
Neighborhood Advisory Committee/Airport District:

Marlene Valdez	James Abeytia
Amy Laney	Neal Griffin
Adair Simmons	Lewis Wood
Christina Carbajal	

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the newly appointed members and the Secretary
thereof.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 20th day of September,
1994, by Councilmember Dobbs , who moved its adoption, which
motion being duly seconded by Councilmember Cogdill , was upon roll
call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-566

A RESOLUTION APPOINTING JEFF HILL TO THE AIRPORT ADVISORY COMMITTEE

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

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

SECTION 1. The following person is hereby appointed to the Airport Advisory Committee for the term indicated:

Jeff Hill

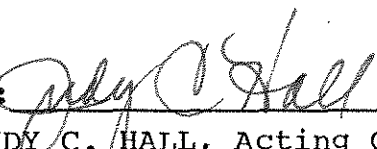
Term to expire January 1, 1995

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-567

A RESOLUTION REAPPOINTING BART BARRINGER AND APPOINTING ROMY ANGLE TO THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD

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

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

SECTION 1. Reappointing to the Downtown Improvement District Advisory Board, Bart Barringer to a four-year term to expire on 3/28/98; and appointing Romy Angle to a four-year term to expire 3/29/98.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the members and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST:


NORRINE COYLE, City Clerk

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 94-568

A RESOLUTION APPROVING A NONDISPOSAL FACILITY
ELEMENT.

WHEREAS, in January, 1994, the City Council approved the Final Draft Source Reduction and Recycling Element and the Household Hazardous Waste Element required by the California Integrated Waste Management Act of 1989 (AB 939), and

WHEREAS, said documents define the manner in which the City of Modesto will reach State-mandated waste diversion goals of 25% by 1995 and 50% by the year 2000, and

WHEREAS, California Public Resources Code Sections 41730 et seq. require every California city and county to prepare and adopt a Nondisposal Facility Element for all existing and new Nondisposal facilities, and any expansions of existing Nondisposal facilities, which will be needed to implement local Source Reduction and Recycling Elements, and

WHEREAS, a Nondisposal facility is defined as any solid waste facility required to obtain a state solid waste facility permit, except a disposal facility or a transformation facility (Public Resources Code Section 40151), and

WHEREAS, a draft Nondisposal Facility Element has been submitted to the Local Task Force for their information according to the requirements of the Public Resources Code, and

WHEREAS, consideration of the proposed Nondisposal Facility Element was set for a public hearing of the City Council

to be held on July 12, 1994, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, on said date and at said time said duly noticed public hearing of the City Council was held to consider said proposed Nondisposal Facility Element,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Nondisposal Facility Element, a copy of which Element is on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Mcclanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-569

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE CITY OF MODESTO WASTE MANAGEMENT PLAN.

WHEREAS, on April 13, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the City of Modesto Waste Management Plan might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-570

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TARGET (SISK ROAD) NEIGHBORHOOD TRAFFIC CONTROL IMPROVEMENTS (SPEED HUMP CONSTRUCTION)

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

SECTION 1. The specifications for the Target (Sisk Road) neighborhood traffic control improvements (speed hump construction) copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 11, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1994, by Councilmember McClanahan who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION 94-571

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE DEVELOPER CONTRIBUTION FOR A TRAFFIC MITIGATION.

WHEREAS, As a part of the development requirement for the developers of the northeast corner of Sisk Road and Vintage Drive, the Target store developer was required to pay for neighborhood traffic controls in the residential area east of the development. The traffic controls consist of speed humps and all-way stops. The controls are designed to discourage motorists from cutting through the neighborhood to go to the new stores thereby reducing the potential impacts of the new traffic generated by the shopping center on the existing residential neighborhood.

WHEREAS, the developer has deposited \$48,000 in the City of Modesto's Trust Account for this purpose.

WHEREAS, it is now necessary to estimate and appropriate this revenue. The project will be budgeted in 070-160-E607-6040 Target Traffic Control Improvements.

WHEREAS, the estimated cost of the project is \$48,000, to be 100% funded by the developer. Any project savings will need to be returned to the developer.

WHEREAS, the following adjustments are necessary:

Gas Tax Fund		Increase (Decrease)
Fund/Agy/Org		
Revenues		
070-510-9510-4057	Developer Share of Project	\$48,000
Expenditures		
070-160-E607-6040	Target Traffic Control Improvements	\$48,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-572

A RESOLUTION ACCEPTING THE BID OF A.V. 7 C. CONSTRUCTION, INC. FOR THE ORCHARD NEIGHBORHOOD PARK, PHASE I PROJECT

WHEREAS, Resolution No. 94-469, adopted by the Council of the City of Modesto on August 9, 1994, approved the plans and specifications for the Orchard Neighborhood Park, Phase I Project, and authorized the calling for bids; and

WHEREAS, the bids received for the Orchard Neighborhood Park, Phase I Project, were opened at 11:00 a.m. on September 8, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of A.V. & C. Construction, Inc., in the amount of \$434,111.30, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of A.V. & C. Construction, Inc., be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-573

A RESOLUTION ACCEPTING THE BID OF PEDCOM, INC. ON A PORTION OF THE COMPUTER NETWORK SYSTEM FOR THE POLICE DEPARTMENT - ITEM 1 - CABLING INFRASTRUCTURE

WHEREAS, Resolution No. 94-447, adopted by the Council of the City of Modesto on July 26, 1994, approved the plans and specifications for furnishing a computer network system for the Police Department, and authorized the calling for bids; and

WHEREAS, the bids received for the computer network system for the Police Department, were opened at 11:00 a.m. on August 29, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Pedcom, Inc. for Item 1 - cabling infrastructure, in the amount of \$26,559, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Pedcom, Inc. for Item 1, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-574

A RESOLUTION ADOPTING THE TRANSIT SECTION'S
DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL
OF 13% PARTICIPATION IN TRANSIT CONTRACT
AWARDS FOR FISCAL YEAR 1994-95.

WHEREAS, the Transit Section's Disadvantaged Business
Enterprise (DBE) Program adopted by Council on May 2, 1988,
prescribes the establishment of an annual goal for DBE
participation in transit contract awards, and

WHEREAS, the Federal Mass Transportation Administration
(FTA) requires each grantee to submit its DBE goal on an annual
basis, and

WHEREAS, FTA has recommended adoption of a 13% goal for
Modesto, and

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto does hereby adopt a DBE goal of 13% for
participation in transit contract awards for Fiscal Year 1994-95.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-575

A RESOLUTION APPROVING AN AMENDMENT TO A GRANT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION ADMINISTRATION FOR AN ADDITIONAL \$1,616.35 FOR THE MODESTO CITY-COUNTY AIRPORT PROJECT TO MAKE IMPROVEMENTS TO THE PASSENGER TERMINAL AIR CARRIER APRON

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the grant agreement between the City of Modesto and the Federal Aviation Administration for an additional \$1,616.35 for the Modesto City-County Airport project to make improvements to the passenger terminal air carrier apron be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1994, by Councilmember McClanahan who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-576

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SENIOR OPPORTUNITY SERVICE PROGRAM FOR A GRANT OF \$39,125 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1994-95 FOR ITS SENIOR NUTRITION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Senior Opportunity Service Program for a grant of \$39,125 under the Community Development Block Grant Program for fiscal year 1994-95 for its Senior Nutrition Program be and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1994 , by Councilmember McClanahan who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:

Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-577

A RESOLUTION APPROVING THE FISCAL YEAR 1993-94 COMMUNITY DEVELOPMENT BLOCK GRANT GRANTEE PERFORMANCE REPORT AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT THE REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS, the Community Development Block Grant Program (CDBG) regulations require that each grantee receiving CDBG funds must prepare an annual Grantee Performance Report, and

WHEREAS, the Grantee Performance Report identifies the expenditures which have been incurred during a fiscal year as a result of the grantee's efforts in developing, promoting and administering eligible CDBG programs and activities, and

WHEREAS, the Community Development Department staff has prepared the Grantee Performance Report for fiscal year 1993-94, and

WHEREAS, the report was reviewed and recommended for approval by the Citizens Housing and Community Development Committee on September 23, 1994,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the 1993-94 CDBG Grantee Performance Report.

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to execute and submit said report to the U.S. Department of Housing and Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-578

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE ELECTRICAL IMPROVEMENTS AT GRACEADA PARK

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

SECTION 1. The specifications for the electrical improvements at Graceada Park, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 27, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-579

A RESOLUTION ACCEPTING THE REMOVAL AND REPLACEMENT OF FUEL TANKS AT THE
WASTEWATER TREATMENT FACILITY AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the removal and replacement of fuel tanks at the wastewater treatment facility, has been completed by C.E. Green Corporation in accordance with the contract agreement dated May 17, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract to remove and replace fuel tanks at the wastewater treatment facility, be accepted from said contractor, C.E. Green Corporation; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$45,847.07 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-580

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2,000 TO COVER ADDITIONAL COSTS IN THE REMOVAL AND REPLACEMENT OF FUEL TANKS AT THE WASTEWATER TREATMENT FACILITY

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

FROM:	Bar Screen Replacement (621 480 D304 6040)	\$2,000
TO:	Install fuel pumps at WQCP (621 480 C882 6040)	\$2,000

During the course of construction, the contractor was required by the County Health Department Inspector to perform additional excavation work to explore and determine the extent of any soil contamination caused by the underground tank removal. This resulted in additional costs which were not anticipated under the original contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-581

A RESOLUTION AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT POLICY AND PROCEDURES MANUAL, SMALL BUSINESS LOAN PROGRAM OPERATING PROCEDURES TO ALLOW LOANS TO INDUSTRIAL BUSINESSES LOCATED WITHIN THE CITY'S SPHERE OF INFLUENCE

WHEREAS, the City of Modesto established an Economic Development Small Business Loan Program in 1987 to expand economic opportunities for persons of low and moderate income in accordance with Title I of the Housing and Community Development Act of 1974; and

WHEREAS, at the time the policy was written, CDBG funds could be used by businesses located or locating within the city limits of Modesto; and

WHEREAS, since many of the industrial parks that could be utilized are not actually within the City limits, but rather within the City's sphere of influence, it is recommended the policy be amended to allow loans to industrial businesses located within the City's sphere of influence.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that the CDBG Policy and Procedures Manual, Small Business Loan Program, Chapter 18, Section 18.5, be amended to allow loans to industrial businesses located within the City's sphere of influence.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of october, 1994, by Councilmember Muratore , who moved its

adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-582

A RESOLUTION APPROVING A LOAN AGREEMENT BETWEEN THE CITY OF MODESTO AND PATRICK D. MURRAY AND NICHOLAS A. LEMMO, dba CREPESEAL CONTRACT SERVICES UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT SMALL BUSINESS LOAN PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the loan agreement between the City of Modesto and Patrick D. Murray and Nicholas A. Lemmo, dba Creteseal Contract Services for a grant of \$35,000 under the Community Development Block Grant Small Business Loan Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1994 , by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-583

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND MARIO CAMPOS FOR THE PURPOSE OF REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Mario Campos for a loan of \$11,409 to rehabilitate his property pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1994 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-584

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND PATRICK TITTLE FOR THE PURPOSE OF REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Patrick Tittle for a loan of \$15,595 to rehabilitate his property pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1994 , by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-585

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND DURVAL ESTRELA FOR THE PURPOSE OF REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Durval Estrela for a loan of \$19,556 to rehabilitate his property pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1994 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-586

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO, COUNTY OF STANISLAUS, DAYTON HUDSON CORPORATION AND GEORGE AND DIANNE GAGOS TO ADDRESS THE IMPACT ON COUNTY ROADS AND FACILITIES DUE TO THE PHASED DEVELOPMENT OF TARGET/MERVYNS NEAR PELANDALE AVENUE AND THE HIGHWAY 99 INTERCHANGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto, County of Stanislaus, Dayton Hudson Corporation and George and Dianne Gagos to address the impact on County roads and facilities due to the phased development of Target/Mervyns near Pelandale Avenue and the Highway 99 interchange, and clarify the method of payment based upon traffic generation as development occurs be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1994 , by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-587

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CLEVELAND J. STOCKTON FOR LEASE OF ASSESSOR'S PARCEL NOS. 105-41-08 AND 105-41-17, AT THE CORNER OF I STREET AND THE ALLEY BETWEEN 9TH STREET AND 10TH STREET, FOR USE AS A PUBLIC PARKING LOT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Cleveland J. Stockton for lease of Assessor's Parcel Nos. 105-41-08 and 105-41-17, at the corner of I Street and the alley between 9th Street and 10th Street, for use as a public parking lot be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1994 , by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: _____

Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-588

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95
ANNUAL BUDGET TO APPROPRIATE FUNDING FOR LEASE
PAYMENT COSTS OF A NEW PARKING LOT.

WHEREAS, the Redevelopment Agency has entered into a Disposition
and Development Agreement to sell a portion of parking lots 2 and 2A to
McDonald's Corporation for construction of a McDonald's Restaurant. To
supplement the lost parking space, staff proposes to lease property across the alley
for use as a public parking lot. The lot will provide an additional 24 parking spaces
to supplement the approximately 58 parking spaces lost by the acquisition of
McDonald's, and

WHEREAS, the owner of the property, Mr. Stockton is willing to lease
the property for \$500/month for a five-year period, and

WHEREAS, the funds to make these lease payments need to be
budgeted in the 0215 account-real property rental, and

WHEREAS, the funding for these payments will be provided from the
Parking Fund Contingency Reserve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the following adjustments are hereby approved:

PARKING FUND

<u>Fund/Agy/Org</u>		<u>Increase</u>
<u>Expenditures</u>		<u>(Decrease)</u>
600-160-1682-0215	Real Property Rental	\$4,500
600-800-8000-8003	Parking Fund Contingency Reserve	(\$4,500)

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-589

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND G.S. DODSON & ASSOCIATES, INC. TO PROVIDE CONSTRUCTION SERVICES FOR THE RECONSTRUCTION OF THE THOUSAND OAKS LIFT STATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and G.S. Dodson & Associates, Inc. to provide construction services for the reconstruction of the Thousand Oaks lift station be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1994 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-590

A RESOLUTION APPROVING THE APPLICATION OF
WATERFORD COMMUNITY AMBULANCE FOR A PERMANENT
PERMIT TO OPERATE A LIMITED AMBULANCE SERVICE
IN THE CITY OF MODESTO.

WHEREAS, on April 21, 1994, Waterford Community
Ambulance, a non-profit corporation, submitted an application and
paid the appropriate fees to provide non-emergency ambulance
services within the City limits of the City of Modesto, and

WHEREAS, Chapter 9 of Title III of the Modesto
Municipal Code regulates the licensing of limited ambulances in
the City of Modesto, and Section 3-9.05 of the Modesto Municipal
Code requires that in determining whether the public convenience
and necessity require the operation of a limited ambulance
service for which application is made, the Council shall hold a
public hearing as may be necessary to for the purpose of making
such determination, and

WHEREAS, as required by Section 3-9.05 of the Modesto
Municipal Code, the City Manager has caused the Police Chief of
the City of Modesto to make an investigation and report, in
writing, to the City Council on said application for a permit to
operate a limited ambulance service in the City of Modesto, and

WHEREAS, on September 6, 1994, the City Council held a
duly noticed public hearing at 7:00 p.m., in the City Council
Chambers in City Hall, located at 801 11th Street, Modesto,
California, to consider the application of Waterford Community

Ambulance for a permit to operate a limited ambulance service in the City of Modesto, and

WHEREAS, thereafter, the City Council, by Resolution No. 94-517, adopted on September 6, 1994, approved the application of Waterford Community Ambulance for a permit to operate a limited ambulance service for a period of thirty (30) days and directed the City Attorney to review the City's ambulance ordinance in light of current state law and make any recommendations for amendments thereto and to clarify the question of which regulatory agency, if any, is responsible for regulating nonemergency ambulance services, and

WHEREAS, the City Attorney has reviewed the City's ambulance ordinance and by Ordinance No. 2928-CS, introduced on October 4, 1994, has recommended certain amendments to Chapter 9 of Title III of the Modesto Municipal Code, and

WHEREAS, the City Attorney has determined that the California Department of Motor Vehicles licenses all ambulance drivers regardless of whether or not they are characterized as emergency or nonemergency vehicles and that the California Highway Patrol and/or the regional EMS agencies provide safety inspections for both emergency and nonemergency vehicles,

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

1. That the public convenience and necessity requires the operation of the limited ambulance service which will be

furnished by Waterford Community Ambulance, because this provider has an agreement to provide non-emergency service to a local hospital, and that such service will promote the convenience, safety and welfare of the general public.

2. That the vehicles described in the application and proposed to be used are adequate and safe for the purpose of carrying or transporting injured or sick persons.

3. That the name "Waterford Community Ambulance" and the color scheme, insignia, monogram or other distinguishing characteristics proposed to be used upon such ambulances are not in conflict with and do not imitate any color scheme, insignia, monogram or other distinguishing characteristics used by any other company, in such a manner as to mislead or tend to mislead, deceive, or defraud the public.

4. That such limited ambulance service in the City is required by the public convenience and necessity and that Waterford Community Ambulance is a company fit, willing, and able to perform ambulance service and able to conform to the provisions of Chapter 9 of Title III of the Modesto Municipal Code, and such rules and regulations as may be promulgated by the Council.

BE IT FURTHER RESOLVED that the application of Waterford Community Ambulance for a permanent permit to operate a limited ambulance service in the City of Modesto is hereby approved for the reasons set forth above. Said ambulance service

shall operate under the name of "Waterford Community Ambulance", and a total number of three (3) ambulances may be operated under said permit.

BE IT FURTHER RESOLVED that after Waterford Community Ambulance has complied with all of the requirements of Chapter 9 of Title III of the Modesto Municipal Code, the City Clerk of the City of Modesto is hereby authorized to issue a permanent Certificate of Public Convenience and Necessity to Waterford Community Ambulance for the purpose of operating three (3) ambulances as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

4

MODESTO CITY COUNCIL
RESOLUTION NO. 94-591

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TWO COMPRESSED NATURAL GAS (CNG) BUSES

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

SECTION 1. The specifications for two compressed natural gas (CNG) buses, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 8, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-592

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$31,500 TO ADD NINE ADDITIONAL ROCKWELLS AT SIX LOCATIONS WHERE REJUVENATION WAS NOT SUCCESSFUL AND IN TWO LOCATIONS WHERE FLOODING OCCURS TO THE ROCKWELL REPLACEMENT/ADDITION 1994/95 PROJECT

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

FROM:	Miscellaneous Storm Drain (628 480 E578 6000)	\$31,500
TO:	Rockwell Replacement Addition (628 480 E585 6000)	\$31,500

Additional areas requiring storm drainage improvements were added to the project after rockwell rejuvenation efforts by the Wastewater Collection Division were not successful.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

6

MODESTO CITY COUNCIL
RESOLUTION NO. 94-593

A RESOLUTION ACCEPTING THE BID OF FAGUNDES & SON, INC. FOR THE PARKING LOT CONSTRUCTION PROJECT IN BLOCK 56, 9TH AND I STREETS

WHEREAS, Resolution No. 94-549, adopted by the Council of the City of Modesto on September 13, 1994, approved the plans and specifications for the parking lot construction project in Block 56, 9th and I Streets, and authorized the calling for bids; and

WHEREAS, the bids received for the parking lot construction project in Block 56, 9th and I Streets, were opened at 11:00 a.m. on September 29, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Fagundes & Son, Inc., in the amount of \$30,311.38, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Fagundes & Son, Inc., for the parking lot construction project in Block 56, 9th and I Streets be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan, Patterson, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

7

MODESTO CITY COUNCIL
RESOLUTION NO. 94-594

A RESOLUTION REJECTING ALL BIDS FOR THE MCHENRY MUSEUM REROOF PROJECT

WHEREAS, Resolution No. 94-500, adopted by the Council of the City of Modesto on August 23, 1994, approved the plans and specifications for the McHenry Musrum Reroof Project, and authorized the call for bids; and

WHEREAS, the bids received for the McHenry Museum Reroof Project were opened at 11:00 a.m. on September 6, 1994, in the office of the City Clerk; and

WHEREAS, after a thorough review of the concerns raised during the bid/award process, staff determined that while the project specifications were legally and technically correct, the City may benefit from having an independent third party reevaluate the project specifications and re-bid the revised project next spring.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for the McHenry Museum Reroof Project and opened in the office of the City Clerk on September 6, 1994, at 11:00 a.m. are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1994, by Councilmember Friedman , who moved its adoption, which ,motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: **Councilmembers:** Cogdill, Dobbs, Friedman, McClanahan,
Muratore

NOES: **Councilmembers:** None

ABSENT: **Councilmembers:** Patterson, Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-595

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF COMPUTER EQUIPMENT FOR FISCAL YEAR 1994-95 FROM THE BEST AVAILABLE COMPETITIVELY BID OR COOPERATIVE CONTRACT SOURCES

WHEREAS, because of the constant change in computer technology and the market forces that drive pricing and support needs changing literally overnight, the purchase of computer equipment by standard formal bid procedures is difficult; and

WHEREAS, Municipal Code Sections 8-3.202.h and 8-3.203.d allow for the approval by Council to join with the State of California and other units of government in cooperative purchasing plans and to determine that a process other than the formal bid procedure will result in a procurement for the City at the lowest possible cost.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of computer equipment for Fiscal Year 1994-95 is hereby waived.

BE IT FURTHER RESOLVED that purchase of computer equipment for Fiscal Year 1994-95 from the best available competitively bid or cooperative contract source, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1994, by Councilmember Friedman , who moved its adoption, which , motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: **Councilmembers:** Cogdill, Dobbs, Friedman, McClanahan,
Muratore

NOES: **Councilmembers:** None

ABSENT: **Councilmembers:** Patterson, Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

9

MODESTO CITY COUNCIL
RESOLUTION NO. 94-596

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON DECEMBER 3, 1994, AT 824 W. KIERNAN AVENUE, AND DECEMBER 5, 1994, AT 501 NORTH JEFFERSON STREET AND 601 11TH STREET.

WHEREAS, the City of Modesto desires to sell City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto, and

WHEREAS, it is desirable to authorize the sale of said surplus property at an auction to be held on December 3, and 5, 1994, and

WHEREAS, a detailed list of the items to be sold at said auction, entitled "Surplus Unclaimed Property Listing", is on file in the Office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the sale of City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto and which is included on the "Surplus Unclaimed Property Listing", which list is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, December 3, 1994, at a large facility located at 824 W. Kiernan Avenue, and on Monday, December 5,

1994, at 501 North Jefferson Street, City Corporation Yard, and 601 11th Street, Police Department Vehicle Maintenance Shop, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 4th day of October, 1988, and which agreement was approved by Council Resolution No. 88-757; subject also to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists of the items to be offered for sale can be inspected in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-597

A RESOLUTION PROVIDING FOR THE SALE OF
SURPLUS PROPERTY BY SEALED BID, PUBLIC
AUCTION, OR AS SCRAP.

WHEREAS, the City Manager is authorized by Charter
Section 801 to sell surplus personal property of the City of
Modesto with the approval of the City Council, and

WHEREAS, the City possesses nineteen (19) vehicles
which are set forth on the attached list, which the Public Works
and Transportation Department Fleet Management Services Division
has requested to be placed into surplus, as these vehicles have
been replaced, and

WHEREAS, said property could best be sold on a sealed
bid basis; however, if said property does not sell on a sealed
bid basis, said property should then be sold at a public auction,
and

WHEREAS, if the sealed bid process nor the auction
process brings the desired results, then the property will be
sold for scrap,

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

SECTION 1. The City Manager or his authorized
representative is hereby authorized and directed to sell on a
sealed bid basis to the highest bidder the nineteen (19) vehicles

which are set forth on the attached list and which are hereby found to be surplus.

SECTION 2. The sale shall be conducted by the City Manager or by such person as he may select for this purpose.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process or at a public auction as provided for above, then said property will be sold for scrap.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

**CITY OF MODESTO
FLEET SERVICES DIVISION**

MEMORANDUM

DATE: September 26, 1994
TO: Purchasing Dept. - Peter Lucido
FROM: Equipment Maintenance Supervisor Dennis Turner
SUBJECT: Surplus Vehicles

Per our conversation, here is a list of the vehicles which have been replaced over the past few months. All of the vehicles have been stripped of city equipment and are ready to be disposed. Please make arrangements to have them sold. All of these vehicle have meet or exceeded their life expectancy or need repairs that exceed what is cost effective.

Equip #	Description	Notes
=====	=====	=====
18724	87 Dodge	
39180	91 GMC	
18327	83 Dodge	
18523	85 Dodge	
38860	88 Chevrolet	
18718	87 Dodge	
18911	89 Chevrolet	
18704	87 Oldsmobile	
18932	89 Chevrolet	
38983	89 Chevrolet	
19146	91 Chevrolet	Wrecked
19108	91 Chevrolet	
18727	87 Dodge	

cc: Al Hinkle

CITY OF MODESTO
PUBLIC WORKS & TRANSPORTATION DEPARTMENT
FLEET MANAGEMENT SERVICES

M E M O R A N D U M

DATE: September 22, 1994

TO: Peter Lucido, Buyer
Finance/Purchasing

FROM: *A* Al Hinkle, Equipment Maintenance Superintendent
PW&T/Fleet Management Services

SUBJECT: Surplus Equipment

The following vehicles will become surplus equipment between now and December 1, 1994:

#47530	1975 IHC Truck with PB Patcher Body
#47557	1975 IHC Truck with PB Patcher Body
#47842	1978 IHC Refuse Dump Truck
#48075	1980 IHC with Vacuum Truck Body
#48698	1986 Ford Truck with Utility Body & Crane
#47084	1970 Chevrolet 3/4-ton Truck

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-598

A RESOLUTION DECLARING ONE (1) BUS AND TWENTY-FOUR (24) FAREBOXES SURPLUS PROPERTY AND AUTHORIZING THE DONATION OF SAID BUS AND FAREBOXES TO THE PACIFIC BUS MUSEUM IN LOS ANGELES.

WHEREAS, the Public Works and Transportation Department Transportation Division of the City of Modesto has requested that bus #20118 and twenty-four (24) electro-mechanical fareboxes be placed into surplus and donated to the Pacific Bus Museum in Los Angeles, and

WHEREAS, the bus would not be released to the museum for at least six (6) months as it presently is used as an emergency spare, and two (2) buses which are planned to be delivered in about six (6) months would place the City in a position to not need the bus any longer, and

WHEREAS, the benefits of donating these items to the museum are intangible and only determined by one's interest in preserving history, and

WHEREAS, if not donated to the museum this part of history would almost certainly be lost forever because these items would otherwise be sold merely for their scrap value and be melted down, and

WHEREAS, the benefits to the museum are that they are interested in preserving bus history and do not have a bus of this model to display, and since they attempt to have all buses in fully functional condition, they need the fareboxes to go with

the bus because parts for the fareboxes are no longer manufactured, and

WHEREAS, the Council of the City of Modesto desires to donate said bus #20188 and twenty-four (24) electro-mechanical fareboxes to the Pacific Bus Museum in Los Angeles,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that bus #20118 and twenty-four (24) electro-mechanical fareboxes have become surplus property to the City's needs, and the Council hereby authorizes the donation of bus #20118 and twenty-four (24) electro-mechanical fareboxes to the Pacific Bus Museum in Los Angeles.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

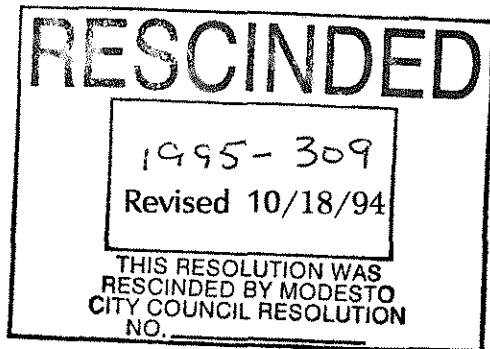
ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

2009



MODESTO CITY COUNCIL
RESOLUTION NO. 94-599

A RESOLUTION REVISING SEWER SERVICE CHARGES AND
RESCINDING RESOLUTION NO. 94-296.

WHEREAS, Sections 5-6.02 and 5-6.24 of the Modesto Municipal Code authorize the Council to establish storm drainage surcharges and sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage surcharges and sewer service charges, and

WHEREAS, effective August 1, 1991, by Ordinance No. 2776-C.S., the City Council approved the establishment of the Storm Drainage Surcharge, to support storm drainage operations, street sweeping, and to respond to Federal regulations requiring the City to obtain a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit. This action included a senior and disabled citizen discount, and a reduction in the rate for schools, and

WHEREAS, said ordinance provided that the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged and the method of collecting the surface water runoff charges for properties outside the boundaries of the city limits for those properties which discharge into the City's storm drain system, and

WHEREAS, on February 18, 1992, by Resolution No. 92-85, the Council established adjustments in storm drainage surcharges for lots with no curbs and gutters, and

WHEREAS, on February 25, 1992, by Resolution No. 92-100, the City Council addressed equitability questions and made certain adjustments in this revenue program for multi-family residential and non-curb customers, and

WHEREAS, on July 6, 1993, by Resolution No. 93-396 the City Council established a mixed use land use designation for storm drain charges, and

WHEREAS, as a recipient of State Grant Funds, the City of Modesto is required to develop a service area and a sewer revenue program in compliance with requirements and guidelines established by the State Water Resources Control Board. Said State requirements are developed to comply with Section 204(b)(1) of the Clean Water Act, Federal and State regulations and policies of the Water Resources Control Board, and

WHEREAS, by Council Resolution No. 92-482, the Council increased the Single-Family Residential Storm Drainage Sewer Surcharge fee, which is set forth on page 12 subparagraph (5) therein, from \$6.28 to \$6.92, and that fee is the formula for increasing the charges contained in subparagraph (c) on page 11 therein by ten percent; however, at the time Resolution No. 92-482 was adopted, the fees to be charged pursuant to subparagraph (c) on page 11 therein inadvertently were not modified to reflect the increase which was intended at that time, and

WHEREAS, it is appropriate at this time to correct the Single-Family Residential Storm Drainage Charges to reflect the increase which was intended by Resolution No. 92-482, and

WHEREAS, at its meeting of October 11, 1994, the City Council considered increasing sewer rate charges to the Empire Sanitary District, and City staff recommended that any future citywide sewer rate increases should apply to the

Empire Sanitary District, as provided for in the agreement entered into between the City of Modesto and the Empire Sanitary District on May 19, 1969, and which agreement has been amended on June 15, 1970,

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

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural": shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.
2. "Commercial": shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.
3. "Developed Parcel": shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.
4. "Duplex": shall mean a developed parcel with two dwelling units on a single parcel.
5. "Government": shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.
6. "Hospital": shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.

7. "Industrial": shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.
8. "Multi-family Residential": shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

<u>Density Category</u>	<u>Property Sq. Ft. Per Dwelling Unit</u>
High	0-1000
Medium	1001-3500
Low	3501-7000
Very Low	Over 7000

9. "Multi-family Senior Mobile Home": shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured homes or mobile homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.
10. "NPDES Industrial Stormwater Permit": shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.
11. "Non-profit Organizations": shall include all developed parcels used by organizations organized and operated for nonprofit purposes which are exempt corporations under Revenue and Taxation Code 23701.
12. "Parcel": shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Stanislaus County Tax Assessor.
13. "Parks": shall include all developed parcels operated as a park by a public agency.

14. "Parks/Cemeteries": shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.
15. "Schools": shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.
16. "Single-Family Residential": shall include all developed parcels with one single-family detached housing unit, or it shall include two single-family dwellings or a duplex located on a corner lot.
17. "Transportation/Utilities": shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads, suburban transit, power, water and other utilities.
18. "Undeveloped": shall mean any lot or parcel which remains in its natural state and is not used for any purpose.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE.

Each person owning property within the sewer district and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

Each single-family dwelling or mobile home on a lot	\$10.54
Each dwelling unit in a duplex	8.23
One additional dwelling unit or mobile home on a lot	8.23
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park	6.78

- (b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate set forth in subsection (a) above.
- (c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said

system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths (\$1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE.

Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Public Works and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:

	Sewer Service Charges Per 1000 Gals. <u>of Water Used</u>
<u>Group 1</u>	\$1.74
Combined B.O.D. and S.S. measured in mg/1 is 400mg/1 or less	
<u>Group 2</u>	2.02
Combined B.O.D. and S.S. measured in mg/1 is in the range of 401mg/1 to 900mg/1	
<u>Group 3</u>	2.46
Combined B.O.D. and S.S. measured in mg/1 is in the range of 901mg/1 to 1400mg/1	

Group 4

2.96

Combined B.O.D. and S.S. measured in mg/1 is over 1401mg/1

- (b) Sewer service charges for commercial users outside the Sewer District shall be at the rate set forth in subsection (a) above.
- (c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:

Group 1	\$21.89
Group 2	25.22
Group 3	30.92
Group 4	37.10

- (d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 55/100ths (\$1.55) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.
- (e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.
 - (1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.
 - (2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said

meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.

- (f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:
 - (1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and
 - (2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE.

Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) The monthly sewer service charges for industrial users shall be at the rate of \$712.04 per million gallons of total flow.
 - (1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.
 - (2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.
 - (3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

- (b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of \$84.21 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.
- (c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of \$77.52 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

Industrial Charge shall be the sum of items (a), (b), and (c).

- (d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum \$10.00 per month sewer service charge.
- (e) Sewer service charges for industrial users outside the sewer district shall be at the rate set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 6. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City's

system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

Single-family or mobile home on a lot (1 dwelling unit only)	\$6.53
Each dwelling unit in a duplex	3.12
One additional dwelling unit or mobile home on a lot	3.12
Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park	3.12
Billing Fee	0.39

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the Empire Sanitary District.

SECTION 7. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the North Ceres Sewer Service Area.

SECTION 8. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

- (a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

<u>Land Use</u>	<u>Intensity of Development Factor (IDF)</u>
Single-Family Residential	0.25
Duplex	0.50
Multi-Family High	0.95
Multi-Family Medium	0.80
Multi-Family Low	0.40
Multi-Family Very Low	0.25
Multi-Family Senior Mobile Home	0.31
Commercial	0.95
Industrial	0.75
Transportation/Utilities	0.40
Schools	0.25
Non-Profit Organizations	0.40
Government	0.70
Hospitals	0.50
Parks/Cemeteries	0.10
Agriculture	0.08
Undeveloped	0.00

- (b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

<u>ARN</u>	<u>Square Footage of Property</u>
1	0-3,500 SF
2	3,501-7,000
3	7,001-10,500
4	10,501-14,000

5	14,001-17,500
6	17,501-21,000
7	Increments of 3500 SF
etc.	

(c) Single-Family Residential charges shall be as follows:

<u>Square Footage of Property</u>	<u>Monthly Charge</u>
0-3500 SF	\$1.73
3501-7000 SF	3.40
7000 + SF	5.10

- (d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.
- (e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.
- (f) The property's ERU is charged at a monthly rate of \$6.92. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x \$6.92.
- (g) Mixed Use Property is nonresidential property, more than five acres in size, which contains more than one acre of undeveloped or agricultural property. Upon application to and approval by the Director of Public Works, Mixed Use Property shall pay a split surcharge, the developed portion paying the IDF appropriate to the developed land use, and the undeveloped or agricultural portion paying the Undeveloped or Agricultural IDF, as appropriate.
- (h) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city street do not have curbs and gutters. That portion currently constitutes seventy percent (70%) of the surcharge.

SECTION 9. EFFECTIVE DATE. This resolution shall become effective

November 15, 1994.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it becomes effective, this resolution supersedes Modesto City Council Resolution No. 94-296.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore,
Acting Mayor McClanahan

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

RESCINDED

AUG - 4 2007

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 2007-539

MODESTO CITY COUNCIL
RESOLUTION NO. 94-600

A RESOLUTION ESTABLISHING A FINE SCHEDULE FOR
VIOLATIONS OF WASTE DISCHARGE PERMITS AND RESCINDING
RESOLUTION NO. 91-140.

WHEREAS, Section 5-6.13.2 of the Modesto Municipal Code relating to sewage collection and disposal states that the Public Works and Transportation Director may determine the existence of a violation and may levy a fine for violations of waste discharge permits, which fine shall be in accordance with a schedule approved by the Council from time to time by resolution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that wastewater permit violation fines are hereby established as follows:

1. Administrative fine in the amount of \$1100.00 for each violation.
2. Processing fine in the amount of:
 - \$712.04 per million gallons of flow in excess of permit allocation.
 - \$84.21 per 1,000 pounds of Biochemical Oxygen Demand (BOD) in excess of permit allocation.
 - \$77.52 per 1,000 pounds of Suspended Solids (SS) in excess of permit allocation.

BE IT FURTHER RESOLVED that the fines established by this resolution are in addition to the sewer service charges for processing the wastewater flow which is excess of the permit allocation.

BE IT FURTHER RESOLVED that the fee established by this resolution shall become effective for violations which occur on and after November 1, 1994.

BE IT FURTHER RESOLVED that effective through October 31, 1994, Resolution No. 91-140 adopted on March 5, 1991, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-601

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND BISSELL & KARN, INC. FOR ENGINEERING SERVICES RELATED TO THE WIDENING OF THE CLAUS ROAD BRIDGE OVER DRY CREEK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bissell & Karn, Inc. for engineering services related to the widening of the Claus Road bridge over Dry Creek be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1994 , by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-602

A RESOLUTION ON UNFUNDED FEDERAL MANDATES ON
STATE AND LOCAL GOVERNMENTS.

WHEREAS, unfunded mandates on state and local governments have increased significantly in recent years, and

WHEREAS, federal mandates require cities and towns to perform duties without consideration of local circumstances, costs, or capacity, and subject municipalities to civil or criminal penalties for noncompliance, and

WHEREAS, federal mandates require compliance regardless of other pressing local needs and priorities affecting the health, welfare, and safety of municipal citizens, and

WHEREAS, excessive federal burdens on local governments force some combination of higher local taxes and fees and/or reduced local services on citizens and local taxpayers, and

WHEREAS, federal mandates are too often inflexible, one-size-fits-all requirements that impose unrealistic time frames and specify procedures or facilities where less costly alternatives might be just as effective, and

WHEREAS, existing mandates impose harsh pressures on local budgets and the federal government has imposed a freeze upon funding to help compensate for any new mandates, and

WHEREAS, the cumulative impact of these legislative and regulatory actions directly affect the citizens of our cities and towns, and

WHEREAS, the National League of Cities, following up on last year's successful effort, is continuing its national public education campaign to help citizens understand and then reduce the burden and inflexibility of unfunded mandates, including a National Unfunded Mandates Week, October 24-30, 1994,

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto endorses the efforts of the National League of Cities and supports working with NLC to fully inform our citizens about the impact of federal mandates on our government and the pocketbooks of our citizens.

BE IT FURTHER RESOLVED that the City of Modesto endorses organizing and participating in events during the week of October 24-30, 1994.

BE IT FURTHER RESOLVED that the City of Modesto resolves to continue our efforts to work with members of our Congressional delegation to educate them about the impact of federal mandates and actions necessary to reduce their burden on our citizens.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ~~18th~~ day of ~~October~~, 1994, by Councilmember ~~Friedman~~, who moved its adoption, which motion being duly seconded by Councilmember ~~Dobbs~~, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-603

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE JOHANSEN POOL SUPPORT BUILDING

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

SECTION 1. The specifications for the Johansen pool support building, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 8, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of October, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-604

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE
PURCHASE OF ONE NEW STREET SWEEPER FROM RICKER MACHINERY COMPANY

WHEREAS, last October, bids were opened and an award made to Ricker Machinery of Oakland for the purchase of two new 1994 model street sweepers; and

WHEREAS, Ricker Machinery has formally offered to sell one additional 1994 unit to the City at the same cost as last year's competitively bid price, and staff believes the lower price for the 1994 model is the best price the City can get.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of one new street sweeper is hereby waived.


BE IT FURTHER RESOLVED that purchase of one new street sweeper from Ricker Machinery Company for the total cost of \$108,794, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1994, by Councilmember Muratore , who moved its adoption, which ,motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-605

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND GREGORY SAY FOR THE PURPOSE OF REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Gregory Say for the purpose of rehabilitating his property at 205 Fresno Avenue, pursuant to the City of Modesto's Housing Rehabilitation Program, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of October, 1994 , by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: _____

Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-606

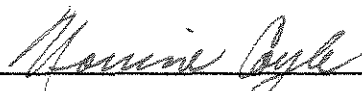
A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND ARTHUR CUEVAS, SR. FOR THE PURPOSE OF REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Arthur Cuevas, Sr. for the purpose of rehabilitating his property at 219 Merced Avenue, pursuant to the City of Modesto's Housing Rehabilitation Program, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of October, 1994 , by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-607

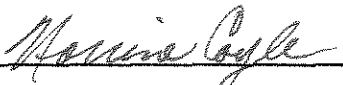
A RESOLUTION APPROVING A TEMPORARY AGREEMENT BETWEEN THE CITY OF MODESTO AND THE EMPIRE UNION SCHOOL DISTRICT FOR USE OF A PRIVATE DRIVEWAY ACROSS CITY PROPERTY BETWEEN NORSEMAN DRIVE AND LACOSTE LANE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the temporary agreement between the City of Modesto and the Empire Union School District for use of a private driveway across City property between Norseman Drive and LaCoste Lane for access to the Alice N. Stroud School site, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of October, 1994 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-608

A RESOLUTION APPROVING THE APPLICATION OF HUGHSON PARAMEDIC AMBULANCE COMPANY FOR A PERMANENT PERMIT TO OPERATE A LIMITED AMBULANCE SERVICE IN THE CITY OF MODESTO.

WHEREAS, on June 30, 1994, Hughson Paramedic Ambulance Company, Inc., submitted an application and paid the appropriate fees to provide non-emergency ambulance services within the City limits of the City of Modesto, and

WHEREAS, Chapter 9 of Title III of the Modesto Municipal Code regulates the licensing of limited ambulances in the City of Modesto, and Section 3-9.05 of the Modesto Municipal Code requires that in determining whether the public convenience and necessity require the operation of a limited ambulance service for which application is made, the Council shall hold a public hearing as may be necessary to for the purpose of making such determination, and

WHEREAS, as required by Section 3-9.05 of the Modesto Municipal Code, the City Manager has caused the Police Chief of the City of Modesto to make an investigation and report, in writing, to the City Council on said application for a permit to operate a limited ambulance service in the City of Modesto, and

WHEREAS, on November 1, 1994, the City Council held a duly noticed public hearing at 7:00 p.m., in the City Council Chambers in City Hall, located at 801 11th Street, Modesto, California, to consider the application of Hughson Paramedic

Ambulance Company for a permit to operate a limited ambulance service in the City of Modesto, and

WHEREAS, the City Attorney has determined that the California Department of Motor Vehicles licenses all ambulance drivers regardless of whether or not they are characterized as emergency or nonemergency vehicles and that the California Highway Patrol and/or the regional EMS agencies provide safety inspections for both emergency and nonemergency vehicles,

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

1. That the public convenience and necessity requires the operation of the limited ambulance service which will be furnished by Hughson Paramedic Ambulance Company, because fifteen (15) of the eighteen (18) convalescent hospitals contacted stated that they used and would continue to use this Ambulance Company to transport their patients, and that such service will promote the convenience, safety and welfare of the general public.

2. That the vehicles described in the application and proposed to be used are adequate and safe for the purpose of carrying or transporting injured or sick persons.

3. That the name "Hughson Paramedic Ambulance Company" and the color scheme, insignia, monogram or other distinguishing characteristics proposed to be used upon such ambulances are not in conflict with and do not imitate any color scheme, insignia, monogram or other distinguishing

characteristics used by any other company, in such a manner as to mislead or tend to mislead, deceive, or defraud the public.

4. That such limited ambulance service in the City is required by the public convenience and necessity and that Hughson Paramedic Ambulance Company is a company fit, willing, and able to perform ambulance service and able to conform to the provisions of Chapter 9 of Title III of the Modesto Municipal Code, and such rules and regulations as may be promulgated by the Council.

BE IT FURTHER RESOLVED that the application of Hughson Paramedic Ambulance Company for a permanent permit to operate a limited ambulance service in the City of Modesto is hereby approved for the reasons set forth above. Said ambulance service shall operate under the name of "Hughson Paramedic Ambulance Company", and a total number of four (4) ambulances may be operated under said permit.

BE IT FURTHER RESOLVED that after Hughson Paramedic Ambulance Company has complied with all of the requirements of Chapter 9 of Title III of the Modesto Municipal Code, the City Clerk of the City of Modesto is hereby authorized to issue a permanent Certificate of Public Convenience and Necessity to Hughson Paramedic Ambulance Company for the purpose of operating four (4) ambulances as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-609

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE WOODMAN WAY WATERLINE

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

SECTION 1. The specifications for the Woodman Way waterline, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 22, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-610

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
FURNISHING PUMP CHECK VALVES

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

SECTION 1. The specifications for furnishing pump check valves,
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
November 22, 1994, at 11:05 a.m., the City Clerk is hereby directed to
give notice inviting such sealed bids in the time, form, and manner
provided by law.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 1st day of November,
1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Dobbs, was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-611

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
FURNISHING ABOVE GROUND FUEL TANKS

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

SECTION 1. The specifications for furnishing above ground fuel tanks, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 22, 1994, at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-612

A RESOLUTION ACCEPTING THE BID OF MER-CAL ELECTRIC, INC. FOR UPGRADING
SIGNS AT THE AIRPORT

WHEREAS, Resolution No. 94-520, adopted by the Council of the City of Modesto on September 6, 1994, approved the plans and specifications for upgrading signs at the Airport, and authorized the calling for bids; and

WHEREAS, the bids received for upgrading signs at the Airport , were opened at 11:05 a.m. on October 13, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Mer-Cal Electric, Inc., in the amount of \$86,795, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mer-Cal Electric, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-613

A RESOLUTION ACCEPTING THE BID OF FLOYD JOHNSTON CONSTRUCTION FOR THE WATERLINE CONSTRUCTION ON CROWS LANDING AND ZEFF ROAD (TANK NO. 3 AND WELL NO. 30)

WHEREAS, Resolution No. 94-550, adopted by the Council of the City of Modesto on September 13, 1994, approved the plans and specifications for the waterline construction on Crows Landing and Zeff Road (Tank No. 3 and Well No. 30); and

WHEREAS, the bids received for the waterline construction on Crows Landing and Zeff Road (Tank No. 3 and Well No. 30) were opened at 11:10 a.m. on October 13, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Floyd Johnston Construction, in the amount of \$108,038.78, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Floyd Johnston Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-614

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$80,000 FOR WATERLINE CONSTRUCTION IN THE CROWS LANDING AND ZEFF ROAD PROJECT

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

FROM:	Water Tank 4 waterline (612 480 C120 6040)	\$80,000
TO:	Tank 3 waterline (612 480 C116 6040)	\$80,000

These funds are needed because right of way in the form of a public utility easement (as assumed in the original budget estimate) was not possible to acquire. As a result, the scope of the project was changed to reroute the waterline, thereby increasing costs but accomplishing the original project objectives.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-615

A RESOLUTION ACCEPTING THE BID OF KING'S ROOFING FOR REROOFING HANGAR
NO. 1 AT THE MODESTO CITY-COUNTY AIRPORT

WHEREAS, Resolution No. 94-323, adopted by the Council of the City of Modesto on June 7, 1994, approved the plans and specifications for reroofing hangar No. 1 at the Modesto City-County Airport; and

WHEREAS, the bids received for reroofing hangar No. 1 at the Modesto City-County Airport, were opened at 11:00 a.m. on June 30, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of King's Roofing, in the amount of \$51,368.90, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of King's Roofing be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 94-616

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95
ANNUAL BUDGET TO APPROPRIATE ADDITIONAL
FUNDING FOR AN EXISTING CIP PROJECT ENTITLED
REROOF HANGAR NO. 1

WHEREAS, this hangar currently has three layers of roofing on it and leaks badly. The original project had been bid with a single ply roofing system, but bids came in over budget. Specifications have been revised to allow a combination of asphalt shingles and built up roofing. However, the project is still over budget due to the need to modify roof trusses and also because design costs were over budget, and

WHEREAS, additional funding is required to complete this project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments are hereby approved:

AIRPORT FUND

<u>Fund/Agy/Org</u>		Increase <u>(Decrease)</u>
<u>Expenditures</u>		
632-480-D341-6010	Hangar #1 Roof Replace-Design	\$6,000
632-480-D341-6040	Hangar #1 Roof Replace-Construction	\$15,306
632-800-8000-8003	Airport Improvements Fund Contingency Reserve	(\$21,306)

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-617

A RESOLUTION ACCEPTING THE BID OF ALLEN A. WAGGONER CONSTRUCTION, INC. FOR THE GENERAL AVIATION AREA WATER SYSTEM UPGRADE PROJECT AT THE MODESTO CITY-COUNTY AIRPORT

WHEREAS, Resolution No. 94-519, adopted by the Council of the City of Modesto on September 6, 1994, approved the plans and specifications for the general aviation area water system upgrade project at the Modesto City-County Airport; and

WHEREAS, the bids received for the general aviation area water system upgrade project at the Modesto City-County Airport, were opened at 11:00 a.m. on October 13, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Allen A. Waggoner Construction, Inc., in the amount of \$151,896.90, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Allen A. Waggoner Construction, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-618

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE RUMBLE ROAD LIFT STATION REHABILITATION - PHASE 2 PROJECT

WHEREAS, Resolution No. 94-559, adopted by the Council of the City of Modesto on September 20, 1994, approved the plans and specifications for the Rumble Road lift station rehabilitation - Phase 2 project; and

WHEREAS, the bids received for the Rumble Road lift station rehabilitation - Phase 2 project were opened at 11:00 a.m. on October 20, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ross F. Carroll, Inc., in the amount of \$23,775, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ross F. Carroll, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-619

A RESOLUTION ACCEPTING THE ANNUAL SEWER REHABILITATION PROJECT - COLEMAN COURT/HELMS LANE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the annual sewer rehabilitation project - Coleman Court/Helms Lane, has been completed by Rolfe Construction Company in accordance with the contract agreement dated June 28, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the annual sewer rehabilitation project - Coleman Court/Helms Lane be accepted from said contractor, Rolfe Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$72,819 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-620

A RESOLUTION ACCEPTING THE SEWER LIFT STATION REHABILITATION PROJECT - MURIEL AVENUE, MAZE BOULEVARD AND MARK RANDY PLACE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the sewer lift station rehabilitation project - Muriel Avenue, Maze Boulevard and Mark Randy Place, has been completed by Scrimsher & Mineni Construction in accordance with the contract agreement dated November 16, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the sewer lift station rehabilitation project - Muriel Avenue, Maze Boulevard and Mark Randy Place, be accepted from said contractor, Scrimsher & Mineni Construction; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$440,152.72, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-621

A RESOLUTION ACCEPTING THE UPGRADING OF THE ELECTRICAL SYSTEM AT THE BUS YARD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the upgrading of the electrical system at the bus yard, has been completed by Collins Electrical Company, in accordance with the contract agreement dated June 21, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the upgrading of the electrical system at the bus yard, be accepted from said contractor, Collins Electrical Company; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$27,361.47, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-622

A RESOLUTION ACCEPTING THE YOSEMITE BOULEVARD WATERLINE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Yosemite Boulevard waterline, has been completed by Allen A. Waggoner Construction, Inc., in accordance with the contract agreement dated July 5, 1994..

NOW, THEREFORE, BE IT RESOLVED that the contract for the Yosemite Boulevard waterline, be accepted from said contractor, Allen A. Waggoner Construction Company; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$41,127.27, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-623

A RESOLUTION ACCEPTING THE PARALLEL OUTFALL SEWER CONSTRUCTION PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the parallel outfall sewer construction project, has been completed by Mountain Cascade, Inc., in accordance with the contract agreement dated December 21, 1993.

NOW, THEREFORE, BE IT RESOLVED that the contract for the parallel outfall sewer construction project, be accepted from said contractor, Mountain Cascade, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$2,895,980.57, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-624

A RESOLUTION AMENDING THE ANNUAL BUDGET OF
THE CITY OF MODESTO FOR THE FIRST QUARTER OF
FISCAL YEAR 1994-95.

WHEREAS, after first quarter financial analysis has been completed, it
has been determined that certain adjustments are required to the Annual Budget of
the City of Modesto for the Fiscal Year 1994-95.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the changes listed in Schedule "A" and Schedule "B" be made to the
Annual Budget of the City of Modesto for Fiscal Year 1994-95.

BE IT FURTHER RESOLVED that the Finance Director is hereby
authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

SCHEDULE A

FD	AGY	ORGN	OBT	LINE-DESCRIPTION	CURRENT BUDGET	NEW		REVISED BUDGET	INCREASE/ (DECREASE)	ORGN TOTAL	FUND TOTAL
						APPR UNIT	APPR UNIT		(Sve Cr Opposite Entry)		
COMMUNITY DEVELOPMENT REORGANIZATION:											
GENERAL FUND											
010	020	0201	0110	SALARIES AND WAGES, REGULAR	370,444	02A		330,488	(39,956)		
010	020	0201	0111	VACATION	25,411	02A		22,670	(2,741)		
010	020	0201	0112	SICK LEAVE	7,639	02A		6,815	(824)		
010	020	0201	0114	HOLIDAY, REGULAR	16,270	02A		14,515	(1,755)		
010	020	0201	0115	HOLIDAY CTO	552	02A		492	(60)		
010	020	0201	0116	M & C LEAVE	8,824	02A		7,872	(952)		
010	020	0201	0117	JURY DUTY	253	02A		226	(27)		
010	020	0201	0119	BEREAVEMENT LEAVE	483	02A		431	(52)		
010	020	0201	0121	WORK COMP - SICK LEAVE NONTAX	34	02A		30	(4)		
010	020	0201	0150	LIFE INSURANCE	3,152	02A		2,866	(286)		
010	020	0201	0151	HEALTH INSURANCE	15,786	02A		14,355	(1,431)		
010	020	0201	0152	DENTAL INSURANCE	4,186	02A		3,807	(379)		
010	020	0201	0153	VISION INSURANCE	1,251	02A		1,138	(113)		
010	020	0201	0154	DISABILITY INSURANCE	2,708	02A		2,463	(245)		
010	020	0201	0155	MEDICARE	3,637	02A		3,307	(330)		
010	020	0201	0160	PUBLIC EMPLOYEE RETIREMENT SYS	56,011	02A		50,933	(5,078)		
010	020	0201	0161	DEFERRED COMPENSATION	16,825	02A		15,300	(1,525)		
010	020	0201	0162	WORKERS' COMPENSATION	6,126	02A		6,126	0		
010	020	0201	0163	ANNUAL PHYSICAL EXAMINATION	1,500	02A		1,364	(136)		
010	020	0201	0164	UNEMPLOYMENT INSURANCE	1,299	02A		1,181	(118)		
010	020	0201	0166	EMPLOYEE ASSISTANCE	216	02A		196	(20)		
010	020	0201	0167	EMPLOYEE BENEFITS ADMIN-REMBSM	1,056	02A		960	(96)		
010	020	0201	0168	EMPLOYEE LEAVE REIMBURSEMENT	8,515	02A		7,743	(772)		
010	020	0201	9990	SERVICE CREDITS	(67,698)	02F		(41,830)	25,868	(31,032)	
010	040	0401	0110	SALARIES AND WAGES, REGULAR	570,193	04A		556,572	(13,621)		
010	040	0401	0111	VACATION	32,310	04A		31,538	(772)		
010	040	0401	0112	SICK LEAVE	18,611	04A		18,166	(445)		
010	040	0401	0113	COMP TIME OFF	1,321	04A		1,289	(32)		
010	040	0401	0114	HOLIDAY, REGULAR	26,140	04A		25,516	(624)		
010	040	0401	0115	HOLIDAY CTO	667	04A		651	(16)		
010	040	0401	0116	M & C LEAVE	10,834	04A		10,575	(259)		
010	040	0401	0121	WORK COMP - SICK LEAVE NONTAX	533	04A		520	(13)		
010	040	0401	0150	LIFE INSURANCE	5,122	04A		4,982	(140)		
010	040	0401	0151	HEALTH INSURANCE	30,953	04A		30,111	(842)		
010	040	0401	0152	DENTAL INSURANCE	8,521	04A		8,288	(233)		
010	040	0401	0153	VISION INSURANCE	2,461	04A		2,394	(67)		
010	040	0401	0154	DISABILITY INSURANCE	4,161	04A		4,047	(114)		
010	040	0401	0155	MEDICARE	7,018	04A		7,018	0		
010	040	0401	0160	PUBLIC EMPLOYEE RETIREMENT SYS	87,695	04A		85,299	(2,396)		
010	040	0401	0161	DEFERRED COMPENSATION	16,440	04A		15,991	(449)		
010	040	0401	0162	WORKERS' COMPENSATION	7,139	04A		6,944	(195)		
010	040	0401	0163	ANNUAL PHYSICAL EXAMINATION	3,000	04A		2,918	(82)		
010	040	0401	0164	UNEMPLOYMENT INSURANCE	331	04A		322	(9)		
010	040	0401	0166	EMPLOYEE ASSISTANCE	331	04A		322	(9)		
010	040	0401	0167	EMPLOYEE BENEFITS ADMIN-REMBSM	1,716	04A		1,669	(47)		
010	040	0401	0168	EMPLOYEE LEAVE REIMBURSEMENT	9,430	04A		9,172	(258)		

SCHEDULE A

FD	AGY	ORGN	OBJT	LINE-DESCRIPTION	CURRENT BUDGET	NEW APPR UNIT	NEW APPR UNIT	REVISED BUDGET	INCREASE/ (DECREASE)	ORGN TOTAL	FUND TOTAL
									(Svc Cr Opposite Entry)		
010	040	0401	9990	SERVICE CREDITS	(270,013)	04F		(270,013)	0	(20,623)	
010	040	0411	0110	SALARIES AND WAGES, REGULAR	44,762	04A		14,169	(30,593)		
010	040	0411	0111	VACATION	3,370	04A		3,370	0		
010	040	0411	0112	SICK LEAVE	2,234	04A		254	(1,980)		
010	040	0411	0114	HOLIDAY, REGULAR	1,881	04A		417	(1,464)		
010	040	0411	0115	HOLIDAY CTO	627	04A		105	(522)		
010	040	0411	0116	M & C LEAVE	1,463	04A		0	(1,463)		
010	040	0411	0150	LIFE INSURANCE	394	04A		132	(262)		
010	040	0411	0151	HEALTH INSURANCE	2,922	04A		927	(1,995)		
010	040	0411	0152	DENTAL INSURANCE	867	04A		268	(599)		
010	040	0411	0153	VISION INSURANCE	242	04A		77	(165)		
010	040	0411	0154	DISABILITY INSURANCE	342	04A		116	(226)		
010	040	0411	0160	PUBLIC EMPLOYEE RETIREMENT SYS	7,463	04A		2,694	(4,769)		
010	040	0411	0161	DEFERRED COMPENSATION	1,087	04A		367	(720)		
010	040	0411	0162	WORKERS' COMPENSATION	661	04A		221	(440)		
010	040	0411	0163	ANNUAL PHYSICAL EXAMINATION	115	04A		0	(115)		
010	040	0411	0164	UNEMPLOYMENT INSURANCE	27	04A		10	(17)		
010	040	0411	0166	EMPLOYEE ASSISTANCE	27	04A		9	(18)		
010	040	0411	0167	EMPLOYEE BENEFITS ADMIN-REMBSM	132	04A		44	(88)		
010	040	0411	0168	EMPLOYEE LEAVE REIMBURSEMENT	1,282	04A		428	(854)		
010	040	0411	0202	MAIL SERVICES - INSIDE	326	04B		35	(291)		
010	040	0411	0204	PRINTING SERVICES - INSIDE	35	04B		0	(35)		
010	040	0411	0208	BUSINESS EXPENSES	489	04B		30	(459)		
010	040	0411	0209	TRAINING EXPENSES	392	04B		0	(392)		
010	040	0411	0217	PHOTOCOPY-RENT,SERVICE,SUPPLY	712	04B		128	(584)		
010	040	0411	0218	EQUIPMENT POOL RENTAL	2,567	04B		1,383	(1,184)		
010	040	0411	0235	SERVICES, PROFESSIONAL & OTHER	5,000	04B		1,537	(3,463)		
010	040	0411	0250	CUSTODIAL SERVICE-CITY FORCES	1,409	04B		470	(939)		
010	040	0411	0301	OFFICE SUPPLIES	300	04C		222	(78)		
010	040	0411	0401	MEMBERSHIPS AND DUES	146	04D		118	(28)		
010	040	0411	0415	OTHER LIABILITY INSURANCE	318	04D		106	(212)		
010	040	0411	9990	SERVICE CREDITS	(29,917)	04F		(7,173)	22,744	(31,211)	
010	080	0801	0110	SALARIES AND WAGES, REGULAR	88,399	08A		27,792	(60,607)		
010	080	0801	0111	VACATION	3,793	08A		3,793	0		
010	080	0801	0112	SICK LEAVE	1,593	08A		484	(1,109)		
010	080	0801	0114	HOLIDAY, REGULAR	3,234	08A		753	(2,481)		
010	080	0801	0115	HOLIDAY CTO	380	08A		0	(380)		
010	080	0801	0116	M & C LEAVE	1,522	08A		162	(1,360)		
010	080	0801	0150	LIFE INSURANCE	788	08A		264	(524)		
010	080	0801	0151	HEALTH INSURANCE	4,326	08A		1,404	(2,922)		
010	080	0801	0152	DENTAL INSURANCE	1,184	08A		366	(818)		
010	080	0801	0153	VISION INSURANCE	347	08A		110	(237)		
010	080	0801	0154	DISABILITY INSURANCE	623	08A		208	(415)		
010	080	0801	0160	PUBLIC EMPLOYEE RETIREMENT SYS	13,584	08A		4,851	(8,733)		
010	080	0801	0161	DEFERRED COMPENSATION	3,296	08A		1,030	(2,266)		
010	080	0801	0162	WORKERS' COMPENSATION	1,204	08A		402	(802)		
010	080	0801	0163	ANNUAL PHYSICAL EXAMINATION	840	08A		152	(688)		
010	080	0801	0164	UNEMPLOYMENT INSURANCE	16	08A		6	(10)		

SCHEDULE A

FD	AGY	ORGN	OBJT	LINE-DESCRIPTION	CURRENT BUDGET	NEW		REVISED BUDGET	INCREASE/ (DECREASE)	ORGN TOTAL	FUND TOTAL
						APPR UNIT	APPR UNIT		(Svs Cr Opposite Entry)		
010	080	0801	0166	EMPLOYEE ASSISTANCE	50	08A		16	(34)		
010	080	0801	0167	EMPLOYEE BENEFITS ADMIN-REMBSM	264	08A		88	(176)		
010	080	0801	0168	EMPLOYEE LEAVE REIMBURSEMENT	2,289	08A		763	(1,526)		
010	080	0801	0202	MAIL SERVICES - INSIDE	1,696	08B		127	(1,569)		
010	080	0801	0204	PRINTING SERVICES - INSIDE	2,240	08B		0	(2,240)		
010	080	0801	0207	CONFERENCE EXPENSES	2,058	08B		18	(2,040)		
010	080	0801	0208	BUSINESS EXPENSES	5,166	08B		442	(4,724)		
010	080	0801	0217	PHOTOCOPY-RENT,SERVICE,SUPPLY	1,171	08B		329	(842)		
010	080	0801	0218	EQUIPMENT POOL RENTAL	2,995	08B		1,068	(1,927)		
010	080	0801	0223	REPAIR & MAINT-OUTSIDE FORCES	78	08B		0	(78)		
010	080	0801	0235	SERVICES, PROFESSIONAL & OTHER	23,250	08B		14,563	(8,687)		
010	080	0801	0250	CUSTODIAL SERVICE-CITY FORCES	4,255	08B		1,419	(2,836)		
010	080	0801	0301	OFFICE SUPPLIES	1,290	08C		97	(1,193)		
010	080	0801	0302	BOOKS AND PERIODICALS	828	08C		9	(819)		
010	080	0801	0401	MEMBERSHIPS AND DUES	70,780	08D		17,499	(53,281)		
010	080	0801	0413	PROPERTY INSURANCE	52	08D		18	(34)		
010	080	0801	0415	OTHER LIABILITY INSURANCE	579	08D		193	(386)		
010	080	0801	1006	TOURISM	198,030	08D		49,508	(148,522)	(314,266)	
010	080	0802	0140	SAL & WAGES, PART-TIME	18,000	08A		5,773	(12,227)		
010	080	0802	0155	MEDICARE	261	08A		84	(177)		
010	080	0802	0161	DEFERRED COMPENSATION	675	08A		217	(458)		
010	080	0802	0164	UNEMPLOYMENT INSURANCE	684	08A		220	(464)		
010	080	0802	0235	SERVICES, PROFESSIONAL & OTHER	48,153	08B		57,739	9,586		
010	080	0802	0301	OFFICE SUPPLIES	12,474	08C		1,593	(10,881)		
010	080	0802	5801	TELECENTER WKSTN EQUIP (0802)	18,753	08E		18,634	(119)	(14,740)	
010	140	1400	9990	SERVICE CREDITS				(24,521)	(24,521)	(24,521)	
010	140	1401	0110	SALARIES AND WAGES, REGULAR	594,184	14A		422,352	(171,832)		
010	140	1401	0111	VACATION	51,386	14A		36,756	(14,630)		
010	140	1401	0112	SICK LEAVE	15,612	14A		10,488	(5,124)		
010	140	1401	0114	HOLIDAY, REGULAR	26,458	14A		17,248	(9,210)		
010	140	1401	0115	HOLIDAY CTO	2,058	14A		1,722	(336)		
010	140	1401	0116	M & C LEAVE	10,883	14A		9,464	(1,419)		
010	140	1401	0117	JURY DUTY	687	14A		434	(253)		
010	140	1401	0119	BEREAVEMENT LEAVE	1,143	14A		741	(402)		
010	140	1401	0130	SALARIES AND WAGES, OVERTIME	0	14A		0	0		
010	140	1401	0150	LIFE INSURANCE	4,609	14A		3,312	(1,297)		
010	140	1401	0151	HEALTH INSURANCE	39,864	14A		28,180	(11,684)		
010	140	1401	0152	DENTAL INSURANCE	11,122	14A		7,813	(3,309)		
010	140	1401	0153	VISION INSURANCE	2,502	14A		1,781	(721)		
010	140	1401	0154	DISABILITY INSURANCE	4,423	14A		3,162	(1,261)		
010	140	1401	0155	MEDICARE	3,221	14A		2,277	(944)		
010	140	1401	0160	PUBLIC EMPLOYEE RETIREMENT SYS	94,522	14A		68,774	(25,748)		
010	140	1401	0161	DEFERRED COMPENSATION	19,888	14A		14,242	(5,646)		
010	140	1401	0162	WORKERS' COMPENSATION	8,563	14A		6,149	(2,414)		
010	140	1401	0163	ANNUAL PHYSICAL EXAMINATION	2,859	14A		1,785	(1,074)		
010	140	1401	0164	UNEMPLOYMENT INSURANCE	312	14A		223	(89)		
010	140	1401	0166	EMPLOYEE ASSISTANCE	352	14A		250	(102)		
010	140	1401	0167	EMPLOYEE BENEFITS ADMIN-REMBSM	2,112	14A		1,517	(595)		

SCHEDULE A

FD	AGY	ORGN	OBJT	LINE-DESCRIPTION	CURRENT BUDGET	NEW		REVISED BUDGET	INCREASE/ (DECREASE)	ORGN TOTAL	FUND TOTAL
						APPR UNIT	APPR UNIT		(Svc Cr Opposite Entry)		
010	140	1401	0168	EMPLOYEE LEAVE REIMBURSEMENT	17,213	14A		12,360	(4,853)		
010	140	1401	0201	POSTAGE	58	14B		46	(12)		
010	140	1401	0202	MAIL SERVICES - INSIDE	7,616	14B		5,168	(2,448)		
010	140	1401	0203	RECORDS SERVICES - INSIDE	3,316	14B		2,432	(884)		
010	140	1401	0204	PRINTING SERVICES - INSIDE	7,583	14B		4,634	(2,949)		
010	140	1401	0205	PRINTING AND BINDING	375	14B		375	0		
010	140	1401	0207	CONFERENCE EXPENSES	10,948	14B		7,183	(3,765)		
010	140	1401	0208	BUSINESS EXPENSES	848	14B		607	(241)		
010	140	1401	0209	TRAINING EXPENSES	1,729	14B		918	(811)		
010	140	1401	0217	PHOTOCOPY-RENT,SERVICE,SUPPLY	9,188	14B		6,111	(3,077)		
010	140	1401	0218	EQUIPMENT POOL RENTAL	3,990	14B		1,998	(1,992)		
010	140	1401	0223	REPAIR & MAINT-OUTSIDE FORCES	3,334	14B		2,772	(562)		
010	140	1401	0235	SERVICES, PROFESSIONAL & OTHER	4,821	14B		2,859	(1,962)		
010	140	1401	0245	DELIVERY SERVICES	50	14B		38	(12)		
010	140	1401	0250	CUSTODIAL SERVICE-CITY FORCES	47,914	14B		35,137	(12,777)		
010	140	1401	0255	SERVICES CITY FORCES	0	14B		0	0		
010	140	1401	0301	OFFICE SUPPLIES	13,985	14C		10,270	(3,715)		
010	140	1401	0302	BOOKS AND PERIODICALS	1,106	14C		508	(598)		
010	140	1401	0306	PC SOFTWARE	3,000	14C		2,500	(500)		
010	140	1401	0308	TOOLS,SHOP AND FIELD SUPPLIES	0	14C		0	0		
010	140	1401	0401	MEMBERSHIPS AND DUES	676	14D		459	(217)		
010	140	1401	0413	PROPERTY INSURANCE	639	14D		469	(170)		
010	140	1401	0415	OTHER LIABILITY INSURANCE	4,039	14D		2,962	(1,077)		
010	140	1401	9990	SERVICE CREDITS	(39,724)	14F		(10,328)	29,396	(271,316)	
010	140	1405	0110	SALARIES AND WAGES, REGULAR	162,405	14A 25A		177,388	14,983		
010	140	1405	0111	VACATION	12,299	14A 25A		13,352	1,053		
010	140	1405	0112	SICK LEAVE	8,944	14A 25A		9,330	386		
010	140	1405	0113	COMP TIME OFF	522	14A 25A		533	11		
010	140	1405	0114	HOLIDAY, REGULAR	8,387	14A 25A		9,015	628		
010	140	1405	0115	HOLIDAY CTO	704	14A 25A		759	55		
010	140	1405	0116	M & C LEAVE	411	14A 25A		509	98		
010	140	1405	0117	JURY DUTY	150	14A 25A		156	6		
010	140	1405	0119	BEREAVEMENT LEAVE	425	14A 25A		474	49		
010	140	1405	0121	WORK COMP - SICK LEAVE NONTAX	157	14A 25A		0			
010	140	1405	0130	SALARIES AND WAGES, OVERTIME	510	14A 25A		0			
010	140	1405	0150	LIFE INSURANCE	724	14A 25A		781	57		
010	140	1405	0151	HEALTH INSURANCE	15,987	14A 25A		17,060	1,073		
010	140	1405	0152	DENTAL INSURANCE	4,419	14A 25A		4,729	310		
010	140	1405	0153	VISION INSURANCE	872	14A 25A		928	56		
010	140	1405	0154	DISABILITY INSURANCE	1,389	14A 25A		1,508	119		
010	140	1405	0155	MEDICARE	1,693	14A 25A		1,790	97		
010	140	1405	0160	PUBLIC EMPLOYEE RETIREMENT SYS	30,281	14A 25A		32,758	2,477		
010	140	1405	0161	DEFERRED COMPENSATION	7,658	14A 25A		8,013	355		
010	140	1405	0162	WORKERS' COMPENSATION	2,551	14A 25A		2,551	0		
010	140	1405	0163	ANNUAL PHYSICAL EXAMINATION	353	14A 25A		378	25		
010	140	1405	0164	UNEMPLOYMENT INSURANCE	110	14A 25A		119	9		
010	140	1405	0166	EMPLOYEE ASSISTANCE	110	14A 25A		119	9		
010	140	1405	0167	EMPLOYEE BENEFITS ADMIN-REMBSM	924	14A 25A		976	52		

SCHEDULE A

FD	AGY	ORGN	OBJT	LINE-DESCRIPTION	CURRENT BUDGET	NEW		REVISED BUDGET	INCREASE/ (DECREASE)	ORGN TOTAL	FUND TOTAL
						APPR UNIT	APPR UNIT		(Svs Cr Opposite Entry)		
010	140	1405	0168	EMPLOYEE LEAVE REIMBURSEMENT	6,317	14A	25A	6,742	425	22,333	
010	140	1412	0110	SALARIES AND WAGES, REGULAR	0	14A		448,333	448,333		
010	140	1412	0111	VACATION	0	14A		31,963	31,963		
010	140	1412	0112	SICK LEAVE	0	14A		13,801	13,801		
010	140	1412	0113	COMP TIME OFF	0	14A		237	237		
010	140	1412	0114	HOLIDAY, REGULAR	0	14A		25,458	25,458		
010	140	1412	0115	HOLIDAY CTO	0	14A		1,543	1,543		
010	140	1412	0116	M & C LEAVE	0	14A		4,024	4,024		
010	140	1412	0117	JURY DUTY	0	14A		314	314		
010	140	1412	0118	MILITARY LEAVE	0	14A		57	57		
010	140	1412	0119	BEREAVEMENT LEAVE	0	14A		2,016	2,016		
010	140	1412	0121	WORK COMP - SICK LEAVE NONTAX	0	14A		352	352		
010	140	1412	0125	HOLIDAY CASH OUT	0	14A		0	0		
010	140	1412	0130	SALARIES AND WAGES, OVERTIME	0	14A		0	0		
010	140	1412	0140	SAL & WAGES, PART-TIME	0	14A		0	0		
010	140	1412	0150	LIFE INSURANCE	0	14A		1,905	1,905		
010	140	1412	0151	HEALTH INSURANCE	0	14A		36,410	36,410		
010	140	1412	0152	DENTAL INSURANCE	0	14A		10,637	10,637		
010	140	1412	0153	VISION INSURANCE	0	14A		1,992	1,992		
010	140	1412	0154	DISABILITY INSURANCE	0	14A		4,055	4,055		
010	140	1412	0155	MEDICARE	0	14A		3,503	3,503		
010	140	1412	0160	PUBLIC EMPLOYEE RETIREMENT SYS	0	14A		78,501	78,501		
010	140	1412	0161	DEFERRED COMPENSATION	0	14A		12,613	12,613		
010	140	1412	0162	WORKERS' COMPENSATION	0	14A		7,493	7,493		
010	140	1412	0163	ANNUAL PHYSICAL EXAMINATION	0	14A		1,174	1,174		
010	140	1412	0164	UNEMPLOYMENT INSURANCE	0	14A		261	261		
010	140	1412	0166	EMPLOYEE ASSISTANCE	0	14A		315	315		
010	140	1412	0167	EMPLOYEE BENEFITS ADMIN-REMBSM	0	14A		1,673	1,673		
010	140	1412	0168	EMPLOYEE LEAVE REIMBURSEMENT	0	14A		13,726	13,726		
010	140	1412	0202	MAIL SERVICES - INSIDE	0	14B		1,085	1,085		
010	140	1412	0204	PRINTING SERVICES - INSIDE	0	14B		1,040	1,040		
010	140	1412	0207	CONFERENCE EXPENSES	0	14B		924	924		
010	140	1412	0208	BUSINESS EXPENSES	0	14B		558	558		
010	140	1412	0209	TRAINING EXPENSES	0	14B		2,269	2,269		
010	140	1412	0210	UTILITIES	0	14B		149	149		
010	140	1412	0217	PHOTOCOPY-RENT,SERVICE,SUPPLY	0	14B		1,282	1,282		
010	140	1412	0218	EQUIPMENT POOL RENTAL	0	14B		27,198	27,198		
010	140	1412	0223	REPAIR & MAINT-OUTSIDE FORCES	0	14B		1,307	1,307		
010	140	1412	0235	SERVICES, PROFESSIONAL & OTHER	0	14B		0	0		
010	140	1412	0245	DELIVERY SERVICES	0	14B		0	0		
010	140	1412	0250	CUSTODIAL SERVICE-CITY FORCES	0	14B		31,689	31,689		
010	140	1412	0301	OFFICE SUPPLIES	0	14C		10,380	10,380		
010	140	1412	0302	BOOKS AND PERIODICALS	0	14C		1,038	1,038		
010	140	1412	0306	PC SOFTWARE	0	14C		600	600		
010	140	1412	0308	TOOLS,SHOP AND FIELD SUPPLIES	0	14C		1,034	1,034		
010	140	1412	0337	SUPPLIES FOR RESALE	0	14C		4,707	4,707		
010	140	1412	0401	MEMBERSHIPS AND DUES	0	14D		216	216		
010	140	1412	0413	PROPERTY INSURANCE	0	14D		447	447		

SCHEDULE A

FD	AGY	ORGN	OBJT	LINE-DESCRIPTION	CURRENT BUDGET	NEW		REVISED BUDGET	INCREASE/ (DECREASE)		ORGN TOTAL	FUND TOTAL
						APPR UNIT	APPR UNIT		(Svc Cr Opposite Entry)			
010	140	1412	0415	OTHER LIABILITY INSURANCE	0	14D		4,505	4,505			
010	140	1412	5853	COMPUTER EQUIP (4412)	0	14E		0	0			
010	140	1412	5864	COMPUTER EQUIP (4412)	0	14E		0	0			
010	140	1412	5865	COMPUTER EQUIP (4412)	0	14E		0	0			
010	140	1412	9990	SERVICE CREDITS	0	14F		(42,955)	(42,955)	749,829		
010	140	1413	0110	SALARIES AND WAGES, REGULAR	0	14A		46,244	46,244			
010	140	1413	0111	VACATION	0	14A		1,572	1,572			
010	140	1413	0112	SICK LEAVE	0	14A		2,921	2,921			
010	140	1413	0113	COMP TIME OFF	0	14A		146	146			
010	140	1413	0114	HOLIDAY, REGULAR	0	14A		2,723	2,723			
010	140	1413	0115	HOLIDAY CTO	0	14A		17	17			
010	140	1413	0116	M & C LEAVE	0	14A		853	853			
010	140	1413	0117	JURY DUTY	0	14A		109	109			
010	140	1413	0130	SALARIES AND WAGES, OVERTIME	0	14A		0	0			
010	140	1413	0140	SAL & WAGES, PART-TIME	0	14A		0	0			
010	140	1413	0150	LIFE INSURANCE	0	14A		197	197			
010	140	1413	0151	HEALTH INSURANCE	0	14A		3,614	3,614			
010	140	1413	0152	DENTAL INSURANCE	0	14A		1,087	1,087			
010	140	1413	0153	VISION INSURANCE	0	14A		186	186			
010	140	1413	0154	DISABILITY INSURANCE	0	14A		360	360			
010	140	1413	0155	MEDICARE	0	14A		0	0			
010	140	1413	0160	PUBLIC EMPLOYEE RETIREMENT SYS	0	14A		7,397	7,397			
010	140	1413	0161	DEFERRED COMPENSATION	0	14A		1,082	1,082			
010	140	1413	0163	ANNUAL PHYSICAL EXAMINATION	0	14A		218	218			
010	140	1413	0164	UNEMPLOYMENT INSURANCE	0	14A		0	0			
010	140	1413	0166	EMPLOYEE ASSISTANCE	0	14A		32	32			
010	140	1413	0167	EMPLOYEE BENEFITS ADMIN-REMBSM	0	14A		157	157			
010	140	1413	0168	EMPLOYEE LEAVE REIMBURSEMENT	0	14A		326	326			
010	140	1413	0201	POSTAGE	0	14B		32	32			
010	140	1413	0202	MAIL SERVICES - INSIDE	0	14B		0	0			
010	140	1413	0208	BUSINESS EXPENSES	0	14B		50	50			
010	140	1413	0209	TRAINING EXPENSES	0	14B		410	410			
010	140	1413	0217	PHOTOCOPY-RENT,SERVICE,SUPPLY	0	14B		152	152			
010	140	1413	0218	EQUIPMENT POOL RENTAL	0	14B		533	533			
010	140	1413	0223	REPAIR & MAINT-OUTSIDE FORCES	0	14B		471	471			
010	140	1413	0235	SERVICES, PROFESSIONAL & OTHER	0	14B		250	250			
010	140	1413	0250	CUSTODIAL SERVICE-CITY FORCES	0	14B		2,348	2,348			
010	140	1413	0301	OFFICE SUPPLIES	0	14C		395	395			
010	140	1413	0302	BOOKS AND PERIODICALS	0	14C		150	150			
010	140	1413	0306	PC SOFTWARE	0	14C		449	449			
010	140	1413	5851	REPLACEMENT CHAIRS (4213)				53	53			
010	140	1413	9990	SERVICE CREDITS	0	14F		(97,191)	(97,191)	(22,657)		
010	140	1421	0110	SALARIES AND WAGES, REGULAR	0	21A		145,683	145,683			
010	140	1421	0111	VACATION	0	21A		3,513	3,513			
010	140	1421	0112	SICK LEAVE	0	21A		4,358	4,358			
010	140	1421	0113	COMP TIME OFF				32	32			
010	140	1421	0114	HOLIDAY, REGULAR	0	21A		6,324	6,324			
010	140	1421	0115	HOLIDAY CTO	0	21A		978	978			

SCHEDULE A

FD	AGY	ORGN	OBJT	LINE-DESCRIPTION	CURRENT BUDGET	NEW		REVISED BUDGET	INCREASE/ (DECREASE)	ORGN TOTAL	FUND TOTAL
						APPR UNIT	APPR UNIT		(Svc Cr Opposite Entry)		
010	140	1421	0116	M & C LEAVE	0	21A		4,034	4,034		
010	140	1421	0117	JURY DUTY				27	27		
010	140	1421	0119	BEREAVEMENT LEAVE				52	52		
010	140	1421	0121	WORK COMP - SICK LEAVE NONTAX				17	17		
010	140	1421	0150	LIFE INSURANCE	0	21A		1,212	1,212		
010	140	1421	0151	HEALTH INSURANCE	0	21A		7,190	7,190		
010	140	1421	0152	DENTAL INSURANCE	0	21A		2,029	2,029		
010	140	1421	0153	VISION INSURANCE	0	21A		582	582		
010	140	1421	0154	DISABILITY INSURANCE	0	21A		1,000	1,000		
010	140	1421	0155	MEDICARE				330	330		
010	140	1421	0160	PUBLIC EMPLOYEE RETIREMENT SYS	0	21A		21,248	21,248		
010	140	1421	0161	DEFERRED COMPENSATION	0	21A		4,960	4,960		
010	140	1421	0162	WORKERS' COMPENSATION	0	21A		1,437	1,437		
010	140	1421	0163	ANNUAL PHYSICAL EXAMINATION	0	21A		1,021	1,021		
010	140	1421	0164	UNEMPLOYMENT INSURANCE	0	21A		154	154		
010	140	1421	0166	EMPLOYEE ASSISTANCE	0	21A		81	81		
010	140	1421	0167	EMPLOYEE BENEFITS ADMIN-REMBSM	0	21A		407	407		
010	140	1421	0168	EMPLOYEE LEAVE REIMBURSEMENT	0	21A		3,410	3,410		
010	140	1421	0202	MAIL SERVICES - INSIDE	0	21B		1,860	1,860		
010	140	1421	0204	PRINTING SERVICES - INSIDE	0	21B		2,275	2,275		
010	140	1421	0207	CONFERENCE EXPENSES	0	21B		2,040	2,040		
010	140	1421	0208	BUSINESS EXPENSES	0	21B		5,183	5,183		
010	140	1421	0209	TRAINING EXPENSES	0	21B		392	392		
010	140	1421	0217	PHOTOCOPY-RENT,SERVICE,SUPPLY	0	21B		1,426	1,426		
010	140	1421	0218	EQUIPMENT POOL RENTAL	0	21B		3,111	3,111		
010	140	1421	0223	REPAIR & MAINT-OUTSIDE FORCES	0	21B		78	78		
010	140	1421	0235	SERVICES, PROFESSIONAL & OTHER	0	21B		12,150	12,150		
010	140	1421	0250	CUSTODIAL SERVICE-CITY FORCES	0	21B		3,775	3,775		
010	140	1421	0301	OFFICE SUPPLIES	0	21C		1,271	1,271		
010	140	1421	0302	BOOKS AND PERIODICALS	0	21C		819	819		
010	140	1421	0401	MEMBERSHIPS AND DUES	0	21D		53,309	53,309		
010	140	1421	0413	PROPERTY INSURANCE	0	21D		34	34		
010	140	1421	0415	OTHER LIABILITY INSURANCE	0	21D		598	598		
010	140	1421	1006	TOURISM	0	21D		148,522	148,522		
010	140	1421	9990	SERVICE CREDITS	0	21F		(48,612)	(48,612)	398,310	
010	140	1424	0140	SAL & WAGES, PART-TIME	0	21A		12,227	12,227		
010	140	1424	0155	MEDICARE	0	21A		177	177		
010	140	1424	0161	DEFERRED COMPENSATION	0	21A		458	458		
010	140	1424	0164	UNEMPLOYMENT INSURANCE	0	21A		464	464		
010	140	1424	0235	SERVICES, PROFESSIONAL & OTHER	0	21B		0	0		
010	140	1424	0301	OFFICE SUPPLIES	0	21C		1,295	1,295		
010	140	1424	5801	TELECENTER WKSTN EQUIP (0802)	0	21E		119	119	14,740	
010	140	1430	0110	SALARIES AND WAGES, REGULAR	0	23A		175,062	175,062		
010	140	1430	0111	VACATION	0	23A		14,630	14,630		
010	140	1430	0112	SICK LEAVE	0	23A		5,124	5,124		
010	140	1430	0114	HOLIDAY, REGULAR	0	23A		9,210	9,210		
010	140	1430	0115	HOLIDAY CTO	0	23A		336	336		
010	140	1430	0116	M & C LEAVE	0	23A		1,419	1,419		

SCHEDULE A

FD	AGY	ORGN	OBJT	LINE-DESCRIPTION	CURRENT BUDGET	NEW		REVISED BUDGET	INCREASE/ (DECREASE)	ORGN TOTAL	FUND TOTAL
						APPR UNIT	APPR UNIT		(Svs Cr Opposite Entry)		
010	140	1430	0117	JURY DUTY	0	23A		253	253		
010	140	1430	0119	BEREAVEMENT LEAVE	0	23A		402	402		
010	140	1430	0130	SALARIES AND WAGES, OVERTIME	0	23A		0	0		
010	140	1430	0150	LIFE INSURANCE	0	23A		1,297	1,297		
010	140	1430	0151	HEALTH INSURANCE	0	23A		11,684	11,684		
010	140	1430	0152	DENTAL INSURANCE	0	23A		3,309	3,309		
010	140	1430	0153	VISION INSURANCE	0	23A		721	721		
010	140	1430	0154	DISABILITY INSURANCE	0	23A		1,261	1,261		
010	140	1430	0155	MEDICARE	0	23A		944	944		
010	140	1430	0160	PUBLIC EMPLOYEE RETIREMENT SYS	0	23A		26,709	26,709		
010	140	1430	0161	DEFERRED COMPENSATION	0	23A		5,646	5,646		
010	140	1430	0162	WORKERS' COMPENSATION	0	23A		2,414	2,414		
010	140	1430	0163	ANNUAL PHYSICAL EXAMINATION	0	23A		1,074	1,074		
010	140	1430	0164	UNEMPLOYMENT INSURANCE	0	23A		89	89		
010	140	1430	0166	EMPLOYEE ASSISTANCE	0	23A		102	102		
010	140	1430	0167	EMPLOYEE BENEFITS ADMIN-REMBSM	0	23A		595	595		
010	140	1430	0168	EMPLOYEE LEAVE REIMBURSEMENT	0	23A		4,853	4,853		
010	140	1430	0201	POSTAGE	0	23B		12	12		
010	140	1430	0202	MAIL SERVICES - INSIDE	0	23B		2,448	2,448		
010	140	1430	0203	RECORDS SERVICES - INSIDE	0	23B		884	884		
010	140	1430	0204	PRINTING SERVICES - INSIDE	0	23B		2,949	2,949		
010	140	1430	0207	CONFERENCE EXPENSES	0	23B		3,765	3,765		
010	140	1430	0208	BUSINESS EXPENSES	0	23B		241	241		
010	140	1430	0209	TRAINING EXPENSES	0	23B		811	811		
010	140	1430	0217	PHOTOCOPY-RENT,SERVICE,SUPPLY	0	23B		3,077	3,077		
010	140	1430	0218	EQUIPMENT POOL RENTAL	0	23B		1,992	1,992		
010	140	1430	0223	REPAIR & MAINT-OUTSIDE FORCES	0	23B		562	562		
010	140	1430	0235	SERVICES, PROFESSIONAL & OTHER	0	23B		1,962	1,962		
010	140	1430	0245	DELIVERY SERVICES	0	23B		12	12		
010	140	1430	0250	CUSTODIAL SERVICE-CITY FORCES	0	23B		12,777	12,777		
010	140	1430	0255	SERVICES CITY FORCES	0	23B		14,444	14,444		
010	140	1430	0301	OFFICE SUPPLIES	0	23C		3,715	3,715		
010	140	1430	0302	BOOKS AND PERIODICALS	0	23C		598	598		
010	140	1430	0306	PC SOFTWARE	0	23C		500	500		
010	140	1430	0401	MEMBERSHIPS AND DUES	0	23D		217	217		
010	140	1430	0413	PROPERTY INSURANCE	0	23D		170	170		
010	140	1430	0415	OTHER LIABILITY INSURANCE	0	23D		1,077	1,077		
010	140	1430	9990	SERVICE CREDITS	0	23F		(26,867)	(26,867)	292,480	
010	420	4213	0110	SALARIES AND WAGES, REGULAR	122,826	42A		76,582	(46,244)		
010	420	4213	0111	VACATION	9,160	42A		7,588	(1,572)		
010	420	4213	0112	SICK LEAVE	4,630	42A		1,709	(2,921)		
010	420	4213	0113	COMP TIME OFF	386	42A		240	(146)		
010	420	4213	0114	HOLIDAY, REGULAR	5,275	42A		2,552	(2,723)		
010	420	4213	0115	HOLIDAY CTO	326	42A		309	(17)		
010	420	4213	0116	M & C LEAVE	1,353	42A		500	(853)		
010	420	4213	0117	JURY DUTY	151	42A		42	(109)		
010	420	4213	0130	SALARIES AND WAGES, OVERTIME	0	42A		0	0		
010	420	4213	0140	SAL & WAGES, PART-TIME	0	42A		0	0		

SCHEDULE A

FD	AGY	ORGN	OBJT	LINE-DESCRIPTION	CURRENT BUDGET	NEW		REVISED BUDGET	INCREASE/ (DECREASE)	ORGN TOTAL	FUND TOTAL
						APPR UNIT	APPR UNIT		(Svc Cr Opposite Entry)		
010	420	4213	0150	LIFE INSURANCE	504	42A		307	(197)		
010	420	4213	0151	HEALTH INSURANCE	8,824	42A		5,210	(3,614)		
010	420	4213	0152	DENTAL INSURANCE	2,601	42A		1,514	(1,087)		
010	420	4213	0153	VISION INSURANCE	452	42A		266	(186)		
010	420	4213	0154	DISABILITY INSURANCE	908	42A		548	(360)		
010	420	4213	0155	MEDICARE	0	42A		24	24		
010	420	4213	0160	PUBLIC EMPLOYEE RETIREMENT SYS	19,791	42A		12,394	(7,397)		
010	420	4213	0161	DEFERRED COMPENSATION	2,882	42A		1,800	(1,082)		
010	420	4213	0163	ANNUAL PHYSICAL EXAMINATION	345	42A		93	(252)		
010	420	4213	0164	UNEMPLOYMENT INSURANCE	73	42A		107	34		
010	420	4213	0166	EMPLOYEE ASSISTANCE	73	42A		41	(32)		
010	420	4213	0167	EMPLOYEE BENEFITS ADMIN-REMBSM	396	42A		239	(157)		
010	420	4213	0168	EMPLOYEE LEAVE REIMBURSEMENT	824	42A		498	(326)		
010	420	4213	0201	POSTAGE	50	42B		43	(7)		
010	420	4213	0202	MAIL SERVICES - INSIDE	0	42B		0	0		
010	420	4213	0208	BUSINESS EXPENSES	100	42B		50	(50)		
010	420	4213	0209	TRAINING EXPENSES	820	42B		410	(410)		
010	420	4213	0217	PHOTOCOPY-RENT,SERVICE,SUPPLY	303	42B		151	(152)		
010	420	4213	0218	EQUIPMENT POOL RENTAL	1,080	42B		547	(533)		
010	420	4213	0223	REPAIR & MAINT-OUTSIDE FORCES	1,855	42B		1,384	(471)		
010	420	4213	0235	SERVICES, PROFESSIONAL & OTHER	500	42B		250	(250)		
010	420	4213	0250	CUSTODIAL SERVICE-CITY FORCES	7,045	42B		4,697	(2,348)		
010	420	4213	0301	OFFICE SUPPLIES	950	42C		555	(395)		
010	420	4213	0302	BOOKS AND PERIODICALS	300	42C		150	(150)		
010	420	4213	0306	PC SOFTWARE	975	42C		526	(449)		
010	420	4213	5851	REPLACEMENT CHAIRS (4213)	525	42E		472	(53)		
010	420	4213	9990	SERVICE CREDITS	(116,267)	42F		(19,076)	97,191	22,706	
010	440	4412	0110	SALARIES AND WAGES, REGULAR	732,542	44A		230,757	(501,785)		
010	440	4412	0111	VACATION	55,005	44A		19,247	(35,758)		
010	440	4412	0112	SICK LEAVE	20,156	44A		4,868	(15,288)		
010	440	4412	0113	COMP TIME OFF	558	44A		260	(298)		
010	440	4412	0114	HOLIDAY, REGULAR	32,824	44A		5,116	(27,708)		
010	440	4412	0115	HOLIDAY CTO	2,869	44A		1,139	(1,730)		
010	440	4412	0116	M & C LEAVE	5,120	44A		705	(4,415)		
010	440	4412	0117	JURY DUTY	320	44A		0	(320)		
010	440	4412	0118	MILITARY LEAVE	57	44A		0	(57)		
010	440	4412	0119	BEREAVEMENT LEAVE	2,171	44A		0	(2,171)		
010	440	4412	0121	WORK COMP - SICK LEAVE NONTAX	352	44A		0	(352)		
010	440	4412	0125	HOLIDAY CASH OUT	0	44A		0	0		
010	440	4412	0130	SALARIES AND WAGES, OVERTIME	0	44A		0	0		
010	440	4412	0140	SAL & WAGES, PART-TIME	0	44A		0	0		
010	440	4412	0150	LIFE INSURANCE	2,740	44A		653	(2,087)		
010	440	4412	0151	HEALTH INSURANCE	51,283	44A		14,841	(36,442)		
010	440	4412	0152	DENTAL INSURANCE	14,823	44A		4,173	(10,650)		
010	440	4412	0153	VISION INSURANCE	2,680	44A		687	(1,993)		
010	440	4412	0154	DISABILITY INSURANCE	5,684	44A		1,630	(4,054)		
010	440	4412	0155	MEDICARE	4,644	44A		1,195	(3,449)		
010	440	4412	0160	PUBLIC EMPLOYEE RETIREMENT SYS	118,522	44A		37,937	(80,585)		

SCHEDULE A

FD	AGY	ORGN	OBJT	LINE-DESCRIPTION	CURRENT BUDGET	NEW		REVISED BUDGET	INCREASE/ (DECREASE)	ORGN TOTAL	FUND TOTAL
						APPR UNIT	APPR UNIT		(Svc Cr Opposite Entry)		
010	440	4412	0161	DEFERRED COMPENSATION	16,977	44A		4,356	(12,621)		
010	440	4412	0162	WORKERS' COMPENSATION	11,240	44A		3,747	(7,493)		
010	440	4412	0163	ANNUAL PHYSICAL EXAMINATION	1,185	44A		0	(1,185)		
010	440	4412	0164	UNEMPLOYMENT INSURANCE	454	44A		194	(260)		
010	440	4412	0166	EMPLOYEE ASSISTANCE	454	44A		140	(314)		
010	440	4412	0167	EMPLOYEE BENEFITS ADMIN-REMBSM	2,508	44A		836	(1,672)		
010	440	4412	0168	EMPLOYEE LEAVE REIMBURSEMENT	20,325	44A		6,775	(13,550)		
010	440	4412	0202	MAIL SERVICES - INSIDE	1,403	44B		318	(1,085)		
010	440	4412	0204	PRINTING SERVICES - INSIDE	1,040	44B		0	(1,040)		
010	440	4412	0207	CONFERENCE EXPENSES	4,050	44B		3,126	(924)		
010	440	4412	0208	BUSINESS EXPENSES	680	44B		122	(558)		
010	440	4412	0209	TRAINING EXPENSES	4,190	44B		713	(3,477)		
010	440	4412	0210	UTILITIES	252	44B		103	(149)		
010	440	4412	0217	PHOTOCOPY-RENT,SERVICE,SUPPLY	1,305	44B		23	(1,282)		
010	440	4412	0218	EQUIPMENT POOL RENTAL	43,257	44B		13,716	(29,541)		
010	440	4412	0223	REPAIR & MAINT-OUTSIDE FORCES	1,950	44B		643	(1,307)		
010	440	4412	0235	SERVICES, PROFESSIONAL & OTHER	12,314	44B		13,522	1,208		
010	440	4412	0245	DELIVERY SERVICES	0	44B		0	0		
010	440	4412	0250	CUSTODIAL SERVICE-CITY FORCES	47,534	44B		15,845	(31,689)		
010	440	4412	0301	OFFICE SUPPLIES	11,193	44C		813	(10,380)		
010	440	4412	0302	BOOKS AND PERIODICALS	1,225	44C		187	(1,038)		
010	440	4412	0306	PC SOFTWARE	600	44C		0	(600)		
010	440	4412	0308	TOOLS,SHOP AND FIELD SUPPLIES	1,050	44C		16	(1,034)		
010	440	4412	0337	SUPPLIES FOR RESALE	10,421	44C		5,714	(4,707)		
010	440	4412	0401	MEMBERSHIPS AND DUES	588	44D		372	(216)		
010	440	4412	0413	PROPERTY INSURANCE	671	44D		224	(447)		
010	440	4412	0415	OTHER LIABILITY INSURANCE	6,758	44D		2,253	(4,505)		
010	440	4412	5853	COMPUTER EQUIP (4412)	1,500	44E		1,500	0		
010	440	4412	5864	COMPUTER EQUIP (4412)	1,500	44E		1,500	0		
010	440	4412	5865	COMPUTER EQUIP (4412)	1,500	44E		1,500	0		
010	440	4412	9990	SERVICE CREDITS	(116,060)	44F		(27,084)	88,976	(770,032)	0
CDBG FUNDS											
113	140	1452	0110	SALARIES AND WAGES, REGULAR	117,799	22A		121,607	3,808		
113	140	1452	0160	PUBLIC EMPLOYEE RETIREMENT SYS	17,598	22A		18,740	1,142		
113	140	1452	0255	SERVICES CITY FORCES	20,361	22B		31,357	10,996	15,946	
113	140	1456	0110	SALARIES AND WAGES, REGULAR	237,677	22A		266,874	29,197		
113	140	1456	0111	VACATION	14,212	22A		16,263	2,051		
113	140	1456	0112	SICK LEAVE	3,685	22A		4,437	752		
113	140	1456	0113	COMP TIME OFF	86	44A		107	21		
113	140	1456	0114	HOLIDAY, REGULAR	10,344	22A		11,568	1,224		
113	140	1456	0115	HOLIDAY CTO	453	22A		560	107		
113	140	1456	0116	M & C LEAVE	2,414	22A		2,605	191		
113	140	1456	0119	BEREAVEMENT LEAVE	172			267	95		
113	140	1456	0150	LIFE INSURANCE	1,008	22A		1,097	89		
113	140	1456	0151	HEALTH INSURANCE	16,101	22A		17,765	1,664		
113	140	1456	0152	DENTAL INSURANCE	4,652	22A		5,133	481		
113	140	1456	0153	VISION INSURANCE	904	22A		991	87		
113	140	1456	0154	DISABILITY INSURANCE	1,696	22A		1,880	184		

SCHEDULE A

FD	AGY	ORGN	OBJT	LINE-DESCRIPTION	CURRENT BUDGET	NEW		REVISED BUDGET	INCREASE/ (DECREASE)	ORGN TOTAL	FUND TOTAL
						APPR UNIT	APPR UNIT		(Svs Cr Opposite Entry)		
113	140	1456	0155	MEDICARE	2,587	22A		2,738	151		
113	140	1456	0160	PUBLIC EMPLOYEE RETIREMENT SYS	36,948	22A		40,794	3,846		
113	140	1456	0161	DEFERRED COMPENSATION	4,772	22A		5,323	551		
113	140	1456	0163	ANNUAL PHYSICAL EXAMINATION	1,025	22A		1,063	38		
113	140	1456	0164	UNEMPLOYMENT INSURANCE	135	22A		150	15		
113	140	1456	0166	EMPLOYEE ASSISTANCE	135	22A		150	15		
113	140	1456	0167	EMPLOYEE BENEFITS ADMIN-REMBSM	792	22A		873	81		
113	140	1456	0168	EMPLOYEE LEAVE REIMBURSEMENT	5,217	22A		5,876	659		
113	140	1456	0218	EQUIPMENT POOL RENTAL	6,823	22B		9,166	2,343		
113	140	1456	0255	SERVICES CITY FORCES	138,000	22B		91,979	(46,021)		
113	140	1456	0497	LOAN PRINCIPAL PAYOUTS	847,542	22D		833,771	(13,771)	(15,950)	(4)
117	140	1458	0255	SERVICES CITY FORCES	63,239	26B		50,180	(13,059)	(13,059)	(13,059)
PERS ACTUARIAL STUDY:											
NON-INSURANCE BENEFITS											
751	030	6651	0160	PUBLIC EMPLOYEE RETIREMENT	7,163,657			4,463,657	(2,700,000)		
751	800	8000	8003	CONTINGENCY RESERVE	1,074,528			3,774,528	2,700,000		
SELF-INSURANCE FUNDS ACTUARIAL STUDY:											
DENTAL											
735	030	6614	0410	CLAIMS PAYMENTS	614,502			526,197	(88,305)		
735	030	6614	0411	INSURANCE ADMIN-OUTSIDE FORCES	20,500			21,193	693		
	800	8000	8003	CONTINGENCY RESERVE	46,376			133,988	87,612		
HEALTH											
736	030	6613	0405	GROUP HEALTH STOP LOSS INSUR	125,000			101,148	(23,852)		
736	030	6613	0410	CLAIMS PAYMENTS	1,559,146			1,652,158	93,012		
736	030	6613	0411	INSURANCE ADMIN-OUTSIDE FORCES	73,000			76,507	3,507		
736	800	8000	8003	CONTINGENCY RESERVE	(202,669)			(275,336)	(72,667)		
VISION											
739	030	6619	0410	CLAIMS PAYMENTS	126,732			105,764	(20,968)		
739	030	6619	0411	INSURANCE ADMIN-OUTSIDE FORCES	14,000			16,248	2,248		
739	800	8000	8003	CONTINGENCY RESERVE	(8,827)			9,893	18,720		
OTHER REVENUE AND TRANSFERS:											
SERVICE FEES & CHARGES											
010	120	1210	0452	INTEREST EXPENSE	90,000			155,000	65,000		
010	800	8000	8003	CONTINGENCY RESERVE	4,221,904			4,156,904	(65,000)		
PARKING FUND											
600	700	7000	7010	TRANSFER OUT	48,265			54,665	6,400		
600	800	8000	8003	CONTINGENCY RESERVE	396,654			390,254	(6,400)		
GENERAL FUND											
010	700	7000	9600	TRANSFER IN	48,265			54,665	6,400		
010	800	8000	8003	CONTINGENCY RESERVE	4,156,904			4,163,304	6,400		
CENTRE PLAZA:											
GENERAL FUND											
070	700	7000	9670	TRANSFER OUT	452,772			545,933	93,161		
070	800	8000	8003	CONTINGENCY RESERVE	4,163,304			4,070,143	(93,161)		
CENTRE PLAZA											
670	700	7000	9010	TRANSFER IN	452,772			545,933	93,161		
670	800	8000	8003	CONTINGENCY RESERVE	931			94,092	93,161		

SCHEDULE A

FD	AGY	ORGN	OBJT	LINE-DESCRIPTION	CURRENT BUDGET	NEW		REVISED BUDGET	INCREASE/ (DECREASE)	ORGN TOTAL	FUND TOTAL
						APPR UNIT	APPR UNIT		(Sve Cr Opposite Entry)		
CFF FUNDS:											
STORM DRAIN											
628	480	E612	6070	STREET SWEEPER	0			115,000	115,000		
628	800	8000	8003	CONTINGENCY RESERVE	1,151,396	68H		1,036,396	(115,000)		
CITY HALL EXPANSION											
138	480	E587	6070	STREET SWEEPER	115,000			0	(115,000)		
138	800	8000	8003	CONTINGENCY RESERVE	513,114	13P		628,114	115,000		
BUS FUND:											
651	160	E598	6070	BUS SHELTERS	10,000			14,000	4,000		
651	510	9510	3158	LTF REVENUE	2,101,321			2,102,121	800		
651	510	9510	3525	FTA REVENUE	846,166			849,366	3,200		
GAS TAX FUND:											
070	480	E613	6010	EMPIRE SCHOOL DIST RD	0			8,000	8,000		
070	480	E613	6040	EMPIRE SCHOOL DIST RD	0			80,000	80,000		

SCHEDULE A

FD	AGY	ORGN	OBT	LINE-DESCRIPTION	CURRENT BUDGET	NEW		REVISED BUDGET	INCREASE/ (DECREASE)	ORGN TOTAL	FUND TOTAL
						APPR UNIT	APPR UNIT		(Sve Cr Opposite Entry)		
070	480	E613	6050	EMPIRE SCHOOL DIST RD	0			4,000	4,000		
070	480	E613	6060	EMPIRE SCHOOL DIST RD	0			8,000	8,000		
070	800	8000	8003	CONTINGENCY RESERVE	135,112	07H		35,112	(100,000)		

SCHEDULE B

AGY	ORGN	RSRC		ADOPTED	REVISED		
				BUDGET	BUDGET	DJUSTMEN	
010	120	1222	4091	Revenue Bond Admin Fees	0	21,977	21,977
010	140	1401	4008	Zoning Fees	32,102	26,000	(6,102)
010	140	1401	4010	Plot Plan Review Fees	13,860	13,000	(860)
010	140	1412	4002	Building Inspections	259,724	269,724	10,000
010	140	1412	4003	Plumbing Inspections	36,807	40,057	3,250
010	140	1412	4004	Electrical Inspections	38,414	40,314	1,900
010	140	1412	4005	Heating/Cooling Inspections	17,208	19,608	2,400
010	140	1412	4006	Mobile Home Inspections	14,226	11,226	(3,000)
010	140	1412	4007	Plan Checking Fees	188,559	183,059	(5,500)
010	140	1412	8137	Sale of Construction Codes & Specs	8,592	1,092	(7,500)
010	180	1822	4032	Hood & Duct Installation	1,050	1,700	650
010	190	1921	4024	Fingerprint Fees	9,000	9,300	300
010	190	1961	3172	Prop 172 Sales Tax Allocation	375,000	297,665	(77,335)
010	190	1961	4020	Sex/Drug/Arson Registration Fees	0	2,000	2,000
010	190	1961	4029	Police Response Reimbursement	36,000	40,000	4,000
010	190	1964	4022	Animal Shelter Fees	7,000	5,000	(2,000)
010	310	3112	1319	Thurman Field	22,000	30,646	8,646
010	310	3112	5101	Special Assessments	30,270	33,377	3,107
010	410	4112	2207	Removal Permits	1,600	1,800	200
010	410	4112	2210	Encroachment Permits	40,000	41,000	1,000
010	410	4112	8140	Sale of Standard Contract Specs	1,000	2,200	1,200
010	480	4802	3316	Waste to Energy SB939 Alloc	160,000	664,978	504,978
010	480	4802	4096	Recycling Program Fee	55,000	57,500	2,500
010	480	4802	8103	Waste Energy Project Recovery	25,000	55,000	30,000
010	480	4802	8143	Items for Resale	22,000	5,000	(17,000)
010	510	9510	1101	Current Yr Secured Taxes	6,703,583	6,104,010	(599,573)
010	510	9510	1107	Current Yr Unsecured Taxes	348,725	302,379	(46,346)
010	510	9510	1110	Supplemental Roll	278,000	169,774	(108,226)
010	510	9510	1119	Property Transfer Tax	252,350	249,166	(3,184)
010	510	9510	1204	Utility Users Tax	9,686,565	10,000,000	313,435
010	510	9510	1210	Transient Occupancy Tax	1,485,225	1,499,844	14,619
010	510	9510	1307	Garbage Franchise	900,000	852,819	(47,181)
010	510	9510	1310	Water Company Franchise	34,000	33,249	(751)
010	510	9510	1401	Business License Registration	330,343	306,005	(24,338)
010	510	9510	1404	Business License Mill Tax	4,620,300	4,545,299	(75,001)
010	510	9510	6101	Interest on Bank Accounts	474,500	539,500	65,000
010	510	9510	7101	General City Fines	50,000	46,011	(3,989)
010	510	9510	7113	Parking Fines	287,500	354,123	66,623
010	510	9510	8155	Miscellaneous Revenue	43,290	35,750	(7,540)

MODESTO CITY COUNCIL
RESOLUTION NO. 94-625

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TONY AND DELFINA R. MORRIS FOR PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Tony and Delfina R. Morris for property rights needed for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-626

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GRACE A. SOUZA FOR PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Grace A. Souza for property rights needed for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-627

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ALFRED S. PELUCCA FOR THE LEASE OF PARKING LOT AT THE NORTHWEST CORNER OF TENTH AND F STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Alfred S. Pelucca for the lease of parking lot at the northwest corner of Tenth and F Streets be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-628

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95
ANNUAL BUDGET TO TRANSFER \$18,746 FROM THE
GENERAL FUND TO THE WASTEWATER FUND.

WHEREAS, on January 9, 1990, the City and Stanislaus County entered into an agreement, a portion of which addressed the amount of sewer connection fees the County would pay to the City for sewer service to their Public Safety Center on Crows Landing Road. The agreement states: "With regard to sewer connection fees, County agrees to pay eighty percent of the sewer connection fees and charges that would otherwise be due as a result of the connection to the City sewer system.", and

WHEREAS, because the City's sewer revenue program must conform to Clean Water Grant Guidelines, and in order to honor the 1990 agreement with the County, the shortfall in sewer connection charges that would have otherwise normally been received in the Sewer Fund must be made up from other sources. In this case they will be provided by the General Fund, and

WHEREAS, the sewer connection charges total \$94,087 for what's been developed at the Public Safety Center to date. The County's 80% share amounts to \$75,342. The remaining 20% is \$18,746 and a transfer is needed in this amount from the General Fund Reserve to the Sewer Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments are hereby approved:

GENERAL FUND

<u>Fund/Agy/Org</u> <u>Expenditures</u>	<u>Increase</u> <u>(Decrease)</u>
010-700-7000-7621 Transfer from General Fund	\$18,746
010-800-8000-8003 General Fund Contingency Reserve	(\$18,746)
<u>Revenues</u>	
621-700-7000-9621 Transfer in from General Fund	\$18,746
<u>Expenditures</u>	
621-800-8000-8003 Wastewater Fund Contingency Reserve	\$18,746

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-629

A RESOLUTION SUMMARILY VACATING AND
ABANDONING A PORTION OF EXCESS STREET RIGHT-
OF-WAY LOCATED ON AKEBY DRIVE WEST OF
ASHFIELD WAY.

WHEREAS, the City of Modesto has received a request
from Richard L. Fultz, a consulting civil engineer, requesting an
abandonment of excess right-of-way for street purposes on Akeby
Drive west of Ashfield Way, and

WHEREAS, the California Streets and Highways Code
authorizes a City Council, by resolution, to summarily vacate
excess street right-of-way not required for street purposes, and

WHEREAS, said portion of excess street right-of-way is
located on Akeby Drive west of Ashfield Way, and is more
particularly described in Exhibit "A" attached hereto, and

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

1. The vacation is made pursuant to Chapter 4,
Section 8334, of Part 3 of Division 9 of the Streets and Highways
Code.

2. The portion of excess street right-of-way located
on Akeby Drive west of Ashfield Way in the City of Modesto, as
more particularly described in Exhibit "A" attached hereto, is
not required for street or highway purposes.

3. That from and after the date this resolution is
recorded, the portion of excess street right-of-way vacated will

no longer constitute a right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of excess street right-of-way located on Akeby Drive west of Ashfield Way in the City of Modesto, which is more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

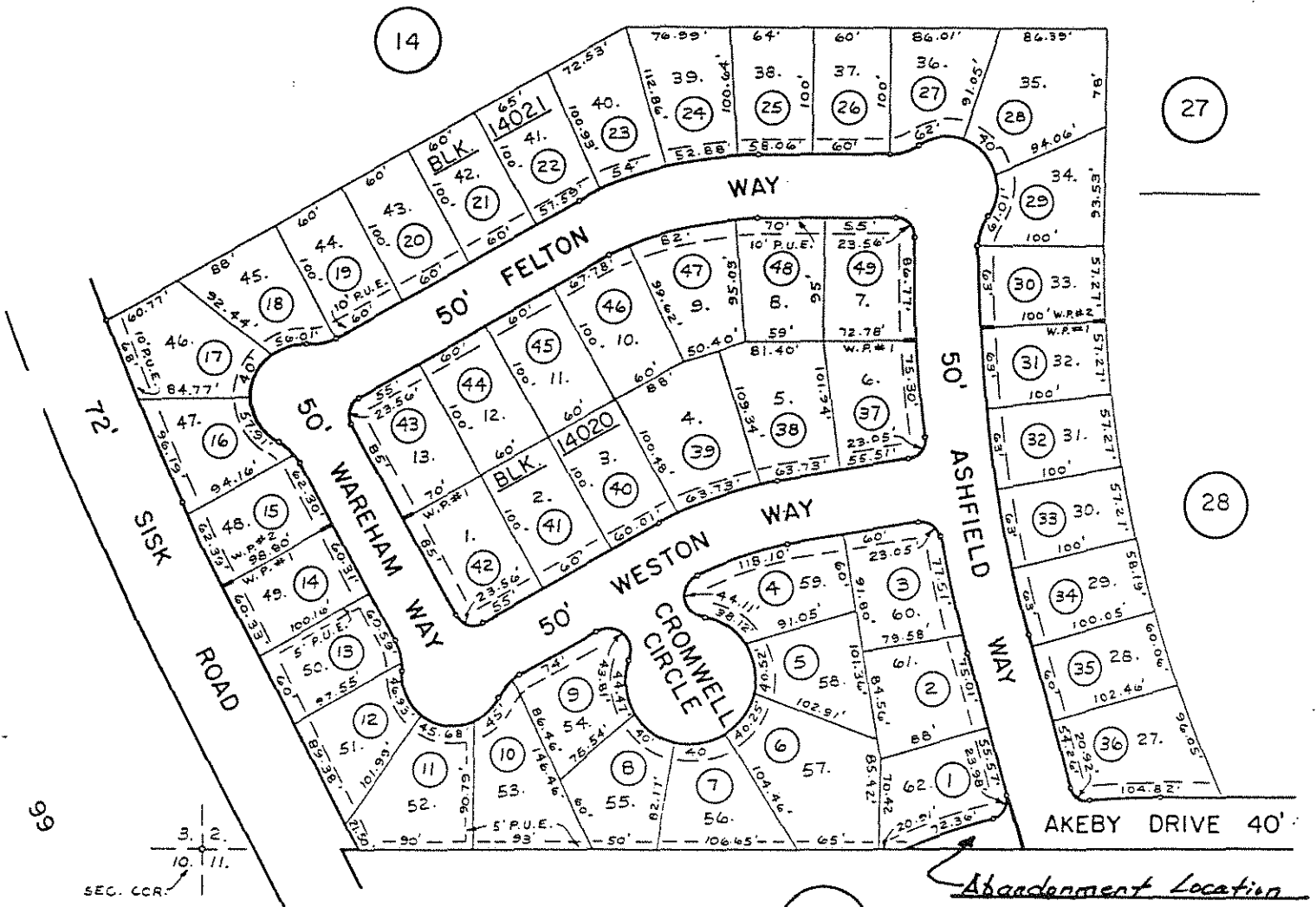
ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

THIS MAP FOR
ASSESSMENT PURPOSES ONLY



"EXHIBIT A"

July 29, 1994

AKEBY DRIVE ABANDONMENT

DESCRIPTION

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

BEGINNING at the intersection of the south line of said Section 2 with the northerly line of Akeby Drive, as shown on map of Wickford Place, Unit No. 1, filed for record in Volume 32 of Maps at page 53, Stanislaus County Records, said intersection being also an angle point in the southerly line of Lot 62, Block 14021, of said Wickford Place, Unit No. 1; thence North $89^{\circ}24'45''$ East, along said south line of Section 2, a distance of 98.88 feet to a point on a non-tangent curve from which a radial line bears North $46^{\circ}39'35''$ East to the center; thence Northwesterly 32.44 feet, along said non-tangent curve, concave to the northeast, having a radius of 70.00 feet and a central angle of $26^{\circ}32'57''$; thence North $16^{\circ}47'28''$ West 14.19 feet to the point of cusp with a tangent curve from which a radial line bears South $73^{\circ}12'32''$ West to the center; thence Southwesterly 23.98 feet, along said tangent curve, concave to the northwest, having a radius of 15.00 feet and a central angle of $91^{\circ}36'46''$, to a point of reverse curve; thence Southwesterly 72.26 feet, along said reverse curve, also being said northerly line of Akeby Drive, concave to the southeast, having a radius of 530.00 feet and a central angle of $7^{\circ}48'43''$ to the point of beginning.

Reserving an easement for Public Utilities purposes over the herein described property.

Containing: 1438 Square Feet



Richard L. Fultz

MODESTO CITY COUNCIL
RESOLUTION NO. 94-630

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHECK EXPRESS, INC. dba CHECK-X-CHANGE TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 2508 OAKDALE ROAD #C3

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Check Express, Inc., dba Check-X-Change to receive utility bill payments from customers at 2508 Oakdale Road #C3 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, city Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-631

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHECK EXPRESS, INC. dba CHECK-X-CHANGE TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 1320 STANDIFORD AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Check Express, Inc., dba Check-X-Change to receive utility bill payments from customers at 1320 Standiford Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Line

MODESTO CITY COUNCIL
RESOLUTION NO. 94-632

A RESOLUTION TERMINATING A CONTRACT WITH
RECON ENVIRONMENTAL CORPORATION (KNOWN
PREVIOUSLY AS EARTH METRICS) AND
ACKNOWLEDGING MONIES REMAINING TO PAY FOR
PRODUCTS NOT DELIVERED IN THAT CONTRACT.

WHEREAS, on September 22, 1992, the City Council
approved a contract with Recon Environmental Corporation (known
previously as Earth Metrics) for the preparation of a Draft
Environmental Impact Report (EIR) for the General Plan Rewrite,
and

WHEREAS, of the original contract amount of \$227,212,
Recon performed and delivered work in an amount to \$136,101,
leaving \$91,111 of the original contract left to complete the
Draft EIR, and

WHEREAS, City staff has recommended terminating the
September 24, 1992, contract with Recon Environmental for reasons
set forth in a memorandum to the Council from the Community
Development Department dated October 24, 1994, a copy of which
memorandum is attached hereto as Exhibit "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the contract entered into on September 24,
1994, with Recon Environmental Corporation (known previously as
Earth Metrics) is hereby terminated, and the Council acknowledges
that \$91,111 remains from the project account to be applied to a
new contract with Recon Environmental Corporation to complete a
General Plan Draft EIR.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney



**CITY OF MODESTO
AGENDA REPORT**

**AGENDA ITEM NO.
COUNCIL MEETING: 11/1/94**

October 24, 1994

TO: Mayor and City Council
FROM: Community Development Department
SUBJECT: Approval of Agreement to Complete General Plan Draft EIR

RECOMMENDED COUNCIL ACTION:

1. Resolution terminating the September 24, 1992, contract with Recon Environmental Corp. (known previously as Earth Metrics) and acknowledging \$91,111 remaining to pay for products not delivered in that contract, and;
2. Resolution approving new agreement with Recon Environmental Corp. in the amount of \$169,660 to complete the Draft EIR for the General Plan as a Master EIR reflecting the work of the General Plan Steering Committee and the simultaneous study of additional Land Use Alternatives.
3. Resolution amending the Budget.

BACKGROUND:

On September 22, 1992, the City Council approved a contract with Recon Environmental Corporation (known previously as Earth Metrics) for the preparation of a Draft EIR for the General Plan Rewrite. Of the original contract amount of \$227,212, Recon performed and delivered work amounting to \$136,101, leaving \$91,111 of the original contract left to complete the Draft EIR.

During this period, Recon also performed several other tasks related to the General Plan update under separate contracts. The largest of these separate contracts was for the preparation of a preliminary "Constraints Analysis", based on the Steering Committee's preliminary plan.

A critical step to allow Recon to produce the Draft EIR is the development of project alternatives. Once the City Council accepted the Steering Committee's recommendations on March 22, 1994 and April 26, 1994, Community Development Department staff, working with the staff Technical Advisory Committee, developed two Land Use Alternatives. These were presented to the Council on September 27, 1994.

With the development of a Preferred Land Use Alternative and two other Land Use Alternatives, Recon now has the necessary products on which to base their analysis for the Draft EIR.

REASONS FOR RECOMMENDATIONS:

Of the original contract with Recon Environmental, \$91,111 remains. In order to complete the Draft EIR, an additional \$78,549 will be needed, for a total of \$169,660. There are several reasons for the additional amount:

- a. Expanded Study Area: The original contract was approved prior to the General Plan Steering Committee's work. At the time, staff made an estimate of the area that needed to be studied in the EIR. This area will need to be expanded to accommodate the Steering Committee's Primary Land Use Alternative and the two other Land Use Alternatives generated by staff. (Approximate additional cost: \$11,500)
- b. Including Redevelopment Plan in EIR: An EIR for the Redevelopment Plan was completed in 1991. However, information in this EIR needs to be updated to reflect new information and the 1993 Redevelopment Master Plan. In addition, two recent court cases will be addressed in the EIR: Long Beach Savings and Loan Assn. v. Long Beach Redevelopment Agency and Mann v. Community Redevelopment Agency of City of Hawthorne. (Approximate additional cost: \$5,000)
- c. The Need to Study Two Base Years (2015 and 2025): The Steering Committee recommended that the General Plan include time horizons beyond 2015, specifically to the year 2025. Staff agrees with this recommendation. However, most State and Federal agencies are using a time frame of 2015 for their plans. In order for the General Plan to be found consistent with those agencies' plans (specifically the Air Pollution Control District, the California Air Resources Board, and Caltrans), it will be necessary to work with those agencies to coordinate on the longer time frame.

In addition, projections for the year 2015 will have to be developed for each alternative. All three alternatives are currently focused on their end state (i.e., 2025). Projected land uses, employment and population will have to be developed for the year 2015. Staff anticipates that the EIR consultant will work closely with staff on both of these tasks. (Approximate additional cost: \$5,000)

- d. Full Study of Three Alternatives: The Council, at its September 27 meeting, approved the concept of three alternatives to be studied equally in the EIR. This approach has the advantage of allowing the Council to have a comprehensive environmental analysis of each alternative, as well as public input on the three alternatives, prior to making its decision on a Land Use Plan for the General Plan. Another advantage of this approach is that it should forestall the need to recirculate the EIR at the Final EIR stage, saving time and money at that stage. (Approximate additional cost: \$12,000)
- e. Preparation of a Master EIR: At the time of the original contract, it was anticipated that the EIR for the General Plan would be a Program EIR, similar to the EIR prepared for Village One. However, this year the California Environmental Quality Act (CEQA) was amended to allow for a new type of EIR: the Master EIR.

The Master EIR is a new type of EIR that allows for significant streamlining of subsequent projects that are consistent with the Master EIR. Using the Master EIR would allow the City to exempt many future development projects consistent with the General Plan from the requirements of CEQA.

Staff recommends that a Master EIR be prepared for the General Plan. However, doing this will entail some additional work for the consultant. One of the requirements in using a Master EIR is that it must list all subsequent actions that will be exempted by the Master EIR, and must apportion mitigation measures to those subsequent actions. (Approximate additional cost: \$20,000)

- f. Additional Project Management: With the added complexities related to the additional tasks, there will be a need for ongoing project management. More specifically, Recon will have to closely coordinate their efforts with the General Plan text being generated by Community Development Department staff, the efforts of other City Departments, and various regional and State agencies. (Approximate additional cost: \$25,000)

FISCAL IMPLICATIONS:

The new contract with Recon is for \$169,660. Of this amount, \$91,111 remaining from the project account will be applied to the new contract, leaving the need for an additional \$78,549. At the time of the FY93-94 Budget, staff anticipated the need for additional funds to complete the EIR, and budgeted \$148,556 for completion of this effort. On September 20, 1994, the Council authorized \$10,000 from this account for General Plan mapping services with Lew-Garcia-Davis. This leaves a Project Account Balance of \$138,556.

From the Project Account Balance, staff originally anticipated that approximately \$90,000 would be needed to complete the Draft EIR, leaving approximately \$48,000 for the Final EIR. This represented staff's "best guess" of the amount needed for the Final EIR. The actual amount needed for the Final EIR may be more or less, depending on the comments received on the Draft EIR.

Since the additional \$78,549 needed for this contract is less than the anticipated amount of \$90,000, no appropriation transfers are needed. However, the Finance Department will need to encumber a total of \$169,660 for the new contract. The Resolution amending the Budget is necessary to transfer funds from the "old" contract, which would be terminated by this Council action, into the Community Development Department's Strategic Planning Fund, to pay for the "new" contract.

STEPS FOLLOWING APPROVAL:

The following schedule was approved by the Community Development and Housing Committee on October 4:

Individual Departments refine General Plan working document to reflect the official positions of their departments. They also provide maximum input to the Master EIR consultant during this time (including Traffic Model Runs, and development of Mitigation Measures and corresponding General Plan Policies).	December, 1994
Draft General Plan and Draft Master EIR released for public review.	January 27, 1995
General Plan Steering Committee meets to consider Draft General Plan and Draft MEIR.	February 16, 1995
Planning Commission Workshop on the Draft General Plan and Draft MEIR.	February 20, 1995
End of Public Review Period.	March 15, 1995
Consultant/TAC prepare Response to Comments/Final Master EIR. TAC refines the Draft General Plan.	April 7, 1995
Planning Commission Hearing.	April 24, 1995
City Council Hearing.	May 23, 1995

Prepared By: Brian R. Smith
Brian R. Smith, Principal Planner

Reviewed By: Brian R. Smith, for
Philip A. Testa, Community Development Director

Submitted By: Paul Baxter
for J. Edward Tewes, City Manager

Attachment: Agreement for Consultant Services, General Plan Rewrite Draft EIR - Agreement #2

BN/BS/sm

cc: City Clerk (16)
City Attorney
Deputy City Manager

MODESTO CITY COUNCIL
RESOLUTION NO. 94-633

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RECON ENVIRONMENTAL CORP. IN THE AMOUNT OF \$169,660 TO COMPLETE THE DRAFT EIR FOR THE GENERAL PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Recon Environmental Corp. in the amount of \$169,660 to complete the Draft EIR for the General Plan as a Master EIR reflecting the work of the General Plan Steering Committee and the simultaneous study of additional Land Use Alternatives be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994 , by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-634

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1994-95 TO TERMINATE THE AGREEMENT BETWEEN THE CITY OF MODESTO AND EARTH METRICS AND ESTABLISH A NEW CONTRACT WITH RECON ENVIRONMENTAL CORP.

WHEREAS, funds were available for the original agreement with Vail Engineering and funds were appropriated, and

WHEREAS, this agreement was terminated and cancellation of the remainder of the purchase order has been requested, and

WHEREAS, a new agreement with Recon Environmental Corp has been established and additional work has been performed which has incurred additional costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the 1994-95 Annual Budget be amended as follows:

STRATEGIC FUND
APPROPRIATION REVENUE ADJUSTMENTS

<u>Fund Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Adjustment</u>	<u>Revised Budget</u>
General Plan				
<u>Appropriations:</u>				
080-140-1432-0235	Professional Services, Other	\$148,556	\$91,111	\$239,667
080-800-8000-8003	Contingency Reserve	\$364,410	(\$ 3,566)	\$360,844
<u>Revenue:</u>				
080-700-7000-9010	Transfer In	\$300,000	\$87,545	\$387,545
General Fund				
<u>Appropriations:</u>				
010-700-7000-7080	Transfer Out	\$300,000	\$87,545	\$387,545

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

File

MODESTO CITY COUNCIL
RESOLUTION NO. 94-635

A RESOLUTION OPPOSING THE "CALIFORNIA UNIFORM
TOBACCO CONTROL ACT" INITIATIVE, #188.

WHEREAS, tobacco use is responsible for the death of over 400,000 people every year and is the number one cause of death in the United States, and

WHEREAS, Environmental Tobacco Smoke (ETS) has been categorized as a cancer causing substance by the Environmental Protection Agency; and exposure to sidestream or second hand smoke kills an estimated 40,000 persons every year, and

WHEREAS, the State of California as well as many counties and municipalities conduct aggressive public education campaigns to discourage tobacco use, particularly among children, and

WHEREAS, in March of 1987, the City of Modesto added Sections 5-8.101 et seq. to the Modesto Municipal Code to regulate smoking in restaurants in order to protect people against exposure to ETS, and

WHEREAS, an initiative is being circulated which is mistitled the "California Uniform Tobacco Control Act", which Act would repeal the local smoking control ordinance passed in Modesto and would replace it with a state-wide law which could permit smoking in every restaurant and workplace in the State, and

WHEREAS, said initiative is being sponsored by Philip Morris, the largest cigarette manufacturing company in the world, and that company does not deny it, and

WHEREAS, said initiative prohibits local government from ever passing any tobacco control legislation in the future, and penalizes any organization, except local law enforcement which attempts to monitor retailers' sale of cigarettes to minors by conducting "sting" operations using underage children, and

WHEREAS, the ventilation standards adopted in the initiative for application to indoor smoking will remove the odor of smoke from the air, but said ventilation standards will not eliminate the cancer causing substance which pose the threat to public health,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby oppose the California Uniform Tobacco Control Act initiative and urges residents not to support Initiative #188.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-636

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM ON BEHALF OF CLAIMANT DALE H. THAYER ON BEHALF OF CASSANDRA PITTS, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO, ON OCTOBER 18, 1994

WHEREAS, an application for leave to present late claim on behalf of the claimant, Dale H. Thayer, on behalf of Cassandra Pitts, against the City of Modesto, was received on October 18, 1994, in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim on behalf of claimant, Dale H. Thayer, on behalf of Cassandra Pitts, against the City of Modesto, received on October 18, 1994, in the office of the City Clerk, City of Modesto, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-637

A RESOLUTION APPOINTING DWIGHT BATEMAN TO THE AFFIRMATIVE ACTION
COMMISSION

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

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

SECTION 1. Appointing Dwight Bateman to the Affirmative Action
Commission, term to expire 1/1/96.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the members and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 1st day of November,
1994, by Councilmember Friedman, who moved its adoption, which
motion being duly seconded by Councilmember Dobbs, was upon roll
call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 94-638

A RESOLUTION ESTABLISHING A NON-REFUNDABLE
APPLICATION FILING FEE RELATING TO THE
ISSUANCE OF NON-EMERGENCY TRANSPORT PERMITS.

WHEREAS, Sections 3-9.01 through 3-9.20 of the Modesto
Municipal Code relate to the licensing and regulation of Non-
Emergency Transport vehicles in the City of Modesto, and

WHEREAS, Section 3-9.03 provides that an applicant for
a non-emergency transport permit shall file his or her
application with the Finance Director and the application shall
be accompanied by the non-refundable fee required for
investigative and administrative costs associated with the
processing of the application, and

WHEREAS, Section 3-9.04 of the Modesto Municipal Code
sets forth that the amount of the filing fee shall be set by
resolution adopted by the City Council from time to time, and

WHEREAS, Section 3-9.09 of the Modesto Municipal Code
provides that the Council, by resolution, may authorize non-
emergency transport permits to persons entitled thereto, and

WHEREAS, the Fees Committee has approved a new filing
fee for applications to operate non-emergency transport vehicles
pursuant to Title III, Chapter 9 of the Modesto Municipal Code,
and

WHEREAS, pursuant to Government Code Sections 66018 and
6062(a), notice of the proposed fee increase must be published
ten (10) days prior to the hearing, with two (2) publications at
least five (5) days apart, and said notice has been duly given by

the Office of the City Clerk,

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

SECTION 1. FEES. A non-refundable application filing fee relating to the issuance of permits to operate non-emergency transport vehicles in the City of Modesto is hereby established in the amount of \$1,000.00, for investigative and administrative costs associated with the processing of the application. Said permit shall include the number of non-emergency transport vehicles which may be operated under said permit as authorized by the City Council.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after November 10, 1994, the effective date of Ordinance No. 2928-C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-639

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE REPLACEMENT OF WHEELCHAIR LIFTS ON ELEVEN MODESTO AREA EXPRESS BUSES

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

SECTION 1. The specifications for the replacement of wheelchair lifts on eleven Modesto Area Express buses, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 5, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-640

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY, INC. FOR ELECTRICAL IMPROVEMENTS AT GRACEADA PARK

WHEREAS, Resolution No. 94-578, adopted by the Council of the City of Modesto on October 4, 1994, approved the plans and specifications for the electrical improvements at Graceada Park; and

WHEREAS, the bids received for the electrical improvements at Graceada Park were opened at 11:00 a.m. on October 27, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Collins Electrical Company, in the amount of \$172,235, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical Company be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Coggs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-641

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JERRY L. WEDEL AND THE PRESCOTT ESTATES HOMEOWNER'S ASSOCIATION FOR A POLICE SUBSTATION LOCATED AT 2309 PRESCOTT ROAD, APARTMENT #1

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jerry l. Wedel and the Prescott Estates Homeowner's Association for a Police substation located at 2309 Prescott Road, Apartment #1 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-642

A RESOLUTION APPROVING A LOAN AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD H. REDNER, dba R.B. & F., INC. (TOGO'S EATERY) UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT SMALL BUSINESS LOAN PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the loan agreement between the City of Modesto and Richard H. Redner, dba R.B. & F., Inc. (Togo's Eatery) for \$50,000 under the Community Development Block Grant Small Business Loan Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-643

A RESOLUTION AMENDING THE POLICY ENTITLED "HONORING OF YOUTH FOR OUTSTANDING ACCOMPLISHMENTS"

WHEREAS, City Council Policy No. 1.002 established the annual program for honoring outstanding accomplishments by deserving youth of this community in order that more appropriate community emphasis may be placed on the many constructive and beneficial activities in which our young people are engaged; and

WHEREAS, criteria has been established for honoring outstanding youth, and the current Youth Commission has reviewed the criteria and recommend the amended policy be adopted, a copy of which is attached hereto.

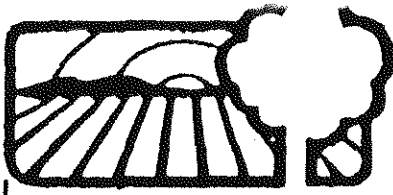
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk



**City Council
Policy**

EFFECTIVE DATE
12/23/59

POLICY No.
1.002

CITY DEPARTMENT

CITY of MODESTO

Subject Honoring of Youth for Outstanding Accomplishments

Purpose:

To establish the policy of the City Council relating to honoring of youth for outstanding accomplishments.

Background:

It is believed desirable and fitting that such public recognition be given to the outstanding accomplishments by deserving youth of this community in order that more appropriate community emphasis may be placed on the many constructive and beneficial activities in which our young people are engaged.

Policy:

It shall be the policy of Council to publicly recognize the particularly meritorious and worthwhile achievements of young men and women of this community that are brought to its attention by adopting an appropriate resolution of commendation. The City Manager is authorized and directed to implement the provisions by developing and implementing procedures which will accomplish its objectives.

Recommended criteria are:

- a. Community Service - An individual who contributed financially or personally to perform a special task, program or activity that benefitted the community.
- b. Heroism - An individual who has conducted him- or herself in a courageous or noble manner as pertains to another individual or cause.
- c. Team or Group Service - Two or more individuals assembled together to perform a particularly meritorious and worthwhile achievement that benefitted the community.

All nominees must be enrolled in a public or private high school within the City of Modesto.

LEGISLATIVE HISTORY

Res. 59-545, amended 11/8/94 by Res. 94-643

MODESTO CITY COUNCIL
RESOLUTION NO. 94-644

A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY OF MODESTO AND THE STATE DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR A TREE PLANTING GRANT FUNDED THROUGH THE FEDERAL SMALL BUSINESS ADMINISTRATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the contract between the City of Modesto and the State Department of Forestry and Fire Protection for a tree planting grant funded through the Federal Small Business Administration be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, city Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-645

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE GRANT REVENUE AND TO APPROPRIATE \$10,000 FROM THE GENERAL FUND CONTINGENCY RESERVE FOR THE REQUIRED MATCH.

WHEREAS, the City has been notified that a grant application approved by the Council on March 8, 1994, for tree planting activities has been approved by the State, and

WHEREAS, the grant award is for \$50,000, which cannot exceed 63% of total project costs. The City's matching funds must consist of a cash match of 20% of the grant award (\$10,000) and an in-kind contribution of the balance of the required match (\$19,365). The in-kind services consist of routine tree care and maintenance and replacement of tree failures; these activities are budgeted as a routine part of the ongoing urban forestry program. Total project costs are \$79,365, and

WHEREAS, tree purchase and planting will be contracted out, so \$50,000 will be budgeted in 010-320-3212-0235, and the \$10,000 cash match will be paid directly to the State and should be appropriated to 010-320-3212-0240, intergovernmental service object,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments are hereby approved:

GENERAL FUND

<u>Fund/Agy/Org</u> <u>Expenditures</u>	<u>Increase</u> <u>(Decrease)</u>
010-320-3212-0235 Professional and Contractual Services	\$50,000
010-320-3212-0240 Intergovernmental Services	\$10,000
010-800-8000-8003 General Fund Contingency Reserve	(\$10,000)
<u>Revenues</u>	
010-320-3212-3134 State Grant	\$50,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 940646

A RESOLUTION AUTHORIZING THE CITY OF MODESTO TO CO-SPONSOR "EARTH DAY IN THE PARK 1995" TO BE HELD ON SATURDAY, APRIL 22ND, IN GRACEADA PARK; ALLOWING THE SALE OF MERCHANDISE IN THE PARK; AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH A PRIVATE SPECIAL EVENTS COORDINATOR FOR SAID EVENT.

WHEREAS, in 1970, "Earth Day" was established to encourage public awareness of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, public concern about protecting the Earth is rapidly rising as new scientific information about environmental threats such as global warming, ozone depletion, acid rain, air pollution, and water pollution becomes available, and

WHEREAS, citizens and their governments are being encouraged to renew their commitment to meet the global environmental challenge, and

WHEREAS, by Council Resolution No. 92-129 adopted on March 24, 1992, the City Council acknowledged "Earth Day in the Park" as an annual event and encouraged individual citizens, community organizations, other local bodies, and the private sector to support and become actively involved in "Earth Day in the Park", and

WHEREAS, "Earth Day in the Park" allows for a long-term commitment of building a safe, just, and sustainable planet, and

WHEREAS, "Earth Day in the Park" is co-sponsored by the Citizens' Advisory Committee on Recycling (CACOR), and

WHEREAS, the City of Modesto has been requested to also co-sponsor the event to allow the event to be covered under the umbrella of the City's existing insurance policy; to authorize the sale of merchandise (with emphasis on merchandise which is environmentally sensitive) in Graceada Park during the event which would contribute to the festival atmosphere; and to authorize the Purchasing Officer to assist the Earth Day Committee with the selection process and contracting of a Special Events Coordinator to coordinate all activities for "Earth Day in the Park 1995" as recommended by CACOR,

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

1. That the City of Modesto is hereby authorized to co-sponsor "Earth Day in the Park 1995" to be held on Saturday, April 22, 1995, at Graceada Park.

2. That to provide a forum for merchants to display as well as sell their merchandise (with emphasis on merchandise which is "environmentally sensitive"), the sale of merchandise in Graceada Park at said event is hereby authorized.

3. That the Purchasing Officer of the City of Modesto is hereby authorized to assist the Earth Day Committee with the selection and contracting of a Special Events Coordinator to coordinate all activities for "Earth Day in the Park 1995".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-647

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A BID PROPOSAL TO THE CITY OF CERES FOR THE CITY OF MODESTO TREE CREWS TO PERFORM TREE PLANTING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the bid proposal of the City of Modesto to the City of Ceres for the City of Modesto tree crews to perform tree planting be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-648

A RESOLUTION APPROVING THE FINAL MAP OF THE
REVISED ORANGEBURG TERRACE SUBDIVISION OF THE
CITY OF MODESTO.

WHEREAS, David B. Konecny and Sherrie E. Konecny,
husband and wife, are possessed of a tract of land situate in the
City of Modesto, County of Stanislaus, consisting of 3.10 acres,
known as the Revised Orangeburg Terrace Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission on the 11th day of July, 1994, and

WHEREAS, the Secretary of the Planning Commission of
the City of Modesto has certified that the final map of said
tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has
certified that the final map of said Revised Orangeburg Terrace
Subdivision meets all of the provisions of the California
Subdivision Map Act and the provisions of the Modesto Municipal
Code relating to subdivisions, and that the map is technically
correct, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that said final map be approved; that the
improvements completed in said tract be accepted; that the
streets, alleys and easements as shown thereon within the
boundaries of said tract be accepted on behalf of the public for

public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-649

A RESOLUTION AMENDING THE CITIZEN PARTICIPATION PLAN TO MEET NEW APPLICATION REQUIREMENTS AND ADOPTING THE CONSOLIDATED PLAN APPLICATION PROCESS AND CALENDAR.

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has issued new regulations which will enable recipients of Community Development Block Grant and HOME funds to combine the application and reporting process for these two programs, and

WHEREAS, the Consolidated Plan calls for increased community outreach and involvement in identifying community development needs in order to effectively develop a comprehensive Consolidated Plan, and

WHEREAS, the Citizen Participation Plan needs to be amended to incorporate the changes in the application process to comply with the new regulations, and

WHEREAS, the Citizen Participation Plan calendar outlines specific actions to be taken during the application process, such as application deadlines for requests for funding and the dates of upcoming meetings of the Citizens Housing and Community Development Committee, and

WHEREAS, the Citizens Housing and Community Development Committee met on October 21, 1994, and recommended amending the Citizen Participation Plan and adopting the Citizen Participation Calendar,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the Citizen Participation Plan to meet new HUD application requirements and hereby adopts the Consolidated Plan application process as set forth on the attachment marked Exhibit "A" and entitled, "Citizen Participation Plan" which includes the Calendar of Events.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

**CITY OF MODESTO
COMMUNITY DEVELOPMENT DEPARTMENT**

CITIZEN PARTICIPATION PLAN

As part of its effort to comply with the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, the City of Modesto has prepared this Citizen Participation Plan. The Plan will enable the community to discuss community development needs and proposed allocation of funds available to address those needs.

Through the Citizen Participation Plan, the City of Modesto hopes to obtain a broad perspective of community development needs from citizens and organizations involved in community development activities. The City will consult with other public and private agencies that provide assisted housing, health services, and social services, (including those focusing on services to children, elderly persons, person with disabilities - including HIV/AIDS, and homeless persons). The City of Modesto shall also consult with adjacent units of government, particularly concerning problems and solutions that go beyond a single jurisdiction.

Through its Citizen Participation Plan, the City of Modesto shall:

1. Encourage citizen participation in the development of the Consolidated Plan, any amendments to the Plan, and the annual performance report.
2. Assure that all interested parties are provided appropriate information.
3. Provide reasonable and timely access to information and records relating to the Consolidated Plan, and the use of assistance under the programs during the preceding five years.
4. Provide technical assistance, when requested, by groups representing persons of very low- and low income in developing proposals for funding.
5. Provide a minimum of two public hearings held at times and locations convenient to potential and actual program beneficiaries. These meeting will be held at different stages of the Consolidation Plan development.
6. Ensure that at least seventy percent (70%) of funds expended are for activities that principally benefit very low- and low-income families.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD:

The public hearings must address housing and community development needs, the development of proposed activities and review of program performance.

The City of Modesto will provide a 30-day period to receive comments from all interested parties on the Plan, amendments to the Plan, or the annual performance report that is to be submitted to HUD before submission of the Consolidated Plan. The information which is to be made available to the public is: the amount of assistance the City of Modesto is expected to receive from HUD; the range of activities to be undertaken; including the amount that will benefit very-low and low-income persons; and the plans to minimize displacement of persons and to assist persons displaced.

Appropriate accommodations will be made to assist those interested non-English speaking individuals.

Simultaneous translation will be offered in Spanish. Speakers of other languages need to contact the Community Development Department to arrange for translation services.

The public hearings and the public comment period will be used to obtain the views of citizens with regard to community development needs, including priority non-housing community development needs.

Comments and complaints:

- a. The City of Modesto will respond in writing to all complaints and comments received throughout the Consolidation Plan development process.
- b. Responses will be prepared no later than 15 days after the receipt of the comment or complaint.
- c. Copies of all correspondence will be kept on file at the Community Development Department for future reference.
- d. A summary of comments and complaints will be prepared and included in the final consolidated plan, amendment of the plan or the performance reports.

IMPLEMENTATION OF THE CITIZEN PARTICIPATION PLAN :

The City of Modesto will implement its Citizen Participation Plan by developing a *Citizen Participation Calendar* which proposes the dates on which anticipated events will occur during the Consolidation Plan development process.

Every year the Citizens Housing and Community Development Committee (CH&CDC) will review and recommend the approval of a Citizen Participation Plan Calendar which emphasizes community outreach as part of the development of the Consolidated Plan. The actual dates of the events will be prepared on a calendar which provides the location, the times and dates of each meeting, event, or workshop. The actual dates when the events will occur will be prepared, reviewed and published in the Modesto Bee and other minority newspapers that serve the Modesto area (the Citizen Participation Calendar may be adjusted accordingly) The standard schedule to be followed during each program year for the development of the consolidated plan, the program operating budget and solicitation of citizen reviews is as follows:

October:

1. Proposed Citizen Participation Plan and Calendar is reviewed by the Citizens Housing and Community Development Committee.

November:

1. Conduct a Needs Assessment Public Hearing where all information gathered in reference to the various community needs and services will be reviewed and discussed. A notice will be posted to contact various community organizations and interested individuals using local media (i.e., television and newspaper).
 - a. The Community Needs Assessment Study will be conducted by the City and other organizations such as United Way, school districts, etc. This joint effort will be beneficial in that all community development needs will be identified. This will help all agencies working on community development needs to focus on a common set of needs.

2. Conduct a meetings with other city departments, government institutions, social service providers and the Stanislaus County Housing Authority.

December:

1. Conduct a meeting with the Citizens Housing and Community Development Committee to discuss and set priorities of community development needs. Community Development needs identified during this meeting will be reviewed and presented before the City Council in January.

January:

1. Based on the information gathered during previous meetings, public comments received, and research and analysis conducted, Community Development Department staff will begin to develop a draft of the Consolidated Plan. All aspects of community development will be considered when preparing the plan in order to meet the total needs of the community.
2. Applications for funding will be made available to nonprofit organizations and other government agencies interested in applying for Community Development Block Grant funds. (CDBG Public services, CFR 570.201(e)).
3. Community Development Department staff will conduct a workshop to discuss the application process and to provide technical assistance to those organizations representing persons of very low- and low-income in developing proposals for funding assistance under any of the programs covered by the consolidated plan. During the entire application period, staff will be available to provide technical assistance.

February:

1. Applications for funding will be due to the Community Development Department.
2. Public hearing with the Citizens Housing and Community Development Committee to discuss the draft of the Proposed Consolidated Plan and consider requests for funding.
3. Department staff will prepare application summaries of those organizations/projects which are requesting funding. An accompanying narrative assessing the progress made by the City towards achieving community development objectives will also be provided.
4. Department staff will conduct a review and analysis of the applications for funding.

March:

1. City of Modesto will publish the Proposed Consolidated Plan. A thirty-day (30) public comment period will be in effect in order to receive comments from citizens or other governmental bodies.
2. The availability of the Proposed Consolidated Plan will be announced to the public via television and local newspapers. Copies of the Consolidated Plan will also be available at various public facilities (Social Services Offices, City Hall, Stanislaus County Library-Modesto Branch, Surrounding City Governments, etc.).
3. Summary of the Consolidated Plan will be provided to the various organizations who participated during the November meetings.

April

1. Public hearing to review staff funding recommendations. The public hearing will also review, address and discuss any public comments received during the 30-day public

comment period. The Citizens Housing and Community Development Committee will then make recommendations to the City Council on a proposed allocation of resources during FY 1995-96.

May:

1. Public hearing by the Modesto City Council to discuss the Consolidated Plan and the recommendations for funding provided by the Citizens Housing and Community Development Committee.
2. The submission date for the Consolidated Plan is 45 days prior to the beginning of the program year. The City of Modesto must submit the completed Consolidated Plan to HUD by May 15.

June:

1. Obtain statistical information from the sub-recipients in order to develop the Consolidated Annual Performance Report.

July:

1. Prepare the Consolidated Plan Annual Performance Report.
2. Public hearing to review the Consolidated Plan Performance Report and open the required 30-day public comment period.

September:

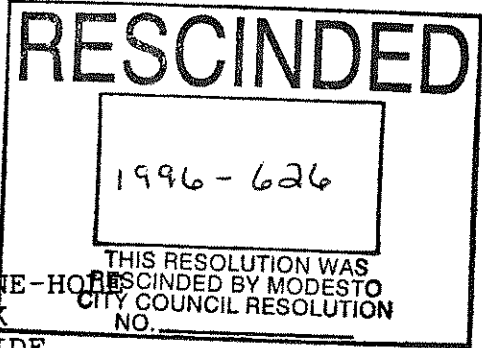
1. Public hearing to address public comments of the Consolidated Plan Report.
2. Submission of the consolidated Plan Performance Report is due at the Housing and Urban Development Department by September 30 of each calendar year.

Note: All necessary arrangements will be made in order to assist non-English speaking individuals and all information will be provided accordingly during the public hearings or when individuals or organizations request information.

The publications of notices announcing the public hearings and the availability of information will be through various sources of media including various ethnic and multi-lingual media.

CITY OF MODESTO
CITIZEN PARTICIPATION PLAN and CALENDAR OF EVENTS
Consolidated Plan Preparation Plan for Fiscal Year 1995-96

DESCRIPTION	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
1. CH&CDC Meeting to Recommend Approval of the Proposed Citizen Participation Plan and Calendar of Events.; City Hall Council Chambers; 801 11th St.; Modesto, CA	10-21-94 12:00 noon							
2. Meeting with Local Government and Nonprofit Agencies; City Hall Council Chambers; 801 11th Street; Modesto, CA		11-2-94 1pm -3pm						
3. Meeting with City Departments to Discuss CD Plan; City Hall-Third Floor; 801 Eleventh Street; Modesto.		11-7-94 3:00 pm						
4. City Council Meeting to Approve the Citizen Participation Plan; City Hall Council Chambers; 801 11th St.; Modesto, CA		11-8-94 4:00 pm						
5. CH&CDC Public Hearing and Community Workshop to Discuss Community Needs; City Hall Council Chambers; 801 11th Street; Modesto, CA		11-17-94 7:00 pm						
6. CH&CDC Meeting to Discuss and Set Priorities - City Hall Council Chambers; 801 Eleventh Street; Modesto, CA			12-16-94 12:00 noon					
7. Application Period opens. Applications available at the Office of Housing and Neighborhoods; 940 Eleventh St.; Modesto, CA			12-26-94 12:00 noon		2-3-95 5:00 pm deadline			
8. Staff Workshop to Provide Technical Assistance; City Hall; Multi-Purpose Room; 801 11th St.; Modesto, CA				1-4-95 10:00 am				
9. Staff Analysis of Requests for Funding; Office of Housing & Neighborhoods; 940 Eleventh St.; Modesto, CA					2-6-95 ←	3-9-95 →		
10. Publish Draft of Consolidated Plan - 30-day Comment Period;						3-7-95 ←	4-7-94 →	
11. CH&CDC Public Hearing to Review Proposed Consolidated Plan and Consider Requests for Funding; City Hall Council Chambers; 801 11th Street; Modesto.						3-17-95 12:00 noon		
12. CH&CDC Meeting to Approve Final Staff Recommendations for Allocations and Address Comments Received During 30-Day Period; City Hall Council Chambers; 801 Eleventh Street; Modesto, CA							4-14-95 12:00 noon	
13. City Council Public Hearing to Consider CH&CDC Recommendation for Consolidated Plan; City Hall Council Chambers; 801 Eleventh Street; Modesto, CA								5-2-95 7:00 pm
14. Deadline for Consolidated Plan Submission to HUD.								5-15-95 5:00 pm



MODESTO CITY COUNCIL
RESOLUTION NO. 94-650

A RESOLUTION ESTABLISHING RATES AND
CONDITIONS FOR PLAY ON THE MODESTO NINE-HOLE
MUNICIPAL GOLF COURSE, THE DRYDEN PARK
MUNICIPAL GOLF COURSE, AND THE CREEKSIDE
MUNICIPAL GOLF COURSE AND RESCINDING
RESOLUTION NO. 94-401.

WHEREAS, the Council of the City of Modesto finds that
golf rates for golfers at its Modesto Nine-Hole Municipal Golf
Course, Dryden Park Municipal Golf Course, and the Creekside
Municipal Golf Course need to be revised,

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

SECTION 1. RATES. The rates for players upon the
Modesto Nine-Hole Municipal Golf Course, the Dryden Park
Municipal Golf Course, and the Creekside Municipal Golf Course
are hereby established as set forth on Exhibit "A" attached
hereto.

SECTION 2. TICKETS. (a) School Golf Teams. School
golf team passes are to be issued only upon presentation by
holder of a current high school or college student body card and
verification of golf team membership by the school golf coach.
Students shall possess and display an etiquette card obtained by
completing a required training course in golf rules and etiquette
at a recognized golf facility. Team members with team member
passes must be accompanied by their respective golf coaches and
shall play only between the hours of 2:00 p.m. and 5:00 p.m.

during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools' schedules of matches from each school coach.

(b) Senior/Retired/Disabled Discounts.

Senior/Retired/Disabled discounts are to be given only to persons who are sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled discount.

(c) Special Rates. From time to time, the Parks and Recreation Director or his designee may provide up to a fifty percent (50%) discount off of daily greens fees. Such specials shall occur no more than twenty (20) days per month at each golf course.

SECTION 3. TOURNAMENT POLICY AND FEE SCHEDULE. The tournament policy and fee schedule is as set forth on Exhibit "B" attached hereto.

SECTION 4. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Parks and Recreation Director or designee.

SECTION 5. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 6. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King's Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 7. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

SECTION 8. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after January 1, 1995.

SECTION 9. REPEALS. Resolution No. 94-401 adopted on June 28, 1994, is hereby rescinded December 31, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

GREEN FEE SCHEDULE
EFFECTIVE JANUARY 1, 1995

	<u>NON-RESIDENT RATE</u>	<u>RESIDENT RATE</u>
<u>CREEKSIDE & DRYDEN</u>		
Weekday 9 hole	\$11.00	\$9.90
Weekday 18 holes	15.00	13.50
Weekday Twilight	10.00	9.00
Weekday Sr/Disabled/Jr	12.00	10.80
Weekday Early Bird	7.50	6.75
Weekend/Holiday 9 holes	13.00	13.00
Weekend/Holiday 18 Holes	18.00	18.00
Weekend/Holiday Twilight	12.00	12.00
<u>MUNI</u>		
Weekday 9 hole	\$ 7.00	\$6.30
Weekday Twilight	6.00	5.40
Weekday Sr/Disabled/Jr	5.60	5.00
Weekday Early Bird	3.50	3.15
Weekend/Holiday 9 holes	8.00	8.00
Weekend/Holiday Twilight	7.00	7.00

TOURNAMENT FEE SCHEDULE AND POLICY
EFFECTIVE JANUARY 1, 1995

	Fee Per Player	
	Regular Tee <u>Time Style</u>	Shotgun Tee <u>Time Style</u>
<u>CREEKSIDE & DRYDEN</u>		
Weekday	\$25.00	\$45.00
Weekends	28.00	50.00
<u>MUNI</u>		
Weekday	\$15.00	\$27.00
Weekend	18.00	30.00

In addition, a non-refundable deposit of \$50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees (\$15.00 weekdays/\$18.00 weekends at Creekside/Dryden and \$7.00 weekdays/\$8.00 weekends at Muni); Pro Shop merchandise credit (\$5.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni); and Golf Course Restaurant credit (\$5.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni).

Shotgun tee time style tournaments require a minimum of 144 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees (\$18.75 weekdays/\$23.75 weekends at Creekside/Dryden and \$9.00 weekdays/\$10.00 weekends at Muni); cart rental (\$12.25 at Creekside/Dryden and \$10.00 at Muni); Pro Shop merchandise credit (\$7.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni); and Golf Course Restaurant credit (\$7.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni). Cart rental is required for shotgun style tournaments.

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 94-651**

RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO ESTIMATE REVENUE AND APPROPRIATE EXPENDITURES IN THE GOLF FUND.

WHEREAS, at the direction of the Human Services Committee, staff has been evaluating various aspects of the City's golf program. Staff has prepared a series of actions, including a revised green fee, increase in operating expenditures, use of debt funds to pay debt service, and a delay in the General Fund loan repayment from a one year to a three year repayment plan.

WHEREAS, the debt service amount recommended to be used for debt service payments was estimated to be \$270,780; however, at the actual time that debt service funds were released, only \$223,918 of debt service was acutally remaining to be paid. Therefore, the remaining amount plus any bond proceeds previously applied toward budgeted CIP projects, will be applied to the debt service payment in 1995-96.

WHEREAS, the following adjustments are necessary:

Golf Fund

Fund/Agy/Org Expenditures		Increase (Decrease)
660-330-3314-0310	Gardening/Horticultural Supplies	\$28,250
660-330-3311-0206	Marketing	\$10,000
660-330-3314-0235	Professional and Contractual Services	\$10,000
660-330-3311-0209	Training	\$4,000
660-700-7000-7944	Transfer out to Fund 944-Debt Service	(\$223,918)
660-800-8000-8003	Golf Fund Contingency Reserve	\$138,170
Revenues		
660-330-3312-4076	Green Fees	(\$33,498)

Debt Service Fund

Fund/Agy/Org Expenditures		Increase (Decrease)
944-700-7000-9660	Transfer in from Fund 660	(\$223,918)
944-800-8000-8003	Fund 944 Reserve	(\$223,918)

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-652

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE ROSEMORE AVENUE WATERLINE INSTALLATION

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

SECTION 1. The specifications for the Rosemore Avenue waterline installation, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 6, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-653

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CREEKSIDE GOLF COURSE CART PATHS

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

SECTION 1. The specifications for the Creekside Golf Course cart paths, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 6, 1994, at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-654

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE TARGET
NEIGHBORHOOD TRAFFIC CONTROL IMPROVEMENTS PROJECT

WHEREAS, Resolution No. 94-570, adopted by the Council of the City of Modesto on September 27, 1994, approved the plans and specifications for the Target Neighborhood traffic control improvements project; and

WHEREAS, the bids received for the Target Neighborhood traffic control improvements project were opened at 11:05 a.m. on October 27, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of George Reed, Inc., in the amount of \$37,250, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc., be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-655

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING A FIRE DEPARTMENT COMPUTER NETWORK SYSTEM

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

SECTION 1. The specifications for furnishing a Fire Department computer network system, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 12, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-656

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE BUILDING INDUSTRY ASSOCIATION OF CENTRAL CALIFORNIA (BIA), THE SYLVAN UNION SCHOOL DISTRICT, AND THE MODESTO HIGH SCHOOL DISTRICT PROVIDING FOR VILLAGE ONE SCHOOL IMPACT FEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Building Industry Association of Central California (BIA), the Sylvan Union School District, and the Modesto High School District providing for Village One School impact fees be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-657

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
CONSTANTINE SCOTO, JR. FOR LEASE OF THE FORMER HOGIN PROPERTY IN DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Constantine Scoto, Jr. for lease of
the former Hogin property in Dry Creek Park be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 15th day of November, 1994, by Councilmember
Muratore , who moved its adoption, which motion being duly seconded by
Councilmember Dobbs , was upon roll call carried and the resolution
adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-658

A RESOLUTION APPROVING THE CELEBRATION OF LIGHTS, THE CHRISTMAS PARADE AND THE CINCO DE MAYO PARADE AS ANNUAL EVENTS IN THE CITY OF MODESTO FOR THE PURPOSE OF OBTAINING CALTRANS ENCROACHMENT PERMITS FOR STREET CLOSURES.

WHEREAS, the Celebration of Lights, the Christmas Parade and the Cinco de Mayo Parade are held annually in the City of Modesto, and

WHEREAS, a Caltrans encroachment permit to close the streets is required for each event, and

WHEREAS, each event requires closure of parts of state highways, namely, K Street, L Street, and 9th Street, and

WHEREAS, encroachment permits for street closures are required from Caltrans for each event, and

WHEREAS, as part of a new procedure for obtaining encroachment permits for such events, Caltrans requires a resolution indicating that each event has been formally approved as an annual event in the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Celebration of Lights, the Christmas Parade, and the Cinco de Mayo Parade as annual events in the City of Modesto for the purpose of obtaining Caltrans encroachment permits for street closures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

13

MODESTO CITY COUNCIL
RESOLUTION NO. 94-659

A RESOLUTION GRANTING THE MODESTO POLICE
DEPARTMENT AUTHORITY TO TEMPORARILY DETAIN
AND TRANSPORT ANY MINOR REASONABLY BELIEVED
TO BE IN VIOLATION OF THE CITY OF MODESTO
CURFEW ORDINANCE AND TO CHARGE A FEE FOR THE
COST OF TRANSPORTATION.

WHEREAS, the City Council has enacted Modesto Municipal Code Section 4-7.201 prohibiting minors from remaining in or upon the public streets unsupervised after hours, and

WHEREAS, Welfare and Institutions Code Section 625.5(c) enables law enforcement personnel to temporarily detain and transport any minor reasonably believed to be in violation of the curfew ordinance, and

WHEREAS, Welfare and Institutions Code Section 625.5(d) enables cities to charge a fee for the reasonable costs of administrative and transportation services for the transportation of the minor,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize law enforcement personnel of the Modesto Police Department to temporarily detain any minor upon a reasonable suspicion based on articulable facts that the minor is in violation of Modesto Municipal Code Section 4-7.201 and to transport that minor to his or her place of permanent or temporary resident within the state, whether the place of residence is located within or without the jurisdiction of the City, or to the custody of his or her parents or legal guardian. A law enforcement officer may decide not to

temporarily detain and transport a minor if he or she determines that the minor has a legitimate reason based on extenuating circumstances for violating Modesto Municipal Code Section 4-7.201.

BE IT FURTHER RESOLVED that upon the first violation of Modesto Municipal Code Section 4-7.201, the law enforcement officer shall issue to the minor a warning citation regarding the consequences of a second violation of Modesto Municipal Code Section 4-7.201. A representative of the City to be designated by the City Manager shall mail to the parents of the minor or legal guardian a notification that states that upon a second violation, the parents or legal guardian may be held liable for actual administrative and transportation costs, and that requires the parents or legal guardian to sign and return the notification. This notification shall include a space for the explanation of any circumstances relevant to an applicable exemption from the fee as provided herein. This explanation shall be reviewed by such representative of the City. If the explanation is found to be insufficient the representative may request a consultation with the parents or legal guardian for the purpose of discussing the circumstances claimed to be relevant to an applicable exemption.

BE IT FURTHER RESOLVED that a fee for the actual cost of administrative and transportation services for the return of the minor to his or her place of residence, or to the custody of his or parents or legal guardian, may be charged jointly or

severally to the minor, his or her parents, or legal guardian, in an amount not to exceed those actual costs. Upon petition of the person required to pay the fee, the City shall conduct a hearing as to the validity of the fees charged, and may waive payment of the fee by the minor, his or her parents, or legal guardian, upon a finding of good cause. The hearing shall be conducted by a City representative designated by the City Manager. Such City representative may (1) provide for a waiver of the payment of the fee by the parents or legal guardian upon a determination that the person has made reasonable efforts to exercise supervision and control over the minor, (2) provide for a determination of the ability to pay the fee and provide that the fee may be waived if neither the minor nor the parents or legal guardian has the ability to pay the fee, (3) provide for the performance of community service in lieu of imposition of the fee, (4) provide for a waiver of the payment of the fee by the parents or legal guardian upon a determination that the parents or legal guardian has limited physical or legal custody and control of the minor.

BE IT FURTHER RESOLVED that this resolution shall become effective as of January 1, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-660

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM UNDER THE SECTION 164.56 OF THE STREETS AND HIGHWAYS CODE FOR LAND ACQUISITION FOR TUOLUMNE RIVER REGIONAL PARK.

WHEREAS, the Legislature of the State of California has enacted AB 471 (Chapter 106 of the Statutes of 1989), which is intended to provide \$10 million annually for a period of 10 years for grant funds to local, state and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities, and

WHEREAS, the Resources Agency has established the procedures and criteria for reviewing grant proposals and is required to submit to the California Transportation Commission a list of recommended projects from which the grant recipients will be selected, and

WHEREAS, said procedures and criteria established by the Resources Agency require a resolution certifying the approval of application by the applicant's governing body before submission of said application to the State, and

WHEREAS, the application contains assurances that the applicant must comply with, and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the environmental enhancement and mitigation project, and

WHEREAS, applicant is a Joint Powers Authority ("the Authority") formed for the purpose of developing, maintaining and operating the Tuolumne River Regional Park, and

WHEREAS, the parties to the agreement which formed the Authority are the County of Stanislaus, the City of Modesto and the City of Ceres, and

WHEREAS, the City of Modesto is empowered by the Authority to exercise exclusive control over the maintenance, operation and control of the Tuolumne River Regional Park,

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

1. Approves the filing of an application for the Environmental Enhancement and Mitigation Program for grant assistance on behalf of the Authority.
2. Certifies that said applicant will make adequate provisions for operation and maintenance of the project.
3. Appoints the City Manager of the City of Modesto as agent of the City of Modesto to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project on behalf of the Authority with the understanding that all agreements are subject to the prior approval of the County of Stanislaus and the City of Ceres.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-661

A RESOLUTION APPROVING AN AGREEMENT WITH THE HOUSING AUTHORITY OF STANISLAUS COUNTY FOR SPECIAL POLICE SERVICES TO THE WESTVIEW GARDENS HOUSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Housing Authority of Stanislaus County for special police services to the Westview Gardens Housing Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1994, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-662

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEES ASSOCIATION FOR THE FISCAL YEARS 1994-95 AND 1995-96.

WHEREAS, representatives of the City and the Modesto City Employees Association (MCEA) have met and conferred in good faith concerning wages, hours and other terms and conditions of employment for employees represented by the MCEA, and

WHEREAS, the Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association (MCEA) covers a term of two (2) years, FY 1994-95 and FY 1995-96, and provides for across-the-board salary increases of 2.0% effective on November 1, 1994, 2.0% effective on October 31, 1995, and 1% effective on April 2, 1996; in addition, the MOU provides for elimination of the PERS salary conversion benefit; a ten (\$10.00) dollar subsidy for employee parking; an increase in the uniform allowance for Animal Control Officers, shift differential for Sr. Waste Water Treatment Plant Operators, reimbursement to employees for cost of licenses and/or certificates; and an allowance to reimburse mechanics for a portion of their tools,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association for Fiscal Years 1994-95 and 1995-96 is hereby approved.

BE IT FURTHER RESOLVED that all previous actions relating to Modesto City Employees Association employees not in concert with this resolution are hereby superseded by this resolution.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City officials is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-663

A RESOLUTION APPROVING THE REQUEST BY KOSO, INC., FOR DIRECT CITY ASSISTANCE FOR A CHRISTMAS PARADE TO BE HELD ON DECEMBER 3, 1994, IN THE CITY OF MODESTO.

WHEREAS, KOSO, Inc., which operates K093 FM radio in Modesto, by letter dated September 22, 1994, has requested Direct City Assistance to hold a Christmas Parade on December 3, 1994, in the City of Modesto, and

WHEREAS, the City Council, by Resolution No. 80-1066 as amended by Resolution No. 83-128, adopted a "Policy for Evaluating Requests for Direct City Assistance," and

WHEREAS, the Council deems it appropriate to grant approval for Direct City Assistance to KOSO, Inc., to hold a Christmas Parade on December 3, 1994, in the City of Modesto, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of KOSO, Inc., to hold a Christmas parade to be held on December 3, 1994, subject to the following conditions:

1. The City's personnel will erect City's reviewing stand with canvas top on "I" Street close to the cannon in the Courthouse Park prior to 9:00 a.m. for use for the parade on Saturday, December 3, 1994, and will remove said reviewing stand thereafter.

2. The following parade route is approved as the

parade route to be used on Saturday, December 3, 1994, subject to approval of the Police Chief and Public Works and Transportation Director: starting at 10th and "F" Streets, north on 10th Street to "I" Street, east on "I" Street to 17th Street; then dismantle.

3. The City Public Works and Transportation Department will supply two (2) street sweepers for the parade.

4. The City of Modesto will provide two (2) Equestrian Police Officers, ten (10) Reserve Officers, and nine (9) Motor Officers to maintain traffic control along the parade route.

5. The City Public Works and Transportation Department will provide two hundred (200) barricades to be placed during parade activities on corners and at other appropriate locations as designated by the Police Department.

6. KOSO, Inc., shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees, from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the KOSO, Inc., parade.

7. KOSO, Inc., shall furnish to the City Clerk of City a current and valid certificate of insurance evidencing coverages of general liability insurance as shall protect KOSO, Inc., and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the KOSO, Inc., Christmas parade. Said insurance certificate shall

be subject to the approval of the Risk Manager and shall designate the City of Modesto as an additional insured.

BE IT FURTHER RESOLVED that the City Clerk shall furnish KOSO, Inc., with a copy of this resolution. KOSO, Inc., shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-664

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE ELECTRICAL DIVISION SHOP MODIFICATIONS

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

SECTION 1. The specifications for the Electrical Division shop modifications, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 13, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-665

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE GATE MODIFICATION FOR CLARIFIER NOS. 1 AND 2 AT THE WATER QUALITY CONTROL PLANT

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

SECTION 1. The specifications for the gate modification for Clarifier Nos. 1 and 2 at the Water Quality Control Plant, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 20, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-666

A RESOLUTION REJECTING BIDS FOR THE JOHANSEN POOL SUPPORT BUILDING PROJECT, OPENED IN THE OFFICE OF THE CITY CLERK ON NOVEMBER 8, 1994, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 94-603, adopted by the Council of the City of Modesto on October 18, 1994, approved the plans and specifications for the Johansen pool support building project, and authorized the call for bids; and

WHEREAS, the bids received for the Johansen pool support building project were opened at 11:00 a.m. on November 8, 1994; and

WHEREAS, the low bid came in quite a bit higher than the base estimate, prompting staff to recommend that the scope of the project be reduced in order to keep it within the budgeted amount.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for the Johansen pool support building project, opened in the office of the city Clerk on November 8, 1994, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the city of Modesto that new call for bids for the Johansen pool support building project, to be opened December 13, 1994, at 11:05 a.m. is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratorø, was upon roll call carried and the resolution adopted by

the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-667

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FOR A ONE YEAR GRANT TO THE CITY OF MODESTO POLICE DEPARTMENT FOR SPECIAL ENFORCEMENT ACTION.

WHEREAS, THE City Council of the City of Modesto desires to undertake a certain project designated as ABC Grant Program to be funded in part from funds made available through the Grant Assistance to Local Law Enforcement Agencies Project administered by the Department of Alcoholic Beverage Control (hereafter referred to as ABC);

NOW, THEREFORE, BE IT RESOLVED the City Manager of the City of Modesto is authorized, on its behalf to submit the attached proposal to ABC and is authorized to execute on behalf of the City Council of the City of Modesto the attached contract including any extensions or amendments thereof and any subsequent contract with the State in relation thereto.

IT IS AGREED that any liability arising out of the performance of this contract, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and ABC disclaim responsibility for any such liability.

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

by this body.

IT IS ALSO AGREED that this award is not subject to local hiring freezes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Cleck

**CITY OF MODESTO
RESOLUTION NO. 94-668**

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1994-95 TO ACCEPT A GRANT FROM THE CALIFORNIA STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FOR A SPECIAL ONE-YEAR LAW ENFORCEMENT GRANT PROJECT.

WHEREAS, the City Manager executes an agreement with the State of California Department of Alcoholic Beverage Control for a Special One-Year Law Enforcement Grant Project.

WHEREAS, the City has applied for and was selected by the State of California Department of Alcoholic Beverage Control for a Special One-Year Law Enforcement Grant Project.

NOW, THEREFORE, BE IT RESOLVED by Council of the City of Modesto that the 1994-95 Annual Budget be amended as follows

General Fund

<u>Appropriations</u>	<u>Current Budget</u>	<u>Adjustment</u>	<u>Revised Budget</u>
010-190-1941-0110 Salaries and Wages	1,948,216	100,000	2,048,216
<u>Revenue</u>			
010-190-1941-3507 State Grant, ABC	0	100,000	100,000

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-669

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANCO TO MANAGE THE CITY OF MODESTO'S TRANSITIONAL HOUSING PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and STANCO to manage the City of Modesto's Transitional Housing Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-670

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALVARY TEMPLE ASSEMBLY OF GOD FOR THE ACQUISITION OF AN EASEMENT NEEDED FOR THE REPLACEMENT OF SEWERLINE SERVING HOMES ON DAVID AND WILLEEN COURTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Calvary Temple Assembly of God for the acquisition of an easement needed for the replacement of sewerline serving homes on David and Willeen Courts be, and it is hereby approved.

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

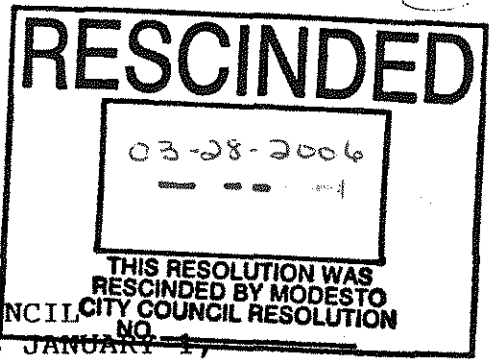
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 94-671

A RESOLUTION REVISING THE CITY COUNCIL
EXPENSE ALLOWANCE POLICY EFFECTIVE JANUARY 1,
1995.

WHEREAS, the current City Council flat rate expense allowance policy has not changed since 1991 and does not reflect differences in the City Council's workload from 1991 to the present time, and

WHEREAS, the Financial Policy Committee has recommended that the City Council expense allowance policy be revised to allow for said differences, and

WHEREAS, the committee recognizes the extraordinary work performed by the Mayor in representing the City which requires more out-of-pocket expenses than the current rate covers, and

WHEREAS, because of the changes in the Council's workload, the committee has proposed that the City Council expense allowance rate be set as follows, effective January 1, 1995:

Mayor	\$250 per month
Vice Mayor	\$150 per month
Councilmembers	\$100 per month

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the revision of the Council's expense allowance policy for the Mayor at \$250 per month, Vice Mayor at \$150 per month, and other Councilmembers at

\$100 per month, effective January 1, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-672

A RESOLUTION APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR THE TUOLUMNE RIVER REGIONAL PARK TRAIL PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE APPLICATION FOR GRANT FUNDING.

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund Grant-In-Aid Program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes, and

WHEREAS, the State Department of Parks and Recreation is responsible for administration of the program in the state, setting up necessary rules and procedures governing application by local agencies under the program, and

WHEREAS, said adopted procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications and the availability of local matching funds prior to submission of said applications to the state, and

WHEREAS, the proposed Tuolumne River Regional Park Trail project is consistent with the Statewide Comprehensive Recreation Resources Plan: California Outdoor Recreation Plan - 1993, and

WHEREAS, the project must be compatible with the land

use plans of those jurisdictions immediately surrounding the project, and

WHEREAS, applicant is a Joint Powers Authority ("the Authority") formed for the purpose of developing, maintaining and operating the Tuolumne River Regional Park, and

WHEREAS, the parties to the agreement which formed the Authority are the County of Stanislaus, the City of Modesto and the City of Ceres, and

WHEREAS, the City of Modseto is empowered by the Authority to exercise exclusive control over the maintenance, operation and control of the Tuolumne River Regional Park,

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

1. Approves the filing of an application for Land and Water Conservation Fund assistance, and
2. Certifies that said agency has matching funds from the following source: Capital Facilities Fees, Local Transportation Funds and/or Congestion Mitigation and Air Quality funds and can finance 100 percent of the project, half of which will be reimbursed, and
3. Certifies that the project is compatible with the land use plans of those jurisdictions immediately surrounding the project, and
4. Appoints the City Manager of the City of Modesto as agent of the City of Modesto to conduct all negotiations and

execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project on behalf of the Authority with the understanding that all agreements are subject to the prior approval of the County of Stanislaus and the City of Ceres.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-673

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(505).
(NORALCO, INC.)

WHEREAS, a verified application for an amendment to
Section 14-3-9 of the Zoning Map was filed by Noralco, Inc. on
August 9, 1994, to reclassify from Planned Development Zone,
P-D(449), to Planned Development Zone, P-D, to allow a 50-lot
single-family subdivision in a gated community setting on private
streets, property located on the southeast corner of Manor Oak
Drive and Oakdale Road, described as follows:

P-D(449) to P-D(505)

All that certain real property shown as "Remainder" on
the map of Manor Oak Estates, filed in Book 32 of Maps,
at Page 46, Stanislaus County Records, and lying in the
Southwest quarter of Section 14, Township 3 South,
Range 9 East, Mount Diablo Base and Meridian,
Stanislaus County, State of California. Including also
all of the East 50.00 feet of Oakdale Road and South
one half of Manor Oak Drive and both immediately
adjacent to the above property referred to as
"Remainder".

and

WHEREAS, after a public hearing held on October 3,
1994, in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, it was found and determined by the Planning
Commission, by its Resolution No. 94-51, that rezoning of the
property as requested is required by public necessity,
convenience, and general welfare for the following reasons:

1. That the proposed P-D is in accordance with
community objectives as set forth in the General

Plan, which provides for residential uses at this site.

2. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated September 7, 1994, should be certified as adopted.
3. The proposed residential development compares favorably with other single-family development in Modesto which also feature private streets.

and

WHEREAS, after a public hearing held on December 6, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Noralco, Inc. for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 94-51 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2935 -C.S. on the 6th day of December, 1994, reclassifying the above-described property from Planned Development Zone, P-D(449), to Planned Development Zone, P-D(505).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(505), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Manor Oak Place" as amended in red, stamped approved by the Planning Commission on October 3, 1994.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Seven-foot-high decorative masonry wall with extensive creeping vegetation placed against the outside portion.
 - b. Have staggered off-sets of at least 5 feet along the length of the wall.
 - c. Each rear yard shall have a minimum of 10 feet between the wall and house.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
6. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
7. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
8. All private streets and parking areas shall be constructed in accordance with the standard structural section for residential streets as contained in the City of Modesto Standard Specifications.

9. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.
10. Trash cans shall be screened from view from any public street.
11. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
12. All signs shall comply with the sign requirements of the R-3 Zone.
13. Prior to City Council approval of a final subdivision map, the subdivider shall submit evidence in a form satisfactory to the City Attorney that there has been created a Homeowner's Association to guarantee common facility and private property maintenance in accordance with the approved plans.
14. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, action or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a subdivision approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.
15. All two-story homes along Gaslight Drive shall have no second-story windows or otherwise permit second-story views in an easterly direction except that bathroom windows may be permitted.
16. Interior curbs shall be painted and maintained red on the curves so as to preclude automobiles from parking along curve curb areas and inhibiting

handicapped access and fire suppression vehicles if they are necessary.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(505):

The entire construction program be accomplished in one phase, construction to begin on or before October 3, 1996, and completion to be not later than October 3, 1997.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(505), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 94-674

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 14-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-D(449) TO P-D(505). (NORALCO, INC.)

WHEREAS, on September 7, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 14-3-9 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(449), to Planned Development Zone, P-D(505), property located on the southeast corner of Manor Oak Drive and Oakdale Road might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

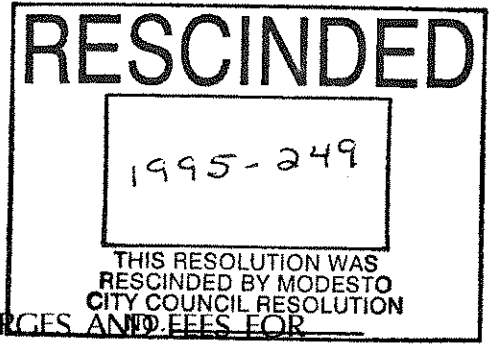
ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

Book



MODESTO CITY COUNCIL
RESOLUTION NO. 94-675

A RESOLUTION ESTABLISHING RENTAL CHARGES AND FEES FOR
ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY
AIRPORT/HARRY SHAM FIELD, AND RESCINDING COUNCIL
RESOLUTION NO. 94-345.

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes
the Council, by resolution, to establish rental charges and fees for activities and
services at the Modesto City-County Airport/Harry Sham Field,

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

SECTION 1. HANGARS. Rental charges for the rental of hangars at the
Modesto City-County Airport/Harry Sham Field are hereby established as follows,
payable in advance:

(a) T-Hangars:

Hangar No. A	\$ 92.00 per unit per month
End Units	\$108.00 per unit per month
Hangar No. B	\$113.00 per unit per month
End Units	\$138.00 per unit per month
Hangar No. C	\$119.00 per unit per month
End Units	\$143.00 per unit per month
Hangar No. D	\$106.00 per unit per month
End Units	\$125.00 per unit per month
Hangar No. E	\$156.00 per unit per month
End Units	\$182.00 per unit per month

Hangar No. F	\$156.00 per unit per month
End Units	\$182.00 per unit per month
Hangar No. G	\$156.00 per unit per month
Hangar No. H	\$156.00 per unit per month
Hangar No. J	\$156.00 per unit per month
Portable Land Rent	\$ 46.00 per unit per month

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid for in advance.

(b) Storage Hangars:

Hangar No. 1 . . .	\$1,840.00 per month
Hangar No. 2 . . .	\$ 946.00 per month
Hangar No. 3 . . .	\$ 499.00 per month
Hangar No. 4 . . .	\$ 847.00 per month
Hangar No. 5 . . .	\$ 844.00 per month
Hangar No. 6 . . .	\$ 494.00 per month

SECTION 2. TIE-DOWN FEES: Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

- (a) Tail-in Tie-Down - Permanent, light single and multi-engine (under 12,500 lbs) \$36.00 per month.
- (b) Taxi-in Tie-Down - Permanent, light single and multi-engine aircraft (under 12,500 lbs) \$73.00 per month.

- (c) Taxi-in Tie-Down - Permanent, large multi-engine (over 12,500 lbs) \$.032 per square foot per month.
- (d) Taxi-in Tie-Down - Transient, helicopter/single-engine aircraft \$5.00 per day.
- (e) Taxi-in Tie-Down - Transient, twin-engine aircraft (under 12,500 lbs) \$7.00 per day.
- (f) Taxi-in Tie-Down - Transient, twin-engine aircraft (over 12,500 lbs) \$11.00 per day.
- (g) Jet, Heavy Jet \$11.00 per day.

A five (5%) percent discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO's) that operate flight schools for light single and multi-engine aircraft (under 12,500 pounds) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in tie-down spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. OFFICE SPACE. The charge for office space at the Modesto City-County Airport/Harry Sham Field is hereby established as follows:

- (a) Old Administration Building . . \$.63 per square foot
- (b) Office Building No. 1 \$.63 per square foot

- (c) Office Building No. 2,
Suite A \$.63 per square foot
- (d) Office Building No. 2,
Suite B \$.63 per square foot
- (e) Hangar Office Space \$.298 per square
foot per month

SECTION 4. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL.

Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

- (a) Ticket Counter \$.067 per square foot
- (b) Other Areas \$.067 per square foot

SECTION 5. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING

PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto

City-County Airport/Harry Sham Field shall pay a landing fee as follows:

- (a) All light single, multi-engine aircraft and helicopters, \$10.00 per landing.
- (b) All large single and multi-engine aircraft, \$.66 per 1,000 pounds of gross weight, but not less than \$10.00 per landing.
- (c) All transient aircraft owned and operated by individuals, companies and corporations carrying their own products shall not be charged for the first two (2) trips per calendar month; all other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.
- (d) No landing fee shall be charged for any aircraft which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 6. PASSENGER FACILITY CHARGE (PFC). Commercial air carriers passengers excluding "frequent flyers", or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158. Collection will become effective September 1, 1994.

- (a) Enplane passenger by airline \$3.00 per ticket passengers.

SECTION 7. ADVERTISEMENT CALL BOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement call board as follows:

<u>Display Size</u>	<u>Display Only</u>	<u>Display & Telephone</u>
7.5" x 9.5"	\$30.00	\$50.00
7.5" x 21"	\$35.00	\$55.00
19" x 21"	\$40.00	\$60.00

SECTION 8. FAX SERVICE. Persons wishing to use the airport administration office fax machine shall be charged for the service. Airport personnel is authorized to collect as follows:

- (a) Incoming Service \$.50 Per Page
- (b) Outgoing Service Area Code 209 \$1.00 Per Page
Other Area Code \$2.00 First Page, \$1.50 All Other Pages

SECTION 9. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title VI of the Modesto Municipal

Code, except that a minimum fee of \$100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title VI of the Modesto Municipal Code.

SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of six cents (\$.06) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 11. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths (\$200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths (\$90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 12. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths (\$25.00) Dollars per month, payable in advance.

SECTION 13. PENALTIES. A five (5%) percent penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 14. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES.

Commencing July 1, 1993, the rents, fees and charges set forth in Sections 1, 2 and 3 of this resolution shall be adjusted annually as of the first day of July.

Said rents, fees and charges shall be adjusted in the following manner:

The Consumer Price Index [all urban consumers] (base year 1982-1984 = 100) for San Francisco - Oakland - San Jose - CMSA, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is published most immediately preceding the first day of July ("Adjustment Index"), shall be compared with the Index published most immediately preceding March 17, 1987 ("Beginning Index").

The rents, fees and charges shall be adjusted to the nearest dollar by multiplying the rates, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index. However, in no event shall the annual adjustment in any particular year exceed five (5%) percent.

If the Index is changed so that the base year differs from that used as of March 17, 1987, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 15. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on January 1, 1995.

SECTION 16. SUPERSEDE. This resolution rescinds Council Resolution No. 94-345.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

5

MODESTO CITY COUNCIL
RESOLUTION NO. 94-676

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CLARATINA AVENUE WATERLINE AND CONSIDER CERTIFYING THE NEGATIVE DECLARATION

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

SECTION 1. The plans and specifications for the Claratina Avenue waterline, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 27, 1994, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-677

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE MAZE LIFT STATION - INFLUENT LINE

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

SECTION 1. The specifications for the Maze lift station - influent line, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 3, 1995, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-678

A RESOLUTION ACCEPTING THE BID OF EBC INTEGRATED SOLUTIONS FOR THE
WOODMAN WAY WATERLINE

WHEREAS, Resolution No. 94-609, adopted by the Council of the City of Modesto on November 1, 1994, approved the plans and specifications for the Woodman Way waterline; and

WHEREAS, the bids received for the Woodman Way waterline were opened at 11:00 a.m. on November 22, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of EBC Integrated Solutions, in the amount of \$52,100.10, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of EBC Integrated Solutions, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-679

A RESOLUTION REJECTING BIDS FOR THE GENERAL AVIATION AREA TAXIWAY C AND E PROJECT, OPENED IN THE OFFICE OF THE CITY CLERK ON OCTOBER 6, 1994

WHEREAS, Resolution No. 94-518, adopted by the Council of the City of Modesto on September 6, 1994, approved the plans and specifications for the general aviation area cape seal and taxiways C and E slurry seal project, and authorized the call for bids; and

WHEREAS, the bids received for the general aviation area cape seal and taxiways C and E slurry seal project were opened at 11:00 a.m. on October 4, 1994; and

WHEREAS, the apparent low bidder and second low bidder did not comprehensively meet the prequalification requirements as specified and required by the contract documents, and the third lowest bidder's bid was too high to be considered reasonable; and

WHEREAS, it is recommended all bids be rejected and the project be rebid at a future date, allowing the City to receive favorable bids and allowing all current and future bidders to properly prepare complete prequalification packages.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for the general aviation area taxiway C and E project, opened in the office of the City Clerk on October 6, 1994, are hereby rejected.

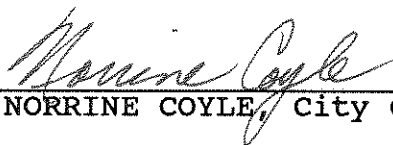
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember

Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO.94-680

A RESOLUTION APPROVING A REDUCTION IN THE RETENTION AMOUNT IN RELATION TO THE GEORGE REED, INC., CONTRACT FOR THE RECONSTRUCTION OF THE "H" AND "I" STREETS PROJECT.

WHEREAS, George Reed, Inc., is the prime contractor on the Reconstruction of the "H" and "I" Streets Project, and

WHEREAS, George Reed, Inc., has requested a reduction in the retention amount in relation to said project, and

WHEREAS, a reduction of the retention to five (5%) percent is permissible under Section 9203 of the Public Contract Code, when it is deemed that satisfactory progress is being made on the work, and

WHEREAS, currently, the City of Modesto is retaining \$143,443.91 in relation to said project, and the request to reduce the retention to five (5%) percent would reduce that amount to \$71,721.95, and

WHEREAS, the contractor is substantially complete on this project, and City staff has recommended granting the contractor's request for the retention reduction to five (5%) percent,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request received by George Reed, Inc., to reduce the retention of monies relating to the Reconstruction of the "H" and "I" Streets Project is hereby approved, said reduction in the retention of monies to \$71,721.95, which is

permissible under Section 9203 of the Public Contract Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 94-680 day of December, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-681

A RESOLUTION DESIGNATING COUNCILMEMBER FRANK MURATORE TO SERVE AS VICE MAYOR FOR THE ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO

BE IT RESOLVED by the Council of the City of Modesto that Councilmember Frank Muratore is hereby designated to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-682

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
COMMUNITY TEMPORARY SHELTER SERVICE FOR A GRANT OF \$12,000 FOR THE HOUSING
COUNSELING PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Community Temporary Shelter Service
for a grant of \$12,000 for the Housing Counseling Program be, and it is hereby
approved.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 6th day of December, 1994, by Councilmember
Friedman , who moved its adoption, which motion being duly seconded by
Councilmember Dobbs , was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-683

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY TEMPORARY SHELTER SERVICE FOR A GRANT OF \$13,750 FOR THE TRANSITIONAL HOUSING PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Community Temporary Shelter Service for a grant of \$13,750 for the Transitional Housing Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-684

A RESOLUTION APPROVING THE FINAL MAP OF THE
LAUREL HEIGHTS - PHASE III SUBDIVISION OF THE
CITY OF MODESTO.

WHEREAS, David A. Schwartz and Susan L. Schwartz,
husband and wife as community property, as to an undivided 1/2
interest; and Raymond C. Maddalena and Audrey J. Maddalena,
husband and wife as joint tenants, as to an undivided 1/2
interest, are possessed of a tract of land situate in the City of
Modesto, County of Stanislaus, consisting of 0.584 acres, known
as the Laurel Heights - Phase III Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission on the 19th day of August, 1991, and

WHEREAS, the Secretary of the Planning Commission of
the City of Modesto has certified that the final map of said
tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has
certified that the final map of said Laurel Heights - Phase III
Subdivision meets all of the provisions of the California
Subdivision Map Act and the provisions of the Modesto Municipal
Code relating to subdivisions, and that the map is technically
correct, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that said final map be approved; that the

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-685

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF LEONARD SORANNO FROM THE CITIZENS REDEVELOPMENT ADVISORY COMMISSION, EFFECTIVE DECEMBER 6, 1994

WHEREAS, Leonard Soranno was appointed a member of the Citizens Redevelopment Advisory Commission on August 25, 1992; and

WHEREAS, Leonard Soranno has tendered his resignation from the Citizens Redevelopment Advisory Commission, effective December 6, 1994; and

WHEREAS, Leonard Soranno has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Leonard Soranno from the Citizens Redevelopment Advisory Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Leonard Soranno for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-686

A RESOLUTION APPOINTING MEMBERS TO THE HIGHWAY VILLAGE NEIGHBORHOOD
ADVISORY COMMITTEE

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

SECTION 1. The following persons are hereby appointed to the
Highway Village Neighborhood Advisory Committee, terms to expire January
1, 1999:

- April Boland
- Penny Hampton
- Conni-Lynne Yandell

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed members of the Highway Village
Neighborhood Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 6th day of December, 1994, by
Councilmember Muratore , who moved its adoption, which motion being
duly seconded by Councilmember McClanahan , was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-687

A RESOLUTION APPOINTING RICARDO CORDOVA TO THE CITIZENS HOUSING AND
COMMUNITY DEVELOPMENT COMMITTEE

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

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

SECTION 1. Appointing Ricardo Cordova to the Citizens Housing and
Community Development Committee, term to expire on 6/30/97.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the member and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 6th day of December,
1994, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember McClanahan, was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-688

A RESOLUTION APPOINTING MARVIN EVANS TO THE ECONOMIC DEVELOPMENT LOAN COMMITTEE

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

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

SECTION 1. Appointing Marvin Evans to the Economic Development Loan Committee, term to expire on 9/30/98.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the member and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 94-689

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE MILDRED PERKINS PARK BALLFIELD IMPROVEMENTS

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

SECTION 1. The specifications for the Mildred Perkins Park ballfield improvements, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 3, 1995, at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-690

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE HANDICAP RESTROOM REMODEL AT ROOSEVELT, DOWNEY AND DAVIS PARKS

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

SECTION 1. The specifications for the handicap restroom remodel at Roosevelt, Downey and Davis Parks, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 10, 1995, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-691

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CHIPPING/GRINDING SERVICES AND SHORT-TERM STORAGE OF GREEN WASTE AND/OR TRANSPORTATION OF SAME

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

SECTION 1. The specifications for chipping/grinding services and short-term storage of green waste and/or transportation of same, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 3, 1995, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-692

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR SUBMITTAL TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A USED MOTOR OIL BLOCK GRANT.

WHEREAS, City staff has recommended that the Council adopt a resolution approving the submittal of an application for a used oil collection block grant to enable the City to obtain funds to offset the cost of a comprehensive public education program identified for short-term implementation in the City's draft Household Hazardous Waste Element,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or their designee, is hereby authorized to execute all necessary applications, contracts, payment requests, agreements, and amendments thereto for submittal to the California Integrated Waste Management Board for a 1994-95 used oil collection block grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

(12)

MODESTO CITY COUNCIL
RESOLUTION NO. 94-693

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR SUBMITTAL TO THE CALIFORNIA DEPARTMENT OF CONSERVATION, DIVISION OF RECYCLING FOR A BEVERAGE CONTAINER RECYCLING GRANT.

WHEREAS, City staff has recommended that Council adopt a resolution approving the submittal of an application for a beverage container recycling grant to enable the City to obtain funds so that the diversion of recyclable materials can be increased via a comprehensive education and promotion effort,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute an application for submittal to the California Department of Conservation, Division of Recycling for a Beverage Container Recycling grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-694

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SALVATION ARMY FOR A GRANT OF \$70,000 FOR COMPREHENSIVE EMERGENCY ASSISTANCE PROGRAMS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Salvation Army for a grant of \$70,000 for Comprehensive Emergency Assistance Programs be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-695

A RESOLUTION APPROVING AN ALCOHOL AND DRUG TESTING POLICY AND
PROCEDURE

WHEREAS, Congress adopted the Omnibus Transportation Employee Testing Act of 1991 providing for the prevention and testing for alcohol misuse and drug use for operators of commercial motor vehicles; and

WHEREAS, final Federal Regulations were approved on February 15, 1994, mandating the establishment of a testing program by the City, effective January 1, 1995.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "Alcohol and Drug Testing Policy and Procedure", a copy of which is on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-696

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE OFFICE OF THE CITY ATTORNEY OF
THE CITY OF MODESTO AND RESCINDING RESOLUTION
NO. 92-192

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

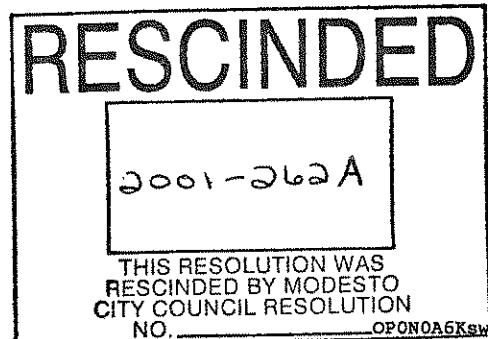
WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Office
of the City Attorney of the City of Modesto as submitted, a copy
of which Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 92-192
adopted by the Council is hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
OFFICE OF THE CITY ATTORNEY
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Office of the City Attorney.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

OFFICE OF THE CITY ATTORNEY CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Assistant City Attorney	2
City Attorney	1
Consultant	3
Deputy City Attorney I, II	2
Senior Deputy City Attorney I, II	2

OFFICE OF THE CITY ATTORNEY CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The City Attorney is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-697

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE OFFICE OF THE CITY CLERK AND
AUDITOR OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NO. 92-193.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Office
of the City Clerk and Auditor of the City of Modesto as
submitted, a copy of which Code is attached hereto, is hereby
approved.

BE IT FURTHER RESOLVED that Resolution No. 92-193
adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
OFFICE OF THE CITY CLERK AND AUDITOR
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Office of the City Clerk and Auditor.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

OFFICE OF THE CITY CLERK AND AUDITOR CONFLICT OF INTEREST CODE
EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Assistant City Clerk & Auditor	1
City Clerk and Auditor	1
Consultant	2

OFFICE OF THE CITY CLERK AND AUDITOR CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-698

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE OFFICE OF THE CITY MANAGER OF THE
CITY OF MODESTO AND RESCINDING RESOLUTION
NOS. 92-194 AND 94-24.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

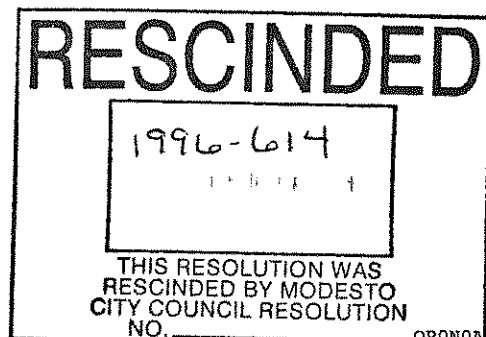
WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Office
of the City Manager of the City of Modesto as submitted, a copy
of which Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution Nos. 92-194 and
94-24 adopted by the Council are hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
OFFICE OF THE CITY MANAGER
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Office of the City Manager.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

OFFICE OF THE CITY MANAGER CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Assistant to the City Manager	2
City Manager	1
Consultant	3
Deputy City Manager	2
Management Analyst	2
Public Information Officer	2
Systems Analyst	2

OFFICE OF THE CITY MANAGER CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The City Manager is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-699

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE COMMUNITY DEVELOPMENT DEPARTMENT
OF THE CITY OF MODESTO.

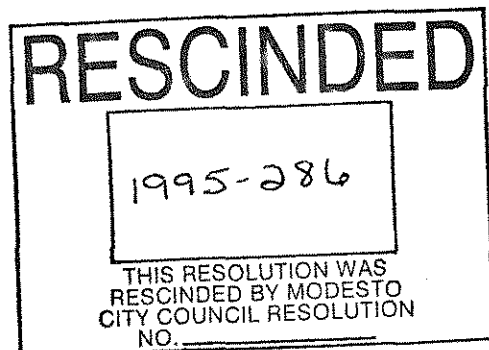
WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the
Community Development Department of the City of Modesto as
submitted, a copy of which Code is attached hereto, is hereby
approved.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
COMMUNITY DEVELOPMENT DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Community Development Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

COMMUNITY DEVELOPMENT DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Assistant Planner	1
Associate Civil Engineer	1
Associate Planner	1
Building Inspector I, II	1
Business Development Manager	1
Business Development Officer	1
Chief Building Official	1
Code Enforcement Officer I, II	1
Community Development Program Specialist II	1
Consultant	2
Deputy Chief Building Official	1
Development Services Manager	1
Housing & Neighborhoods Manager	1
Housing Finance Specialist	1
Housing Program Supervisor	1
Housing Rehabilitation Specialist II	1
Neighborhood Preservation Supervisor	1
Planning Assistant	1
Plan Review Engineer	1
Principal Planner	1
Public Improvement Specialist	1
Senior Building Inspector	1

11-7-94

COMMUNITY DEVELOPMENT DEPT. EXHIBIT "A" (continued)

Senior Housing Rehabilitation Specialist	1
Strategic Planning Manager	1
Supervising Building Inspector	1
Telecommunication Center Coordinator	1

COMMUNITY DEVELOPMENT DEPARTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-700

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE FINANCE DEPARTMENT OF THE CITY OF
MODESTO AND RESCINDING RESOLUTION NOS. 92-196
AND 94-25.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

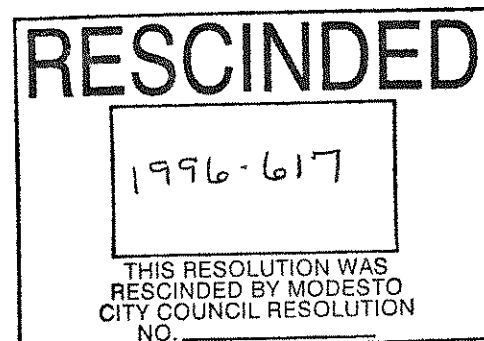
WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Finance
Department of the City of Modesto as submitted, a copy of which
Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution Nos. 92-196 and
94-25 adopted by the Council are hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
FINANCE DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Finance Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

FINANCE DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Accounting Division Manager	2
Administrative Technician (Purchasing Division)	3, 4
Buyer	3, 4
Consultant	5
Customer Services Division Manager	2
Director of Finance	1
Finance Data Processing Manager	3
Financial/Investment Officer	2
Manager of Budget and Financial Analysis	2
Purchasing Officer	2
Senior Accountant	2
Stores Manager	3

11-7-94

FINANCE CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The Director is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction.

Group 4: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction which manufacture, sell or design data processing equipment or related services.

Group 5: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-701

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE FIRE DEPARTMENT OF THE CITY OF
MODESTO AND RESCINDING RESOLUTION NOS. 92-197
AND 94-26.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

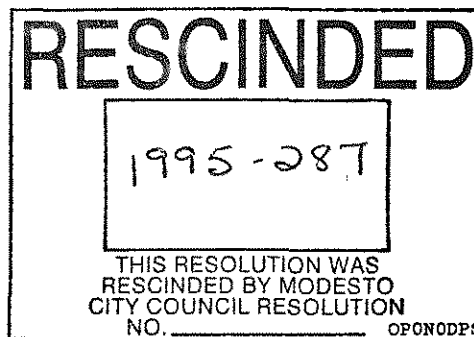
WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Fire
Department of the City of Modesto as submitted, a copy of which
Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution Nos. 92-197 and
94-26 adopted by the Council are hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
FIRE DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Fire Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

FIRE DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Buyer	1
Consultant	3
Fire Chief	1
Fire Division Chief	1
Fire Battalion Chief	1
Fire Prevention Bureau Captain	2
Haz/Mat Inspector	2
Plan Checker	2

FIRE DEPARTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction which manufacture or sell fire-related equipment or parts.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-702

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE PARKS AND RECREATION DEPARTMENT
OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NOS. 92-198 AND 94-27.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

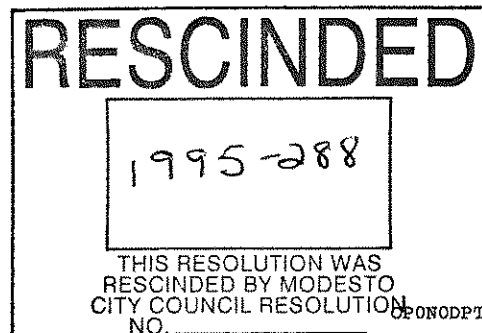
WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Parks
and Recreation Department of the City of Modesto as submitted, a
copy of which Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution Nos. 92-198 and
94-27 adopted by the Council are hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
PARKS AND RECREATION DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Parks and Recreation Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

PARKS AND RECREATION DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Position</u>	<u>Disclosure Category</u>
Administrative Analyst	2
Arborist	2
Assistant Director of Parks and Recreation	1
Building Maintenance Supervisor	2
Building Superintendent	1
Consultant	3
Custodian Supervisor	2
Director of Parks and Recreation	1
Events Supervisor	2
Golf Superintendent	1
Golf Supervisor	2
Historical Buildings Supervisor	2
Landscape Designer	1
Museum Supervisor	2
Operations Supervisor	2
Parks Maintenance Supervisor I, II	2
Parks Superintendent	1
Recreation Superintendent	1
Recreation Supervisor II	2
Trees Maintenance Supervisor I, II	2

11-7-94

PARKS AND RECREATION DEPARTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction which manufacture, sell or supply parks and recreation equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-703

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE PERSONNEL DEPARTMENT OF THE CITY
OF MODESTO AND RESCINDING RESOLUTION NO.
92-199.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

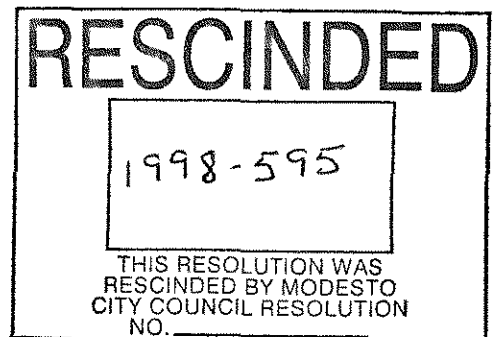
WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the
Personnel Department of the City of Modesto as submitted, a copy
of which Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 92-199
adopted by the Council is hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
PERSONNEL DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Personnel Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

PERSONNEL DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Assistant Personnel Director	1
Assistant Risk Manager	1
Consultant	3
Personnel Director	1
Risk Manager	1
Workers Compensation Claims Examiner	2

PERSONNEL DEPARTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts - Schedules A, C-2, D, E, F, G, and H - from all individuals or businesses involved in healthcare or vocational rehabilitation, which are located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-704

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE POLICE DEPARTMENT OF THE CITY OF
MODESTO AND RESCINDING RESOLUTION NO. 92-201.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

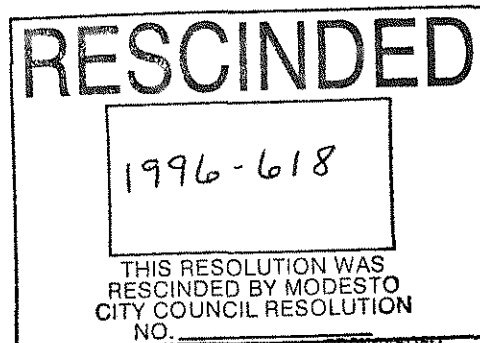
WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Police
Department of the City of Modesto as submitted, a copy of which
Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 92-201
adopted by the Council is hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
POLICE DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Police Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

POLICE DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Administrative Analyst	2
Chief of Police	1
Consultant	3
Police Administrative Assistant	2
Police Captain	1
Police Lieutenant (Professional Standards)	2

POLICE DEPARTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C-2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction selling, manufacturing, or distributing equipment and supplies for office, personnel or vehicles.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-705

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF THE CITY OF MODESTO AND
RESCINDING RESOLUTION NO. 92-202.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Public
Works and Transportation Department of the City of Modesto as
submitted, a copy of which Code is attached hereto, is hereby
approved.

BE IT FURTHER RESOLVED that Resolution No. 92-202
adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
PUBLIC WORKS AND TRANSPORTATION DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Public Works and Transportation Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Administrative Services Officer	1
Airport Manager	1
Assistant Water Quality Control Superintendent	1
Associate Civil Engineer	1
Associate Traffic Engineer	1
Civil Engineering Assistant	1
Construction Inspector	1
Consultant	2
Deputy Public Works and Transportation Director	1
Electrical Supervisor	1
Engineering Systems Manager	1
Equipment Maintenance Supervisor I and II	1
Fleet Manager	1
Industrial Waste Inspector	1
Industrial Waste Supervisor	1
Integrated Waste Specialist	1
Junior/Assistant Civil Engineer	1
Junior/Assistant Traffic Engineer	1
Laboratory Supervisor	1
Land Surveyor	1
Plant Mechanic Supervisor	1
Public Improvement Specialist	1
Public Works Supervisor I	1
Public Works and Transportation Director	1
Recycling Coordinator	1
Secondary Treatment Site Supervisor	1

PUBLIC WORKS & TRANSPORTATION DEPT. EXHIBIT "A" (continued)

Senior Civil Engineer	1
Senior Civil Engineering Assistant	1
Senior Construction Inspector	1
Solid Waste Program Manager	1
Streets Maintenance Superintendent	1
Supervising Construction Inspector	1
Traffic Engineer	1
Transit Manager	1
Transportation Planner	1
Wastewater Collection Superintendent	1
Water Quality Control Superintendent	1
Water Superintendent	1

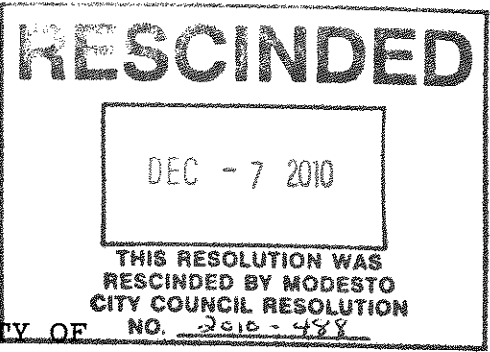
PUBLIC WORKS AND TRANSPORTATION DEPARTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.



MODESTO CITY COUNCIL
RESOLUTION NO. 94-706

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE BOARD OF BUILDING APPEALS OF THE
CITY OF MODESTO AND RESCINDING RESOLUTION
NO. 92-203.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Board
of Building Appeals of the City of Modesto as submitted, a copy
of which Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 92-203
adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
BOARD OF BUILDING APPEALS
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Board of Building Appeals.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

BOARD OF BUILDING APPEALS CONFLICT OF INTEREST CODE
EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Board Members	1
Consultant	2

BOARD OF BUILDING APPEALS CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

RESCINDED

DEC - 7 2010

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 2010-489

MODESTO CITY COUNCIL
RESOLUTION NO. 94-707

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING THE CONFLICT OF INTEREST CODE OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 92-204.

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of December 13, 1994, considered the adoption of a conflict of interest code for the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Conflict of Interest Code of the Board of Zoning Adjustment of the City of Modesto as submitted, a copy of which Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 92-204 adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
BOARD OF ZONING ADJUSTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Board of Zoning Adjustment.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

BOARD OF ZONING ADJUSTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Board Members	1
Consultant	2

BOARD OF ZONING ADJUSTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

RESCINDED

DEC -7 2010

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 2010-490

MODESTO CITY COUNCIL
RESOLUTION NO. 94-708

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE CITIZENS HOUSING AND COMMUNITY
DEVELOPMENT COMMITTEE OF THE CITY OF MODESTO
AND RESCINDING RESOLUTION NO. 92-206.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the
Citizens Housing and Community Development Committee of the City
of Modesto as submitted, a copy of which Code is attached hereto,
is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 92-206
adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Citizens Housing and Community Development Committee.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Committee Members	1
Consultant	2

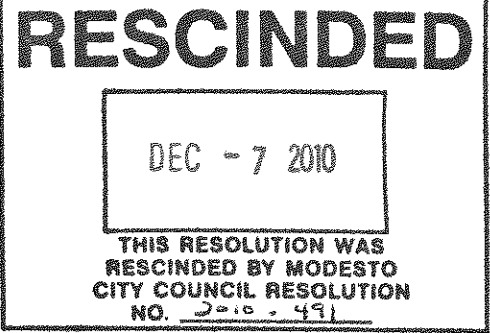
CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.



MODESTO CITY COUNCIL
RESOLUTION NO. 94-709

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE DISABLED ACCESS APPEALS BOARD OF
THE CITY OF MODESTO AND RESCINDING RESOLUTION
NO. 92-669.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the
Disabled Access Appeals Board of the City of Modesto as
submitted, a copy of which Code is attached hereto, is hereby
approved.

BE IT FURTHER RESOLVED that Resolution No. 92-669
adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
DISABLED ACCESS APPEALS BOARD
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Disabled Access Appeals Board.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

DISABLED ACCESS APPEALS BOARD CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Board Members	1
Consultant	2

DISABLED ACCESS APPEALS BOARD CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-710

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE ECONOMIC DEVELOPMENT LOAN
COMMITTEE OF THE CITY OF MODESTO AND
RESCINDING RESOLUTION NO. 92-207.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the
Economic Development Loan Committee of the City of Modesto as
submitted, a copy of which Code is attached hereto, is hereby
approved.

BE IT FURTHER RESOLVED that Resolution No. 92-207
adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
ECONOMIC DEVELOPMENT LOAN COMMITTEE
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Economic Development Loan Committee.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

ECONOMIC DEVELOPMENT LOAN COMMITTEE CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Committee Members	1
Consultant	2

ECONOMIC DEVELOPMENT LOAN COMMITTEE CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-711

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE ENVIRONMENTAL ASSESSMENT
COMMITTEE OF THE CITY OF MODESTO AND
RESCINDING RESOLUTION NO. 92-208.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the
Environmental Assessment Committee of the City of Modesto as
submitted, a copy of which Code is attached hereto, is hereby
approved.

BE IT FURTHER RESOLVED that Resolution No. 92-208
adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
ENVIRONMENTAL ASSESSMENT COMMITTEE
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Environmental Assessment Committee.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

ENVIRONMENTAL ASSESSMENT COMMITTEE CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Committee Members	1
Consultant	2

ENVIRONMENTAL ASSESSMENT COMMITTEE CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-712

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE HOUSING MAINTENANCE AND
COUNSELING COMMITTEE OF THE CITY OF MODESTO
AND RESCINDING RESOLUTION NO. 92-209.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Housing
Maintenance and Counseling Committee of the City of Modesto as
submitted, a copy of which Code is attached hereto, is hereby
approved.

BE IT FURTHER RESOLVED that Resolution No. 92-209
adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
HOUSING MAINTENANCE AND COUNSELING COMMITTEE
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Housing Maintenance and Counseling Committee.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

HOUSING MAINTENANCE & COUNSELING COMMITTEE CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Committee Members	1
Consultant	2

HOUSING MAINTENANCE & COUNSELING COMMITTEE CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

RESCINDED

DEC - 7 2010

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 2010 - 494

MODESTO CITY COUNCIL
RESOLUTION NO. 94-713

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE LANDMARK PRESERVATION COMMISSION
OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NO. 92-211.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the
Landmark Preservation Commission of the City of Modesto as
submitted, a copy of which Code is attached hereto, is hereby
approved.

BE IT FURTHER RESOLVED that Resolution No. 92-211
adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
LANDMARK PRESERVATION COMMISSION
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Landmark Preservation Commission.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

LANDMARK PRESERVATION COMMISSION CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Committee Members	1
Consultant	2

LANDMARK PRESERVATION COMMISSION CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-714

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE LICENSE TAX APPEALS BOARD OF THE
CITY OF MODESTO AND RESCINDING RESOLUTION
NO. 92-212.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of December 13,
1994, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the License
Tax Appeals Board of the City of Modesto as submitted, a copy of
which Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 92-212
adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
LICENSE TAX APPEALS BOARD
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the License Tax Appeals Board.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

LICENSE TAX APPEALS BOARD CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Board Members	1
Consultant	2

LICENSE TAX APPEALS BOARD CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-715

A RESOLUTION RESCINDING THE PLANNING AND
COMMUNITY DEVELOPMENT DEPARTMENT OF THE CITY
OF MODESTO.

WHEREAS, a Conflict of Interest Code for the Planning
and Community Development Department of the City of Modesto was
approved by Modesto City Council Resolution No. 77-487 pursuant
to Resolution No. 77-27 of the City of Modesto, and

WHEREAS, because there is no longer a Planning and
Community Development Department the Council of the City of
Modesto desires to rescind the Conflict of Interest Code for the
Planning and Community Development Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code for the
Planning and Community Development Department of the City of
Modesto is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-716

A RESOLUTION RESCINDING THE OFFICE OF
ECONOMIC DEVELOPMENT OF THE CITY OF MODESTO.

WHEREAS, a Conflict of Interest Code for the Office of Economic Development of the City of Modesto was approved by Modesto City Council Resolution No. 85-16 pursuant to Resolution No. 77-27 of the City of Modesto, and

WHEREAS, because there is no longer an Office of Economic Development the Council of the City of Modesto desires to rescind the Conflict of Interest Code for the Office of Economic Development,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Conflict of Interest Code for the Office of Economic Development of the City of Modesto is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-717

A RESOLUTION SUPPORTING THE ESTABLISHMENT OF
THE UNIVERSITY OF CALIFORNIA CAMPUS AT LAKE
YOSEMITE SITE, MERCED, CALIFORNIA.

WHEREAS, in May, 1990, the Modesto City Council agreed to support the efforts of the U.C. Campus Expansion Committee, and, at that time, the Council was supportive of the project being located at the Mapes Ranch or at the Don Pedro site, however, those sites were not selected, and

WHEREAS, the local University of California Expansion Committee is recommending the Lake Yosemite Site, Merced, California, for the building of a University of California campus, and

WHEREAS, the University of California Regents have decided that the 10th campus of the University of California system should be located in the San Joaquin Valley, and

WHEREAS, the University of California Merced Campus Committee has requested that the Modesto City Council adopt a resolution in support of locating the campus at the Lake Yosemite Site, Merced, California, and

WHEREAS, the Merced metropolitan area is located in the San Joaquin Valley, is serviced by a major highway, two railroads, and an airline, but currently has no four-year educational institution, and

WHEREAS, location of the campus in the Merced area would provide many new jobs and would be an enormous cultural and

educational opportunity for the residents in the area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby support the location of a University of California campus in the San Joaquin Valley, Merced area, because of its size, labor force, central location, and recreational and other facilities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

York

MODESTO CITY COUNCIL
RESOLUTION NO. 94-718

A RESOLUTION REVISING THE POSITION
CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

- Urban Forestry Superintendent
- Parks Operations Superintendent
- Parks Planning and Development Manager
- General Services Manager

The revised specifications for the classification of Urban Forestry Superintendent (Range 441), as shown on the attached Exhibit "A", Parks Operations Superintendent (Range 441), as shown on the attached Exhibit "B", Parks Planning and

Development Manager (Range 438), as shown on the attached Exhibit "C", and General Services Manager (Range 444) as shown on the attached Exhibit "D", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Parks Maintenance Supervisor II

Tree Maintenance Supervisor II

Landscape Designer

Parks Superintendent

Parks Construction Supervisor II

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after December 13 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

URBAN FORESTRY SUPERINTENDENT

DEFINITION

To manage, direct, and coordinate the activities of the Urban Forestry Division of the Parks and Recreation Department, including tree planting, pruning, removal, pest management and tree preservation activities; to coordinate urban forestry related activities with other divisions and departments.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from an Assistant Director of Parks and Recreation. Exercises direct supervision over supervisory, maintenance, technical and clerical staff, including the City Arborist.

EXAMPLES OF DUTIES - Duties may include but are not limited to, the following:

Direct, oversee, and participate in the development of the Division work plan; assign work activities, projects, and programs; monitor work flow and productivity; implement policies and procedures; review and evaluate work products and productivity, methods and procedures.

Coordinate the preparation of the organization's operating and capital improvement budget; manage budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies; administer the approved budget.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Establish performance standards and evaluate performance of subordinate personnel.

Recommend goals and objectives; assist in the development of policies and procedures.

Manage, direct and organize a comprehensive urban forestry maintenance program, including strategic planning of urban forestry activities.

Review capital improvement plans related to the assigned services and provide input regarding future maintenance activities. Identify and initiate needed capital improvement projects.

Receive, investigate and respond to citizen requests, suggestions, and complaints.

Coordinate organization's activities with those of other organizations, departments, and outside agencies; provide staff assistance to the Assistant Director of Parks and Recreation; prepare and present staff reports and other necessary correspondence.

Inspect and monitor the urban forest for needed maintenance making technical assessment of trees pertaining to liability, health and maintenance.

Direct street tree inventory activities.

Manage and encourage employee involvement efforts within the division and coordinate such efforts with other divisions and departments.

Inspect work sites before, during and after completion to assure work is completed in a satisfactory and thorough manner; inspect work sites, equipment and tools for compliance with safety standards; inspect and approve work done by outside contractors.

Supervise safety program; coordinate and attend safety meetings; ensure the adherence to safe work practices by subordinate personnel. Supervise employees performing line clearance tree pruning.

Supervise public relations activities; coordinate special events; manage volunteers and non-paid or alternative labor resources; make presentations to various groups.

Perform analytical work and write professional reports.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices and equipment used in tree maintenance, planting, preservation and pest management activities.

Principles and practices of supervision, training, and personnel management.

Principles of budget preparation and expenditure control.

Types and level of maintenance, planting, preservation and pest management activities generally performed in an urban forestry program.

Occupational hazards and standard safety precautions necessary in the work including line clearance tree pruning.

Record keeping and reporting procedures, including computerized maintenance systems.

Integrated pest management principles and techniques.
Pesticide application regulations pertaining to pesticide use in the urban forest.

Entrepreneurial methods and techniques used in the public sector.

The management of contractual services.

Principles of tree biology.

Ability to:

Organize, direct and implement a comprehensive urban forestry maintenance program.

Conduct studies, prepare comprehensive reports and determine cost effective ways for conducting the assigned maintenance activities.

Supervise, train and evaluate assigned staff.

Interpret and apply Federal, State and local policies, procedures, laws, and regulations.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Develop and manage automated management information systems.

Use computers and computer technology.

Prepare requests for proposals and contracts for professional services.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience performing tree pruning, preservation, planting and pest management, including three years of supervisory responsibility.

Training:

An Associate's Degree from an accredited college or university with major course work in supervision, landscape maintenance, urban forestry, ornamental horticulture, biology, or a related field. A Bachelor's Degree in one of the stated fields is desirable.

License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

Possession of a Pesticide Applicator's Certificate from the State of California within six months of appointment.

International Society of Arboriculture Certification (ISA) as an Arborist is desirable.

Possession of a Pest Control Advisor's License is desirable.

PARKS OPERATIONS SUPERINTENDENT

DEFINITION

To manage, direct, and coordinate the activities of the Parks Operations Division of the Parks and Recreation Department, including maintenance of neighborhood, community and regional parks, John Thurman Field, parking lots, rights of way, and other landscaped areas; to coordinate landscape maintenance activities with other divisions and departments; to coordinate and facilitate other related park services and programs provided for and conducted in Parks and Recreation facilities.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from an Assistant Director of Parks and Recreation. Exercises direct supervision over supervisory, maintenance, technical and clerical staff.

EXAMPLES OF DUTIES - Duties may include but are not limited to, the following:

Direct, oversee, and participate in the development of the Division work plan; assign work activities, projects, and programs; monitor work flow and productivity; implement policies and procedures; review and evaluate work products and productivity, methods and procedures.

Coordinate the preparation of the organization's operating and capital improvement budget; manage budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies; administer the approved budget.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Establish performance standards and evaluate performance of subordinate personnel.

Recommend goals and objectives; assist in the development of policies and procedures.

Manage, direct and organize a comprehensive landscape maintenance program.

Manage water usage and monitor backflow prevention devices in a complex park system.

Review capital improvement plans related to the assigned services and provide input regarding future maintenance activities. Identify and initiate needed capital improvement projects.

Receive, investigate and respond to citizen requests, suggestions, and complaints.

Coordinate organization's activities with those of other organizations, departments, and outside agencies; provide staff assistance to the Assistant Director of Parks and Recreation; prepare and present staff reports and other necessary correspondence.

Inspect and monitor parks and other landscaped areas for needed maintenance.

Manage and encourage employee involvement efforts within the division and coordinate such efforts with other divisions and departments.

Inspect work sites before, during and after completion to assure work is completed in a satisfactory and thorough manner; inspect work sites, equipment and tools for compliance with safety standards; inspect and approve work done by outside contractors.

Supervise safety program; coordinate and attend safety meetings; ensure the adherence to safe work practices by subordinate personnel. Supervise employees performing pest management activities.

Supervise public relations activities; manage volunteers and non-paid or alternative labor resources; make presentations to various groups.

Perform analytical work and write professional reports.

Develop, manage and facilitate park services and programs that enhance visitor experiences and satisfaction.

Manage large and complex special events.

Develop and manage automated management information systems and programs.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices and equipment used in park maintenance and other landscaped areas, weed control and abatement activities.

Principles and practices of management of public parks and recreation systems.

Principles and practices of supervision, training, and personnel management.

Principles of budget preparation and expenditure control.

Types and level of maintenance and repair activities generally performed in a park maintenance program.

Occupational hazards and standard safety precautions necessary in the work.

Computerized management information systems.

Entrepreneurial methods and techniques used in the public sector.

The management of contractual services.

Record keeping and reporting procedures, including computerized maintenance systems.

Integrated pest management principles and techniques.

Pesticide application regulations pertaining to pesticide use in landscaped areas.

Advanced horticultural practices used in a complex park system.

Ability to:

Organize, direct and implement a comprehensive landscape maintenance program.

Conduct studies, prepare comprehensive reports, and determine cost effective ways for conducting the assigned maintenance activities.

Supervise, train and evaluate assigned staff.

Interpret and apply Federal, State and local policies, procedures, laws, and regulations.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Prepare requests for proposals and contracts for professional services.

Utilize computers and computer technology.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience performing park management, landscape maintenance and pest management, including three years of supervisory responsibility.

Training:

An Associate's Degree from an accredited college or university with major course work in supervision, landscape maintenance, parks and recreation administration, urban forestry, ornamental horticulture, biology, or a related field. A Bachelor's Degree in one of the stated fields is desirable.

License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

Possession of a Pesticide Applicator's Certificate from the State of California within six months of appointment.

Possession of a Pest Control Advisor's License from the State of California is desirable.

PARKS PLANNING AND DEVELOPMENT MANAGER

DEFINITION

To manage, direct, and coordinate the activities of the Planning and Development Section of the Parks and Recreation Department, including the management all components of complex capital projects; coordinates long range planning for city facilities and features; develops and coordinates systems and services and provides an advanced level of technical expertise to other departments; works with individuals, groups and governmental officials to complete special assignments.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from an Assistant Director of Parks and Recreation. Exercises direct supervision over technical and occasionally maintenance staff.

EXAMPLES OF DUTIES - Duties may include but are not limited to, the following:

Direct, oversee, and participate in the development of the section's work plan and operating budget; assign work activities, projects, and programs; monitor work flow and productivity; implement policies and procedures; review and evaluate work products and productivity, methods and procedures.

Coordinate the preparation of the Department's capital improvement budget; manage capital budget implementation; forecast and recommend funding and priorities for projects.

Draft policy documents for the review of the City Council and Planning Commission. Make complex presentations to the Planning Commission, City Council and other boards, commissions or committees on planning, development and other public issues.

Examine planting and irrigation plans and specifications of commercial, industrial, public or other major development to ensure compliance with code or ordinance.

Design major park improvements; develop landscape and irrigation plans for renovation projects; utilize advanced computerized design/drafting systems in course of work.

Prepare requests for proposals, specifications and contracts. Prepare grant applications.

Review and evaluate municipal landscape and irrigation projects prepared by outside consultants; act as Department representative

with contractors on landscape and irrigation projects; inspect commercial landscape and irrigation installations.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct

deficiencies; implement discipline procedures and terminations.

Prepare environmental assessment reports. Work with outside state, local and federal agencies to obtain required permits and approvals for municipal projects.

Receive, investigate and respond to citizen requests, suggestions, and complaints. Make frequent presentations to service clubs and citizen groups.

Inspect and monitor parks and other landscaped areas for needed improvements. Inspect project sites before, during and after completion to assure work is completed in a satisfactory and thorough manner.

Perform analytical work and write professional reports. Prepare detailed cost estimates for capital projects.

Design and draft landscape and irrigation drawings for municipal projects; prepare plans and specifications for projects.

Review planned development and conditional use permits.

Research planting easements and right of ways; research property description and ownership at appropriate locations.

Supervise and participate in graphic design activities.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

American Disabilities act as it pertains to park and facility development.

Materials, methods, practices and equipment used in park and landscape design, construction and installation; the use of computer assisted design/drafting systems.

Parks and Recreation system planning including regional park and community development planning.

State and local land use codes and practices.

CEQA and other environmental review processes.

Federal, State and Local grant practices and procedures.
Principles and practices of supervision, training, and personnel management.

Principles of budget preparation and expenditure control.

Types and level of maintenance and repair activities generally performed in an park maintenance program.

Horticultural principles and practices and irrigation design.

Principles of graphic design including the use of computers in the design process.

General field surveying; plumbing and hydraulic principles.

Ability to:

Read and interpret landscape plans.

Design landscape and irrigation systems, park structures, flyers, logos, and graphic displays.

Conduct studies, prepare and present complex technical reports.

Make oral presentations to various agencies, clubs, committees, the Planning Commission and City Council.

Read and interpret codes and ordinances.

Prepare complete working drawings and specifications.

Supervise, train and evaluate assigned staff.

Interpret and apply Federal, State and local policies, procedures, laws, and regulations.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of responsible experience in a landscape architect's office, in the landscape construction field, regional and community planning and/or capital project management, including one year of supervisory or management responsibility.

Training:

Bachelor's degree from an accredited college or university with major course work in landscape architecture, parks and recreation administration, community development or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

Possession of a Landscape Architect License.

GENERAL SERVICES MANAGER

DEFINITION

Under general administrative direction, to plan, organize and direct the administrative, business and building services sections of the Parks and Recreation Department; to provide administrative support to the Department Director, to direct and coordinate personnel services for the department, to manage short and long term projects; and perform related work as assigned.

SUPERVISION RECEIVED AND EXERCISED

General direction is provided by the department Director.

Exercises direct supervision over professional, technical, maintenance and clerical staff.

EXAMPLES OF DUTIES - Duties may include but are not limited to, the following:

Manages, directs and organizes the activities of administrative support staff, including analytical positions.

Directs the budgetary and fiscal control process and is responsible for operating budget direction and coordination. Monitors enterprise funds and revenue accounts.

Assumes overall responsibility for the management of properties including lease/operating agreements of the Department.

Acts as a resource to other division heads on policies and inter-departmental relationships.

Assumes over-all responsibility for identification of external funding sources, such as grants; prepares applications and confers with state and federal regulatory agencies.

Participates in recommending the appointment of personnel; provides or coordinates staff training; works with employees to correct deficiencies; implements and reviews discipline procedures; reviews and recommends employee terminations; coordinates employee involvement and safety and training programs.

Oversees the building services operations including in-house staff work, projects and contractual work.

Supervises public relations activities; coordinates volunteer recruitment and activities; makes presentations to various groups.

Performs detailed analytical work and writes professional reports. Conducts special projects and administrative studies, prepares reports of findings and recommendations.

Oversees departmental purchasing and accounting activities.

Confers with representatives of other agencies on administrative problems.

Attends various City Council, Board, Commission and other governmental meeting; prepares and presents agenda items to the City Council.

Prepares and revises departmental rules and manuals of procedures and directs the instruction of their use.

Manages information systems with the department.

QUALIFICATIONS

Knowledge of:

Principles and modern methods of public and business administration with special reference to organization, fiscal and budgetary preparation and control.

Principles and practices of management and supervision.

Building maintenance and custodial practices. Asbestos abatement and management.

Technical report writing procedures and grant proposal development.

Applications of statistical methods to management analysis.

Advanced methods of report preparation and presentation.

Contractual relationships and purchasing practices.

Administrative research techniques, sources and availability of information.

Applicable, Federal, State and local laws and regulations related to the department.

Personnel rules and administrative directives.

Safety principles and practices.

Ability to:

Read and interpret blueprints and understand diagrams.

Plan, organize and direct the diverse and complex administrative, management and business practices of the department.

Research, analyze and make recommendations on administrative, management and procedural practices.

Perform budget analysis, preparation and monitoring.

Devise and operate effective internal control procedures.

Act as a liaison between the administrative unit and other divisions of the department on a variety of issues.

Formulate and recommend policies and budgets.

Interpret and make sound decisions in accordance with laws, regulations, and policies.

Read, understand and apply complex materials.

Work effectively with volunteer organizations.

Coordinate and monitor the Department Work Plan.

Administer contract services.

Communicate clearly and concisely both orally and in writing.

Establish and maintain effective relationships with those contacted during the course of work.

Experience and Training Guidelines:

Any combination of training, experience and education which demonstrates the possession of the knowledge and abilities stated above, and the ability to perform the duties of this position. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of administrative experience at an advanced level in a public agency, including supervisory experience in the area of administrative services.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in public administration, business administration, accounting, management, personnel, or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

MODESTO CITY COUNCIL
RESOLUTION NO. 94-719

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 94-410 TO AMEND THE CLASS RANGE TABLE TO ESTABLISH SALARY RANGES FOR URBAN FORESTRY SUPERINTENDENT, PARKS OPERATIONS SUPERINTENDENT, PARKS PLANNING & DEVELOPMENT MANAGER, AND GENERAL SERVICES MANAGER AS RECOMMENDED IN THE PARKS AND RECREATION MANAGEMENT AUDIT.

WHEREAS, Exhibit "A" of Resolution No. 94-410 has been previously amended by Resolution No. 94-541, and

WHEREAS, the City Council desires to further amend Exhibit "A" of Resolution No. 94-410,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 94-410.

Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 28, 1994" attached to Resolution No. 94-410, is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective December 13, 1994", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adopts class specifications for Urban Forestry Superintendent and Parks Operations Superintendent (Range 441), Parks Planning & Development Manager (Range 438), and General Services Manager (Range 444), and abolishes class specifications for Parks Maintenance Supervisor II, Tree Maintenance Supervisor

II, Landscape Designer, Parks Superintendent, and Parks Construction Supervisor II.

SECTION 2. EFFECTIVE DATE.

This resolution shall become effective on and after December 13, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective December 13, 1994

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	
420	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor Office Services Supervisor
421	

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Stores Manager Museum Supervisor
427	Events Supervisor
428	Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Social Services Coordinator Buyer Accountant II Budget Analyst Public Works Supervisor I Building Maintenance Supervisor Customer Services Specialist
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Training Coordinator Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Senior Accountant Youth Program Supervisor Industrial Waste Supervisor

Class Range Table
Management and Confidential Non-Sworn Class
Page 3

433	Assistant Civil Engineer Laboratory Supervisor Assistant Traffic Engineer
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supt. Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Secondary Treatment Site Supv. Operations Supervisor Arborist Land Surveyor Equipment Maintenance Supervisor II
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Public Information Officer Budget Officer Financial/Investment Officer Administrative Services Officer Integrated Waste Specialist
436	Senior Planner
437	
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor Business Development Officer Parks Planning and Development Manager
439	Deputy City Attorney II Associate Civil Engineer Associate Traffic Engineer
440	Purchasing Officer

Class Range Table
Management and Confidential Non-Sworn Class
Page 4

- 441 Community Development Program Manager
 Sr. Deputy City Attorney I
 Airport Manager
 Solid Waste Program Manager
 Transit Manager
 Streets Maintenance Superintendent
 Parks Operations Superintendent
 Risk Manager
 Assistant Personnel Director
 Recreation Superintendent
 Golf Superintendent
 Fleet Manager
 Urban Forestry Superintendent
 Wastewater Collections Superintendent
 Water Superintendent
 Building Maintenance Superintendent
- 442 Supv. Building Inspector
 Finance Data Processing Manager
 Supv. Construction Inspector
 Manager of Budget and Financial Analysis
- 443 Deputy Chief Bldg. Official
- 444 General Services Manager
 Water Quality Control Supt.
 Principal Planner
- 445 Customer Services Division Manager
 Accounting Division Manager
 Housing and Neighborhoods Division Manager
- 446 Senior Civil Engineer
 Traffic Engineer
- 447 Chief Building Official
 Assistant to City Manager
 Asst. Parks & Recreation Dir. - Civic Center
 Asst. Parks & Recreation Dir. - Parks
 Asst. Parks & Recreation Dir. - Recreation
 Business Development Division Manager
 Development Services Division Manager
 Strategic Planning Division Manager
- 448 Sr. Deputy City Attorney II
- 449

Class Range Table
Management and Confidential Non-Sworn Class
Page 5

450 Deputy Director Public Works - Engineering
Deputy Director Public Works - Operations
Deputy Director Public Works - Transportation

451

452 Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION 94-720

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO FUND A NEW CIVIL ENGINEERING TECHNICIAN I POSITION IN THE WATER FUND.

WHEREAS, the City Manager authorized a new Civil Engineering Technician I position in the Utilities Division of the Public Works and Transportation Department.

WHEREAS, this resolution will provide funding for the remainder of this fiscal year from the Water fund contingency reserve.

WHEREAS, the following adjustments are necessary:

Water Fund		Increase (Decrease)
Fund/Agy/Org		
Expenditures		
610-480-5012-0110	Salaries and Wages	\$22,500
610-800-8000-8003	Water Fund Contingency Reserve	(\$22,500)

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-721

A RESOLUTION AGREEING TO A REQUEST FROM THE DEL ESTE WATER COMPANY TO CONTINUE FOR THREE MONTHS THE VARIABLE-RATE FINANCING FOR DEL ESTE'S PORTION OF THE LONG-TERM DEBT RELATING TO THE DOMESTIC WATER PROJECT.

WHEREAS, the Treatment and Delivery Agreement between the City of Modesto ("City"), the Modesto Irrigation District ("MID"), and the Del Este Water Company ("Del Este") for the Domestic Water Project calls for the MID to issue long-term fixed-rate debt for Del Este's portion of the project within sixty (60) days of the beginning of operations of the Surface Water Treatment Plant, and

WHEREAS, throughout the construction phase of the Project, the MID has financed Del Este's obligations with short-term, variable-rate commercial paper, and

WHEREAS, Del Este has asked the MID and the City to agree to waive the fixed-rate financing mandate in the Treatment and Delivery Agreement, and to permit continued use of the variable-rate, short-term commercial paper for Del Este's share of the long-term debt of the Project, and

WHEREAS, Section 18.5.2, on page 51, of the Treatment and Delivery Agreement provides, in part, that "No later than 60 days after the Commercial Operation Date, the Variable Financing shall be replaced entirely by Fixed Financing unless the Parties unanimously agree to the contrary", and

WHEREAS, City staff has recommended approval of the

request submitted by Del Este to waive the fixed-rate financing mandate in the Treatment and Delivery Agreement, and to permit continued use of the variable-rate, short-term commercial paper for Del Este's share of the long-term debt of the Project, and City staff has further recommended a three (3)-month limit to the approval, and further that the City Manager be authorized to execute any and all agreements specifying the City's consent to continued variable rate financing and to agree to extensions of the three (3)-month limit if he determines, in his discretion, that any such extensions are in the best interest of the City of Modesto, and

WHEREAS, the Utility Services and Franchises Committee at its meeting of December 6, 1994, reviewed the request submitted by Del Este, and concurred with the City recommendations, as set forth above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the request submitted by Del Este to waive the fixed-rate financing mandate in the Treatment and Delivery Agreement, and to permit continued use of the variable-rate, short-term commercial paper for Del Este's share of the long-term debt of the Project, with a three (3)-month limit to the approval; the City Manager is authorized to execute an agreement specifying the City's consent to the continued use of such variable-rate financing and is further authorized to agree to any extensions of the three (3)-month

limit on the continued use of such variable-rate financing if he determines, in his discretion, that such extensions are in the best interest of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-722

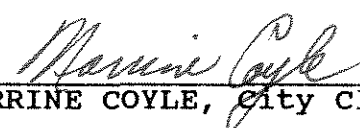
A RESOLUTION APPROVING THE REQUEST OF YOSEMITE MEAT COMPANY FOR A REFUND IN THE AMOUNT OF \$25,671.10 FOR OVERPAYMENT OF BUSINESS LICENSE GROSS RECEIPT TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Yosemite Meat Company for a refund in the amount of \$25,671.10 for overpayment of Business License Gross Receipt Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Patterson

ATTEST:


NORRINE COYLE, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION 94-723

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO PROVIDE UP TO \$100,000 FROM THE GENERAL FUND CONTINGENCY RESERVE TO ASSIST STANISLAUS COUNTY WITH ELECTION COST FOR THE MARCH 7, 1995 SALES TAX MEASURE.

WHEREAS, on December 6, 1994 the Board of Supervisors adopted a plan for funding the library contingent upon voter approval of the sales tax increment and directed that revenue collected from the tax only be used for funding county-wide library programs and operations.

WHEREAS, the County has requested city assistance in funding the election costs and the City agreed to provide up to \$100,000.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org	General Fund	Increase (Decrease)
Expenditures		
010-360-3623-0460	Stanislaus County Library Contribution	\$100,000
010-800-8000-8003	General Fund Contingency Reserve	(\$100,000)


BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-724

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ZANA ROBERSON FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE DECEMBER 13, 1994

WHEREAS, Zana Roberson was appointed a member of the Affirmative Action Commission on December 15, 1992; and

WHEREAS, Zana Roberson has tendered her resignation from the Affirmative Action Commission, effective December 13, 1994; and

WHEREAS, Zana Roberson has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Zana Roberson from the Affirmative Action Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Zana Roberson for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-725

A RESOLUTION APPOINTING ALFRED MENSHEW TO THE LANDMARK PRESERVATION
COMMISSION

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

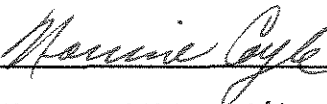
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto as follows:

SECTION 1. Appointing Alfred Menshew to the Landmark Preservation
Commission, term to expire on 1/1/96.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the member and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 13th day of December,
1994, by Councilmember^{McClanahan}, who moved its adoption, which
motion being duly seconded by Councilmember Friedman, was upon roll
call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Faiedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 94-726

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE
A REQUEST FOR PROPOSAL FOR A GOLF COMPUTER
MANAGEMENT SYSTEM FOR THE PARKS AND
RECREATION DEPARTMENT.

WHEREAS, pursuant to a report from the Finance Director dated December 13, 1994, in September of 1994, the National Golf Foundation Operational Audit of the City Golf Courses included numerous recommendations involving computerization needs, and

WHEREAS, high priorities are indicated for automation of numerous functions, including reservations, records management, and database management functions for the Parks and Recreation Department, and

WHEREAS, said report was considered by the City Council at its meeting of December 20, 1994, and a copy of said report is on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals for a Golf Computer Management System for the Parks and Recreation Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-727

A RESOLUTION ACCEPTING THE BID OF MIDCAL PIPELINE AND UTILITIES FOR THE
ROSEMORE AVENUE WATERLINE

WHEREAS, Resolution No. 94-652, adopted by the Council of the City of Modesto on November 15, 1994, approved the plans and specifications for the Rosemore Avenue waterline; and

WHEREAS, the bids received for the Rosemore Avenue waterline were opened at 11:00 a.m. on December 6, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Midcal Pipeline and Utilities, in the amount of \$44,832.50, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Midcal Pipeline and Utilities, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-728

A RESOLUTION ACCEPTING THE BID OF McDONALD GLENN COMPANY FOR THE
JOHANSEN POOL SUPPORT BUILDING

WHEREAS, Resolution No. 94-666, adopted by the Council of the City of Modesto on November 22, 1994, approved the plans and specifications for the Johansen pool support building; and

WHEREAS, the bids received for the Johansen pool support building waterline were opened at 11:05 a.m. on December 13, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of McDonald Glenn Company, in the amount of \$421,961, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of McDonald Glenn Company, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-729

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$42,423 TO PROVIDE FOR THE CONSTRUCTION OF THE JOHANSEN POOL SUPPORT BUILDING

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

FROM: Johansen Community Park \$42,423
(135 310 P872 6040)

TO: Johansen Community Park Pool \$42,423
(135 310 D252 6040)

These funds are needed in order to complete the Johansen pool support building.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-730

A RESOLUTION ACCEPTING THE BID OF EL DORADO BUS SALES, INC. FOR FURNISHING TWO COMPRESSED NATURAL GAS POWERED BUSES

WHEREAS, Resolution No. 94-591, adopted by the Council of the City of Modesto on October 11, 1994, approved the plans and specifications for the purchase of two compressed natural gas powered buses; and

WHEREAS, the bids received for the furnishing of two compressed natural gas powered buses were opened at 11:00 a.m. on December 8, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of El Dorado Bus Sales, Inc., in the amount of \$326,061.28, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of El Dorado Bus Sales, Inc., be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-731

A RESOLUTION ACCEPTING THE BID OF DONLEE PUMP COMPANY FOR FURNISHING
THREE ABOVE GROUND FUEL TANKS

WHEREAS, Resolution No. 94-609, adopted by the Council of the City of Modesto on November 1, 1994, approved the plans and specifications for the purchase of three above ground fuel tanks; and

WHEREAS, the bids received for the furnishing of three above ground fuel tanks were opened at 11:10 a.m. on November 22, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Donlee Pump Company, in the amount of \$34,255, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Donlee Pump Company, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-732

A RESOLUTION DECLARING UP TO ONE HUNDRED
(100) BICYCLES SURPLUS PROPERTY AND
AUTHORIZING THE DONATION OF SAID BICYCLES TO
CHARITABLE CAUSES.

WHEREAS, the Police Department of the City of Modesto
has up to one hundred (100) bicycles in the Police
Impound/Evidence Property Room which have become surplus property
to the City's needs, and

WHEREAS, it has been recommended by Police Department
personnel that said bicycles should be donated to charitable
causes as determined by the Police Department, and

WHEREAS, during the course of the year the Police
Department recovers hundreds of lost, stolen and abandoned
bicycles, and

WHEREAS, if the bicycles are not claimed after a
waiting period of ninety (90) days, the bicycles are transferred
to the Purchasing Officer for sale to the highest bidder at
public auction, and

WHEREAS, some time in December 1993, personnel of the
Police Department noticed a large Christmas tree located at the
Vintage Faire Mall, and

WHEREAS, on this tree were various names of children
identifying different needs, one of the items requested were
bicycles, and

WHEREAS, Police Department personnel inquired as to the feasibility of donating some of the above noted bicycles to the children whose names appeared on the Christmas tree, and

WHEREAS, the Purchasing Officer has reviewed the request and concurs with the recommendation and it has been calculated that the value of the bicycles will not exceed \$1,800.00, and

WHEREAS, due to the success of the program last year and the continuing need for bicycles for needy children, the Police Department and Finance Department are requesting the declaration of up to one hundred (100) bicycles as surplus, twenty-five (25) for distribution to needy children whose names appear on the Christmas tree and seventy-five (75) for donation by the Police Athletic League (PAL) to others as determined by the Police Department, and

WHEREAS, the Council of the City of Modesto desires to donate said surplus bicycles, as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that up to one hundred (100) bicycles in the Police Impound/Evidence Property Room have become surplus property to the City's needs, and the Council hereby authorizes the donation of up to one hundred (100) surplus bicycles, twenty-five (25) for distribution to needy children whose names appear on the Christmas tree and seventy-five (75) for donation by the Police Athletic League (PAL) to others as determined by the Police Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 94-733

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 13 REPLACEMENT VEHICLES FOR THE POLICE DEPARTMENT THROUGH THE STATE CONTRACT

WHEREAS, the Service Division of the Public Works and Transportation Department has requested thirteen replacement Police vehicles; and

WHEREAS, over the past few years we have purchased Police replacement vehicles from either the Los Angeles County Contract, the City of Oakland Contract, or the State Contract, whichever was the least expensive; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the city of Modesto that formal bid procedure for the purchase of 13 replacement vehicles for the Police Department is hereby waived.

BE IT FURTHER RESOLVED that purchase of 13 replacement vehicles from the State contract for a total cost of \$262,500, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-734

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE BANK OF THE WEST FOR BANKING SERVICES INCLUDING PAYABLES, PAYROLL, CASHIERING AND INVESTMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Bank of the West for banking services including payables, payroll, cashiering and investments be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-735

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND MARIO CAMPOS FOR REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Mario Campos for rehabilitating his property located at 337 Leon Avenue pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-736

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND CURTIS E. BEERY FOR REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Curtis E. Beery for rehabilitating his property located at 440 Yosemite Avenue pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 94-737

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID HERNANDEZ FOR REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and David Hernandez for rehabilitating his property located at 333 Colorado Avenue pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-738

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND BRENDA FIFER FOR REHABILITATING HER PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Brenda Fifer for rehabilitating her property located at 437 Oak Street pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-739

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM DONALD AND JO ANN HAGLUND FOR THE AIRPORT CLEAR ZONE TREE TRIMMING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Donald and Jo Ann Haglund to allow entry for tree trimming be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Donald and Jo Ann Haglund for the Airport clear zone tree trimming project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-740

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM KENNETH G. CHECK, JR. AND JOAN L. CARDOZA FOR THE AIRPORT CLEAR ZONE TREE TRIMMING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kenneth G. Check, Jr. and Joan L. Cardoza to allow entry for tree trimming be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Donald and Jo Ann Haglund for the Airport clear zone tree trimming project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-741

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM JEWELL L. NAIL FOR THE AIRPORT CLEAR ZONE TREE TRIMMING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jewell L. Nail to allow entry for tree trimming be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Jewell L. Nail for the Airport clear zone tree trimming project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-742

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM GORDON D. STEWART AND JOHN F. STEWART FOR THE AIRPORT CLEAR ZONE TREE TRIMMING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gordon D. Stewart and John F. Stewart to allow entry for tree trimming be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Gordon D. Stewart and John F. Stewart for the Airport clear zone tree trimming project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-743

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM MAURAE W. AND MARCELLA MITCHELL FOR THE AIRPORT CLEAR ZONE TREE TRIMMING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Maurae W. and Marcella Mitchell to allow entry for tree trimming be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Maurae W. and Marcella Mitchell for the Airport clear zone tree trimming project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-744

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM ROBERT B. AND HELEN A. DAVIS FOR THE AIRPORT CLEAR ZONE TREE TRIMMING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Robert B. and Helen A. Davis to allow entry for tree trimming be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Robert B. and Helen A. Davis for the Airport clear zone tree trimming project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-745

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM DAVID H. AND JENNIFER VERNON FOR THE AIRPORT CLEAR ZONE TREE TRIMMING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and David H. and Jennifer Vernon to allow entry for tree trimming be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from David H. and Jennifer Vernon for the Airport clear zone tree trimming project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-746

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ATMOSPHERICS, INC. FOR THE USE OF A SMALL PARCEL OF LAND AT THE AIRPORT FOR WEATHER EQUIPMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Atmospherics, Inc. for the use of a small parcel of land at the Airport for weather equipment be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-747

A RESOLUTION TERMINATING A CONCESSION AGREEMENT BETWEEN THE CITY OF MODESTO AND NANCY J. LOFANO FOR HER OPERATION OF ADVERTISING SERVICES AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the concession agreement between the City of Modesto and Nancy J. Lofano for her operation of advertising services at the Airport be, and it is hereby terminated.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-748

A RESOLUTION APPROVING A RENTAL AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FOREVER YOUNG SENIOR CITIZENS ORGANIZATION AND SETTING FORTH RENTAL RATES FOR USE OF THE SENIOR CITIZENS CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the rental agreement between the City of Modesto and the Forever Young Senior Citizens Organization, and setting forth rental rates for use of the Senior Citizens Center be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 94-749

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$50,000 TO PROVIDE FUNDING FOR A FINANCIAL CONSULTANT ON THE WASTEWATER MASTER PLAN

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

FROM:	Sewer Extensions (621 480 E543)	\$50,000
TO:	WWMP Financial Consultant (621 480 E614)	\$50,000

These funds are needed to provide funding for a financial consultant on the Wastewater Master Plan - Phase 3.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

*Clerk*COUNCIL RESOLUTION NO. 94-750RESOLUTION OF THE CITY OF MODESTO
MAKING FINDINGS AS TO
ENVIRONMENTAL IMPACTS AND ADOPTING
STATEMENT OF OVERRIDING CONSIDERATIONS
AS TO THE PLAZA PROJECT

WHEREAS, in 1991, the Redevelopment Agency of the City of Modesto ("Agency") and the City of Modesto ("City") adopted an amended project area for the Modesto Redevelopment Plan ("Redevelopment Plan"). Pursuant to the California Environmental Quality Act, ("CEQA"; Pub. Resources Code §§ 21000 et seq.), the Agency, acting as lead agency, prepared and certified the "Final Environmental Impact Report for the Amended Plan For the Modesto Redevelopment Project" ("Plan EIR"); and

WHEREAS, the Agency and the City of Modesto ("City") have been in the process of considering "the Plaza Project," which, for the purposes of this Resolution, is defined to include;

- (1) the execution of a Disposition and Development Agreement between the Agency and the Wilmore/Regent Partnership ("Developer") providing for the acquisition of certain property within the Redevelopment Plan Area and the development on said property of a mixed-use center including retail uses, a cinema complex, office space, a public parking garage, school facilities improvements, and city hall improvements;
- (2) the execution of a School Facilities Agreement between the Agency, the Modesto City School District, the Modesto High School District, and the Stanislaus County Office of Education, providing for the Agency's funding of a portion of the school facilities improvements;
- (3) the execution of a Public Facilities Agreement between the Agency and the City providing for the construction of City Hall;
- (4) all other actions necessary to facilitate development of the mixed-use center; and

WHEREAS, as recommended in the Plan EIR, the Agency and the City included a mitigation measure which provided that the Landmark Preservation Commission, a qualified architectural historian, and the city engineer were to agree upon solutions to mitigate any significant impacts to structural resources found to be historically significant by both the City Council and the City of Modesto Landmark Preservation Commission; and

WHEREAS, the Plaza Project, as proposed, calls for the demolition of the Covell Hotel, which has been nominated for listing on the National Register, listed on the California Register of Historic Resources, and identified as an important historical resource by the City of Modesto Landmark Preservation Commission; and

WHEREAS, on September 29, 1994, the City of Modesto's Environmental Assessment Committee determined that a supplement to the Plan EIR should be prepared for the Plaza Project, to address the Plaza Project's impact on the Covell Hotel; and

WHEREAS, in October, 1994, the Agency, again acting as lead agency, prepared the "Draft Supplemental Environmental Impact Report for the Plaza Project" ("Draft SEIR"), addressing the Plaza Project's impact to the Covell Hotel and analyzing potential measures and alternatives to mitigate or avoid this impact; and

WHEREAS, the Agency circulated the Draft SEIR for public review and comment for a 45-day period, through December 1, 1994. During this period, the Agency received 13 comments on the Draft SEIR from various persons, organizations, and public agencies. The Agency has prepared written responses to these comments; and

WHEREAS, the Final Supplemental Environmental Impact Report for the Plaza Project ("Final SEIR") consists of the Draft SEIR, the aforementioned comments received on the Draft SEIR, the aforementioned responses by the Agency to those comments, and a list of all persons, organizations, and public agencies commenting on the Draft SEIR, all as collected and prepared by the Agency; and

WHEREAS, on December 13, 1994, the Final SEIR, including the responses to comments, was delivered to all public agencies who commented on the draft SEIR; and

WHEREAS, on December 20, 1994, the Agency and the City Council of the City of Modesto held a duly noticed joint public hearing on the Plaza Project, at which they considered the information in the Plan EIR and the Final SEIR; and

WHEREAS, the Agency and the City Council continued the joint public hearing on the Plaza Project to December 27, 1994, to allow public agencies additional time to comment on the Plaza Project, on which date said public hearing was closed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council finds that the foregoing Recitals are true and correct and are incorporates them herein as a part of this resolution.

Section 2. The City Council finds that the Final SEIR and

the Plan EIR were presented to the City Council of the City, and that the City Council reviewed and considered the information contained in the Final SEIR and the Plan EIR prior to approving the Plaza Project.

Section 3. The City Council finds that consideration and approval of the Plaza Project constitutes an action taken pursuant to and in furtherance of the Redevelopment Plan.

Section 4. Pursuant to sections 21090 and 21166 of the Public Resources Code and sections 15162, 15163, and 15180 of the CEQA Guidelines, the City Council finds that there has been a change in the Redevelopment Plan as originally analyzed in the Plan EIR and approved by the City requiring a major revision in the Plan EIR, in that the mitigation measure of the Redevelopment Plan and the Plan EIR calling for the Landmark Preservation Commission, a qualified architectural historian, and the city engineer to agree upon solutions to mitigate any significant impacts to historical structural resources is being modified to exclude the Covell Hotel.

Section 5. With the exception noted in Section 4, the City Council finds (1) that the Plaza Project is within the scope of the Redevelopment Plan analyzed in the Plan EIR; (2) that there are no other changes to the Redevelopment Plan or in the circumstances under which the Redevelopment Plan is being implemented which require major revisions to the Plan EIR, and (3) that no other new information of substantial importance to the Redevelopment Plan has become available which could not have been known when the Plan EIR was certified and which shows new or substantially more severe environmental effects or new feasible mitigation measures or alternatives. With the exception noted in Section 4 as to the Covell Hotel, all mitigation measures previously imposed pursuant to the Plan EIR remain in full effect.

Section 6. Pursuant to Public Resources Code section 21084.1, the City Council finds the loss of the Covell Hotel to be a significant environmental impact of the Plaza Project. The City Council finds that the Plaza Project does not have any other potentially significant environmental impacts which were not already addressed in or otherwise within the scope of the Plan EIR.

Section 7. Pursuant to Public Resources Code section 21081, subdivision (a), the City Council finds that specific economic, legal, social, technological, and other considerations make infeasible the mitigation measures and alternatives identified in the Plan EIR and the Final SEIR to mitigate or avoid the identified significant impact to the Covell Hotel, for the specific reasons discussed at length in the Final SEIR and incorporated herein by reference. As explained in the Final SEIR, there are no feasible measures to mitigate the impact to the Covell Hotel. The Final SEIR identifies four different sets of alternatives to the project which would avoid the Plaza

Project's impacts on the Covell Hotel. Specifically, it analyzes alternatives which would (1) exclude the Covell property from the Plaza Project, (2) include the Covell Hotel within and as part of the Plaza Project, (3) move part of the Plaza Project, and (4) move the entire Plaza Project to other locations. As explained in the Final SEIR, each of these alternatives would have some combination of the following impacts:

1. **Increased Costs:** Most of the alternatives, including Alternatives (1), (2), and (3), would increase project costs by \$2 million to \$6 million. This increased cost alone renders such alternatives infeasible, as it would prevent all of the involved parties from being able to finance necessary improvements. The Agency's current proposed expenditures are the maximum it will have available for the Plaza Project, especially in light of numerous competing demands for the Agency's funds in other portions of the Redevelopment Plan. Likewise, the higher cost would force the developer to charge higher rents for retail areas beyond a level that can be supported in the market. The area is currently blighted, and higher rents would discourage new retail uses in an area where such uses have been moving out for many years.
2. **Reduction of Retail:** Some of the alternatives, including a variant of Alternative (3) suggested by the Modesto Landmark Preservation Commission, would decrease the amount of retail space by 34% to 46%. This impact alone renders such alternatives infeasible. This would significantly reduce the stream of revenue available to make the Plaza Project economically feasible. Given that a net positive cash flow from the Cinema is not expected for many years, the developer is dependent upon the cash flow from retail uses to finance its share of the Plaza Project. Reduction in retail space will limit the type and quality of retail establishments which can be attracted to the project, rendering these alternatives economically infeasible for the developer. Furthermore, as a planning matter, there needs to be a concentration of a significant amount of retail space to create the necessary synergy between office, cinema, and retail uses. Reduction in the amount of retail uses to the extent provided in the alternatives would substantially impede the creation of this needed synergy. The loss of retail space could not be compensated by using multiple-story retail, as the higher stories are already designated for office uses, and second story retail is much more difficult to market to potential tenants, especially given its inaccessibility to pedestrian traffic.
3. **Loss of Existing Retail:** While the Plaza Project as proposed would result in the loss of only 10 existing businesses and 160,000 square feet of vacant buildings,

some of the variants of Alternative (4) would result in the loss of 16 to 34 existing businesses plus additional residences and office buildings (and fewer vacant buildings). This impact alone renders such alternatives infeasible, due to the conflict with the Agency's goal of increasing the usage of buildings in the Redevelopment Plan area, rather than eliminating existing uses.

4. Conflict with Redevelopment Master Plan: The other variants of Alternative (4) would result in decentralizing retail uses in the downtown core, thus conflicting with the objectives of the Redevelopment Plan and discouraging new retail uses from locating in the downtown area. This impact alone renders such alternatives infeasible.
5. Other Design Impacts: As more fully described in the Final SEIR, the various alternatives have numerous other design impacts which combine to make them infeasible, as they would deprive existing and new retail uses of important pedestrian traffic which the Plaza Project was designed to attract, decrease the marketability of new retail spaces, require new uses to face the back side of blank walls (severely limiting their marketability), and interfere with anticipated future expansion of the convention center.

The Final SEIR also includes analysis of a "no project" alternative, which would not accomplish the objectives of the Plaza Project. In addition, a member of the public suggested as an alternative the conversion of the Covell into a senior residential facility. The preservation of the Covell for some other use was assumed in each of the alternatives analyzed in the draft SEIR. The use of the Covell specifically as a senior residential facility would not facilitate the objectives of the Redevelopment Plan for this area (i.e. concentrating office, retail, and entertainment uses) any more than any other use.

Section 8. Statement of Overriding Considerations.

Pursuant to Public Resources Code section 21081, subdivision (b), the City Council finds that specific overriding economic, legal, social, technological, and other benefits of the Plaza Project outweigh the significant impact to the Covell Hotel. The Plaza Project implements and promotes the goals of the Redevelopment Plan for this area, concentrating new retail, office, and entertainment uses into this otherwise blighted area and greatly improving the overall environmental quality of life in the downtown area. The Redevelopment Plan includes the following goals:

1. Concentration of office uses in the core downtown area, providing an employment base and daytime support for retail land uses.

2. Focus of new retail uses on 10th and J Streets. A substantial massing of businesses is necessary in order for retail to reestablish itself successfully downtown. Office uses, which only provide Monday-Friday daytime customers, are not sufficient. A large number of stores developed close to one another can help create the market synergy to survive.
3. Introduction of new entertainment uses, providing additional pedestrian traffic to support retail uses during non-business hours.

The Plaza Project is the Agency's first major effort to implement this downtown office core/retail/entertainment strategy, including all three components in a concentrated two-block downtown area in close proximity to the convention center and the Red Lion Hotel. Further, the Plaza Project will generate new tax revenue for the City and the Agency, and provide jobs for its residents and customers for its businesses. The Plaza Project's added business may also provide financial support for the renovation of other historical structures in the area. The City Council finds that these considerations override the adverse impacts of the Plaza Project.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 27th day of December, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan and Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Check

COUNCIL RESOLUTION NO. 94-751

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPROVING AND AUTHORIZING THE EXECUTION OF A
DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE
REDEVELOPMENT AGENCY OF THE CITY OF MODESTO AND
WILMORE/REGENT PARTNERSHIP, a Georgia general partnership,
dba WILJAN MODESTO PARTNERSHIP

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") is carrying out the Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project"); and

WHEREAS, the Agency has received a proposed Disposition and Development Agreement (the "DDA") from WILMORE/REGENT PARTNERSHIP, a Georgia general partnership, doing business as WILJAN MODESTO PARTNERSHIP (the "Developer"), providing for (a) the acquisition of certain property (the "Site") located within the City of Modesto, (b) the sale of a portion of the Site (the "Developer Parcels") to the Developer, and retention by the Agency of a portion of the Site (the "Agency Parcels"), and (c) the development by the Developer of a mixed-use center (the "Plaza Project"), including (i) retail uses, cinema complex and office space to be developed on the Developer Parcels and owned and operated by the Developer, (ii) public parking garage (the "Public Parking Garage") to be developed on a portion of the Agency Parcels and to be owned and operated by the Agency, (iii) school facilities improvements (the "School Facilities") to be developed by the Developer on a portion of the Agency Parcels (the "Schools Parcel"), to be owned by the School Districts (as defined below), and (iv) city hall improvements (the "City Hall") to be developed on a portion of the Agency Parcels (the "City Parcel"), to be owned and operated by the City of Modesto (the "City"); and

WHEREAS, in satisfaction of the Agency's obligations under agreements between the Agency and the Modesto School District, the Modesto High School District and the Stanislaus County Office of Education (collectively, the "School Districts") entered into pursuant to Health and Safety Code Section 33401, the Agency will contribute toward the costs for acquisition and the initial development and construction of the School Facilities for the School Districts to be located within the Project; and

WHEREAS, pursuant to the DDA, the Agency and Developer will enter into separate Public Improvements Development Agreements, attached to and incorporated into the DDA as Attachment No. 7, for development on the Agency Parcels of the Public Parking Garage, to be paid for by the Agency; the School Facilities, to be paid for by the School Districts with a contribution from the Agency, and to be subsequently conveyed to the School Districts; and the City Hall, to be paid for by the City, and to be subsequently conveyed to the City; and

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) provides in Section 33431 that any sale or lease of Agency property may be made only after a public hearing of the Agency after publication of notice as provided by law; and

WHEREAS, the Community Redevelopment Law provides in Section 33433 that before any property acquired, in whole or in part, with tax increment monies, is sold or leased for development pursuant to a redevelopment plan, such sale or lease shall first be approved by the legislative body after a public hearing, that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that the Agency shall make available for public inspection a copy of the proposed sale or lease and a report containing specified information and the financial aspects of the proposal; and

WHEREAS, the Community Redevelopment Law provides in Section 33679 that before an agency commits to use tax increment funds for the purpose of paying all or part of the value of the land for, and the cost of the installation and construction of, any publicly owned building, other than parking facilities, the legislative body shall hold a public hearing, that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that a summary report shall be available for public inspection containing specified information; and

WHEREAS, pursuant to Section 33445 of the Community Redevelopment Law, the Agency is authorized, with the consent of the City Council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure or other improvement which is publicly owned either within or without the Project Area upon a determination by the City Council that such building, facility, structure or other improvement is of benefit to the Project Area or the immediate area in which the Project is located and that no other reasonable means of financing such building, facility, structure or other improvement are available to the community; and

WHEREAS, notice of public hearings by the City Council of the City of Modesto (the "City") and the Agency were published in the Modesto Bee on December 6, and December 13, 1994; and

WHEREAS, the Agency prepared a report pursuant to Section 33433 and 33679 of the Health and Safety Code containing a copy of the DDA and a summary describing the cost of the DDA to the Agency, the value of the property interest to be conveyed, the purchase price and other information required by said Sections 33433 and 33679, and said report was made available to the public for inspection; and

WHEREAS, the City Council and the Agency held a joint public hearing on December 20, 1994, in the City Council Chambers to consider and act on the

disposition and development of the Site and the construction of the publicly owned buildings pursuant to the DDA;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby finds and determines that the sale of the Developer Parcels to the Developer and development of the entire Site pursuant to the DDA will assist in the elimination of blight within the redevelopment project area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. This finding is based upon the fact that the Developer Parcels are being sold for purposes of development on the entire Site of a mixed-use center, including retail uses, cinema complex, office space, the School Facilities, the City Hall improvements and the Public Parking Garage, pursuant to the DDA and in accordance with and in implementation of the Redevelopment Plan. This finding is further based upon the additional facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Sections 33433 and 33679.

Section 2. The City Council hereby finds and determines that the consideration for the Developer Parcels to be paid by the Developer is not less than the fair market value of the Developer Parcels at its highest and best use in accordance with the Redevelopment Plan. This finding is based upon the fact that the Developer is required to advance to the Agency, or pay directly to third parties, all costs for acquisition of the Developer Parcels, pursuant to the terms and conditions of the DDA. This finding is further based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Sections 33433 and 33679.

Section 3. The City Council hereby finds and determines that the provision of the Public Parking Garage, School Facilities and other improvements by the Agency (collectively, the "Agency Improvements"), as provided in the DDA, is necessary to effectuate the purposes of the Redevelopment Plan. The City Council further finds and determines that the Agency Improvements are of benefit to the Project Area and the immediate neighborhood in which the project is located, that no other reasonable means of financing the Agency Improvements are available to the community, and that the payment of funds for the acquisition of land and the cost of such Agency Improvements will assist in the elimination of one or more blighting conditions inside the Project Area. The foregoing findings and determinations are based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Sections 33433 and 33679.

Section 4. The City Council finds and determines that the project, including the development of the Site, is covered by a Final Environmental Impact Report for relating to the Modesto Redevelopment Project (SCH # 90021233), a program EIR certified by Agency Resolution No. 27-91 and approved by Council Resolution

No. 91-673 on November 5, 1991, and a Final Supplemental Environmental Impact Report relating to the Plaza Project, certified by Agency Resolution No. 17-94 and approved by Council Resolution No. 94-750 on December 27, 1994, and that the Project incorporates all applicable mitigation measures identified in said Council Resolution Nos. 91-673 and 94-750 to reduce environmental impacts to less than a significant level except for the loss of an historic resource, the Covell Hotel, and as to such mitigation measures and environmental impacts, the City Council hereby adopts and incorporates by reference herein, to the extent applicable to the Project, those CEQA Findings, mitigation measures, monitoring plan and Statement of Overriding Considerations set forth in said Resolution Nos. 91-673 and 94-750.

Section 5. The City Council hereby approves the DDA in substantially the form on file with the Secretary of the Agency. The City Council further approves and authorizes the acquisition of the Site by the Agency and sale of the Developer Parcels to the Developer, the conveyance of the Schools Parcel and the School Facilities to the School Districts, and the conveyance of the City Parcel and the City Hall to the City. The City Council hereby further approves the provision of the Agency Improvements by the Agency, including without limitation the Public Parking Facilities and the Agency's contribution toward the development of the School Facilities.

Section 6. The Agency is hereby authorized to execute the DDA, subject to any minor conforming, technical or clarifying changes approved by the Agency Counsel, and to take such further actions and execute such documents as are necessary to carry out the DDA on behalf of the Agency, including without limitation the Public Improvements Development Agreements, attached to and incorporated in the DDA as Attachment No. 7, and all other actions and documents necessary for the acquisition, sale and development of the Site in accordance with the DDA.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 27th day of December, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan and Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

10/11

COUNCIL RESOLUTION NO. 94-752

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPROVING AND AUTHORIZING THE EXECUTION OF A SCHOOL
FACILITIES AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY
OF THE CITY OF MODESTO, THE MODESTO CITY SCHOOL DISTRICT,
THE MODESTO HIGH SCHOOL DISTRICT AND THE STANISLAUS
COUNTY OFFICE OF EDUCATION AND MAKING CERTAIN FINDINGS
RELATED THERETO**

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") is carrying out the Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project"); and

WHEREAS, the Agency previously entered into separate agreements with the Modesto City School District, the Modesto High School District and the Stanislaus County Office of Education (collectively, the "School Districts"), pursuant to the provisions of Health and Safety Code Section 33401 in effect at the time of such agreements, which agreements (the "Pass-Through Agreements") were each dated November 5, 1991, and, among other things, committed the Agency to attempt to have constructed administrative office space in the project area for the Redevelopment Plan (the "Project Area") for the joint use of the School Districts; and

WHEREAS, the Agency and the Schools have mutually determined that in full satisfaction of the parties' obligations under the Pass-Through Agreements, they desire to provide for the development and construction of an administrative facility for the School Districts as provided herein and the conveyance of such facility to the School Districts; and

WHEREAS, the Agency is in the process of negotiating the terms of a Disposition and Development Agreement (the "DDA") with Wilmore/Regent Partnership, a Georgia general partnership, (the "Developer") for the disposition and development of certain real property within the Project Area (the "Site") as a mixed-use commercial center, which project is intended to act as a catalyst for downtown redevelopment, should strengthen weekday activity in the downtown core, create new destinations and uses for weeknight and weekend activities, and create spaces for community events and functions; and

WHEREAS, a portion of the development shall be for administrative office space for the School Districts (the "School Facilities"), in partial implementation of the intent of the Pass-Through Agreements;

WHEREAS, in accordance with the DDA and in satisfaction of the Agency's obligations under the Pass-Through Agreements, the Agency will contribute toward the costs for acquisition and the initial development and construction of the School Facilities; and

WHEREAS, pursuant to the DDA, the Agency and Developer will enter into a separate Public Improvements Development Agreement, attached to and incorporated into the DDA as Attachment No. 7, for development of the School Facilities, to be paid for by the School Districts with a contribution from the Agency, and to be subsequently conveyed to the School Districts; and

WHEREAS, the Agency and School Districts have prepared a School Facilities Agreement which sets forth the understandings and agreements of the parties relating to the development of the School Facilities; and

WHEREAS, the Community Redevelopment Law provides in Section 33679 that before an agency commits to use tax increment funds for the purpose of paying all or part of the value of the land for, and the cost of the installation and construction of, any publicly owned building, other than parking facilities, the legislative body shall hold a public hearing, that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that a summary report shall be available for public inspection containing specified information; and

WHEREAS, pursuant to Section 33445 of the Community Redevelopment Law, the Agency is authorized, with the consent of the City Council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure or other improvement which is publicly owned either within or without the Project Area upon a determination by the City Council that such building, facility, structure or other improvement is of benefit to the Project Area or the immediate area in which the Project is located and that no other reasonable means of financing such building, facility, structure or other improvement are available to the community; and

WHEREAS, notice of public hearings by the City Council of the City of Modesto (the "City") and the Agency were published in the Modesto Bee on December 6, and December 13, 1994; and

WHEREAS, the Agency prepared a report pursuant to Section 33679 of the Health and Safety Code containing the information required by said Section 33679, and said report was made available to the public for inspection; and

WHEREAS, the City Council and the Agency held a joint public hearing on December 20, 1994, in the City Council Chambers to consider and act on the construction of the publicly owned buildings, including the School Facilities, pursuant to the DDA;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby finds and determines that the provision of the School Facilities, in satisfaction of the Pass-Through Agreements and as provided in the School Facilities Agreement, is necessary to effectuate the purposes of the Redevelopment Plan. The City Council further finds and determines that the School Facilities are of benefit to the Project Area and the immediate neighborhood in which the project is located, that no other reasonable means of financing the Agency's portion of the School Facilities are available to the community, and that the payment of funds for the acquisition of land and the cost of such School Facilities will assist in the elimination of one or more blighting conditions inside the Project Area. The foregoing findings and determinations are based upon the fact that the Agency's contribution toward the development of the School Facilities will satisfy the obligations of the Agency under the Pass-Through Agreements, as more fully set forth in the School Facilities Agreement. The foregoing findings and determinations are further based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33679, and further based upon the findings and determinations of the School Districts contained in Resolution No. 94/95-15 of the Modesto City School District, adopted on December 12, 1994, Resolution No. 94/95-15 of the Modesto High School District, adopted on December 13, 1994, and Resolution No. 94-21 of the Stanislaus County Office of Education, adopted on December 13, 1994.

Section 2. The City Council finds and determines that the development of the project in accordance with the DDA, including the development of the School Facilities, is covered by a Final Environmental Impact Report for relating to the Modesto Redevelopment Project (SCH # 90021233), a program EIR certified by Agency Resolution No. 27-91 and approved with findings by Council Resolution No. 91-673 on November 5, 1991, and a Final Supplemental Environmental Impact Report relating to the Plaza Project, certified by Agency Resolution No. 17-94 and approved by Council Resolution No. 94-750 on December 27, 1994, and that the Project incorporates all applicable mitigation measures identified in said Resolution Nos. 91-673 and 17-94 to reduce environmental impacts to less than a significant level except for the loss of an historic resource, the Covell Hotel, and as to such mitigation measures and environmental impacts, the City Council hereby adopts and incorporates by reference herein, to the extent applicable to the Project, those CEQA Findings, mitigation measures, monitoring plan and Statement of Overriding Considerations set forth in said Resolution Nos. 91-673 and 17-94.

Section 3. The City Council hereby approves the School Facilities Agreement in substantially the form on file with the Secretary of the Agency. The City Council further approves and authorizes the conveyance of the Schools Parcel and the School Facilities to the School Districts, as provided for under the School Facilities Agreement and the DDA, and the Agency's contribution toward the development of the School Facilities.

Section 4. The Agency is hereby authorized to execute the School Facilities Agreement, subject to any minor conforming, technical or clarifying changes approved by the Agency Counsel, and is further authorized to take such further

actions and execute such documents as are necessary to carry out the School Facilities Agreement on behalf of the Council.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 27th day of December, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan and Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

12/15/94

COUNCIL RESOLUTION NO. 94-753

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPROVING AND AUTHORIZING THE EXECUTION OF A PUBLIC
FACILITIES AGREEMENT BETWEEN THE CITY AND THE
REDEVELOPMENT AGENCY OF THE CITY OF MODESTO AND
MAKING CERTAIN FINDINGS RELATED THERETO**

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") is carrying out the Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project"); and

WHEREAS, the Agency is in the process of negotiating the terms of a Disposition and Development Agreement (the "DDA") with Wilmore/Regent Partnership, a Georgia general partnership, (the "Developer") for the disposition and development of certain real property within the Project Area (the "Site") as a mixed-use commercial center, which project is intended to act as a catalyst for downtown redevelopment, should strengthen weekday activity in the downtown core, create new destinations and uses for weeknight and weekend activities, and create spaces for community events and functions; and

WHEREAS, a portion of the development shall be for administrative office space for the City (the "City Hall"); and

WHEREAS, pursuant to the DDA, the Agency and Developer will enter into a separate Public Improvements Development Agreement, attached to and incorporated into the DDA as Attachment No. 7, for development of the City Hall, to be paid for by the City and to be subsequently conveyed by the Agency to the City; and

WHEREAS, the Agency and City have prepared a Public Facilities Agreement which sets forth the understandings and agreements of the parties relating to the development of the City Hall; and

WHEREAS, in connection with the consideration and approval of the DDA, the Agency prepared a report pursuant to Health and Safety Code Sections 33433 and 33679 containing the information required by said Sections, and the City Council and the Agency held a duly noticed joint public hearing on December 20, 1994, in the City Council Chambers to consider and act upon the acquisition, disposition and development of the Site pursuant to the DDA, and other issues relating to the development of the project;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby finds and determines that no tax increments will be used, directly or indirectly, in the acquisition of that portion of

the Site upon which the City Hall will be constructed (the "City Parcel"). The foregoing finding and determination is based upon the fact that, pursuant to the DDA and the Public Facilities Agreement, the City is required to pay all costs associated with the acquisition and development of the City Parcel and the City Hall improvements to be constructed thereon.

Section 2. The City Council finds and determines that the development of the project in accordance with the DDA, including the development of the City Hall, is covered by a Final Environmental Impact Report relating to the Modesto Redevelopment Project (SCH # 90021233), a program EIR certified by Agency Resolution No. 27-91 and approved by Council Resolution No. 91-673 on November 5, 1991, and a Final Supplemental Environmental Impact Report relating to the Plaza Project, certified by Agency Resolution No. 17-94 and approved by Council Resolution No. 94-750 on December 27, 1994, and that the Project incorporates all applicable mitigation measures identified in said Council Resolution Nos. 91-673 and 94-750 to reduce environmental impacts to less than a significant level except for the loss of an historic resource, the Covell Hotel, and as to such mitigation measures and environmental impacts, the City Council hereby adopts and incorporates by reference herein, to the extent applicable to the Project, those CEQA Findings, mitigation measures, monitoring plan and Statement of Overriding Considerations set forth in said Resolution Nos. 91-673 and 94-750.

Section 3. The City Council finds and determines that the publicly-owned City Hall improvements to be constructed by the Developer as part of the Plaza Project and to be owned by the City are so interwoven in terms of design and construction that it is infeasible to require those public improvements to be designed or constructed separately by public bid. This finding is based upon the fact that the Plaza Project has been designed as an integral whole, and requiring that the publicly-owned elements of the Plaza Project be separately designed and constructed would result in ultimately higher costs to the City.

Section 4. The City Council hereby approves the Public Facilities Agreement in substantially the form on file with the City Clerk. The City Council further approves and authorizes the development of the City Hall improvements and the subsequent conveyance from the Agency to the City of the City Parcel and the City Hall, as provided for under the Public Facilities Agreement and the DDA.

Section 5. The City Manager is hereby authorized and directed to execute the Public Facilities Agreement on behalf of the City, subject to any minor conforming, technical or clarifying changes approved by the City Attorney, and is further authorized to take such further actions and execute such documents as are necessary to carry out the Public Facilities Agreement on behalf of the City. The City Manager is hereby further authorized and directed to take such actions as are necessary to provide for the issuance of bonds or the establishment of such other financing mechanism as appropriate to cover the City's costs and obligations for development of the City Hall as provided for under the Public Facilities Agreement and the DDA.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 27th day of December, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan and Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney