

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-1

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(415), AS AN ADDITION TO P-D(415). (OATES, ERICKSON, AND HOULIHAN)

WHEREAS, a verified application for an amendment to Section 18-3-9 of the Zoning Map was filed by Oates, Erickson, and Houlihan on August 28, 1989, to reclassify from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(415), as an addition to P-D(415), to allow a car rental business to occupy a portion of an existing commercial development in addition to a racquetball facility, a floor covering business and other commercial uses, property located on the north side of Evergreen Avenue east of Orangeburg Avenue, described as follows:

C-1 to P-D(415) as an addition to P-D(415)

ALL that certain real property situate in a portion of the Southwest quarter of Section 18, 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 Parcels "A" and "B" as shown on that certain parcel map filed in Book 41 of Parcel Maps, at page 14, Stanislaus County Records on July 26, 1988. Including all of that northern portion of Evergreen Avenue located between the above described property and the South section line of said Section 18.

and

WHEREAS, after a public hearing held on October 16, 1989, 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. 89-129, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D(415) zone expansion will allow a general commercial use which conforms to the Modesto Urban Area General Plan.
2. The inclusion of a C-2 use such as the car rental business proposed will be compatible with the established K-Mart department store and other C-2 uses located in the same commercial area.
3. There is ample parking available to accommodate both the existing and proposed uses in the area.

and

WHEREAS, after a public hearing held on December 5, 1989, and continued for hearing to January 2, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Oates, Erickson, and Houlihan for an addition to Planned Development Zone P-D(415), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 89-129 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2701-C.S. on the 2nd day of January, 1990, reclassifying the above-described property from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(415), as an addition to P-D(415).

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(415), as an addition to P-D(415), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Erickson Enterprises-Farmer's Market" and the plan titled "Site Plan", as amended in red, stamped approved by the City Council on January 2, 1990.

2. Fences or walls shall be constructed prior to occupancy and shall be as follows:
  - a. Eight foot decorative masonry wall along the entire east property line.
3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. All curbcuts serving two-way driveways shall be 41 feet in width.
5. Drainage shall be provided as required by the Public Works and Transportation Director.
6. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
7. Trash bins shall be kept in enclosures in accordance with the approved plans, and shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
8. All fire hydrants and fire lanes shall be maintained as required by the Fire Chief.
9. 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.
10. All signs shall comply with the sign requirements of the C-1 Zone.
11. The applicant shall, within six months of date of approval, eliminate the most westerly curbcut on the property and move the landscaping berm to the western property line. All trash for the western building shall be kept within the building unless revised plans with trash enclosures are approved as under item number 7 above.
12. All conditions of City Council Resolution 87-275 and Board of Zoning Adjustment Resolution 1348 not in conflict with this action shall remain in full force and effect.
13. That the developer shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action, or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void,

or annul, an approval of the City of Modesto or its advisory agency, appeal board, or legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceedings and shall cooperate fully in the defense.

SECTION 2. 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 3. 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 4. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(415), as an addition to P-D(415), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1990, 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Christina S. ...  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-2

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 18-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM C-1 TO P-D(415), AS AN ADDITION TO P-D(415). (OATES, ERICKSON, AND HOULIHAN)

WHEREAS, on January 2, 1990, the City Council introduced Ordinance No. 2701-C.S. giving approval to a project relating to an amendment to Section Map 18-3-9 of the Zoning Map of the City of Modesto to reclassify from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(415), as an addition to P-D(415), property located on the north side of Evergreen Avenue east of Orangeburg 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 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 relating to an amendment to Section Map 18-3-9 of the Zoning Map of the City of Modesto to reclassify from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(415), as an addition to P-D(415), property located on the north side of Evergreen Avenue east of Orangeburg Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1990, 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-3

A RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO AND SUPERSEDING RESOLUTION NO. 89-633.

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. 89-633, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the Council Solid Waste Committee by memorandum dated December 22, 1989, has recommended to the City Council a revised schedule of rates and charges for garbage service in the City of Modesto, commencing February 1, 1990, and

WHEREAS, January 2, 1990, at 4:00 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 revised schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, a public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, 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, and the City of Modesto should subsidize each residential household on the initial garbage container,

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 February 1, 1990, until revised by the City Council.

BE IT FURTHER RESOLVED that the City of Modesto shall subsidize each residential household \$1.35 on the initial garbage container until revised from time to time after holding a public hearing.

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. 89-633 is hereby superseded, effective January 31, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS  
Monthly Rates  
(Once a Week Pickup Service)

Residential Garbage  
Collection Rates

One 60 gallon container     \$ 8.35  
One 90 gallon container     10.35  
Each additional container     5.00

Residential Rates Charged to  
Customers After City Subsidy

One 60 gallon container     \$7.00  
One 90 gallon container     9.00  
Each additional container     5.00

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	25.30	40.60	55.90	71.20	86.50	101.80
1 1/2 CY	32.95	55.90	78.85	101.80	124.75	147.70
2 CY	40.60	71.20	101.80	132.40	163.00	193.60
3 CY	55.90	101.80	147.70	193.60	239.50	285.40
4 CY	71.20	132.40	193.60	254.80	316.00	377.20
5 CY	86.50	163.00	239.50	316.00	392.50	469.00
6 CY	101.80	193.60	285.40	377.20	469.00	560.60

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     \$68.25     Pickup  
Rental     2.00     Day with \$46.00 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	36.20	72.40	108.60	144.80	181.00	217.20
4 CY	46.60	93.20	139.80	186.40	233.00	279.60

Roll-Off Type - 6 CY to 40 CY 83.50 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     \$8.00 plus \$1.15/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
9.20	10.00	11.00	14.00	18.40

NOTATIONS

- The above residential rates include the 10 cent per month per household recycling surcharge.
- The above residential rates include the \$1.35 per month subsidized rate paid by the City of Modesto.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-3A

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$303,476 FROM THE GENERAL FUND CONTINGENCY RESERVE TO FUND THE SUBSIDY OF GARBAGE RATES THROUGH JUNE 30, 1990

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

FROM:	General Fund Contingency Reserve (010 800 8000 8003)	\$303,476
TO:	Streets Division - Services - Other (010 460 4612 0235)	\$303,476

Continuation of the City subsidy of the garbage rates was not anticipated in the current operating budget. Transfer needed to fund the subsidy at \$1.35 per month per residence, through June 30, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1999, 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-4

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING COMPUTER HARDWARE

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

SECTION 1. The plans and specifications for furnishing computer hardware 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 29, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratoer, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-5

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING AND INSTALLING A REFUSE COMPACTOR/  
CONTAINER FOR THE CORPORATION YARD

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

SECTION 1. The plans and specifications for furnishing and installing a  
refuse compactor/container for the Corporation 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 February 12, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 2nd day of January, 1990,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Irizarry, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-6

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING CITY-WIDE ELEVATOR MAINTENANCE SERVICE

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

SECTION 1. The plans and specifications for furnishing City-wide elevator maintenance service

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 5, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-7

A RESOLUTION ACCEPTING THE BID OF SUPERIOR PIPELINES, INC. FOR THE CONSTRUCTION OF IMPROVEMENT DISTRICT NO. 28 SANITARY SEWER

WHEREAS, Resolution No. 89-871 , adopted by the Council of the City of Modesto on August 22, 1989 , approved the plans and specifications for the construction of Improvement District No. 28 - sanitary sewer

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of Improvement District No. 28 - sanitary sewer

were opened at 11:00 a.m., September 21, 1989 , 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 Superior Pipelines, Inc. in the amount of \$805,717.05

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Superior Pipelines, Inc. in the amount of \$805,717.05 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 2nd day of January , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-8

A RESOLUTION ACCEPTING THE BID OF EDWARD R. BACON CO. ONE NEW SKID-MOUNTED GASOLINE-POWERED AIR COMPRESSOR

WHEREAS, Resolution No. 89-1120 , adopted by the Council of the City of Modesto on November 14, 1989 , approved the plans and specifications for the furnishing one new skid-mounted gasoline-powered air compressor

and authorized the calling for bids; and

WHEREAS, the bids received for the new skid-mounted gasoline-powered air compressor were opened at 11:05 a.m., December 18, 1989 , 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 Edward R. Bacon Co. in the amount of \$8,747.90 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Edward R. Bacon Co. in the amount of \$8,747.90 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 2nd day of January , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-9

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF A TREE STUMP GRINDER FROM VERMEER EQUIPMENT, INC.

WHEREAS, the Service Division of the Public Works and Transportation Department has requested the purchase of a new stump grinder to replace an old piece of equipment which is beyond repair; and

WHEREAS, the stump grinder is a specialized piece of equipment, and Vermeer Equipment, Inc. is the only known manufacturer to provide this type of equipment.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of a tree stump grinder is hereby waived.

BE IT FURTHER RESOLVED that purchase of a tree stump grinder from Vermeer Equipment, Inc. for a total price of \$25,928, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-10

LEASE

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER, INC. dba SKYTREK FOR HANGAR PLOTS 3, 4, and 5 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 Modesto Executive Air Charter, Inc. dba Skytrek for 3, 4, and 5 at the Modesto Airport

be, and it is hereby approved.

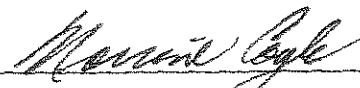
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-11

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT D. AND CATHERINE L. BANGHART, dba KAY'S COLLECTIBLES AND COSTUME RENTALS FOR THE LEASE OF 1904 H Street

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Robert D. and Catherine L. Banghart, dba Kay's Collectibles and Costume Rentals for the lease of 1904 H 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 2nd day of January , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-12

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN, AND RESCINDING RESOLUTION NO. 89-649 (MR. & MRS. JESUS AYALA, 1714 MONTEREY AVENUE \$1,419)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on May 16, 19 89, adopt its Resolution No. 89-573, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalks \_\_\_\_\_ on property abutting the property hereafter described; and

WHEREAS, June 13, 19 89, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk,

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,419.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,419.00, be assessed in 10 annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 16 of Bl. 2142 of Legion Park Tract as per map filed Jan. 4, 1941 in Vol.14 of Maps, Pg.10, Stan. Cty. Records. (Stan.Cty. Assessor's Parcel No. 035-4904)

SECTION 3. That Resolution No. 89-649 confirming a short term collection from Roberto G. Bautista be rescinded and the new owner allowed to pay in installments.

SECTION 4. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%)per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 5. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-13

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN AND RESCINDING RESOLUTION NO. 89-650 (MANUEL A. MADRIGAL, 1718 MONTEREY AVE. \$1,253)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on May 16, 1989, adopt its Resolution No. 89-573, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalks \_\_\_\_\_ on property abutting the property hereafter described; and

WHEREAS, June 13, 1989, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk,

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,253.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,253.00, be assessed in 10 annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 17 of Bl. 2142 of Legion Park Tract as per map filed Jan.4, 1941, in Vol.14 of Maps, Pg.10, Stan. Cty. Records. (Stan. Cty. Assessor's Parcel No. 035-4905)

SECTION 3. That Resolution No. 89-650 confirming a short term collection be rescinded to allow the owner to pay in stallments.

SECTION 4. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%)per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 5. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 19 90, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installation)

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-14

A RESOLUTION APPROVING THE REQUEST OF VELOCITY ENGINEERING FOR REFUND FOR OVERPAYMENT OF BUSINESS LICENSE TAXES IN THE AMOUNT OF \$857.48

BE IT RESOLVED by the Council of the City of Modesto that the request of Velocity Engineering for refund of \$857.48 for overpayment of business license taxes is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-15


A RESOLUTION APPROVING THE REQUEST OF ALL SEASONS INN FOR REFUND FOR OVERPAYMENT  
OF BUSINESS LICENSE TAXES IN THE AMOUNT OF \$1,041.88

BE IT RESOLVED by the Council of the City of Modesto that the request of All Seasons Inn for refund of \$1,041.88 for overpayment of business license taxes is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Bird

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-16

A RESOLUTION APPROVING THE FINAL MAP OF THE MOUNTAINVIEW  
TERRACE UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Security Owners Corporation, a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 8.302 acres, known as the Mountainview Terrace Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 1st day of February, 1988, 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 Mountainview Terrace Unit No. 2 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 2nd day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-17

A RESOLUTION OF CONDOLENCE TO THE WIFE AND FAMILY OF  
WILLIAM DELANEY GIBBS.

WHEREAS, William Delaney Gibbs, Army Specialist 4, of Modesto,  
22 years of age, was killed in action during the United States invasion of the  
Country of Panama, Central America, and

WHEREAS, William Delaney Gibbs had been in Panama since October 1989  
and was attached to the 7th Infantry Division based at Fort Ord in Monterey,  
California, and

WHEREAS, as a result of this tragic loss, the Council of the City of  
Modesto desires to express condolence, on behalf of the community, to the wife  
and family of William Delaney Gibbs for patriotic service to his country,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that on behalf of the Modesto community it extends to the wife and family of  
William Delaney Gibbs its most sincere sorrow and regrets in this time of loss  
of their loved one.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 2nd day of January,  
1990, by Councilmember Irizarry, 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: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-18

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SUSAN FISCOE FOR GOLF PROFESSIONAL SERVICES AT DRYDEN AND MUNI GOLF COURSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Susan Fiscoe for golf professional services at Dryden and Muni Golf Courses

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 January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-19

A RESOLUTION AMENDING THE 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO TO PROVIDE A CAPITAL IMPROVEMENT PROJECT FOR DEVELOPER'S CONTRIBUTION TOWARD AN ENVIRONMENTAL IMPACT REVIEW AND GENERAL PLAN AMENDMENT STUDY ON THE COLLEGE WEST NEIGHBORHOOD.

WHEREAS, it has been determined that Michael Clayton and Associates entered into an agreement with the City of Modesto to prepare the General Plan Amendment and Environmental Impact Review for the College West Neighborhood, and

WHEREAS, Resource Development, Inc. entered into an agreement with the City of Modesto to pay for the consultant and staff costs of the proposed General Plan Amendment and Environmental Impact Review relating to the College West Neighborhood, and

WHEREAS, a budget amendment increasing revenue and appropriating said revenue for a new project in Fund 130, Special Fund for Capital Outlays, is necessary,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1989-90:

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
<u>Expenditures</u>		
130/140/P900/6000	College West EIR Study	\$88,495
<u>Revenues</u>		
130/510/9510/4009.01	Developer's Contribution-Misc.	\$88,495

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 9th day of January, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-20

A RESOLUTION APPROVING THE FINAL MAP OF THE DRY CREEK  
VISTA UNIT TWO SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, NORTH STAR ESTATES, INC., a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 13.85 acres, known as the Dry Creek Vista Unit Two Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 10th day of July, 1989, 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 Dry Creek Vista Unit Two 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 9 day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-21

A RESOLUTION ACCEPTING IMPROVEMENTS IN DRY CREEK VISTA UNIT NO. 1 SUBD. AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, CPC/Lew Venture, subdividers of Dry Creek Vista Unit No. 1 have filed subdivision bonds for faithful performance and labor and materials in the amount of \$563,800.00 and \$ 281,900.00 respectively to guarantee improvements in Dry Creek Vista Unit 1 and;

WHEREAS, the Director of Engineering in a memorandum dated January 2, 1990 indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering 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 Dry Creek Vista Unit 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 \$563,800.00 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 \$281,900.00 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 9th day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-22

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS TO PROVIDE CERTAIN PUBLIC SERVICES TO THE COUNTY JAIL FACILITY

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 to provide certain public services to the County jail 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 Modesto held on the 9th day of January , 19 90 , by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \_\_\_\_\_

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-23

A RESOLUTION OF CONDOLENCE TO THE WIFE AND FAMILY OF ROBERT T. ELLIOTT

WHEREAS, the Modesto City Council expresses its deepest sorrow in the passing and loss of former City Councilmember and longtime civic leader, Robert (Bob) T. Elliott; and

WHEREAS, Bob served the people of Modesto, first as an educator and school administrator for over 30 years, and later as a member of the City Council for three full terms, from 1971 to 1983; and

WHEREAS, Bob worked hard to ensure that young people in Modesto had an opportunity to shine -- whether it be in school, alternative education programs or special youth activities such as the Boy Scouts; and

WHEREAS, Bob worked toward positive resolution of many community issues with his straight-forward thinking and ability to make all people feel at ease expressing their ideas and concerns; and

WHEREAS, Bob gave his unconditional support to numerous community organizations including the Salvation Army, United Way, Modesto Lions Club, American Legion Post No. 74, Modesto Senior Citizens, and the Yosemite Area Council of Boy Scouts; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Mayor and Council honor and recognize the lasting contributions of Robert T. Elliott to our community and extend condolences to his family and friends.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-24

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO,  
CALIFORNIA, AMENDING CITY COUNCIL RESOLUTION NO. 82-855  
ADOPTED ON NOVEMBER 23, 1982, ADDING ADDITIONAL AREAS TO  
THE REDEVELOPMENT SURVEY AREA AND REDESCRIBING THE  
BOUNDARIES OF SAID REDEVELOPMENT SURVEY AREA.

WHEREAS, the Community Redevelopment Law of the State of California  
(Health and Safety Code Section 33000 et seq.) provides authority for the  
designation and description by resolution of survey areas, and

WHEREAS, the City Council by Resolution No. 82-855, adopted on  
November 23, 1982, designated a redevelopment survey area and determined that  
said area required study to determine if a redevelopment project or projects  
within the area would be feasible, and

WHEREAS, the City Council has determined to have the additional  
areas described in this resolution studied to determine if a redevelopment  
project or projects within said areas are feasible,

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

SECTION 1. The map and the description of the area described in  
Resolution No. 82-855 are hereby amended to add additional areas to the  
redevelopment survey area as shown on the "Map of Amended Redevelopment Survey  
Area," attached hereto and marked as Exhibit "A", and described as set forth  
in the "Redevelopment Survey Area," attached hereto and marked as Exhibit "B",  
which exhibits include the redevelopment survey area designated by City  
Council Resolution No. 82-855, adopted on November 23, 1982.

SECTION 2. The City Council hereby finds and determines that the  
areas described in Section 1 of this resolution require study to determine if  
a redevelopment project or projects within said areas are feasible.

SECTION 3. All other provisions of said City Council Resolution No. 82-855, adopted on November 23, 1982, 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 January, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Muratore, Patterson, Mayor Pro tem Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

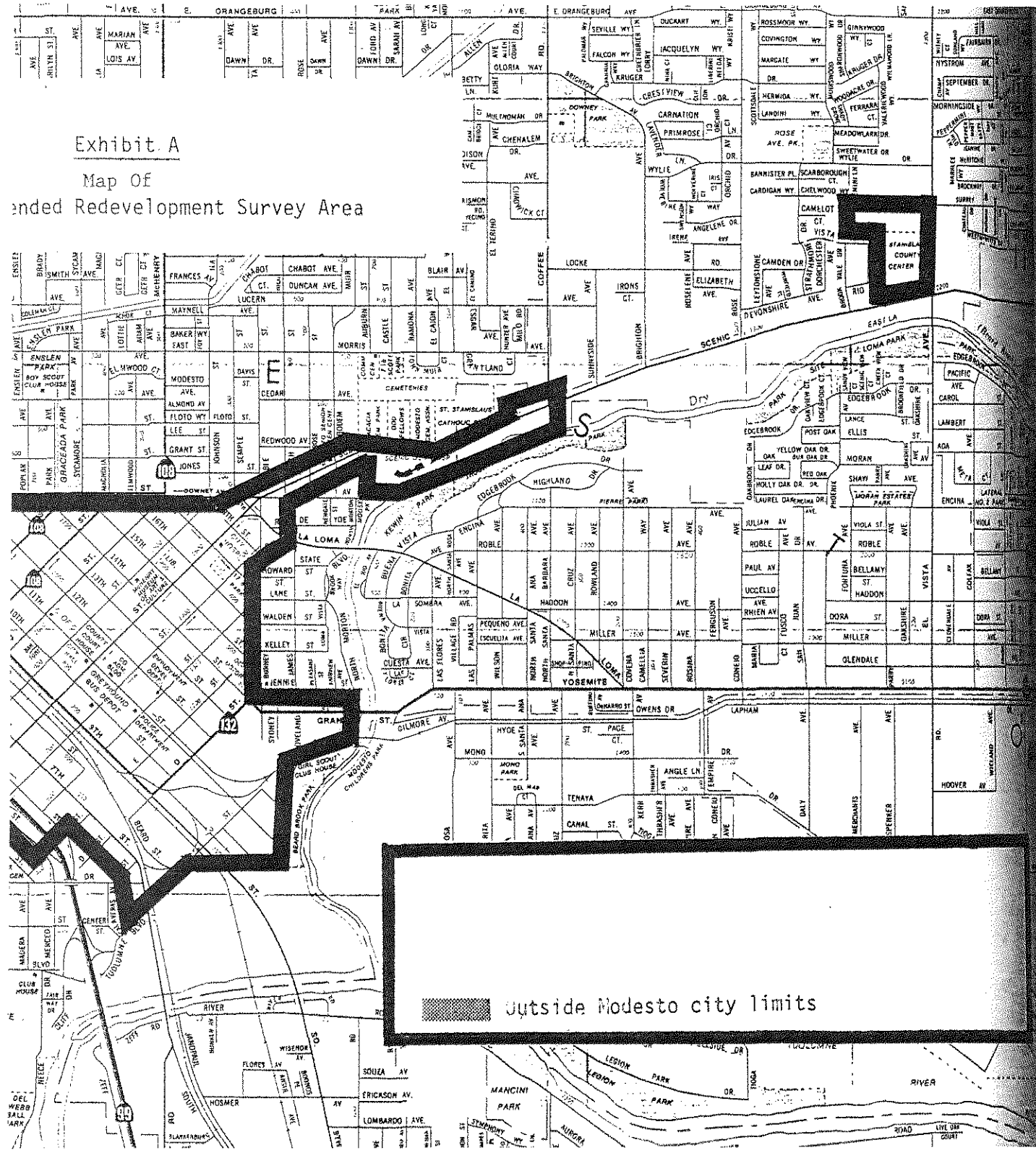
APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By John A. Christiansen  
Public Works and Transportation  
Department, Engineering Division

Exhibit A  
 Map Of  
 Extended Redevelopment Survey Area



REDEVELOPMENT SURVEY AREA  
(County Center No. 3)

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Blocks 1300 and 1319 of the City of Modesto and those portions of Oakdale Road and Scenic Drive bordering said Blocks.

REDEVELOPMENT SURVEY AREA  
(Paradise Road Area)

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 31, Township 3 South, Range 9 East, and the North half of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Southeastern corner of Block 3093 of the City of Modesto, said point being on the South line of said Section 31;

1. thence Westerly and Northwesterly along the Southern boundary of said Block 3093 and the alley in Block 3092 to Paradise Road;
2. thence Southwesterly along said Paradise Road to the Western line of Block 3091 of the WALNUT GROVE Subdivision, as per map filed November 14, 1958 in Volume 19 of Maps, Page 9, Stanislaus County Records;
3. thence Southerly along said Western line of Block 3091 to its intersection with a line which is parallel with and 250.00 feet, measured at right angles, Southeasterly from the Southeastern line of former 50.00 foot Paradise Road;
4. thence Southwesterly along said parallel line to the Southeastern corner of Assessor's Parcel 37-08-11;
5. thence Westerly along the Southern line of said Parcel 37-08-11 to a Northeastern corner of Assessor's Parcel 37-08-02;
6. thence Southerly along the most Easterly line of said Parcel 37-08-02 to the Southeastern corner thereof;
7. thence Westerly along the Southern line of Parcel 37-08-02 to Wade Avenue;
8. thence Northerly along said Wade Avenue to Paradise Road;
9. thence Southwesterly along said Paradise Road to the Northeastern line of Parcel 2, as per map filed December 18, 1989, in Book 42 of Parcel Maps, Page 60, Stanislaus County Records;
10. thence Northwesterly along said Northeastern line of Parcel 2 to Beverly Drive;
11. thence Easterly along said Beverly Drive to the Western line of Assessor's Parcel 37-04-39;
12. thence Northerly and Easterly along the boundary of said Parcel 37-04-39 to Harris Avenue;
13. thence Northerly along said Harris Avenue to the alley in Block 4028 of the AMENDED MAP OF PARADISE ORCHARD TRACT, as per map filed December 3, 1946 in Volume 16 of Maps, Page 3A, Stanislaus County Records;

14. thence Northeasterly along the alleys in Blocks 4028, 4029, and 4030 and the Southeasterly line of Lot 14 and the Northwestern line of Lots 13, 12, and 11 of Block 4030 of said Amended Map of Paradise Orchard Tract to a point on the Western line of Lot 10 in said Block 4030;
15. thence Northerly along said Western line of Lot 10 in Block 4030 to Chicago Avenue;
16. thence Easterly along said Chicago Avenue to the Southwestern corner of the ELLEN TRACT, as per map filed May 25, 1939 in Volume 11 of Maps, Page 60, Stanislaus County Records;
17. thence Northerly along the Western line of said Ellen Tract to the Northwestern corner thereof;
18. thence Easterly along the Northern line of the Ellen Tract to a point on a line which is parallel with and 275 feet, measured at right angles, Westerly from the Western line of Parcel "B", as per map filed October 30, 1980 in Book 30 of Parcel Maps, Page 172, Stanislaus County Records;
19. thence Northerly along said parallel line to Briggs Avenue;
20. thence Easterly along said Briggs Avenue to North Martin Luther King Drive;
21. thence Southerly along said North Martin Luther King Drive to the Northern line of the C-1 Zone in Block 343 of the City of Modesto;
22. thence Easterly along said last-mentioned Northern line to the Northern corner of Lot 2 in said Block 343;
23. thence Southeasterly along the Northeastern line of Lot 2 in Block 343 to Paradise Avenue;
24. thence Southwesterly along said Paradise Avenue to its intersection with the Northerly extension of the Eastern line of the Western 2.00 feet of Lot 8 in Block 353 of the City of Modesto;
25. thence Southerly along said Northerly extension of and the Eastern line of the Western 2.00 feet of Lot 8 in Block 353 to the East-West alley in Block 353;
26. thence Westerly along said East-West alley in Block 353 to Sutter Avenue;
27. thence Southerly along said Sutter Avenue to said Southeastern corner of Block 3093 and the point of beginning.
28. Including those portions of Paradise Road, Wade Avenue, Beverly Drive, Harris Avenue, Mayette Avenue, Florette Avenue, Chicago Avenue, Ellen Avenue, Briggs Avenue, North Martin Luther King Drive, Paradise Avenue, Tuolumne Boulevard, and Sutter Avenue bordering the above-described property.

REDEVELOPMENT SURVEY AREA  
(Major Area)

All that real property in the State of California, County of Stanislaus, being a portion of Sections 24 and 25, Township 3 South, Range 8 East, and Sections 19, 27, 28, 29, 30, 31, 32 and 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the intersection of the centerlines of Carpenter Road and Kansas Avenue;

1. thence Westerly 670 feet, more or less, along said centerline of Kansas Avenue to its intersection with the Southerly extension of the Eastern line of the PHEASANT VALLEY Subdivision, as per map filed March 16, 1988 in Volume 32 of Maps, Page 76, Stanislaus County Records;
2. thence Northerly 1,146 feet, more or less, along said Southerly extension of and the Eastern line of said Pheasant Valley Subdivision to the Northwestern corner of Parcel "2", as per map filed June 27, 1974, in Book 19 of Parcel Maps, Page 50, Stanislaus County Records;
3. thence Northeasterly 158 feet, more or less, along a Northwestern line of Parcel "2";
4. thence Southeasterly 10 feet, more or less, along a Northeasterly line of Parcel "2";
5. thence Northerly 101 feet, more or less, to the centerline of Torrid Avenue;
6. thence Easterly 340 feet, more or less, along said centerline of Torrid Avenue to its intersection with said centerline of Carpenter Road;
7. thence Northerly 990 feet, more or less, along said centerline of Carpenter Road to the Southeastern corner of Lot 1 in Block 1 of the PLEASANT HOMES Subdivision, as per map filed August 17, 1922 in Volume 9 of Maps, Page 67, Stanislaus County Records;
8. thence Westerly 165 feet, more or less, along the Southern line of said Lot 1 of Block 1 of the Pleasant Homes Subdivision;
9. thence Northerly 350 feet, more or less, to the centerline of Woodland Avenue and the North line of said Section 25;
10. thence Easterly 165 feet, more or less, along said centerline of Woodland Avenue and said North line of Section 25 to the centerline of Carpenter Road;
11. thence Northerly 1,330 feet, more or less, along the centerline of Carpenter Road to the Southeastern corner of Lot 10 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records;

12. thence Westerly 1,992 feet, more or less, along the Southern line of Lots 10, 9 and 8 of said Carmichael Colony to the Southwestern corner of Parcel "2", as per map filed July 30, 1982, in Book 33 of Parcel Maps, Page 12, Stanislaus County Records;
13. thence Northerly 1,327 feet, more or less, along the Western line of Parcel "2" and the centerline of Prichard Avenue to the centerline of former 40.00 foot Blue Gum Avenue and the East-West quarter section line of said Section 24;
14. thence Easterly 1,991 feet, more or less, along said centerline of Blue Gum Avenue and said East-West quarter section line to the centerline of Carpenter Road and the East quarter section corner of Section 24;
15. thence Northerly along the centerline of Carpenter Road and the East line of Section 24, to its intersection with the Southwestern line of Freeway 99;
16. thence Southeasterly along said Southwestern line of Freeway 99 to a Southeastern line of the NORTH 99 ADDITION (195), as per description filed June 28, 1966, as Instrument 23028, Stanislaus County Records;
17. thence Northeasterly 329 feet, more or less, along said Southeastern line of ADDITION (195) to a point on the Northern line of Clayton Avenue;
18. thence Easterly 305 feet, more or less, along said Northern line of Clayton Avenue to its intersection with the Northerly extension of the Western line of the CAMPUS EDGE ADDITION (71), as per description filed July 24, 1956, as Instrument 20020, Stanislaus County Records;
19. thence Southerly 712 feet, more or less, along said Northerly extension and the Western line of ADDITION (71), to the Southwestern corner of ADDITION (71);
20. thence Easterly 874 feet, more or less, along the Southern line of ADDITION (71) to the centerline of Carver Road;
21. thence Northerly 67 feet, more or less, along said centerline of Carver Road to its intersection with the centerline of West Roseburg Avenue;
22. thence Easterly 411 feet, more or less, along said centerline of West Roseburg Avenue to its intersection with the Northerly extension of the Eastern line of Parcel "1", as per map filed March 14, 1985 in Book 36 of Parcel Maps, Page 39, Stanislaus County Records;
23. thence Southerly 946 feet, more or less, along said Northerly extension of the Eastern line of Parcel "1", the Eastern line of Parcels "1" and "2" and the Southerly extension of said Eastern line of Parcel "2" to a point on the Northern line of Parcel "B" as per map filed March 26, 1976 in Book 22 of Parcel Maps, Page 78, Stanislaus County Records;

24. thence Easterly 195 feet, more or less, along said Northern line of Parcel "B" and its Easterly extension to the Northwestern corner of property conveyed to the City of Modesto (J.M. Pike Park) by deed recorded July 22, 1948, as Instrument 15495, Stanislaus County Records;
25. thence Southerly 330 feet, more or less, along said Western line of J.M. Pike Park to the centerline of Princeton Avenue;
26. thence Easterly 928 feet, more or less, along said centerline of Princeton Avenue to the centerline of Kearney Avenue;
27. thence Southerly 496 feet, more or less, along said centerline of Kearney Avenue to the Northwestern corner of Lot 8 of the EVERGREEN ACRES Subdivision, as per map filed September 21, 1912 in Volume 7 of Maps, Page 9, Stanislaus County Records;
28. thence Easterly 264 feet, more or less, along the Northern line of said Lot 8 of Evergreen Acres to the Northeastern corner of Lot 8;
29. thence Southerly 550 feet, more or less, along the Eastern line of Lot 8, said line also being the Western line of Lots 7 and 9, of said Evergreen Acres to the Northwestern corner of Lot 21 of Evergreen Acres;
30. thence Easterly 776 feet, more or less, along the Northern line of said Lot 21, 20, 19, 18 and 17 of Evergreen Acres to the Northeastern corner of Lot 17 of Evergreen Acres;
31. thence Southerly 59 feet, more or less, along the Eastern line of said Lot 17 of Evergreen Acres to the Northwestern corner of Lot 16 of Evergreen Acres;
32. thence Easterly 281 feet, more or less, along the Northern line of said Lot 16 of Evergreen Acres to the centerline of Tully Road;
33. thence Southerly 1,324 feet, more or less, along said centerline of Tully Road to its intersection with the centerline of Stoddard Avenue;
34. thence Easterly 620 feet, more or less, along said centerline of Stoddard Avenue to its intersection with the Northwesterly extension of the Northeastern boundary of the COLLEGE PARK TRACT NO. 2, as per map filed September 13, 1940 in Volume 14 of Maps, Page 3, Stanislaus County Records;
35. thence Southeasterly 622 feet, more or less, along said Northeasterly boundary of said College Park Tract No. 2;
36. thence Southeasterly along a curve to the left having a Radius of 371.77 feet to its point of tangency on the Northwesterly line of the 120-foot wide Modesto Irrigation District Lateral No. 4;
37. thence Southwesterly along said Northwesterly line of said Lateral No. 4 to its intersection with the Northerly extension of the centerline of Nellie Avenue;

38. thence southerly along said northerly extension of the centerline of Nellie Avenue and the centerline of Nellie Avenue to its intersection with a line which is parallel with and 172.5 feet, measured at right angles, northerly from the centerline of former 65-foot Needham Street;
39. thence Easterly 199 feet, more or less, along said parallel line to the centerline of the alley in Block 506 of the CITY OF MODESTO, as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records;
40. thence Northerly 17 feet, more or less, along said alley centerline to its intersection with a line which is parallel with and 189.24 feet, measured at right angles, Northerly from said centerline of former 65-foot Needham Street;
41. thence Easterly 187 feet, more or less, along said last-mentioned parallel line to the centerline of College Avenue;
42. thence Southerly 51 feet, more or less, along said centerline of College Avenue to its intersection with a line which is parallel with and 138.1 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;
43. thence Easterly 187 feet, more or less, along said last-mentioned parallel line to the centerline of the alley in Block 509 of said City of Modesto;
44. thence Southerly 2 feet, more or less, along said last-mentioned alley centerline to its intersection with a line which is parallel with and 136.5 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;
45. thence Easterly 186 feet, more or less, along said last-mentioned parallel line to the centerline of Olive Avenue;
46. thence Southerly 0.4 feet, more or less, along said centerline of Olive Avenue to its intersection with a line which is parallel with and 136.1 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;
47. thence Easterly 186 feet, more or less, along said last-mentioned parallel line to the centerline of the alley in Block 510 of said City of Modesto;
48. thence Southerly 1 foot, more or less, along said last-mentioned alley centerline to its intersection with a line which is parallel with and 134.9 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;
49. thence Easterly 186 feet, more or less, along said last-mentioned parallel line to the centerline of Orange Avenue;

50. thence Northerly 25 feet, more or less, along said centerline of Orange Avenue to its intersection with a line which is parallel with and 159.1 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;
51. thence Easterly 186 feet, more or less, along said last-mentioned parallel line to the centerline of the alley in Block 515 of said City of Modesto;
52. thence Southerly 2 feet, more or less, along said last-mentioned alley centerline to its intersection with a line which is parallel with and 157.5 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;
53. thence Easterly 186 feet, more or less, along said last-mentioned parallel line to the centerline of Virginia Avenue;
54. thence Southerly 50 feet, more or less, along said centerline of Virginia Avenue to its intersection with a line which is parallel with and 107.3 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;
55. thence Easterly 186 feet, more or less, to the centerline of the alley in Block 516 of said City of Modesto;
56. thence Southerly 107 feet, more or less, along said last-mentioned alley centerline to said centerline of 65.00 foot Needham Avenue;
57. thence Easterly 2,434 feet, more or less, along said centerline of 65.00 foot Needham Street to the centerline of McHenry Avenue;
58. thence Southerly 57 feet, more or less, along said centerline of McHenry Avenue to the centerline of Downey Avenue;
59. thence Easterly 998 feet, more or less, along said centerline of Downey Avenue to the centerline of Semple Street;
60. thence Northerly 180 feet, more or less, along said centerline of Semple Street to the centerline of the alley in Block 579 of said City of Modesto;
61. thence Easterly 338 feet, more or less, along said last-mentioned alley centerline to the centerline of Kimble Street;
62. thence Northerly 60 feet, more or less, along said centerline of Kimble Street to the centerline of an East-West alley in Block 580 of said City of Modesto;
63. thence Easterly 180 feet, more or less, along said last-mentioned alley centerline to the centerline of the North-South alley in said Block 580;
64. thence Northerly 75 feet, more or less, along said last-mentioned alley centerline to the centerline of an East-West alley in Block 580;

65. thence Easterly 180 feet, more or less, along said last-mentioned alley centerline to the centerline of High Street;
66. thence Northerly 100 feet, more or less, along said centerline of High Street to the centerline of an East-West alley in Block 587 of said City of Modesto;
67. thence Easterly 180 feet, more or less, along said last-mentioned alley centerline to the centerline of the North-South alley in said Block 587;
68. thence Northerly 75 feet, more or less, along said last-mentioned alley centerline to the centerline of an East-West alley in Block 587;
69. thence Easterly 180 feet, more or less, along said last-mentioned alley centerline to the centerline of Melrose Street;
70. thence Northerly 102 feet, more or less, along said centerline of Melrose Street to the centerline of the East-West alley in Block 590 of the City of Modesto;
71. thence Easterly 180 feet, more or less, along said last-mentioned alley centerline to the centerline of the North-South alley in said Block 590;
72. thence Northerly 160 feet, more or less, along said last-mentioned alley centerline to its intersection with the Westerly extension of the Northern line of Lot 23 in Block 590;
73. thence Easterly 407 feet, more or less, along said Westerly extension of said Northern line of Lot 23, the Northern line of Lot 23 and the Easterly extension of the Northern line of Lot 23 to its intersection with the Eastern line of Block 595 of said City of Modesto;
74. thence Southerly along said Eastern line of Block 595 to the centerline of Scenic Drive;
75. thence Easterly 1,332 feet, more or less, along said centerline of Scenic Drive to its intersection with the Southerly extension of the Eastern line of the ST. STANISLAUS CEMETERY, as per map filed March 12, 1941, in Volume 14 of Maps, Page 13, Stanislaus County Records;
76. thence Northerly 575 feet, more or less, along said Southerly extension of said Eastern line and the Eastern line of said St. Stanislaus Cemetery to a point on a Southern line of the GRANT TRACT, as per map filed May 26, 1950, in Volume 16 of Maps, Page 74, Stanislaus County Records;
77. thence Easterly 500 feet, more or less, along said Southern line of the Grant Tract;

78. thence Northeasterly 389 feet, more or less, along a Southeastern line of said Grant Tract and its Northeasterly extension to the centerline of Coffee Road, said point also being the Northwestern corner of Lot 27 of SUNNYSIDE ACRES, as per map filed May 24, 1911, in Volume 5 of Maps, Page 45, Stanislaus County Records;
79. thence Northeasterly 410 feet, more or less, along the Northwestern line of said Lot 27, Lot 28 and Lot 29 of said Sunnyside Acres to the Northeastern corner of Lot 29 of Sunnyside Acres;
80. thence Southerly 315 feet, more or less, along the Eastern line of said Lot 29 to the centerline of Scenic Drive;
81. thence Northeasterly 85 feet, more or less, along said centerline of Scenic Drive to its intersection with the Northwesterly extension of the Northeastern line of Assessor's Parcel 34-15-02;
82. thence Southeasterly 171 feet, more or less, along said Northwesterly extension and the Northeastern line of said Assessor's Parcel 34-15-02 to a point on the Northern line of Assessor's Parcel 34-18-03;
83. thence Westerly 236 feet, more or less, along said Northern line of Assessor's Parcel 34-18-03 to the Northwestern corner thereof;
84. thence Southerly 268 feet, more or less, along the Western line of said Assessor's Parcel 34-18-03 to the centerline of Dry Creek;
85. thence Southwesterly 2,430 feet, along said centerline of Dry Creek to the Southeastern corner of Block 597 of said City of Modesto;
86. thence Westerly 825 feet, more or less, along the Southern line of said Block 597 to the Southwestern corner of Block 597;
87. thence Northerly 330 feet, more or less, along the Western line of Block 597 to its intersection with the Easterly extension of the Southern line of the East-West alley in Block 596 of the City of Modesto;
88. thence Westerly 190 feet, more or less, along said Easterly extension of and said Southern line of said alley and the Westerly extension of the Southern line of said alley to the centerline of Bodem Street;
89. thence Southerly 90 feet, more or less, along said centerline of Bodem Street to its intersection with the Easterly extension of the Southern line of an East-West alley in Block 589 of the City of Modesto;
90. thence Westerly 180 feet, more or less, along said Easterly extension of and the Southern line of said alley to the centerline of the North-South alley in said Block 589;
91. thence Southerly 70 feet, more or less, along said alley centerline to the Southern line of an East-West alley in Block 589;

92. thence Westerly 217 feet, more or less, along said Southern alley line and its Westerly extension to the centerline of Melrose Avenue;
93. thence Southerly 170 feet, more or less, along said centerline of Melrose Street to the centerline of Downey Street;
94. thence Westerly 223 feet, more or less, along said centerline of Downey Street to the centerline of James Street;
95. thence Southerly 754 feet, more or less, along said centerline of James Street to the centerline of "G" Street;
96. thence Westerly 275 feet, more or less, along said centerline of "G" Street to its intersection with the Northerly extension of the Western line of Assessor's Parcel 107-06-21;
97. thence Southerly 190 feet, more or less, along said Northerly extension of and the Western line of Assessor's Parcel 107-06-21 to the Southern line of Lot 7 in Block 205 of said City of Modesto;
98. thence Westerly 165 feet, more or less, along said Southern line and its Westerly extension to the centerline of Burney Street;
99. thence Southerly 1,693 feet, more or less, along said centerline of Burney Street to the centerline of Jennie Street;
100. thence Easterly 1,190 feet, more or less, along said centerline of Jennie Street to the centerline of Morton Boulevard;
101. thence Southerly and Westerly along said centerline of Morton Boulevard to the centerline of South Ninth Street;
102. thence Southeasterly along said centerline of South Ninth Street to its intersection with a Northwestern line of the Primary Floodway of the Tuolumne River, as designated by the State Reclamation Board;
103. thence Southwesterly along said Northwestern line of the Primary Floodway of the Tuolumne River to the centerline of South Seventh Street;
104. thence Northerly along said centerline of South Seventh Street to its intersection with the Northeasterly extension of a Southeastern line of Assessor's Parcel 102-16-01;
105. thence Southwesterly 190 feet, more or less, along said Northeasterly extension of and a Southeastern line of said Assessor's Parcel 102-16-01;
106. thence Southeasterly 132 feet, more or less, along a Northeastern line of Parcel 102-16-01;
107. thence Southwesterly 43 feet, more or less, along a Southeastern line of Parcel 102-16-01;

108. thence Northwesterly 185 feet, more or less, along a Southwestern line and its Northwesterly extension to the centerline of Tuolumne Boulevard;
109. thence Southwesterly 110 feet, more or less, along said centerline of Tuolumne Boulevard to its intersection with the Southeastern extension of the Northeastern line of Lot 27 in Block 305 of said City of Modesto;
110. thence Northwesterly 260 feet, more or less, along said Southeastern extension of and said Northeastern line of and the Northwestern extension of said Northeastern line of Lot 27 in Block 305 to its intersection with the centerline of an alley in Block 305;
111. thence Northeasterly 93 feet, more or less, along said alley centerline;
112. thence continuing Northerly 525 feet, more or less, along the centerline of the alley in Block 305 and its Northerly extension to a point on the centerline of "C" Street;
113. thence Northeasterly 75 feet, more or less, along said centerline of "C" Street to its intersection with the Southeasterly extension of the centerline of the alley in Block 28 of said City of Modesto;
114. thence Northwesterly 960 feet, more or less, along said Southeasterly extension of and the centerline of the alley in Blocks 28 and 29 and the Northwesterly extensions of said alley centerlines to the centerline of "E" Street;
115. thence Southwesterly 760 feet, more or less, along said centerline of "E" Street extended to its intersection with the Southeasterly extension of the centerline of the alley in Block 13 of said City of Modesto;
116. thence Northwesterly 1,300 feet, more or less, along said Southeasterly extension of and the centerline of the alley in Block 13, 14 and 15 and the Northwesterly extensions of said alley centerlines to the intersection with the Northeasterly extension of the Southeastern line of Lot 29 in said Block 15;
117. thence Southwesterly 760 feet, more or less, along said Northeasterly extension of and the Southeastern line of said Lot 29 in Block 15, the Southeastern line of Lots 4 and 29 in Block 10, the Southeastern line of Lot 4 in Block 4 and the Southwesterly extensions of said Lot lines to the centerline of the alley in Block 4 of said City of Modesto;
118. thence Northwesterly 780 feet, more or less, along said centerline of Block 4 and the centerlines of the alleys in Block 5 and 6 and the Northwesterly extension of said alley centerlines to the intersection with the Southwesterly extension of the Northwestern line of Lot 13 in said Block 6 of said City of Modesto;

119. thence Northeasterly 760 feet, more or less, along said Southwesterly extension of and the Northwestern line of said Lot 13 in Block 6, the Northwestern line of Lots 20 and 13 in Block 8, the Northwestern line of Lot 20 in Block 17 and the Northeasterly extensions of said Lot lines to the centerline of the alley in Block 17 of said City of Modesto;
120. thence Northwesterly 1,115 feet, more or less, along said alley centerline in Block 17, the alley centerline in Blocks 18 and 19 and the Northwesterly extensions of said centerlines to the intersection with the Easterly extension of the alley centerline of Block 418 of said City of Modesto;
121. thence Westerly 1,962 feet, more or less, along said Easterly extension of the alley centerline in Block 418, the alley centerlines in Blocks 419, 420 and 4095 of the City of Modesto, and the Westerly extensions of said alley centerlines to a point on the Western line of Lot 1 of the SPENCER COLONY, as per map filed December 16, 1904 in Volume 2 of Maps, Page 3, Stanislaus County Records;
122. thence Northerly 173 feet, more or less, along said Western line of Lot 1 and its Northerly extension to the centerline of Maze Boulevard;
123. thence Easterly 665 feet, more or less, along said centerline of North Martin Luther King Drive;
124. thence Northerly 180 feet, more or less, along said centerline of North Martin Luther King Drive to the intersection with the Westerly extension of the alley centerline in Block 421 of the City of Modesto;
125. thence Easterly 1,297 feet, more or less, along said Westerly extension of and said alley centerlines in Blocks 421, 422 and 423 of the City of Modesto, and the Easterly extension of said alley centerlines to a point on the former centerline of Washington Street;
126. thence Northerly along said former centerline of Washington Street to the centerline of Freeway 99;
127. thence Northwesterly along said centerline of Freeway 99 to its intersection with the Easterly extension of the Northern line of Future State Highway 132;
128. thence Westerly along said Easterly extension of and the Northern line of Future State Highway 132 to the centerline of Carpenter Road;
129. thence Northerly along said centerline of Carpenter Road to said centerline of Kansas Avenue and the end of this description.

130. Including those portions of Kansas Avenue, Torrid Avenue, Carpenter Road, Woodland Avenue, Pritchard Avenue, Blue Gum Avenue, Clayton Avenue, Carver Road, West Roseburg Avenue, Princeton Avenue, Kearney Avenue, Tully Road, Stoddard Avenue, Nellie Avenue, College Avenue, Olive Avenue, Orange Avenue, Virginia Avenue, Needham Street, Downey Avenue, Semple Street, Kimble Street, High Street, Melrose Street, Scenic Drive, Bodem Street, Downey Street, James Street, "G" Street, Burney Street, Jennie Street, Morton Boulevard, South Ninth Street, South Seventh Street, Tuolumne Boulevard, "C" Street, "E" Street, Maze Boulevard, Sherman Avenue and Washington Street bordering the above described property.

CITY OF MODESTO

RESOLUTION NO. 90-25

**A RESOLUTION APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS AND CERTAIN RELATED DOCUMENTS, AUTHORIZING AND DIRECTING EXECUTION OF A PURCHASE AGREEMENT, APPROVING THE FORM AND AUTHORIZING DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF CERTIFICATES OF PARTICIPATION RELATING THERETO, APPOINTING SPECIAL COUNSEL AND APPROVING RELATED DOCUMENTS AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO**

RESOLVED, by the City Council of the City of Modesto (the "City"):

WHEREAS, the City, working together with the Modesto Public Financing Authority (the "Authority"), is proposing to proceed with a lease financing;

WHEREAS, in connection therewith, the City proposes to finance the construction of capital improvements, as more particularly described in the hereinafter defined Trust Agreement and it is in the public interest and for the public benefit that the City authorize and direct execution of the hereinafter defined Lease Agreement and certain other financing documents in connection therewith;

WHEREAS, pursuant to the City's authorization, Shearson Lehman Hutton, Inc. (the "Underwriter") proposes to underwrite the financing and has assisted the City in the preparation of a preliminary official statement containing information material to the offering and sale of the certificates of participation described below (the "Preliminary Official Statement");

WHEREAS, the documents below specified have been filed with the City and the members of the City Council, with the aid of its staff, have reviewed said documents; and

WHEREAS, it is desirable to appoint special legal counsel in connection therewith;

NOW, THEREFORE, it is hereby ORDERED and DETERMINED, as follows:

*Section 1.* The below-enumerated documents be and are hereby approved, and the City Manager or the Finance Director is hereby authorized and directed to execute said documents, with such changes, insertions and omissions as may be approved by

such official, and the City Clerk is hereby authorized and directed to attest to such official's signature:

(a) a deed and acquisition agreement, by and between the City, as seller, and the Authority, as purchaser, pursuant to which the City will sell certain real property (the "Site") to the Authority, for lease-back to the City pursuant to the Lease Agreement;

(b) a lease agreement relating to the Site, by and between the Authority, as lessor, and the City, as lessee (the "Lease Agreement"), so long as the stated term of the Lease Agreement does not exceed thirty-one (31) years, so long as the principal amount of the Lease Agreement does not exceed \$8,750,000, and so long as the maximum lease payments made by the City thereunder do not exceed \$850,000; and

(c) a trust agreement, by and among the Authority, the City and a trustee bank to be selected pursuant to competitive bid (the "Trust Agreement"), relating to the financing, and the execution and delivery of certificates of participation evidencing the direct, undivided fractional interests of the owners thereof in lease payments to be made by the City under the Lease Agreement (the "Certificates of Participation").

*Section 2.* A purchase contract by and among the Underwriter and the City relating to the purchase by the Underwriter of the Certificates of Participation, be and is hereby approved, and the City Manager or the Finance Director is hereby authorized and directed to execute said agreement, with such changes, insertions and omissions as may be approved by such official, so long as the interest rate with respect to the Certificates of Participation will not produce annual lease payments payable under the Lease Agreement in any twelve-month period, beginning on November 2 and ending on the succeeding November 1, in excess of \$850,000, so long as the principal amount of the Certificates of Participation will not exceed \$8,750,000 and so long as the Underwriter's discount with respect to the Certificates does not exceed 2%.

*Section 3.* To the best of the City's knowledge, information and belief, the Preliminary Official Statement contains no untrue statement of a material fact with respect to the City or omits to state a material fact with respect to the City required to be stated where necessary to make any statement made therein not misleading in the light of the circumstances under which it was made.

*Section 4.* The City Manager or the Finance Director is authorized to approve corrections and additions to the Preliminary Official Statement by supplement or amendment thereto, or otherwise as appropriate, provided that any such corrections or additions shall be necessary to cause the information contained therein to conform with facts material to the Certificates of Participation, or to the proceedings of the City or such corrections or additions are in form rather than in substance.

*Section 5.* The Preliminary Official Statement, when prepared, is approved for distribution in connection with the offering and sale of the Certificates of Participation.

*Section 6.* The City Manager or the Finance Director is authorized and directed to cause the Preliminary Official Statement to be brought into the form of a final official statement (the "Final Official Statement") and to execute said Final Official Statement, dated as of the date of the sale of the Certificates of Participation, and a statement that the facts contained in the Final Official Statement, and any supplement or amendment thereto (which shall be deemed an original part thereof for the purpose of such statement) were, at the time of sale of the Certificates of Participation, true and correct in all material respects and that the Final Official Statement did not, on the date of sale of the Certificates of Participation, and does not, as of the date of delivery of the Certificates of Participation, contain any untrue statement of a material fact with respect to the City . The City Manager or the Finance Director shall take such further actions prior to the signing of the Final Official Statement as are deemed necessary or appropriate to verify the accuracy thereof.

*Section 7.* The Final Official Statement, when prepared, is approved for distribution in connection with the offering and sale of the Certificates of Participation.

*Section 8.* The law firm of Jones Hall Hill & White, A Professional Law Corporation, San Francisco, California ("Jones Hall"), is hereby appointed to act as special legal counsel to the City in connection with the financing.

*Section 9.* That certain Agreement for Legal Services by and between the City and Jones Hall for special legal services in connection with the financing, copy of which is on file with the City Clerk, is hereby approved. The City Manager or the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute said Agreement and the City Clerk is hereby authorized and directed to attest to such official's signature.

*Section 10.* The City Manager, the Finance Director, the City Clerk and all other appropriate officials of the City are hereby authorized and directed to execute such other agreements, documents and certificates as may be necessary to effect the purposes of this resolution and the financing herein authorized.

*Section 11.* This Resolution shall take effect upon its adoption by this City Council.

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THE FOREGOING RESOLUTION is approved and adopted by the City Council of the City of Modesto this 16th day of January, 1990.

  
CITY CLERK OF THE CITY OF MODESTO

APPROVED AS TO FORM:

  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF STANISLAUS ) ss.  
CITY OF MODESTO )

I, Norrine Coyle, City Clerk of the City of Modesto, do hereby certify that the foregoing Resolution No. 90-25 was introduced and adopted at a regular meeting provided by law, of the City Council of the City of Modesto held on the 16th day of January, 1990, by the following vote of the members thereof:

AYES: COUNCIL MEMBERS: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: COUNCIL MEMBERS: None  
ABSENT: COUNCIL MEMBERS: Bird

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Modesto this 16th day of January 1990.

  
\_\_\_\_\_  
CITY CLERK OF THE CITY OF MODESTO

(SEAL)

I, Norrine Coyle, City Clerk of the City of Modesto, do hereby certify that the foregoing is the original of Resolution No 90-25 duly passed and adopted by the Modesto City Council on January 16, 1990.

  
\_\_\_\_\_  
CITY CLERK

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-26

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING TWO VANS AND ONE VAN WITH AERIAL LIFT

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

SECTION 1. The plans and specifications for the purchase of two vans and one van with aerial lift

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 12, 1990, at 11:05 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-27

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF  
COMPUTER EQUIPMENT FROM CHUCK'S COMPUTERS

WHEREAS, the Public Works Department has requested this purchase for use  
in their Operations Division; and

WHEREAS, a bid for computer equipment was competitively bid previously  
with the low responsive bidder being Chuck's Computers of Modesto.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that  
formal bid procedure for the purchase of computer equipment is hereby waived.

BE IT FURTHER RESOLVED that purchase of computer equipment from Chuck's  
Computers of Modesto for the total cost of \$6,372, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 16th day of January, 1990, by Councilmember  
Lang , who moved its adoption, which motion being duly seconded by Council-  
member Bird , was upon roll call carried and the resolution adopted by  
the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-28

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO CONCO WEST, INC. FOR INSTALLATION OF A MANHOLE AT THE INTERSECTION OF 9TH AND L STREETS

WHEREAS, a manhole is needed to handle the sewage coming from the 10" service at the Red Lion Inn; and

WHEREAS, four contractors were asked to informally bid this project because there is not time to use the regular bidding process, and Conco-West, Inc. was the low bidder.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the installation of a manhole at the intersection of 9th and L Streets, is hereby waived.

BE IT FURTHER RESOLVED that issuance of a purchase order to Conco West, Inc. in the amount of \$17,050 for installation of a manhole at the intersection of 9th and L Streets, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-29

A RESOLUTION ACCEPTING IMPROVEMENTS IN MOUNTAIN VIEW TERRACE UNIT 1 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Security Owners Corporation, subdividers of Mountainview Terrace Unit 1 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 466,900.00 and \$ 233,450.00 respectively to guarantee improvements in Mountainview Terrace Unit 1 and;

WHEREAS, the Director of Engineering in a memorandum dated January 5, 1990, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering 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 Mountainview Terrace Unit 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 466,900.00 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 \$ 233,450.00 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 16th day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-30

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEON JOHNSON REVISING THE FINAL SUBDIVISION MAP OF ADOBE ABODE SUBDIVISION ALLOWING CONSTRUCTION OF AN 8' HIGH SOUNDWALL ADJACENT TO HIGHWAY 99 IN TWO SEPARATE PHASES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Leon Johnson for revising the final Subdivision map of Adobe Abode Subdivision allowing construction of an 8' high soundwall adjacent to Highway 99 in two separate phases

be, and it is hereby approved.

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

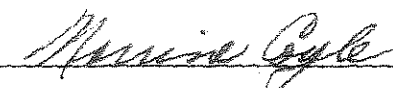
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-31

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$55,000 FROM CONTINGENCY RESERVE TO COMPLETE THE DRY CREEK BICYCLE AND PEDESTRIAN BRIDGE PROJECT**

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

FROM: Contingency Reserve \$55,000  
(051 800 8000 8003)

TO: Dry Creek Bike/Pedestrian Bridge \$55,000  
(052 140 G395 6000)

To provide funds to complete the Dry Creek bicycle and pedestrian bridge project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO.90-32

A RESOLUTION INCREASING THE EMERGENCY REPAIR PURCHASE ORDER TO SANCON ENGINEERING BY \$180,000 FOR THE EMERGENCY REPAIR TO THE 60" OUTFALL TRUNK SEWER AT THE WATER QUALITY CONTROL PLANT

WHEREAS, on April 11, 1989, the Council of the City of Modesto approved waiving formal bid procedure and authorized issuance of a purchase order to Sancon Engineering, Inc. for the emergency repair to the 60" outfall trunk sewer and vacuator dome at the Water Quality Control Plant; and

WHEREAS, additional work is required to repair joints and coat the interior of the 60" outfall trunk sewer that connects the primary wastewater treatment plant to the secondary remote ponds.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that waiving of the formal bid procedure and increasing purchase order by \$180,000 from \$270,000 to \$450,000 to Sancon Engineering, Inc. for the emergency repair to the 60" outfall trunk sewer at the Water Quality Control Plant is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-33

A RESOLUTION AMENDING SECTION 1 OF COUNCIL RESOLUTION NO. 87-1300 ENTITLED "A RESOLUTION ESTABLISHING RENTAL FEES FOR USE OF ROOMS AND FACILITIES IN THE SENIOR CITIZENS CENTER, AND RESCINDING RESOLUTION NO. 83-491 (THREE-YEAR RENTAL RATE PROGRAM)." TO PROVIDE THAT THE RENTAL RATES BE RETAINED AT THE 1989 LEVEL DURING 1990.

WHEREAS, the City of Modesto owns property located at the corner of Bodem and Scenic Drive which is used for a Senior Citizens Center, and

WHEREAS, on December 22, 1987, the Council of the City of Modesto adopted Resolution No. 87-1300 entitled "A Resolution Establishing Rental Fees For Use Of Rooms And Facilities In The Senior Citizens Center, And Rescinding Resolution No. 83-492 (Three-Year Rental Rate Program)", and

WHEREAS, City staff has recommended that the Senior Citizens Center rental rates remain at the 1989 level during the 1990 calendar year to avoid a severe hardship to Senior Citizens groups, as not all renters of said Center received adequate notice of the proposed increases which were to be effective on January 1, 1990, as provided for in Council Resolution No. 87-1300,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Resolution No. 87-1300 entitled "A Resolution Establishing Rental Fees For Use Of Rooms And Facilities In The Senior Citizens Center, And Rescinding Resolution No. 83-492 (Three-Year Rental Rate Program)", is hereby amended to read as follows:

"SECTION 1. RENTAL FEES. The three-year rental rate program fees to be charged for use of rooms and facilities in the Senior Citizens Center shall be as follows:

	<u>1988</u>	<u>1989</u>	<u>1990</u>
A. Conference Room			
1. One Time User (morning, afternoon or evening)	\$ 24.00	\$ 29.00	\$ 29.00
2. Regular Users	16.00	19.00	19.00
B. Auditorium and Dining Room			
1. One Time User			
Morning till noon	24.00	29.00	29.00
Morning till 1:00 p.m. except Sunday	31.00	37.00	37.00
Afternoon except Sunday	31.00	37.00	37.00
Evenings except Friday, Saturday and Sunday	40.00	48.00	48.00
Friday evening	48.00	58.00	58.00
Saturday evening	79.00	95.00	95.00
Sunday morning or afternoon	24.00	29.00	29.00
Sunday evening	31.00	37.00	37.00
2. Regular Users			
Morning till noon	16.00	19.00	19.00
Morning till 1:00 p.m. except Sunday	24.00	29.00	29.00
Afternoon except Sunday	24.00	29.00	29.00
Evenings except Friday, Saturday and Sunday	31.00	37.00	37.00
Friday evening	40.00	48.00	48.00
Saturday evening	72.00	86.00	86.00
Sunday morning or afternoon	16.00	19.00	19.00
Sunday evening	24.00	29.00	29.00"

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-34

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GALLO GLASS COMPANY 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 Glass Company 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 16th day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-35

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE  
FREDERICKSON FOR THE LEASE OF A PORTION OF FIRE STATION #5

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the  
agreement between the City of Modesto and George Frederickson for the lease of  
a portion of Fire Station #5

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 January , 19 90 , by  
Councilmember Lang , who moved its adoption, which motion being duly  
seconded by Councilmember Bird , was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-36

A RESOLUTION AMENDING RESOLUTION NO. 89-373 AND AMENDING THE 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE AND APPROPRIATE CAPITAL FACILITIES FEES TO BE COLLECTED DURING THE REMAINDER OF THE FISCAL YEAR, JANUARY 20, 1990 THROUGH JUNE 30, 1990.

WHEREAS, pursuant to City Council Resolution No. 89-1132 adopted on November 21, 1989, which became effective on January 20, 1990, the Council of the City of Modesto approved three additional Public Facilities Fees Funds, and

WHEREAS, said fees are to be collected on building permits issued on or after January 20, 1990, and

WHEREAS, it is estimated that insufficient Capital Facilities Fees will be collected during the balance of FY 1989-90 to construct the capital facilities for which these fees are to be collected as outlined in the report to Council entitled "Capital Facilities Fee Report - Phase II" by Recht, Hausrath & Associates, and

WHEREAS, it is estimated that revenue will be collected and interest will be earned in each of the new Public Facility Accounts, and

WHEREAS, it is, therefore, necessary to amend paragraph 5 of Resolution No. 89-373,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that paragraph 5 on page 11 of Resolution No. 89-373 is hereby amended to read as follows:

"5. PUBLIC FACILITIES ACCOUNTS.

The fees collected pursuant to this resolution shall be deposited into the following public facilities funds:

<u>Fund No.</u>	<u>Name</u>
(a) 131	Police Department Capital Facilities Fee Fund
(b) 132	Fire Department Capital Facilities Fee Fund

- (c) 133 Expressway Loop Capital Facilities Fee Fund
- (d) 134 Street Light Capital Facilities Fee Fund
- (e) 135 Parks and Recreation Capital Facilities Fee Fund
- (f) 136 Traffic Signal Capital Facilities Fee Fund
- (g) 137 Wastewater Capital Facilities Fee Fund
- (h) 138 Other City Capital Facilities Fee Fund
- (i) 139 Capital Facilities Fee Administration Fund
- (j) 141 Streets Facilities Fee Fund
- (k) 142 Public Transportation Fund
- (l) 143 Air Quality Capital Facilities Fee Fund"

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the following Capital Facilities Fees revenue and interest estimates are made and hereby are appropriated in reserve accounts of the following Public Facilities Fees Funds as follows:

STREETS CAPITAL FACILITIES FEE FUND (141)

<u>Fund-Agy-Org-Object</u>	<u>Title</u>	<u>Amount</u>
141-430 4015	Capital Facilities Fees	\$856,000
141-430 6101	Interest on Bank Accounts	\$ 11,250
141-800-8000-8003	Streets CFF Reserve	\$867,250

PUBLIC TRANSPORTATION FEE FUND (142)

<u>Fund-Agy-Org-Object</u>	<u>Title</u>	<u>Amount</u>
142-160 4015	Capital Facilities Fees	\$ 15,900
142-160 6101	Interest on Bank Accounts	\$ 210
142-800-8000-8003	Public Trans CFF Reserve	\$ 16,110

AIR QUALITY CAPITAL FACILITIES FEE FUND (143)

<u>Fund-Agy-Org-Object</u>	<u>Title</u>	<u>Amount</u>
143-430 4015	Capital Facilities Fees	\$ 39,800
143-430 6101	Interest on Bank Accounts	\$ 525
143-800-8000-8003	Air Quality CFF Reserve	\$ 40,325

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 16th day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-37

A RESOLUTION APPROVING A 90-DAY TIME EXTENSION FOR PAYMENT OF CAPITAL FACILITIES FEES RELATING TO THE HOUSER GLEN SENIOR APARTMENTS, PHASE II, PROJECT. (P & R ENTERPRISES)

WHEREAS, Paul Holtzclaw of P & R Enterprises has requested Council approval of a 90-day time extension, after recordation of the final map, for Phase II of Houser Glen Senior Apartments for the payment of infrastructure fees, and

WHEREAS, P & R Enterprises is concerned that an increase in Capital Facilities Fees for Phase II of Houser Glen Senior Apartments will jeopardize its ability to provide low income housing for seniors, and

WHEREAS, Stage 2 Capital Facilities Fees will apply to building permits issued on and after January 22, 1990, and

WHEREAS, recordation of the final map for the Houser Glen Senior Apartments, Phase II, project, will occur prior to January 19, 1990, which is the last date upon which only Stage I Capital Facilities Fees would be required, and

WHEREAS, the City Council considered the request for a 90-day extension of time for payment of said Stage I Capital Facilities Fees at its meeting on January 16, 1990, in the Council Chambers, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the payment of Stage I Capital Facilities Fees for Phase II of Houser Glen Senior Apartments, to occur no later than ninety (90) days following January 19, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-38

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM ON BEHALF OF CLAIMANT DAWN DETTEART, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim on behalf of the claimant, Dawn Detteart, against the City of Modesto was received on January 9, 1990, 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, Dawn Detteart, against the City of Modesto, received on January 9, 1990, in the office of Norrine Coyle, 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 16th day of January, 1990, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-39

A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF APPEAL OF COLLEEN O'BRIEN PRESTON TO A PLANNING COMMISSION DECISION CONCERNING THE VESTING TENTATIVE SUBDIVISION MAP OF WYLDEWOOD VILLAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that February 6, 1990, 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 consideration of an appeal by Colleen O'Brien Preston to a Planning Commission decision concerning the vesting tentative subdivision map of Wyldewood Village between Rosemore Avenue and Dan West Court.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-40

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR WATERLINE EXTENSION AT M.I.D. LATERAL NO. 6,  
STANDIFORD AVENUE AND DALE ROAD

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

SECTION 1. The plans and specifications for the waterline extension at  
M.I.D. Lateral No. 6, Standiford Avenue and Dale 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 February 13, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 23rd day of January, 1990,  
by Councilmember Lang, 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: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-41

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$59,000 TO CONSTRUCT THE WATERLINE EXTENSION AT M.I.D. LATERAL NO. 6, STANDIFORD AVENUE AND DALE ROAD

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

FROM: Water Fund Reserve (610 480 8000 8003)	\$59,000.00
TO: Extend Water Mains at Various Locations (610 480 P804 6000)	\$59,000.00

The original request for this account was \$500,000. During the CIP process, only \$250,000 was appropriated due to uncertainty of available funds. As funds became available, appropriations were made on an "as needed" basis. With this transfer, the total amount appropriated for this year will be \$500,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 19 90, by Councilmember Lang, 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: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-42

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING NINE TRANSIT COACHES (BUSES) WITH  
WHEEL CHAIR CAPABILITY

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

SECTION 1. The plans and specifications for furnishing nine transit coaches (buses) with wheel chair capability 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 26, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1990, by Councilmember Lang, 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: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-43

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING THREE NEW VIBRATORY COMPACTOR PLATES

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

SECTION 1. The plans and specifications for furnishing three new vibratory compactor plates 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 12, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1990, by Councilmember Lang, 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: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-44

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ONE NEW CURRENT MODEL YEAR PACKER TRUCK

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

SECTION 1. The plans and specifications for furnishing one new current  
model year packer 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 February 12, 1990, at 11:05 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 23rd day of January, 1990,  
by Councilmember Lang, 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: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF NORTHWEST MOTOR WELDING FOR FURNISHING TWO REBUILT DIESEL BUS ENGINES

WHEREAS, Resolution No. 89-1196 , adopted by the Council of the City of Modesto on December 12, 1989 , approved the plans and specifications for the purchase of two rebuilt diesel bus engines

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of two rebuilt diesel bus engines were opened at 11:10 a.m. on January 8, 1990 , 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 Northwest Motor Welding in the amount of \$16,575 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Northwest Motor Welding in the amount of \$16,575 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 23rd day of January , 19 90 , by Councilmember Lang , 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: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF HACKETT ENVIRONMENTAL SYSTEMS, INC. FOR CONSTRUCTION OF A MODESTO MUNICIPAL 18-HOLE GOLF COURSE

WHEREAS, Resolution No. 89-1192 , adopted by the Council of the City of Modesto on December 12, 1989 , approved the plans and specifications for the Modesto 18-hole golf course

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of the Modesto Municipal 18-hole golf course were opened at 11:00 a.m. on January 11, 1990 , and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Hackett Environmental Systems, Inc. for a total of \$3,942,083.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Hackett Environmental Systems, 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 23rd day of January , 19 90 , by Councilmember Irizarry , 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: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Mayor Whiteside

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-47

A RESOLUTION SUPPORTING THE INCLUSION OF STATE ROUTE 132  
IN THE INTERREGIONAL ROAD SYSTEM.

WHEREAS, Route 132 west of Modesto is the Stanislaus Area Association  
of Governments' (SAAG's) #2 major State highway priority, and

WHEREAS, Route 132 is a significant interregional route in central  
California that connects the economic centers of Modesto and the East Bay  
Area, and

WHEREAS, Route 132 is expected to grow in importance as a commute  
route to the Bay Area, and

WHEREAS, the level of service on Route 132 can be expected to worsen  
due to increased traffic, unless improvements are made, and

WHEREAS, SB 300 (1989) provides \$1.25 billion of new funds for  
interregional roads designed to connect economic centers in the state, and

WHEREAS, SB 300 defines the routes eligible for funding from this  
program, and

WHEREAS, Route 132 has been excluded from eligibility for funding  
from this program, and

WHEREAS, the SAAG Executive Director has written to Senator Quentin  
L. Kopp, requesting amendment of the Interregional Road System list to include  
Route 132, and

WHEREAS, the SAAG Policy Board has requested that the local  
governments within Stanislaus County adopt resolutions supporting the  
inclusion of Route 132 in the Interregional Road System.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby requests that the list of routes eligible for funding from the Interregional Road System be amended to include Route 132 at such time when "clean up" legislation for SB 300 is considered.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-48

A RESOLUTION ADOPTING A MODESTO CITY-COUNTY AIRPORT GENERAL AVIATION AIRCRAFT HANGAR POLICY

WHEREAS, the Department of Public Works and Transportation wish to promote private development of hangars within the general aviation area at the Airport, and adoption of a private aircraft hangar policy will assure consistency of future construction of aircraft storage hangars; and

WHEREAS, the Airport Advisory Committee approve of this policy and will seek private developers to construct hangar rows to be subleased to aircraft owners which will create additional revenue for the Airport's operation, maintenance, and improvement programs.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Modesto does hereby adopt the policy entitled "Modesto City-County Airport General Aviation Aircraft Hangar Policy", 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 23rd day of January, 1990, by Councilmember Lang, 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: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY-COUNTY AIRPORT  
GENERAL AVIATION AIRCRAFT HANGAR POLICY

January 1990

- I. Scope: This policy covers the design, construction, maintenance, and operation of all aircraft hangars on the southwest, or General Aviation, side of the City-County Airport. Where hangars already exist, the policy only applies with respect to maintenance and operations, except that where a hangar is damaged to such an extent that the estimated repair or reconstruction costs are equal to 50% or more of the value of the hangar before it was damaged. In the eventuality of damage to the extent of 50% or more of the hangar's value, the repair and/or reconstruction shall be consistent with these policies.
- II. Location: The location of a proposed aircraft hangar shall be consistent with the Airport Layout Plan and the specific direction of the Airport Manager. Structure clearances shall be consistent with FAA Advisory Circular 150/5300-4B, most recent edition.
- III. Approvals and Permits: Prior to receiving materials on the site or beginning construction of an aircraft hangar, the developer will secure the following approvals and/or permits:
  - A. Approval of plans and specifications by the Airport Manager (submit one (1) set of plans and specifications).
  - B. Approval of the plans and specifications by the Building Inspector (submit two (2) sets of plans and specifications).
  - C. Approved and executed airport ground lease agreement with the City of Modesto.
  - D. Issuance of a Building Permit by the Building Inspector.
- IV. Construction Specifications:
  - A. The City of Modesto classifies aircraft hangars as "Type B-3" structures insofar as the Uniform Building Code is concerned. All aircraft hangar design and construction shall conform to the applicable provisions of the most current edition of all the following Codes:
    1. Uniform Building Code
    2. Uniform Fire Code
    3. National Fire Protection Association Code (NFPA-409)

4. National Electrical Code
5. National Electrical Safety Code
6. Uniform Mechanical Code

B. In addition to and consistent with the Code requirements referenced in IV A, the hangars shall be designed and constructed using the following parameters:

1. Framing: shall be either wood or metal framing.
2. Sidewalls: shall be new metal sheeting (26 GA) with a minimum wall height of 12 feet.
3. Roof: shall be new metal sheeting (26 GA) with either shed or gable form as directed by the Airport Manager. Roof ventilators shall be of the continuous type and in 10'0" sections. Ventilators shall be provided with dampers capable of being adjusted from inside individual T-hangars.
4. Wind Loading: shall be calculated assuming a basic wind speed of 70 miles per hour.
5. Size: Hangar width may vary; however, the maximum length for a row will be approximately 320'0". The hangar row square footage shall not exceed 11,500 square feet.
6. Hangar Aircraft Doors: shall be consistent with the basic hangar design, as determined by the Airport Manager, minimum width shall be 40'0", and shall be capable of opening fully within the specific hangar leasehold site; i.e., no encroachment into other hangar sites or taxiways. Hangar aircraft doors may be either manual or electrical in operation.
7. Color: shall be consistent with general aviation identities and as approved by the Airport Manager.
8. Hangar Personnel Doors: shall be provided in accordance with Code requirements assuming the hangar aircraft door is closed and cannot be used as a personnel exit.
9. Grading: shall be such that surface drainage flows away from the hangar and toward the taxiways. Under no conditions will ponding of surface water be permitted on or adjacent to the leasehold site.
10. Apron: shall be paved from the front (and rear, if applicable) of the hangar to the adjacent paved taxiway. Paving shall extend over the entire leasehold site except that portion occupied by the hangar unless directed otherwise by the Airport Manager.

11. Uniformity: shall be a major consideration in the design of each aircraft hangar. Final determination as to whether a design meets uniformity requirements shall be by the Airport Manager.
12. Footings: shall be concrete pylons or piers.
13. Floors: shall be Portland Cement concrete a minimum of four (4) inches thick.
14. Oil Trap: shall be provided when hangar unit contains a floor drain.
15. Wastewater: shall be conveyed to the adjacent sewer in a closed conduit.
16. Electrical Meters: shall be provided for each hangar row which has electrical energy provided by the electric utility.
17. Draft Stop Partitions: shall be provided between individual storage spaces

C. The construction must be completed within one (1) year of the issuance of a Building Permit. Work must commence within 180 days of the issuance of such permit.

V. Operations: All operations in and around aircraft hangars shall be consistent with FAA and City of Modesto rules, regulations, and policies. Hangars shall be kept clean and neat with regular periodic sweeping and mopping, if necessary. Oil and grease spots on the floor shall be cleaned immediately. Leasehold space outside the hangar area shall be regularly policed including picking up and disposing of all trash and litter which may have accumulated on the site.

VI. Maintenance: The hangar shall be kept in good repair at all times. No flaking paint, rust, or other indication of less than adequate maintenance will be permitted. In the event of damage caused by wind, hail, high water or other act of nature, the hangar owner will take immediate action to repair the damage. Damage repair costs less than 50% of the value of the undamaged hangar shall be repaired within six months of the occurrence of the damage or notice from the Airport Manager, whichever is the latter. Damage repair costs exceeding 50% of the value of the undamaged hangar shall be repaired within one year of the occurrence of damage or notice from the Airport Manager, whichever is the latter (see I, Scope).

City of Modesto, A  
Municipal Corporation

By \_\_\_\_\_  
City Manager

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-49

A RESOLUTION ADOPTING A MODESTO CITY-COUNTY AIRPORT AIRCRAFT HANGAR WAITING LIST POLICY

WHEREAS, the Modesto City-County Airport maintains an informal hangar waiting list for aircraft owners interested in a storage hangar; and

WHEREAS, the Airport Advisory Committee has determinee that the Airport should require a deposit from individuals wishing to be placed on the waiting list to keep the list active and to be certain which individuals are serious about leasing a unit.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Modesto does hereby adopt the policy entitled "Modesto City/County Airport Aircraft Hangar Waiting List Policy", 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 23rd day of January, 1990, by Councilmember Lang, 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: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY/COUNTY AIRPORT  
AIRCRAFT HANGAR WAITING LIST POLICY

January 1990

Scope: This policy covers the procedures required for a general aviation aircraft owner or prospective owner to be placed on the waiting list for a City of Modesto controlled aircraft storage hangar. The Airport Manager shall maintain, update as necessary, and post the most current waiting list in the Airport Administration Office, the Modesto Flight Center, and other locations deemed necessary.

Purpose: It is the intent of the City of Modesto to ensure that an active list is available to individuals serious in leasing aircraft storage hangars/space, and assist the Airport Manager in planning for additional hangars.

Location: The location of City of Modesto owned aircraft hangars is on the southwest, or general aviation, side of the Airport (Harry Sham Field). Exhibit A, attached as part of this policy, identifies the hangar rows owned by the City.

Hangar Size: The City of Modesto aircraft hangars are able to accomodate single engine and twin engine aircraft. Exhibit B shows the square footage available in a hangar row unit.

Application: Application forms are available at the Airport Manager's office. The individual's position on the waiting list is determined by the date and time a completed application is presented to the Airport Manager's office. Exhibit C, "Application Form", shall be included as part of this policy.

Procedure: An individual who completes an application for an aircraft storage hangar shall be placed on the waiting list. The application form must be submitted to the Airport Manager and be accompanied with a deposit of \$100.00 (\$10.00 is a non-refundable application fee and \$90.00 will be credited to the hangar rent once a unit has been offered and accepted).

The person whose name appears at the top of the list will be offered the first available hangar unit listed on the application as acceptable. The Airport Manager shall notify the applicant of the available space by mail, and the applicant shall respond within ten (10) calendar days of the mailing of the notification.

In the event the applicant either fails to respond or declines an offered space, the individual's name shall be placed at the bottom of the waiting list, unless the Airport Manager is notified that the person wishes their name to be removed. Applicant's voluntarily removing their name shall receive a refund of \$90.00.

In order to accept a hangar unit, the applicant must be the owner or part-owner of the aircraft that will be parked in the leased unit or be able to show proof of purchase of an aircraft within thirty (30) days of the lease approval. Failure to submit proof of ownership (FAA Aircraft Certificate) shall result in the termination of lease and forfeiture of any rents already paid to the City of Modesto.

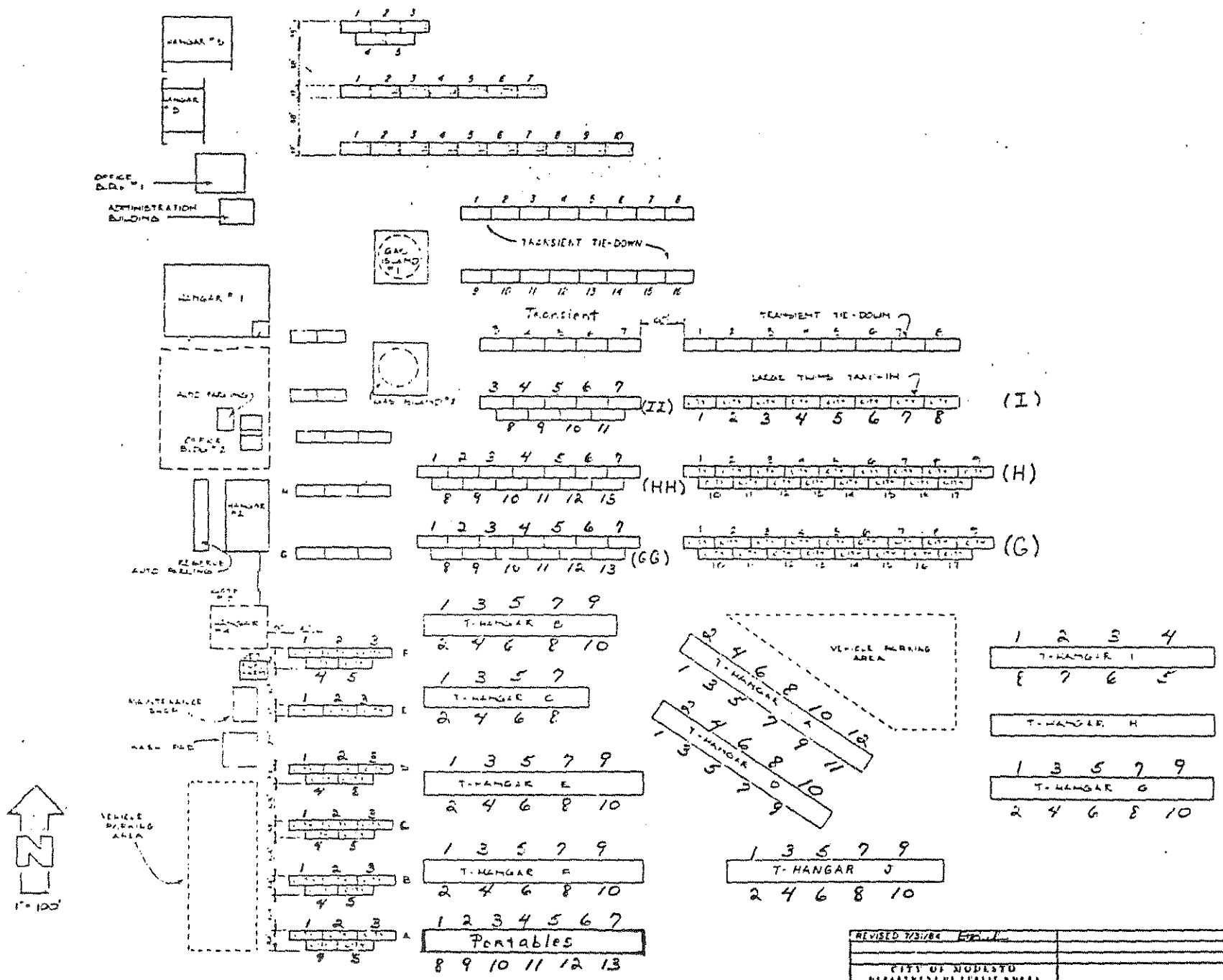
Aircraft owners may trade spaces after first receiving the approval of the Airport Manager.

Rental Rates: Aircraft rental rates are established by the Modesto City Council under Section 7-3.401 of the Modesto Municipal Code.

City of Modesto, A  
Municipal Corporation

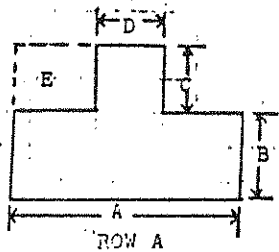
By \_\_\_\_\_  
City Manager

EXHIBIT A

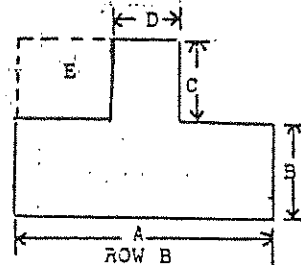


VEHICLE PARKING AREA

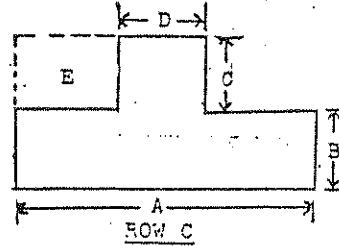
REVISED 7/31/84 <i>EPB/L</i>			
CITY OF HOUSTON DEPARTMENT OF PUBLIC WORKS ANDREW R. CAMPBELL DIRECTOR			
DATE DDB/70	OFFICE DMHART	REVISIONS ENTRANCE	NO. 0000
			17-C-125



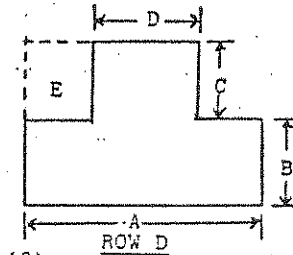
ROW A  
 (10) Center Units - 800 sf  
 (2) End Units - 964 sf  
 Dimensions:  
 A - 37'11"  
 B - 14'5"  
 C - 13'7"  
 D - 13'11"  
 E - 164 sf  
 Door Height - 8'10"



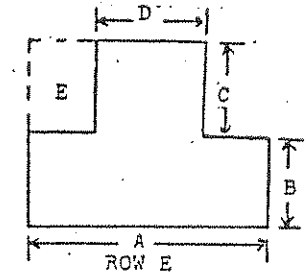
ROW B  
 (8) Center Units - 824 sf  
 (2) End Units - 1031 sf  
 Dimensions:  
 A - 35'10"  
 B - 15'0"  
 C - 15'6"  
 D - 13'9"  
 E - 207 sf  
 Door Height - 8'10"



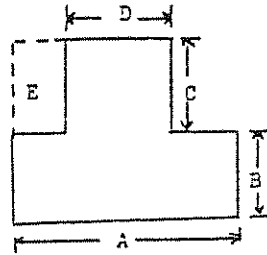
ROW C  
 (8) Center Units - 855 sf  
 (2) End Units - 1059 sf  
 Dimensions:  
 A - 41'8"  
 B - 14'10"  
 C - 15'0"  
 D - 14'10"  
 E - 204 sf  
 Door Height - 9'10"



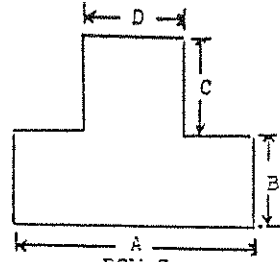
ROW D  
 (8) Center Units - 870 sf  
 (2) End Units - 1023 sf  
 Dimensions:  
 A - 39'1"  
 B - 15'0"  
 C - 15'3"  
 D - 19'4"  
 E - 153 sf  
 Door Height - 11'4"



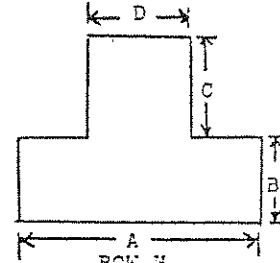
ROW E  
 (8) Center Units - 985 sf  
 (2) End Units - 1158 sf  
 Dimensions:  
 A - 41'4"  
 B - 15'8"  
 C - 15'4"  
 D - 20'2"  
 E - 173 sf  
 Door Height - 12'0"



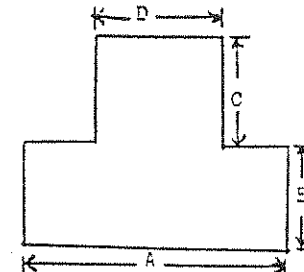
ROW F  
 (8) Center Units - 973 sf  
 (2) End Units - 1140 sf  
 Dimensions:  
 A - 40'8"  
 B - 15'8"  
 C - 16'4"  
 D - 20'0"  
 E - 167 sf  
 Door Height - 12'1"



ROW G  
 (10) Units - 966 sf  
 Dimensions:  
 A - 41'4"  
 B - 15'11"  
 C - 16'7"  
 D - 20'4"  
 Door Height - 12'10"



ROW H  
 (10) Units - 987 sf  
 Dimensions:  
 A - 41'0"  
 B - 15'8"  
 C - 16'8"  
 D - 20'2"  
 Door Height - 12'9"



ROW J  
 (10) Units - 968 sf  
 Dimensions:  
 A - 41'3"  
 B - 15'11"  
 C - 16'7"  
 D - 20'6"  
 Door Height - 13'0"

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-50

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A PREAPPLICATION FOR A FEDERAL GRANT TO COMPLETE THE INSTALLATION OF A FIRE PROTECTION WATER MAIN TO THE PASSENGER TERMINAL AT THE AIRPORT

BE IT RESOLVED by the Council of the City of Modesto that the submission of a preapplication to the Federal Aviation Administration (FAA) for a grant to complete the installation of a fire protection water main to the passenger terminal at the Modesto City-County Airport in the amount of \$25,437 be, and hereby is approved.

BE IT FURTHER RESOLVED that the execution of the preapplication by the City's designated official, Garth Lipsky, City Manager, be and it is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1990, by Councilmember Lang, 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: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-51

A RESOLUTION ENDORSING APPLICATION FOR AN URBAN STREAM RESTORATION GRANT AND DETERMINING APPROPRIATE ENVIRONMENTAL IMPACT DOCUMENT, CONDITIONALLY ACCEPTING GRANT IF OFFERED, AND DESIGNATING CONTRACT MANAGER AND FISCAL AGENT.

WHEREAS, the California Department of Water Resources, Division of Local Assistance, Urban Stream Restoration Program has announced the availability of funds for grants, and

WHEREAS, said grants are intended to help solve flooding and erosion problems in a way that provides environmental enhancement, and

WHEREAS, the Ecology Action Educational Institute, Inc. has proposed to cosponsor a grant application with the City of Modesto, and

WHEREAS, the Council of the City of Modesto has concluded the project proposed for funding with the grant funds would be environmentally-beneficial and has accepted the findings of Environmental Assessment No. 87-137, and

WHEREAS, the Council of the City of Modesto considers the prospects of receiving such a grant to be reasonably likely,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the joint application with Ecology Action Educational Institute, Inc. for an Urban Stream Restoration Program grant.

BE IT FURTHER RESOLVED that if offered such a grant, we authorize the City Manager to accept the grant, develop a work plan for the project, and sign any contract for administration of the grant funds and designate the Finance Director to submit invoices to the Department of Water Resources for activities carried out under the work plan for the grant contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1990, by Councilmember Lang, 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: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-52

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SHARPE GROUP FOR LEASE OF OFFICE BUILDING NO. 2 AND TIE DOWN SPACES 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 Sharpe Group for lease of office building No. 2 and tie down spaces 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 23rd day of January, 1990, by Councilmember Lang, 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: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST:



NORRINE COYLE, City Clerk

RESOLUTION NO. 90-53

RESOLUTION APPROVING BOUNDARY MAP

PUBLIC FACILITIES DISTRICT NO. 6  
CITY OF MODESTO, COUNTY OF STANISLAUS, CALIFORNIA

The City Council of the City of Modesto resolves:

A map entitled "Proposed Boundaries of Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California" has been filed with the City Clerk.

This Council approves the map and adopts the boundaries shown on the map as describing the extent of the territory included in a proposed assessment district to be known as Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California.

This Council finds that the map is in the form and contains the matters prescribed by Section 3110 of the California Streets and Highways Code.

This Council directs the City Clerk to certify the adoption of this resolution on the face of the map, and to file a copy of the map with the County Recorder for placement in the Book of Maps of Assessment and Community Facilities Districts.

\* \* \*

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
City Clerk  
NORRINE COYLE

(SEAL)

APPROVED AS TO FORM:

BY Stan J. [Signature]  
City Attorney

ORIGINAL

RESOLUTION RESCINDING RESOLUTION NO. 88-291  
AND STATING INTENTION

PUBLIC FACILITIES DISTRICT NO. 6  
CITY OF MODESTO, COUNTY OF STANISLAUS, CALIFORNIA

The City Council of the City of Modesto resolves:

Resolution No. 88-291, A Resolution of the Council of the City of Modesto Stating Its Intention to Initiate Proceedings on Its Own Motion for the Designation of An Area of Benefit at Coffee Road, Between Rumble and Sylvan, Oakdale Road, North of M.I.D. Lateral 3 to Merle, and Prescott Road, North of Rumble, in the City of Modesto (Public Facilities District 6), adopted by the City Council on April 19, 1988, is hereby rescinded.

In substitution, this Council intends to order the following improvement under the authority of the Municipal Improvement Act of 1913:

1. Coffee Road

The majority of work for Coffee Road consists of a complete street structural reconstruction. The reconstruction will begin at East Rumble Road and extend north to Sylvan Avenue. Prior to reconstruction, however, an additional 20 to 30 feet of right-of-way on the west side of the street needs to be acquired. The reconstruction work will entail clearing and grubbing along the west side of the existing pavement, roadway excavation, installation of asphalt concrete, aggregate base and pavement markings. Rockwells with catch basins will be installed for storm drainage. Curb, gutter, sidewalk and drive approaches will also be installed on the west side of the street. Curb and sidewalk currently exist along the east side of the street. Water and sewer services will be extended to the properties along the west side of the street which are not currently served. Fire hydrants and street lights will be installed along both the east and west frontage.

2. Oakdale Road

The work for Oakdale Road consists of widening the street from the existing east edge of pavement to 50 feet east of the centerline. The widening will begin at Modesto Irrigation District Lateral No. 3 and extend north to Merle Avenue. Prior to widening, however, an additional 25 feet of right-of-way on the east side of the street needs to be acquired. The widening work will entail clearing and grubbing along the east side of the existing pavement, roadway excavation, installation of asphalt concrete, aggregate base and pavement markings. Positive storm drainage will be extended south from

an existing line at Merle Avenue. Curb, gutter, sidewalk, drive approaches, fire hydrants and street lights will also be installed on the east side of the street. Curb and sidewalk currently exist along the west side of the street. Water services will be extended from an existing watermain in Oakdale Road. A six-inch sewer lateral will be extended from Lancey Drive across Oakdale Road to serve a 1.2-acre parcel.

3. Prescott Road

The work for Prescott Road consists of widening the street from the existing east edge of pavement to 50-feet east of the centerline. The widening will begin about 275 feet north of West Rumble Road and extend about 497 feet to the north. No right-of-way acquisition is required for this widening. The widening work will entail clearing and grubbing along the east side of the existing pavement, roadway excavation, installation of asphalt concrete, aggregate base and pavement markings. Rockwells with catch basins will be installed for storm drainage. Curb, gutter, sidewalk and street lights will also be installed on the east side of the street. Curb and sidewalk currently exist along the west side of the street. Water services, sewer services and fire hydrants currently exist.

This Council finds that the land specially benefited by the improvement is shown within the boundaries of the map entitled, "Proposed Boundaries of Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California." This map has been approved by the City Council and is now on file with the City Clerk. The land within the exterior boundaries shown on the map shall be designated Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California.

This Council intends to levy a special assessment upon the land within the described district in accordance with the special benefit to be received by each parcel of land, respectively, from the improvement. There shall be omitted from special assessment all public streets, alleys and places and all land belonging to the United States, the State of California, the County of Stanislaus and this City now in use in the performance of a public function.

Where any disparity occurs in level or size between the improvement and private property, this Council determines that it is in the public interest and more economical to eliminate the disparity by doing work on the private property instead of adjusting the work on public property. Accordingly, work may be done on private property for this purpose with the written consent of the landowner.

Private utility damages, as described in Chapter 8.5 (commencing with Section 1501) of Part 1 of Division 1 of the Public Utilities Code, shall be included as a cost of the improvement to be specially assessed.

This Council intends, pursuant to subparagraph (f) of Section 10204 of the California Streets and Highways Code, to provide for an annual assessment upon each of the parcels of land in the proposed assessment district to pay various costs and expenses incurred from time to time by the City and not otherwise reimbursed to the City which result from the administration and collection of assessment installments or from the administration or registration of the improvement bonds and the various funds and accounts pertaining thereto.

This Council orders that a portion of the cost of the improvement shall be paid from Fund No. 070-430-P156 (Widen Major Streets - Bonded Assessment District) and that the balance of the cost shall be specially assessed.

Serial bonds representing unpaid assessments, and bearing interest at a rate not to exceed twelve percent (12%) per annum, will be issued in the manner provided by the Improvement Bond Act of 1915 (Division 10, Streets and Highways Code), and the last installment of the bonds shall mature not to exceed nineteen (19) years from the second day of September next succeeding twelve (12) months from their date.

The procedure for the collection of assessments and advance retirement of bonds under the Improvement Bond Act of 1915 shall be as provided in Part 11.1, Division 10, of the Streets and Highways Code of the State of California.

The City will not obligate itself to advance available funds from the City treasury to cure any deficiency which may occur in the bond redemption fund. A determination not to obligate itself shall not prevent the City from, in its sole discretion, so advancing funds.

This Council intends to comply with the requirements of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 by proceeding under part 7.5 of said Act. The Engineer of Work is directed to include in its report all of the information required by Section 2961 of the Streets and Highways Code.

This Council appoints the Director of Public Works and Transportation as Engineer of Work for this project, and directs the preparation of the report required by Section 10204 of the Streets and Highways Code.

In the opinion of this Council, the public interest will not be served by allowing owners of assessable lands to enter into a contract for the work of improvement as otherwise permitted in Section 20485 of the Public Contract Code.

The amount of any surplus remaining in the improvement fund after completion of the improvement and payment of all claims shall be distributed in accordance with the provisions of Section 10427 of the Streets and Highways Code.

\* \* \*

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST:

Norrine Coyle  
City Clerk

NORRINE COYLE

(SEAL)

APPROVED AS TO FORM:

BY Paul [Signature]  
City Attorney

RESOLUTION NO. 90-55

RESOLUTION SETTING TIME AND PLACE OF HEARING FOR  
DETERMINING PUBLIC CONVENIENCE AND NECESSITY

PUBLIC FACILITIES DISTRICT NO. 6  
CITY OF MODESTO, COUNTY OF STANISLAUS, CALIFORNIA

The City Council of the City of Modesto resolves:

1. Tuesday, February 27, 1990, at 7:30 P.M. in the Chambers of the City Council of the City of Modesto, located at 801 Eleventh Street, Modesto, California 95353, is hereby fixed as the time and place when and where any and all persons interested may appear and show cause why the Council should not find and determine that the public convenience and necessity require the proposed improvements made in Public Facilities District No. 6, without further compliance with the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

2. The City Clerk of the City of Modesto is hereby directed to give notice of the time and place of said hearing in the following manner:

By publishing a Notice of Improvement, said publication to be not less than twenty (20) days prior to the date of said hearing.

By posting a copy of the Notice of Improvement at or near the place of meeting of the City Council for ten (10) days prior to the time of said hearing.

By mailing a copy of the Notice of Improvement to each property owner in said proposed assessment district, said mailing to be sent not less than twenty (20) days prior to the date of said hearing.

By posting a copy of the Notice of Improvement on all open streets within the proposed assessment district, said notice to be posted not more than three hundred (300) feet apart, and not less than twenty (20) days prior to date of said hearing.

\* \* \*

ORIGINAL

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: *Norrine Coyle*  
City Clerk  
NORRINE COYLE

(SEAL)

APPROVED AS TO FORM:

By *Alan J. Edwards*  
City Attorney

RESOLUTION ACCEPTING REPORT AND SETTING HEARING OF PROTESTS

PUBLIC FACILITIES DISTRICT NO. 6  
CITY OF MODESTO, COUNTY OF STANISLAUS, CALIFORNIA

The City Council of the City of Modesto resolves:

1. At the direction of this Council, the Director of Public Works of the City of Modesto, as Engineer of Work for improvement proceedings in Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California, has filed with the City Clerk the report described in Section 10204 of the Streets and Highways Code (Municipal Improvement Act of 1913). This Council accepts the report without modification, for the purpose of conducting a hearing of protests to the improvements described in the report.

2. This Council sets 7:30 P.M. on Tuesday, February 27, 1990, at in the Chambers of the City Council of the City of Modesto, located at 801 Eleventh Street, Modesto, California 95353, as the time and place for hearing protests to the proposed improvements.

3. The City Clerk is directed to publish, post and mail the notices of improvement required by the Municipal Improvement Act of 1913, and to file an affidavit of compliance. The notice shall be published in the MODESTO BEE.

\* \* \*

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: *Norrine Coyle*  
City Clerk  
NORRINE COYLE

(SEAL)

APPROVED AS TO FORM:

By *David J. [Signature]*  
City Attorney

ORIGINAL

RESOLUTION NO. 90-57

RESOLUTION CALLING FOR CONSTRUCTION BIDS

PUBLIC FACILITIES DISTRICT NO. 6  
CITY OF MODESTO, COUNTY OF STANISLAUS, CALIFORNIA

The City Council of the City of Modesto resolves:

1. This Council has given preliminary approval to the report of the Engineer of Work for improvements in Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California. The report includes plans and specifications for the construction of improvements described in the report.

2. The City Council of City of Modesto will receive sealed proposals for this construction not later than 11:00 A.M. on February 15, 1990, in the office of the City Clerk located at 801 Eleventh Street, Modesto, California 95353. At that time and place the sealed proposals will be publicly opened, examined and declared.

3. The City Council reserves the right to reject all bids in its discretion, and to reject the bid of any bidder who has been delinquent or unfaithful in any former contract with the City of Modesto. The award of construction contract, if made, shall be made to the lowest responsible bidder within the time fixed in the specifications (or any extension of time agreed to by the City and the lowest responsible bidder).

4. The City Clerk is directed to publish a notice inviting sealed proposals in the MODESTO BEE in accordance with the Municipal Improvement Act of 1913. The Engineer of Work is authorized to give additional notice and to distribute additional information as necessary in the judgment of the Engineer of Work, to secure competitive bidding.

\*

\*

\*

ORIGINAL

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Whiteside

ATTEST: *Norrine Coyle*  
City Clerk  
NORRINE COYLE

(SEAL)

APPROVED AS TO FORM:

By *Alan J. Johnson*  
City Attorney

RESOLUTION NO. 90-53

RESOLUTION APPROVING AGREEMENT WITH  
SEIDLER-FITZGERALD PUBLIC FINANCE FOR FINANCIAL ADVISORY SERVICES

PUBLIC FACILITIES DISTRICT NO. 6  
CITY OF MODESTO, COUNTY OF STANISLAUS, CALIFORNIA

The City Council of the City of Modesto resolves:

As a part of the proceedings for improvements in Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California, this Council approves that certain agreement between the City of Modesto and Seidler-Fitzgerald Public Finance dated \_\_\_\_\_, 1989, and attached to this resolution.

The City Manager is authorized to sign the agreement and the City Clerk is authorized to attest its execution.

\* \* \*

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Inizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
City Clerk  
NORRINE COYLE

(SEAL)

APPROVED AS TO FORM:

By [Signature]  
City Attorney

ORIGINAL

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-59

A RESOLUTION DECLARING A 1958 VAN PELT FIRE ENGINE SURPLUS PROPERTY AND AUTHORIZING THE TRANSFER OF SAID FIRE ENGINE TO THE MODESTO HISPANIC LEADERSHIP COUNCIL FOR DONATION TO THE CITY OF GUAYMAS, SONORA, MEXICO.

WHEREAS, the Fire Department of the City of Modesto possesses a 1958 Van Pelt fire engine that has become surplus property to the City's needs by the replacement of newer equipment, and

WHEREAS, it has been recommended by Fire Department personnel that the fire engine be transferred to the Modesto Hispanic Leadership Council for donation to the City of Guaymas, Sonora, Mexico, 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, a letter from the President of the Hispanic Leadership Council has advised that such a donation by the City of Modesto could open the door for worthwhile and productive cultural and political exchanges with cities in Mexico, and the Hispanic Leadership Council is willing to accept the fire engine and work with other groups to ensure its delivery to Guaymas and begin such exchanges with Mexico, and

WHEREAS, the Council of the City of Modesto desires to transfer the surplus fire engine to the Modesto Hispanic Leadership Council for donation to the City of Guaymas, Sonora, Mexico, as recommended by the Fire Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the 1958 Van Pelt fire engine has become surplus property to the City's needs by the replacement of newer equipment.

BE IT FURTHER RESOLVED that the Council finds and determines that transfer of the 1958 Van Pelt fire engine to the Modesto Hispanic Leadership Council for donation to the City of Guaymas, Sonora, Mexico, would accomplish a public purpose for the City of Modesto, as required by the California Constitution, Article XVI, Section 6, by improving relationships with our local Hispanic community.

BE IT FURTHER RESOLVED that the Council hereby authorizes the transfer of the 1958 Van Pelt fire engine to the Modesto Hispanic Leadership Council for donation to the City of Guaymas, Sonora, Mexico, and that said transfer of the fire engine would accomplish a public purpose for the City of Guaymas, Sonora, Mexico, by providing said fire engine to be used by their city's volunteer fire department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1990, by Councilmember Lang, 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: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-60

A RESOLUTION RELATING TO THE RE-ADOPTION OF A JOINT EXERCISE OF POWERS AGREEMENT FOR THE PURPOSE OF ASSISTING IN THE REFINANCING OF BONDS ISSUED TO FINANCE THE STANISLAUS WASTE ENERGY COMPANY PROJECT.

WHEREAS, the City of Modesto, a municipal corporation and charter city duly existing under the Constitution and laws of the State of California (the "City"), has previously executed a Joint Exercise of Powers Agreement dated as of May 1, 1989, with the County of Stanislaus in order to provide a desirable and useful financing vehicle in connection with the refinancing of the California Pollution Control Financing Authority Solid Waste Facility Adjustable Rate Revenue Bonds (Stanislaus Waste Energy Company Project), Series 1985 Bonds (the "1985 Bonds"), and

WHEREAS, such Joint Exercise of Powers Agreement terminated on December 1, 1989, in accordance with the provisions of Section 5 thereof because the proposed refinancing had not been consummated by that date, and the City and County wish to re-adopt such Joint Exercise of Powers Agreement as provided herein,

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

1. Findings. The City Council of the City of Modesto hereby confirms its findings and determinations that the refinancing of the 1985 Bonds is in the best interests of the inhabitants of the City and constitutes a municipal affair of the City and that the creation of a joint powers agency will provide a useful and effective financing vehicle for such refinancing.

2. Approval of Extended Agreement. The City Council of the City of Modesto hereby authorizes the City Manager to execute the agreement entitled "Extended Joint Exercise of Powers Agreement of the Stanislaus Waste-to-Energy Financing Agency by and Between the County of Stanislaus and the City of Modesto," dated as of December 1, 1989, in substantially the form presented at the meeting and filed with the City Clerk, with such changes, deletions or additions as such executing officer deems necessary or appropriate, upon advice of the City Attorney, the execution of such final agreement by such executing officer being conclusive evidence of approval thereof.

3. Other Acts Authorized. The City Manager or his designees are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions, including execution and consents, instruments of conveyance, warrants and other documents, which they, or any of them, upon the advice of the City Attorney, may deem necessary or advisable, in order to consummate the creation of the joint powers agency and the refinancing of the 1985 Bonds as described herein. Whenever in this resolution any officer of the City is authorized to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in the case such officer shall be absent or unavailable.

4. All Acts Ratified. All actions heretofore taken by the officers and agents of the City with respect to the creation of the joint powers agency are approved, confirmed and ratified, and the joint powers

agency shall be deemed to have continued in existence as if the proper Joint Exercise of Powers Agreement had never terminated.

5. Effective Date. This resolution shall take effect upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1990, by Councilmember Lang, 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: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-61

A RESOLUTION GRANTING APPROVAL TO THE "YES, YOU CAN" CHILDREN'S MUSEUM, TO HOLD A "WORLD AT THIRD STREET" FESTIVAL ON SATURDAY, MAY 19, 1990, AND GRANTING PARTIAL APPROVAL FOR DIRECT CITY ASSISTANCE RELATING TO SAID FESTIVAL.

WHEREAS, by letter dated January 8, 1990, from Nancy Rieti, Museum Coordinator, and Al Barr, President of the Board of Directors, of the "Yes You Can" Children's Museum, (hereafter referred to as "Committee"), and an addendum dated January 17, 1990, from Nancy Rieti, presented to the City Council a request to hold a multi-cultural street fair to be held on Saturday, May 19, 1990, and

WHEREAS, said request for direct City assistance consisted of requesting permission to close Third Street between "I" and "J" Streets, the use of City tables and chairs, City barricades, chemical portable toilets and the use of a Parks and Recreation Department portable stage, and

WHEREAS, said request for direct City assistance was considered by the Council at its meeting of January 23, 1990, 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 Modesto Police Department has been contacted relating to said street closure, and

WHEREAS, the Council deems it appropriate to grant certain approvals to the Committee relating to its request to hold a "World at Third Street" Festival on Saturday, May 19, 1990, and to grant partial approval of the request for assistance, 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 "World at Third Street" Festival, a multi-cultural street fair:

1. Third Street between "I" and "J" Streets may be closed to all traffic except emergency vehicles on Saturday, May 19, 1990, from 8:00 a.m. to 8:00 p.m., subject to the approval of the Chief of Police of the City of Modesto, in order that Committee may have its "World at Third Street" Festival. Committee shall provide, at its own expense, necessary security to maintain the closure of Third Street between "I" and "J" Streets referred to herein.

2. The City of Modesto will supply the necessary barricades to close Third Street between "I" and "J" Streets referred to in Paragraph 1 above, on Saturday, May 19, 1990, subject to the approval of the Chief of Police of the City of Modesto, in order that Committee may have its "World at Third Street" Festival.

3. The barricades will be deposited by employees of the City's Public Works and Transportation Department near the corner of Third and "I" Streets. Committee shall be responsible for placing the barricades to close Third Street between "I" and "J" Streets and for removing and returning the barricades to the location where they were deposited by the City. The City of Modesto will remove the barricades from that location.

4. The City's Parks and Recreation Department shall make the necessary arrangements to provide four (4) chemical portable toilets on the Saturday of Committee's "World at Third Street" Festival.

5. The City of Modesto will supply twelve (12) chairs and four (4) tables which will be delivered by the Parks and Recreation Department.

6. The Committee shall be allowed use of the Parks and Recreation Department's reviewing stand/stage on May 19, 1990, however, Committee shall be charged \$145.00 for set-up and take-down of said stand/stage as recommended by the Parks and Recreation Director in a memorandum dated January 18, 1990, a copy of which memorandum is on file in the office of the City Clerk.

7. The Committee shall furnish insurance for the event in a form which is acceptable to the City of Modesto's Risk Manager.

BE IT FURTHER RESOLVED that the City Clerk shall furnish Committee with a copy of this resolution. 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1990, by Councilmember Lang, 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: Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

ACCEPTANCE

I do hereby agree with and accept all of the terms and conditions set forth in Resolution No. 90-61 pertaining to the "World at Third Street" Festival", multi-cultural street fair, to be held on Saturday, May 19, 1990, from 8:00 a.m. to 8:00 p.m. sponsored by the "Yes, You Can" Children's Museum.

Dated: \_\_\_\_\_

"YES, YOU CAN" CHILDREN'S MUSEUM,  
a non-profit organization

By \_\_\_\_\_

By \_\_\_\_\_

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-62

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND GABRIEL-ROCHE, INC. FOR WORK ON VILLAGE 1

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Gabriel-Roche, Inc. to cover extra work effort needed for preparation of the Village 1 Affordable Housing Strategy 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 6th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-52A

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
CONFIRMING THE CANVASS OF THE SPECIAL MUNICIPAL ELECTION  
HELD IN THE CITY OF MODESTO ON JANUARY 30, 1990, AND  
DECLARING THE RESULTS OF SAID ELECTION.

WHEREAS, the Council of the City of Modesto duly called and ordered held in the City of Modesto a special municipal election for the purpose of electing one Councilmember to Chair No. 1 of the City Council of the City of Modesto for an unexpired term ending 1991, and

WHEREAS, said Resolution No. 89-1041 requested the Board of Supervisors of Stanislaus County to order the consolidation of said special municipal election with the State of California Special General Election to be held on January 30, 1990, and

WHEREAS, the consolidated election was held on Tuesday, January 30, 1990 in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said special municipal election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated February 6, 1990,

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

I. Said canvass by the City Clerk is shown on said Certificate of Canvass and Statement of Votes dated February 6, 1990, and the results of the special municipal election are hereby ratified, confirmed and approved.

2. That in accordance with Section 22933 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as Exhibit "A" and made a part hereof, shows a complete tabulation of the following:

- (a) The whole number of votes cast in the city.
- (b) The names of the persons voted for.
- (c) The measures voted upon.
- (d) For what office each person was voted for.
- (e) The number of votes given at each precinct to each person and for and against each measure.
- (f) The number of votes given in the city to each person and for and against each measure.

3. That the following named person having received a majority of the votes cast for the elective office as designated by Exhibit "A", is hereby declared to be duly and regularly elected to such office and the City Clerk is hereby directed to issue a Certificate of Election to said person, certifying his election to the office appearing after his name, and to administer to said person the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of said City, to wit:

Stan Dobbs

Councilmember for a term ending 1991,  
Chair No. 1

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CERTIFICATE OF CANVASS  
AND STATEMENT OF VOTE

CITY OF MODESTO SPECIAL MUNICIPAL ELECTION

January 30, 1990

I, Norrine Coyle, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on February 1, 1990, to publicly canvass the returns of the City of Modesto Special Municipal Election held on January 30, 1990, in accordance with Modesto City Council Resolution No. 67-36. The following are the results of said election:

Chair 1, Modesto City Council

Timothy Glidewell	6,192	23.7%
Karl Mason	1,760	6.7%
Francis Leonard	1,102	4.2%
Stan Dobbs	17,089	65.4%

<u>Voter turnout</u>	28,840	39.3%
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(2,697 did not vote on Modesto candidates)

*Norrine Coyle*  
 Norrine Coyle  
 City Clerk & Auditor  
 City of Modesto

February 6, 1990

RECEIVED  
MODESTO CITY CLERK

STATEMENT OF THE VOTE 1990 FEB -5 PM 2:56

OF

STANISLAUS COUNTY

STATE OF CALIFORNIA

-CAST AT THE-

SPECIAL GENERAL  
ELECTION

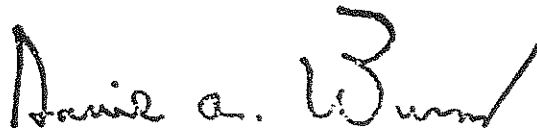
-HELD-

TUESDAY, JANUARY 30, 1990

State of California  
County of Stanislaus <sup>SS</sup>

I, DAVID A. WURM, County Clerk-Recorder of the above named county, do hereby certify that the within is a true and correct statement of result of the votes cast in this county at the Special General Election as determined by the official canvass of the returns of the said election.

Witness my hand and seal, this 5th day of February, 1990.



DAVID A. WURM  
County Clerk-Recorder

REGISTRATION	BALANCE	TURNOVER	SOFT ASSETS	SALARIES	RICHARD LANG
ESTERED	CAST	OUT	27	SE	
VOTERS			HL	LA	
			BY		

AIRPORT 2	671	68	10.1	51	17
CASHWELL 3	406	69	16.9	51	15
CASHWELL 4	520	71	13.6	52	19
CASHWELL 5,6	1084	147	13.5	121	26
CASHWELL 7	805	114	14.1	66	48
CERES 1,9	1567	218	13.9	135	82
CERES 2	879	187	21.2	148	38
CERES 3	584	130	22.2	93	36
CERES 4	1000	186	18.6	131	53
CERES 5	1399	145	10.3	98	47
CERES 6, 13	1161	198	17.0	155	42
CERES 7	617	123	19.9	89	33
CERES 8	852	173	20.1	124	48
CERES 10	747	142	19.0	110	32
CERES 12	885	202	22.8	136	65
CHATON 1	570	96	16.8	50	46
CHATON 4	562	95	16.9	62	32
CLAUS 2	936	123	13.1	76	46
CLAUS 3	312	73	23.3	35	38
CLUB 1	260	67	25.7	42	24
CLUB 2	681	181	26.5	104	77
CLUB 3	552	46	8.3	38	8
CLUB 4, WESTPORT 2,3	589	81	13.7	47	34
CLUB 5	739	118	15.9	70	48
COFFEE 2	550	106	19.2	40	66
COFFEE 7	473	105	22.1	48	57
COFFEE 11	584	93	15.9	56	36
CROWS LANDING 4	282	85	30.1	57	28
CROWS LANDING 5,6	403	110	27.2	79	31
DEL PUERTO 1,2	905	231	25.5	120	110
DEL PUERTO 3	610	140	22.9	84	53
DENAIR 1	864	191	22.1	102	87
DENAIR 2	509	113	22.2	58	54
DENAIR 3	887	168	18.9	94	73
DENAIR 5	159	34	21.3	14	20
DENAIR 6	318	62	19.4	23	38
DENAIR 7	292	68	23.2	26	41
DENAIR 12	625	119	19.0	64	55
EMPIRE 3	629	105	16.6	69	35
EMPIRE 4	812	143	17.6	93	50
EMPIRE 5	833	154	18.4	65	89
EMPIRE 6	166	50	30.1	34	16
HART, RANSON 1,2	857	216	25.2	60	153
HART RAN 3	217	50	23.0	18	32
HICKMAN 1	512	101	19.7	52	49
HUGHSON 1,3	750	125	16.6	85	40
HUGHSON 2	471	132	28.0	80	52
LANGWORTH 1	971	191	19.6	83	106
LANGWORTH 2	678	113	16.6	52	61
LANGWORTH 3	469	81	17.2	31	50
MC HENRY 3	1062	175	16.4	42	133
MC HENRY 4	323	59	18.2	26	33
MC HENRY 7	306	65	21.2	20	45
MODESTO 1	820	167	20.3	105	61
MODESTO 2	866	143	16.5	73	69
MODESTO 3,7,3	651	61	9.3	37	24
MODESTO 4	704	76	10.7	40	35
MODESTO 5	863	104	12.0	71	32
MODESTO 6	926	105	11.3	75	27
MODESTO 7	574	85	14.8	58	26
MODESTO 8	926	131	14.1	81	50
MODESTO 9	592	107	18.0	58	48
MODESTO 10	483	107	22.1	66	40
MODESTO 11	563	108	19.1	64	44
MODESTO 12	727	79	10.8	44	33
MODESTO 13	467	149	22.3	88	57
MODESTO 14	818	116	14.1	66	48

REGISTRATION RECORDED VOTERS  
 BALLOTS CAST  
 TURNOUT  
 DISTRICT 2  
 SAIL CANONELLA  
 RICHARD LANG

MODESTO	REGISTRATION	BALLOTS CAST	TURNOUT	DISTRICT 2	SAIL CANONELLA	RICHARD LANG
MODESTO 15	867	144	16.6	83	61	
MODESTO 16	480	106	22.0	63	42	
MODESTO 17	806	113	14.0	58	54	
MODESTO 18	575	109	18.9	49	60	
MODESTO 19	990	165	16.6	84	81	
MODESTO 20	701	117	16.6	77	39	
MODESTO 21	716	180	25.1	100	80	
MODESTO 22	776	137	17.6	62	74	
MODESTO 23	502	55	10.9	33	22	
MODESTO 24	721	76	10.5	34	40	
MODESTO 25	741	88	11.8	52	34	
MODESTO 26	405	98	24.1	72	26	
MODESTO 27	734	146	19.8	72	73	
MODESTO 28	714	121	16.9	66	53	
MODESTO 29	385	83	21.5	43	40	
MODESTO 30, 81	883	202	22.8	102	99	
MODESTO 31	533	80	15.0	42	36	
MODESTO 32	868	121	13.9	76	43	
MODESTO 33	681	143	20.9	71	70	
MODESTO 34	597	140	23.4	69	69	
MODESTO 35	441	122	27.6	59	63	
MODESTO 36	704	117	16.6	55	61	
MODESTO 37	476	98	20.5	48	49	
MODESTO 38	616	143	23.2	73	69	
MODESTO 39	723	134	18.5	79	54	
MODESTO 40	640	150	23.4	86	64	
MODESTO 41	434	101	23.2	54	47	
MODESTO 42	897	230	25.6	93	135	
MODESTO 43	605	95	15.7	61	34	
MODESTO 44	576	129	22.3	50	77	
MODESTO 45	510	86	16.8	55	29	
MODESTO 46	750	135	18.0	63	69	
MODESTO 47	915	212	23.1	82	130	
MODESTO 48	954	190	19.9	71	118	
MODESTO 50	749	160	21.3	86	72	
MODESTO 51	701	125	17.9	71	55	
MODESTO 52	702	152	21.6	60	92	
MODESTO 53	867	149	17.1	94	55	
MODESTO 54	585	124	21.1	62	61	
MODESTO 55	830	107	12.8	48	59	
MODESTO 56	755	156	20.6	60	96	
MODESTO 57	555	92	16.5	35	55	
MODESTO 58	802	80	9.9	38	42	
MODESTO 59	1071	241	22.5	109	131	
MODESTO 60	761	132	17.3	73	57	
MODESTO 61	1000	166	16.6	74	92	
MODESTO 62	505	65	12.8	23	41	
MODESTO 63	823	83	10.1	60	23	
MODESTO 64	429	44	10.2	31	13	
MODESTO 65	472	111	23.5	64	45	
MODESTO 66	716	175	24.4	92	81	
MODESTO 67	764	90	11.7	48	42	
MODESTO 68	676	135	19.9	73	61	
MODESTO 69	628	93	13.3	23	70	
MODESTO 70	839	228	27.1	106	122	
MODESTO 71	792	161	20.3	84	77	
MODESTO 72	522	53	10.1	33	19	
MODESTO 74	849	210	24.7	79	129	
MODESTO 75	779	142	18.2	69	71	
MODESTO 76	623	72	11.5	46	24	
MODESTO 77	704	124	17.6	66	56	
MODESTO 78	709	131	18.4	70	60	
MODESTO 79, 80	896	183	20.4	90	70	
MODESTO 82	412	80	19.4	33	46	
MODESTO 83	1034	130	12.5	67	61	
MODESTO 84	1004	170	16.9	87	83	
MODESTO 85	414	65	15.6	36	29	

R E G I S T E R E D V O T E R S  
 B A L L O T S C A S T  
 T U R N O U T  
 S D S R I C H A R D  
 T I A L A S L E C A N N E L L A  
 A S T T E 2 A N N E L L A  
 E C A N N E L L A  
 A T S S E M B L Y  
 S E M B L Y

MODESTO 86	795	71	8.9	43	27
MODESTO 88	1114	154	13.8	64	89
MODESTO 89	711	120	16.8	65	55
MODESTO 90	642	143	22.2	53	90
MODESTO 91	704	139	19.7	65	73
MODESTO 93	1003	140	13.9	72	67
MODESTO 94	940	167	17.7	77	89
MODESTO 95	476	82	17.2	45	37
MODESTO 96	823	107	13.0	56	51
MODESTO 97	774	153	19.7	70	83
MODESTO 98	601	90	14.9	34	54
MODESTO 99	698	94	13.4	48	44
MODESTO 100	760	131	17.2	65	65
MODESTO 101	820	111	13.5	54	53
MODESTO 102	448	73	16.2	41	32
MODESTO 103	434	71	16.3	40	31
MODESTO 104	561	66	11.7	40	25
MODESTO 105	605	85	14.0	46	37
MODESTO 106	1121	154	13.7	67	87
MODESTO 107	1114	201	18.0	87	113
MODESTO 108	399	80	20.0	34	46
MODESTO 109	525	61	11.6	30	31
MT. VIEW 1	867	143	16.2	79	64
MT VIEW 3, WESTPORT 1	990	175	17.6	83	92
NEWMAN 1	729	109	25.9	51	138
NEWMAN 2	566	131	23.1	102	29
NORTH 1	1080	183	16.9	74	108
NORTH 2	245	66	26.9	36	30
NORTH 3	513	91	17.7	31	59
NORTH 4	298	47	15.7	20	27
DAKDALE 1	598	85	14.2	54	30
DAKDALE 2	758	137	18.0	96	41
DAKDALE 3	545	104	19.0	55	48
DAKDALE 4	932	167	17.9	84	83
DAKDALE 5	907	168	18.5	105	62
DAKDALE 6	606	120	19.8	61	59
DAKDALE 7	816	163	19.9	96	67
PAGE 1	859	95	11.0	82	13
PAGE 2	952	137	14.3	98	37
PARADISE 1	325	84	25.8	20	64
PARADISE 2	459	109	23.7	52	57
PARADISE 3	597	64	10.7	47	17
PARADISE 4,7	874	179	20.4	102	76
PARADISE 5	517	67	12.9	37	30
PARADISE 8	924	149	16.1	81	65
PARADISE 10	194	33	17.0	15	18
PATTERSON 1	342	80	23.3	50	30
PATTERSON 2	1055	205	19.4	117	87
PATTERSON 3	1254	240	19.1	152	86
RIVERBANK 1,4	844	103	12.2	65	36
RIVERBANK 2	571	103	18.0	83	18
RIVERBANK 3	721	122	16.9	89	32
RIVERBANK 5	236	68	28.8	26	42
RIVERBANK 6	563	65	11.5	50	15
SALIDA 1	803	122	15.1	65	57
SALIDA 2	1062	221	20.8	84	136
TURLOCK 1	500	69	13.8	44	25
TURLOCK 2	546	128	23.4	70	54

REGISTRATION	DATE	TURNOUT	SD	ST	AS	TT	EA	7	ANN	SE	LL	A	RICHARD	LANG

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TURLOCK 3	860	116	13.4				73						41	
TURLOCK 4	712	108	15.1				52						54	
TURLOCK 5,6	1020	249	24.4				137						109	
TURLOCK 7	637	127	19.9				82						43	
TURLOCK 8	811	159	19.6				76						81	
TURLOCK 9	1000	242	24.2				100						141	
TURLOCK 10	741	160	18.8				66						73	
TURLOCK 11	1084	169	15.5				91						76	
TURLOCK 12	910	237	26.0				66						170	
TURLOCK 13,22	1212	196	16.1				93						99	
TURLOCK 14	740	120	16.2				56						62	
TURLOCK 15	1354	236	17.4				141						95	
TURLOCK 16	921	168	18.2				81						84	
TURLOCK 17	1076	238	22.1				119						119	
TURLOCK 18	741	203	27.3				80						123	
TURLOCK 19	883	178	20.1				80						90	
TURLOCK 20	572	117	20.4				68						49	
WATERFORD 1	526	101	19.2				70						27	
WATERFORD 2	544	109	20.0				47						42	
WATERFORD 3	500	97	19.4				53						42	
STAR 2	338	85	25.1				36						49	
STAR 3	339	104	30.6				43						59	
WHITMORE 1	886	130	14.6				85						44	
WHITMORE 5	262	87	33.2				37						50	
WHITMORE 7	870	190	21.8				94						94	
WHITMORE 8	672	129	19.1				55						74	
WHITMORE 12	316	67	21.2				37						30	
CASNELL 1	10	7	70.0				7						7	
CASNELL 2	31	17	54.8				12						5	
CERES 11	115	39	33.9				24						14	
COFFEE 9														
CROWS LANDING 1														
CROWS LANDING 2	40	19	47.5				7						12	
CROWS LANDING 3	6	3	50.0				3							
EMPIRE 7	72	35	48.6				22						13	
HICKMAN 2	78	44	56.4				22						22	
HICKMAN 3	6	2	50.0										2	
MODESTO 49	2													
MODESTO 87														
MODESTO 92	47	21	44.6				13						8	
PARADISE 9	17	5	29.4				1						4	
PARADISE 12	9	1	11.1				1							
STAR 1	120	37	30.8				14						23	
STAR 4	77	37	48.0				14						23	
TURLOCK 21														
ABSENTEE STYLE 01	14430						7968						6349	
ABSENTEE STYLE 02	16192						8118						7916	
*** T.O.T.A.L.S.***	153899	58468	37.9				31023						26981	

R	B	Y	S	S	R
E	A	U	O	A	I
G	L	R	T	L	C
I	L	N	T	E	H
S	O	U	E	C	A
T	T	U	A	2	R
E	S	T	7	A	R
R			S	N	D
E	C		S	E	
D	A		S	L	L
	S		E	L	A
V	T		N	L	N
U			B	L	G
T			L		
E			Y		
R					
S					

E  
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SUP DIST. 1	32652	5760	17.6	3034	2683
SUP DIST. 2	28123	5489	19.5	2814	2636
SUP DIST. 3	32377	5277	16.2	2628	2612
SUP DIST. 4	32870	6334	19.2	3128	3158
SUP DIST. 5	27877	4986	17.8	3333	1627

TOT SUP. PREC. VOTE	153099	27846	18.0	14937	12716
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TOT SUP ABSENTEE VOTE		30622		16086	14265
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** TOTAL VOTER **	153899	58468	37.9	31023	26981
CERES	9806	1743	17.7	1243	490
HUGHSON	1221	257	21.0	165	92
MODESTO	73250	12648	17.2	6462	6086
NEWMAN	1295	320	24.7	240	80
OAKDALE	5162	744	18.2	551	390
PATTERSON	2651	525	19.8	319	203
RIVERBANK	2935	461	15.7	313	143
TURLUCK	16320	3200	19.6	1583	1588
WATERFORD	1570	307	19.5	190	111

TOT UNINCORP. AREA	39689	7441	18.7	3871	3533
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TOT PREC VOTES	153899	27846	18.0	14937	12716
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TOT ABSENTEE VOTE		30622		16086	14265
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**TOTAL VOTES**	153899	58468	37.9	31023	26981
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	REG I S T E R E D V O T E R S	B A L L O T S C A S T	F U R N U T	M C O H D A E I S R T O N Y C O I U N S C H I O L R T M E T R E L	Y I M O U T H Y C O I U N S C H I O L R T M E T R E L	K A R L M A S O N	F R A N C I S L E U N A R D	S T A N B E B S
MODESTO 1	820	167	20.3	41	12	16	83	
MODESTO 2	866	143	16.5	34	5	4	86	
MODESTO 3, 73	651	61	9.3	11	15	3	70	
MODESTO 4	704	76	10.7	18	6	5	42	
MODESTO 5	863	104	12.0	18	9	12	52	
MODESTO 6	926	105	11.3	19	10	6	44	
MODESTO 7	574	85	14.8	23	12	2	44	
MODESTO 8	926	131	14.1	24	13	5	82	
MODESTO 9	592	107	18.0	19	7	3	62	
MODESTO 10	483	107	22.1	29	11		58	
MODESTO 11	563	108	19.1	18	10	2	64	
MODESTO 12	727	79	10.8	20	10	4	41	
MODESTO 13	667	149	22.3	35	13	9	83	
MODESTO 14	818	116	14.1	11	13	6	73	
MODESTO 15	867	144	16.6	33	9	8	85	
MODESTO 16	480	106	22.0	19	10	8	59	
MODESTO 17	806	113	14.0	20	15	4	67	
MODESTO 18	575	109	18.9	12	1	6	95	
MODESTO 19	990	165	16.6	43	9	6	99	
MODESTO 20	701	117	15.6	20	10	8	70	
MODESTO 21	716	180	25.1	36	18	11	99	
MODESTO 22	776	137	17.6	30	6	3	87	
MODESTO 23	502	55	10.9	19	5	6	21	
MODESTO 24	721	76	10.5	10	10	3	48	
MODESTO 25	741	88	11.8	14	9	4	50	
MODESTO 26	405	98	24.1	17	7	4	52	
MODESTO 27	734	146	19.8	34	9	4	86	
MODESTO 28	714	121	16.9	47	12	5	46	
MODESTO 29	385	83	21.5	18	5	4	53	
MODESTO 30, 81	883	202	22.8	64	11	6	107	
MODESTO 31	533	80	15.0	41	3	2	30	
MODESTO 32	868	121	13.9	26	10	9	70	
MODESTO 33	681	143	20.9	25	7	8	39	
MODESTO 34	597	140	23.4	32	6	6	87	
MODESTO 35	441	122	27.6	21	5	4	86	
MODESTO 36	704	117	16.6	32	10	9	62	
MODESTO 37	476	98	20.5	18	4	6	66	
MODESTO 38	616	143	23.2	42	14	6	75	
MODESTO 39	723	134	18.5	29	5	11	78	
MODESTO 40	640	150	23.4	42	4	6	92	
MODESTO 41	434	101	23.2	25	12	1	57	
MODESTO 42	897	230	25.6	55	5	4	144	
MODESTO 43	605	95	15.7	24	6	6	50	
MODESTO 44	576	129	22.3	39	10	5	64	
MODESTO 45	510	86	16.8	28	5	2	46	
MODESTO 46	750	135	18.0	42	4	6	78	
MODESTO 47	915	212	23.1	56	10	2	130	
MODESTO 48	954	190	19.9	44	8	5	127	
MODESTO 49	749	160	21.3	41	5	7	93	
MODESTO 50	701	126	17.9	36	9	3	70	
MODESTO 51	702	152	21.6	40	5	2	98	
MODESTO 52	567	149	17.1	29	10	5	99	
MODESTO 53	585	124	21.1	49	9	4	55	
MODESTO 54	830	107	12.8	18	7	7	67	
MODESTO 55	755	156	20.6	30	11	2	93	
MODESTO 56	555	92	16.5	23	6	3	54	
MODESTO 57	892	80	9.9	24	3	5	44	
MODESTO 58	1071	241	22.5	65	13	12	143	
MODESTO 59	761	132	17.3	52	5	5	62	
MODESTO 60	1000	166	16.6	41	11	9	90	
MODESTO 61	505	65	12.8	14	5	1	43	
MODESTO 62	820	83	10.1	19	9	4	44	
MODESTO 63	429	44	10.2	6	9	5	22	
MODESTO 64	472	111	23.5	26	9	3	59	
MODESTO 65	716	175	24.4	41	10	5	108	
MODESTO 66	764	90	11.7	11	9	4	61	
MODESTO 67	676	135	19.9	27	13	7	82	

R E G I S T E R E D V O T E R S  
 B A L L O T S C A S T  
 T U R N O U T  
 M C T K F S  
 O H I A R R A N C T A  
 D A H L R L N C I A  
 E I U O F H M A S I D  
 S R F T H Y A S O I S  
 T O N Y U H A S O I S  
 U C G M A S O I S  
 O I L L U N A R D  
 U- I U N S U N A R D  
 N S U N S U N A R D  
 C H E E I O N A R D  
 I O M E L R E T L L  
 L R E T L L  
 T L L  
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MODESTO 69	698	93	13.3	24	3	3	51
MODESTO 70	839	228	27.1	47	15	6	144
MODESTO 71	792	161	20.3	38	14	12	82
MODESTO 72	522	53	10.1	12	5	4	30
MODESTO 74	849	210	24.7	44	8	1	144
MODESTO 75	779	152	18.2	24	7	7	93
MODESTO 76	623	72	11.5	19	4	3	41
MODESTO 77	704	124	17.6	28	11	16	61
MODESTO 78	709	131	18.4	28	16	4	75
MODESTO 79,80	896	183	20.4	29	19	6	108
MODESTO 82	412	80	19.4	27	7	5	38
MODESTO 83	1034	130	12.5	22	9	5	86
MODESTO 84	1004	170	16.9	38	18	4	98
MODESTO 85	416	65	15.6	15	3	1	41
MODESTO 86	795	71	8.9	12	5	6	40
MODESTO 88	1114	154	13.8	36	6	4	89
MODESTO 89	711	120	16.8	30	4	4	76
MODESTO 90	662	143	22.2	31	11	9	82
MODESTO 91	704	139	19.7	30	5	8	89
MODESTO 93	1003	140	13.9	36	5	7	85
MODESTO 94	940	167	17.7	28	8	1	119
MODESTO 95	476	82	17.2	24	10	2	42
MODESTO 96	823	107	13.0	18	12	4	60
MODESTO 97	774	153	19.7	40	9	8	78
MODESTO 98	601	90	14.9	23	3	8	44
MODESTO 99	698	94	13.4	21	12	2	43
MODESTO 100	740	131	17.2	31	8	6	79
MODESTO 101	823	111	13.5	34	13	8	48
MODESTO 102	448	73	16.2	17	6	4	42
MODESTO 103	434	71	16.3	22	3		44
MODESTO 104	561	66	11.7	16	7	6	35
MODESTO 105	605	85	14.0	18	4	7	49
MODESTO 106	1121	154	13.7	47	7	4	87
MODESTO 107	1114	201	18.0	50	12	9	109
MODESTO 108	399	80	20.0	10	5	2	50
MODESTO 109	525	61	11.6	13	7	2	37
MODESTO 49	2						
MODESTO 87							
MODESTO 92	47	21	44.6	1			19
ABSENTEE STYLE 02	16192			3240	801	554	9737

\*\*\*\* T.O.T.A.L.S \*\*\*\* 73250 28840 39.3 6192 1760 1102 17089

23.7% 6.7% 4.2% 65.4%

R E G I S T E R E D  V O T E R S	B A L L O T S  C A S T	T U R N O U T	M C T I M O U S R I T H O N Y  C O L L I N S C H E D U L E D M E T R E	K A R L  M A S S O N	F R A N C I S  L E O N A R D	S T A N  D O U B L E S
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SUP DIST. 1	13928	2362	16.9	570	148	97	1387
SUP DIST. 2							
SUP DIST. 3	24482	3758	15.4	777	322	176	2169
SUP DIST. 4	30948	5944	19.2	1481	354	242	3474
SUP DIST. 5	3992	584	14.6	124	55	33	322
TOT SUP PREC VOTE	73250	12648	17.2	2952	879	546	7352
TOT SUP ABSENTEE VOTE		16192		3240	881	554	9737
** TOTAL VOTER **	73250	28840	39.3	6192	1760	1102	17089
CERES							
HUGHSON							
MODESTO	73250	12648	17.2	2952	879	548	7352
NEWMAN							
DAKDALE							
PATTERSON							
RIVERBANK							
TURLOCK							
WATERFORD							
TOT UNINCORP. AREA							
TOT PREC VOTES	73250	12648	17.2	2952	879	548	7352
TOT ABSENTEE VOTE		16192		3240	881	554	9737
**TOTAL VOTES**	73250	28840	39.3	6192	1760	1102	17089

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-63

A RESOLUTION TRANSFERRING TEN THOUSAND EIGHT HUNDRED TWENTY FIVE (\$10,825) DOLLARS FROM THE GENERAL FUND (FUND NO. 010) OF THE CITY OF MODESTO TO THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 130).

WHEREAS, on October 10, 1989, the City Council approved financing for two teams of consultants to prepare a Specific Plan, EIR, and Financing Plan for Village I, and

WHEREAS, additional funding is now needed in the amount of Ten Thousand Eight Hundred Twenty Five (\$10,825) Dollars to complete the contract, and

WHEREAS, the sum of Ten Thousand Eight Hundred Twenty Five (\$10,825) Dollars is available in the Unappropriated Fund Balance of the General Fund (Fund No. 010), and said sum will not be required for operating costs of the City during the 1989-90 fiscal year, and

WHEREAS, the Council desires to transfer said sum to the Special Fund for Capital Outlays (Fund No. 130) for additional financing of two teams of consultants to prepare a Specific Plan, EIR, and Financing Plan for Village I,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sum of Ten Thousand Eight Hundred Twenty Five (\$10,825) Dollars be and is hereby transferred from the Unappropriated Fund Balance of the General Fund (Account No. 010-800-8000-8003) to the Special Fund for Capital Outlays (Account No. 130-140-P894-6000).

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 February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-64

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO C-1. (JOHN G. WATERBURY)

WHEREAS, on February 6, 1990, the City Council introduced Ordinance No. 2702-C.S. giving approval to a project relating to an amendment to Section Map 20-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Neighborhood Commercial Zone, C-1, property located on the east side of Ardmore Avenue, north of West Orangeburg 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 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 Map 20-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Neighborhood Commercial Zone, C-1, property located on the east side of Ardmore Avenue, north of West Orangeburg Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-65

A RESOLUTION DENYING THE APPEAL OF COLLEEN O'BRIEN PRESTON ON BEHALF OF CONCERNED CITIZENS TO A DECISION OF THE PLANNING COMMISSION GRANTING THE VESTING TENTATIVE SUBDIVISION MAP FOR WYLDEWOOD VILLAGE SUBDIVISION, AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, the vesting tentative map of the Wyldewood Village Subdivision was filed in the office of the Secretary of the Planning Commission on November 30, 1989, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, copies of said vesting tentative map have been sent to the Modesto Elementary School and Modesto High School Districts, the 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 Modesto School District and by Fire Station #4 at Blue Gum Avenue and North Carpenter Road, one mile distant, and

WHEREAS, a public hearing was held by the Planning Commission on January 2, 1990, 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 public hearing the Planning Commission found and determined that the vesting tentative map of Wyldewood Village Subdivision, filed in the office of the Secretary of the Planning Commission on November 30, 1989, should be granted for the reasons set forth in Planning Commission Resolution No. 90-4, and quoted below:

1. That the proposed vesting subdivision, 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 from the proposed (vesting) 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 Notice of Determination certifying a Negative Declaration on an identical project was filed on June 16, 1987 and is applicable to this project.
4. That exception to Section 4-4.302(a)(4) of the Modesto Municipal Code to allow a cul-de-sac with a length greater than 500 feet should be granted for the following reasons:
  - a. There is the exceptional and extraordinary circumstance that the cul-de-sac length is existing and has already been approved by the conditional use permit application approving the Church of the Brethren immediately west of this subdivision.
  - b. That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the General Plan or these regulations.

and

WHEREAS, thereafter, by Resolution No. 90-4 adopted on January 2, 1990, the Planning Commission granted the vesting tentative map of Wyldewood Village Subdivision, subject to the following conditions:

1. That all 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. That irrigation lines within the subdivision shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Public Works and Transportation Director. Appropriate easements for irrigation lines to remain shall be dedicated as necessary.
4. That the subdivider shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action, or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Modesto or its advisory agency, appeal board, or 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 proceedings and shall cooperate fully in the defense.
5. 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.
6. That each property must be served by a separate water and sewer service from the main to the property line. No sewer or water service shall be placed in an easement to serve any property.
7. City Standards require R-Value Tests and Engineering Studies to determine structural requirements for new or existing streets bordering the property. Owner may be required to completely reconstruct existing pavement. Existing residential, collector, and industrial streets shall be improved to the centerline. Existing major streets shall be improved to 40 feet from property line.
8. That the subdivider shall pay fees for rockwell maintenance as established by the Municipal Code.

and

WHEREAS, by letter dated January 11, 1990, an appeal to the decision of the Planning Commission granting the vesting tentative map of Wyldewood Village Subdivision was filed by Colleen O'Brien Preston on behalf of concerned citizens, and

WHEREAS, said appeal was set for public hearing before the City Council at its regular meeting placed located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 4:00 p.m. on February 6, 1990, and

WHEREAS, at said meeting, after hearing and reviewing evidence both oral and documentary, the Council of the City of Modesto found and determined that said appeal to the decision of the Planning Commission granting the vesting tentative map of Wyldeewood Village Subdivision should be denied, and

WHEREAS, the City Council certifies that a Notice of Determination filed on June 16, 1987 on a project identical to the proposed vesting tentative subdivision map is hereby adopted as adequately addressing the environmental issues of this project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the appeal of Colleen O'Brien Preston on behalf of concerned citizens, to the decision of the Planning Commission granting the vesting tentative map for Wyldeewood Village Subdivision is hereby denied for the reason set forth below and the decision of the Planning Commission is hereby affirmed:

The proposed subdivision is consistent with the General Plan, inclusive of the Open Space and Recreation Element. The policies described within the element are City-wide standards based on aggregated open space and recreational activities and the City as a whole meets the suggested goal of two acres of open space per 1,000 population.

BE IT FURTHER 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 proposed vesting tentative subdivision map.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Mayor Whiteside

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-66

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ONE NEW TRUCK WITH SERVICE CRANE AND  
UTILITY BODY

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

SECTION 1. The plans and specifications for the purchase of one new  
truck with service crane and utility body

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 5, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 6th day of February, 1990,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Bird, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-67

A RESOLUTION ACCEPTING THE BID OF WECO INDUSTRIES, INC. FOR FURNISHING SEVEN GAS DETECTORS

WHEREAS, Resolution No. 89-1219 , adopted by the Council of the City of Modesto on December 26, 1989 , approved the plans and specifications for the purchase of gas detectors and accessories

and authorized the calling for bids; and

WHEREAS, the bids received for the gas detectors and accessories were opened at 11:40 a.m. on January 22, 1989 , 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 WECO Industries, Inc. in the amount of \$14,601.81 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of WECO Industries, Inc. in the amount of \$14,601.81 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 6th day of February , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-68

A RESOLUTION ACCEPTING THE BID OF COUNTRY FORD TRUCKS OF MODESTO FOR FURNISHING ONE NEW TRUCK CAB AND CHASSIS

WHEREAS, Resolution No. 89-1217 , adopted by the Council of the City of Modesto on December 26, 1989 , approved the plans and specifications for the purchase of one new truck cab and chassis

and authorized the calling for bids; and

WHEREAS, the bids received for the new truck cab and chassis were opened at 11:15 a.m. on January 22, 1990 , 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 of Modesto in the amount of \$16,071.38 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Country Ford Trucks of Modesto in the amount of \$16,071.38 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 6th day of February , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-69

A RESOLUTION ACCEPTING THE BID OF DOW-HAMMOND CO. FOR FURNISHING TWO NEW TRUCKS FOR THE POLICE DEPARTMENT

WHEREAS, Resolution No. 89-1171 , adopted by the Council of the City of Modesto on December 5, 1989 , approved the plans and specifications for the purchase of two pickup trucks

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of two pickup trucks were opened at 11:00 a.m. on January 22, 1990 , 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 Dow-Hammond Co. in the amount of \$24,713.75 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Dow-Hammond Co. in the amount of \$24,713.75 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 6th day of February , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Muratore, Patterson

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-70

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF COMPUTER SOFTWARE FROM HANSEN SOFTWARE, INC.

WHEREAS, the Wastewater Treatment Division of Public Works has requested computer software for wastewater collection and plant maintenance management applications; and

WHEREAS, Public Works Administrative and Wastewater Treatment staff have long researched possible software programs for the management of their Treatment Plant sites and the Hansen software has been identified as the only one with superior report generating capabilities that will provide sufficient documentation for state and federal reports and inspections; and

WHEREAS, Hansen is the sole source of their software.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of computer software is hereby waived.

BE IT FURTHER RESOLVED that purchase of computer software from Hansen Software, Inc., for the total price of \$20,900, 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 February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-71

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF COMPUTER EQUIPMENT FROM IBM, INC.

WHEREAS, the Public Works and Transportation Department has requested the purchase of this equipment to be a part of the system hardware configuration for providing the Transportation - Service Division with a fleet system management program; and

WHEREAS, the core software is currently installed on the City's IBM mainframe, and IBM is needed to communicate with and utilize the mainframe from remote locations.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of computer equipment is hereby waived.

BE IT FURTHER RESOLVED that purchase of computer equipment from IBM, Inc. for the total price of \$18,396, 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 February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-72

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING STAFF TO REQUEST INFORMAL BIDS FOR REMOVAL OF LIGHT POLES AT JOHN THURMAN FIELD, FOR PURCHASE AND INSTALLATION OF LIGHT POLES, AND TO HIRE A CONSULTANT TO PREPARE PLANS AND SPECIFICATIONS FOR INSTALLATION OF POLES

WHEREAS, due to staff concern over the safety of the light poles at John Thurman Field, an investigation showed the existing light standards do not comply with the Uniform Building Code, and it is recommended that the standards as well as the foundations be replaced with standards that comply with current codes.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the removal of light poles at John Thurman Field, for purchase and installation of light poles, and to hire a consultant to prepare plans and specifications for installation of poles is hereby waived.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1990, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-73

A RESOLUTION ACCEPTING THE REPLACEMENT OF THE BOILER AT THE WATER QUALITY CONTROL PLANT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the replacement of the boiler at the Water Quality Control Plant has been completed by B & L Builders, Inc. in accordance with the contract agreement dated March 28, 1989

NOW, THEREFORE, BE IT RESOLVED that the replacement of the boiler at the Water Quality Control Plant

be accepted from said contractor, B & L Builders, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$95,786 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 February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-74

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ESTHERMAE SOPER FOR THE ACQUISITION OF A .01+ EASEMENT FOR ACCESS TO THE LA LOMA LIFT STATION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Esthermae Soper for the acquisition of a .01+ easement for access to the LaLoma 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 6th day of February , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: \_\_\_\_\_

*Morrine Coyle*  
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-75

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO JUNIOR COLLEGE FOR THE USE OF THEIR TRACK, STADIUM AND POOL FOR AN EASTER TRACK MEET, THE SUPERSTARS COMPETITION, AND THE YOUTH SPORTS CAMP

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Modesto Junior College for the use of their track, stadium and pool for an Easter Track Meet, the Superstars competition, and the Youth Sports Camp

be, and it is hereby approved.

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

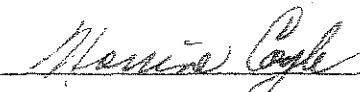
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-76

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE DALLAS BRASS  
FOR ONE PERFORMANCE ON MARCH 31, 1990 IN MODESTO

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the  
agreement between the City of Modesto and the Dallas Brass for one performance  
on March 31, 1990 in 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 6th day of February , 19 90 , by  
Councilmember Lang , who moved its adoption, which motion being duly  
seconded by Councilmember Bird , was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-77

A RESOLUTION AMENDING RULE 7 OF THE PERSONNEL RULES RELATING TO METHOD OF FILLING VACANCIES, AMENDING RULE 12 OF THE PERSONNEL RULES RELATING TO APPEALS AND HEARINGS, AND AMENDING RULE 16 OF THE PERSONNEL RULES RELATING TO GRIEVANCE PROCEDURE.

WHEREAS, Section 1202 of Article XII of the Charter of the City of Modesto provides that the personnel system provided by said Article shall be implemented by such rules and regulations governing the administration thereof as are adopted by the City Council upon recommendation of the City Manager, and

WHEREAS, the City Council has adopted Personnel Rules as authorized by the City Charter, and

WHEREAS, the City Manager has recommended that Section 7.8 of Rule 7 of the Personnel Rules relating to Method of Filling Vacancies be removed in elimination of the residency requirement which required residing within a forty-five (45) minute response radius, Section 12.2 of Rule 12 of the Personnel Rules relating to Appeals and Hearings be amended to provide for selection of a hearing officer in disciplinary appeals utilizing the State of California Mediation and Conciliation Service, and Section 16.4 of Rule 16 of the Personnel Rules relating to Grievance Procedure be amended to provide for an optional third step in the formal grievance procedure to include a hearing before a hearing officer from the State of California Mediation and Conciliation Service, and

WHEREAS, at its meeting of February 6, 1990, the City Council considered removing Section 7.8 of Rule 7 of the Personnel Rules relating to Method of Filling Vacancies, amending Section 12.2 of Rule 12 of the Personnel Rules relating to Appeals and Hearings, and amending Section 16.4 of Rule 16 of the Personnel Rules relating to Grievance Procedure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that Rules 7, 12, and 16 of the Personnel Rules shall be amended to read as follows:

Rule 7 - Method of Filling Vacancies

7.1 Policy

When practical and consistent with the best interests of the city service, vacancies in the classified service shall be filled by promotion from within, by re-employment of persons previously laid off, or by persons demoted from the class in lieu of lay-off. Following consideration of these means of filling a vacancy, the appointing authority shall refer to eligible lists resulting from open competitive examination, or, in the absence of such lists, may make a provisional appointment.

7.2 Notice of Vacancy

Whenever a department head desires to fill a vacancy, he/she shall notify the Director of Personnel, who shall advise as to the availability of persons eligible for appointment.

7.3 Furnishing of Lists

Names of persons eligible for appointment shall be furnished by the Director in the following order:

- (1) Regular employees who have been demoted in good standing to a position in a lower class, provided they meet the employment standards for the position to be filled.
- (2) Regular employees in the class who have been laid off.
- (3) Regular employees on an appropriate promotional eligible list.
- (4) Former regular employees who have requested, and are eligible for, reinstatement.
- (5) Persons on an appropriate eligible list resulting from open competitive examination.

7.4 Appointments

After interview and any investigation desired, any of the persons whose names are furnished may be appointed.

7.5 Types of Appointment

- (a) Probationary: appointment from an eligible list to a position in the classified service, for a specified working test

period.

- (b) Regular: appointment following satisfactory completion of the probationary period, upon recommendation of the department head and approval of the City Manager.
- (c) Provisional: appointment of a person who has not qualified through examination. It is intended that the appointing authority shall have the choice of at least three names in filling any vacancy. If less than three persons from eligible lists furnished are available for appointment, a probationary appointment may be made, or a provisional appointment of a person meeting the employment standards for the class may be made. If the position is considered to be permanent, the Director shall schedule an examination and establish an eligible list from which to make an appointment. A provisional appointment shall not extend beyond six months, except that the City Manager, with the approval of the City Council, may extend such period for not more than sixty days by any one action. Time spent on a provisional appointment shall not constitute a part of the probationary period.
- (d) Temporary: appointment to a position of limited duration.
  - 1. Temporary positions of ninety (90) days or less duration are in the unclassified service.
  - 2. Temporary positions of more than 90 days duration are in the classified service.
  - 3. The first 90 days of any temporary appointment, whether or not appointment is from an eligible list for the class, shall not constitute a part of the probationary period.
  - 4. Temporary appointees hired on an hourly or per diem basis shall not receive paid vacation, holiday, sick leave, or retirement benefits.
- (e) Part-Time: appointment to a position which requires less than full time.
  - 1. Part-time positions requiring an average of nineteen (19) hours per week or less are in the unclassified service and pay shall be on an hourly or per diem basis for the time worked only.
  - 2. Part-time positions requiring an average of twenty (20) hours or more per week are in the classified service. Vacation, holiday, sick leave or retirement benefits shall be proportional to time worked. Service credit toward probationary period shall be proportional to time worked.

(f) Emergency: appointment to meet the immediate requirements of any emergency conditions such as extraordinary fire, flood, earthquake or enemy attack, which threatens public life or property. With the approval of the City Manager, any department head may employ such persons as may be needed for the duration of the emergency without regard to these rules affecting appointments, except that no such appointment shall exceed fifteen working days without Council approval.

(g) Acting: appointment of an employee by the department head or designee to temporarily fill a regular position in a higher classification. The department head may authorize additional compensation for an employee so designated during the duration of the appointment. Acting appointments shall not be used to evade rules governing promotion, downgrade, demotion, advancement or reduction.

### 7.6 Reinstatement

In the City's interest, a vacancy may be filled by the reinstatement within two (2) years, of a former regular employee who held status in the same class. No former employee shall be reinstated to a class for which he/she does not meet the current minimum employment standards. Nevertheless, all employment rights are forfeited upon resignation.

### 7.7 Transfer

As an alternative to appointment from an eligibility list, a position may be filled by transfer of a regular employee in the same or a comparable class, upon recommendation of the department head(s) concerned. In the event of a dispute, the action is subject to the review by the City Manager or designee before it becomes final. Transfers shall not be used to evade rules governing promotion, downgrade, demotion, advancement, or reduction. No employee shall be transferred to a position for which he/she does not possess the minimum employment standards.

## Rule 12 - Appeals and Hearings

### 12.1 Requests for Hearing on Disciplinary Action

Any regular employee holding a position in the classified service shall have the right of appeal relative to any suspension, demotion or dismissal in accordance with the applicable provisions of the Modesto Municipal Code.

### 12.2 Selection of Hearing Officer

a) For all employees except those in classifications represented by the Modesto Police Officers Association:

Upon receipt of a demand in writing for a hearing upon charges relating to the suspension, demotion or dismissal of an employee, submitted in

accordance with the applicable provisions of the Modesto Municipal Code, the City Manager, or his designee shall request that the Board of Personnel Appeals meet and appoint a hearing officer. At least five (5) days prior to the meeting, notice of the time and place where the meeting of the Board of Personnel Appeals is to be held shall be delivered personally or placed in the United States Mail addressed to the employee at his/her last known address as shown in the personnel records of the City.

- b) For employees in classifications represented by the Modesto Police Officers Association:

Upon receipt of a demand in writing for a hearing upon charges relating to the suspension, demotion or dismissal of an employee, submitted in accordance with the applicable provisions of the Modesto Municipal Code, the City Manager, or designee, and MPOA shall jointly select a hearing officer from a list of at least five (5) names provided by the State of California Mediation and Conciliation Service. The City Manager, or designee, and MPOA shall alternately strike names from the list until only one name remains and the remaining name shall be that of the hearing officer.

### 12.3 Hearing Officer Responsibility

The hearing officer shall proceed in any manner which will, in the hearing officer's judgment, develop all the facts bearing upon the matter before him/her, and no informality in his/her action shall constitute just cause for criticism of his/her findings and recommendations. Within thirty (30) days after the matter is submitted the hearing officer shall furnish certified copies of his/her findings and recommendations to the persons concerned. The original copy of the findings and recommendations shall be submitted to the City Manager for final determination. The decision of the City Manager shall be final.

### 12.4 Regulations Governing the Conduct of Hearings by Hearing Officers

- (a) Hearing Date to be Fixed. The hearing officer shall, after being sworn in by the City Clerk, set a date for the commencement of the hearing. Said date shall be no later than the 60th day after the appeal was filed with the Director of Personnel.
- (b) Right of Employee. At the hearing, the employee shall have the right to be represented by counsel, to present any relevant evidence, to request the subpoena of witnesses and relevant documentary evidence, and to cross-examine witnesses.
- (c) Oath or Affirmation. No witness shall testify except upon oath or affirmation.
- (d) Conduct of Hearing. The hearing shall be informally conducted, and the technical rules of evidence shall not apply, but the evidence shall be restricted to that relevant to the charges.

Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

- (e) Right to Examine Employee. If the employee appealing does not testify in his/her own behalf, he/she may be subpoenaed and examined as if under cross-examination.
- (f) Transcript. The City may employ a competent reporter to record the proceedings. The employee may obtain a copy of such transcript upon paying the cost thereof.
- (g) Exclusion of Witnesses. If either party requests it, the hearing officer may exclude from the hearing room any witness not at the time under examination so that he/she may not hear the testimony of other witnesses, but a party to the proceeding may not be so excluded.
- (h) Findings and Recommendations of Hearing Officer. The hearing officer shall, after the matter is submitted, prepare and file findings and recommendations as provided in Personnel Rule 12.3.
- (i) Consideration of Proposed Findings and Recommendations. After findings and recommendations are filed by a hearing officer with the City Manager, the City Manager shall determine the matter by:
  - (1) Adopting the findings and recommendations in their entirety;
  - (2) Modifying the findings and/or recommendations; or
  - (3) Rejecting the findings and recommendations in their entirety.

If the City Manager rejects the findings and recommendations in their entirety, the City Manager shall either refer the matter back to the hearing officer to take additional evidence, or order a transcript and decide the matter within fifteen (15) days after receipt of the transcript, upon the record, including said transcript. In the event the matter is referred back to the hearing officer, he/she shall, after taking additional evidence and the matter is resubmitted, prepare new findings and recommendations as provided in Rule 12.4(h) based upon the additional evidence and upon the record of the prior hearing.

- (j) Determination by City Manager. Within fifteen (15) days after the presentation of findings and recommendations by the hearing officer, the City Manager shall make a determination as provided in Personnel Rule 12.4(i) and shall provide written notification of the determination to the appellant.

## Rule 16 - Grievance Procedure

### 16.1 Purpose and Objectives of Grievance Procedures

- (a) To promote improved employer-employee relations by establishing grievance procedures on matters for which appeal is not provided by other regulations.
- (b) To afford employees, individually or through qualified employee organizations, a systematic means of obtaining further considerations of problems after every reasonable effort has failed to resolve them through discussions.
- (c) To provide that grievances shall be settled as near as possible to the point of origin.
- (d) To provide that grievances shall be heard and settled as informally as possible.
- (e) To assure that an employee shall be free from reprisal for using the grievance procedure.

### 16.2 Matters Subject to Grievance Procedures

Any city employee shall have the right to present a grievance regarding wages, salaries, hours, and working conditions, for which appeal is not provided.

### 16.3 Informal Grievance Procedure

An employee should first attempt to resolve a grievance or complaint through discussion with his/her immediate supervisor without undue delay. If, after such discussion the employee does not believe the problem has been satisfactorily resolved, he/she shall have the right to discuss it with his/her supervisor's immediate superior, if any. Every effort should be made to find an acceptable solution by informal means at the most immediate level of supervision. If the employee is not in agreement with the decision reached through such discussion, he/she shall then have the right to file a formal grievance in writing within ten (10) calendar days after receiving the informal decision of his/her superior or superiors. An informal grievance shall not be taken above the department or division head.

### 16.4 Formal Grievance Procedure

Formal grievance procedure after exhaustion of the informal

grievance procedure shall proceed as follows:

- (a) Department Review. The grievance shall be presented in writing to the employee's department head who shall discuss the grievance with the employee, his/her representative, if any, and with other appropriate persons. The department head shall render his/her decision and comments in writing and return them to the employee within fifteen (15) calendar days after receiving the grievance. If the employee does not agree with the decision reached, or if no answer has been received within fifteen (15) calendar days, he/she may present the grievance in writing to the City Manager. Failure of the employee to take further action within ten (10) calendar days after receipt of the decision, or within a total of twenty-five (25) calendar days if no decision is rendered, will constitute withdrawal of the grievance.
- (b) City Manager Review. Upon receiving the grievance the City Manager, or designee shall discuss the grievance with the employee, his/her representative, if any, and with all other appropriate persons. The City Manager may designate a fact-finding committee or an officer not in the normal line of supervision to advise him/her concerning the grievance. The City Manager shall render a decision in writing to the employee within twenty (20) calendar days after receiving the grievance. The decision of the City Manager shall be final; this step concludes the formal grievance procedure, except as noted in 16.4(c), below.
- (c) Hearing. For employees in classifications represented by the Modesto Police Officers Association, there exists the optional third step of requesting a hearing before a hearing officer. The City will request a list of at least five (5) names from the State of California Mediation and Conciliation Service. The City Manager, or designee, and MPOA shall alternately strike names from the list until only one name remains, and the remaining name shall be that of the hearing officer. At the conclusion of the hearing, the hearing officer shall make a recommendation to the City Manager. The decision of the City Manager shall be final.

#### 16.5 Conduct of Grievance Procedures

- (a) The time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned.
- (b) The employee may request the assistance of another person of his/her own choosing in preparing and presenting his/her grievance at any level of review. Preparation of grievances shall be done at times other than during working or duty hours and at locations other than on city working premises.

(c) Employee shall be assured freedom from reprisal for using the grievance procedures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-78

A RESOLUTION APPROVING A QUITCLAIM DEED BY THE CITY OF MODESTO TO THE MODESTO IRRIGATION DISTRICT NORTH OF M.I.D. LATERAL NO. 6, HEAR BANGS AND MCHENRY AVENUES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the quitclaim deed by the City of Modesto to the Modesto Irrigation District for an easement north of M.I.D. Lateral No. 6 near Bangs and McHenry Avenues 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 February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-79

A RESOLUTION AUTHORIZING CITY STAFF TO REQUEST PROPOSALS FROM TRAFFIC ENGINEERING FIRMS FOR SERVICES RELATING TO THE 1990 FUEL EFFICIENT TRAFFIC SIGNAL MANAGEMENT PROJECT (FETSIM) TO COORDINATE AND SYNCHRONIZE TRAFFIC SIGNALS IN NORTHWEST MODESTO ON STANDIFORD AVENUE, DALE ROAD, PART OF BRIGGSMORE AVENUE, AND PART OF TULLY ROAD.

WHEREAS, the City Council adopted Resolution No. 89-978 at its October 3, 1989, meeting which authorized filing the 1990 FETSIM grant for the purpose of retiming traffic signals to obtain more efficient use of motor vehicle fuel, and

WHEREAS, the grant application has been approved by the State Department of Transportation which administers the program on behalf of the Federal Highway Administration and the Energy Committee, and

WHEREAS, the City of Modesto has received a grant in the amount of \$63,500 towards the 1990 FETSIM Project in the amount of \$127,960 whereby 17 intersections will be synchronized and traffic signal controllers at 8 intersections will be replaced, and

WHEREAS, the source of the City's share of funds for this project is Capital Facilities Fees, and

WHEREAS, in the 1989 FETSIM Program the City received a grant in the amount of \$117,415 to replace 10 traffic signal controllers and retime signals at 23 intersections in the northeast area of Modesto, which upon completion of the 1989 project resulted in improved traffic flow in the northeast area of Modesto, and

WHEREAS, the first step in the 1990 FETSIM Project for coordination and synchronization of signals in northwest Modesto on Standiford Avenue, Dale Road, part of Briggsmore Avenue, and part of Tully Road is the selection process for engaging consulting engineers, and

WHEREAS, said consulting engineers will collect vast amounts of traffic data, code the traffic data into a Transyt 7F computer model and simulate existing street and traffic conditions, subsequently optimize signal timings to reduce travel delays and fuel consumption, and then input the new signal timings in local controllers and fine tune the progressive system, and

WHEREAS, the consultant will generate statistics and prepare the final report for transmission to Caltrans,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to request proposals from traffic engineering firms for services relating to the 1990 Fuel Efficient Traffic Signal Management Project (FETSIM) for coordination and synchronization of traffic signals in northwest Modesto on Standiford Avenue, Dale Road, part of Briggsmore Avenue, and part of Tully Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-80

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 extensive amendments, which include several additions, deletions, or revisions to the Standard Specifications, which are contained in the document titled "CITY OF MODESTO DEPARTMENT OF PUBLIC WORKS ENGINEERING STANDARD SPECIFICATIONS Annual Revisions 1990 Edition", and

WHEREAS, the proposed amendments are to accomplish correcting grammatical errors, clarifying existing text and drawings, updating to include the current editions of standards, tests and materials already required by the Standards, adding policies and procedures which have already been established by the Public Works 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 consider 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 January 16, 1990, and

WHEREAS, the Planning Commission, by Resolution No. 90-6, adopted on January 16, 1990, recommended to the City Council the adoption of amendments to the Standard Specifications of the City of Modesto as incorporated in the document titled "CITY OF MODESTO DEPARTMENT OF PUBLIC WORKS ENGINEERING STANDARD SPECIFICATIONS Annual Revisions 1990 Edition", 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 February 6, 1990, 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, 1990", 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 6th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-81

A RESOLUTION ACCEPTING IMPROVEMENTS IN PARK VALLEY HOMES PHASE I SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, R.J. Hill Company, subdividers of Park Valley Homes Phase I Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 318,900.00 and \$ 159,450.00 respectively to guarantee improvements in Park Valley Homes Phase I and;

WHEREAS, the Director of Engineering in a memorandum dated January 25, 1990, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering 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 Park Valley Homes Phase I Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 318,900.00 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 \$ 159,450.00 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 6th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-82

A RESOLUTION ACCEPTING IMPROVEMENTS IN PARK VALLEY HOMES PHASE II SUBDIVISION AND AUTHORIZING RELEASE OF THE PASSBOOK ASSIGNMENT

WHEREAS, R.J. Hill Company, subdividers of Park Valley Homes Phase II Subdivision have filed a passbook assignment for faithful performance and labor and materials in the amount of \$ 10,000 to guarantee improvements in Park Valley Homes Phase II and;

WHEREAS, the Director of Engineering in a memorandum dated January 23, 1990 indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering 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 passbook assignment upon expiration of the statutory period.

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

1. The improvements in Park Valley Homes Phase II Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the passbook assignment for faithful performance<sup>and labor</sup> in the amount of \$ 10,000 upon recordation of notice of completion.
3. ~~The City Clerk is hereby authorized to release the~~  
~~for labor and materials in the amount of \$~~ 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 6th day of February , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-83

A RESOLUTION FINDING THAT THE WELL PERMIT FEES ORDINANCE WILL NOT CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF CEQA EXEMPTION FOR THE WELL PERMIT FEES ORDINANCE.

WHEREAS, on February 6, 1990, the City Council introduced Ordinance No. 2703-C.S. giving approval to a project relating to the adoption of an ordinance requiring a permit for the construction, operations, maintenance, and abandonment of wells within the City of Modesto and providing for fees for said permits, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the documentary evidence regarding the Well Permit Fees Ordinance and hereby finds that the activities contemplated under the Well Permit Fees Ordinance have no possibility of causing a significant effect upon the environment, and

WHEREAS, upon the above findings, the City Council concludes that the Well Permit Fee Ordinance is exempted from the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 15061(b)(3),

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 Exemption in regard to the environmental impact of the rockwell maintenance fee project relating to the adoption of an ordinance requiring a permit for well construction, operations, maintenance, and abandonment and providing fees therefore.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-84

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$154,000 FROM CONTINGENCY RESERVE TO PROVIDE FUNDING FOR A NEW CAPITAL IMPROVEMENT PROJECT - SCENIC LIFT STATION IMPROVEMENTS

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

FROM:	Sewer Fund Contingency Reserve (621 800 8000 8003)	\$154,000
TO:	Scenic Lift Station Improvements (621 480 P903 6000)	\$154,000

Funds are being appropriated to establish a new Capital Improvement Project - Scenic Lift Station improvements. The project provides for odor control at the Scenic Lift Station.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-85

A RESOLUTION ACCEPTING A GRANT FROM THE STATE DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR THE PLANTING OF STREET TREES AND AUTHORIZING THE CITY MANAGER TO SIGN A PROJECT AGREEMENT FOR SAID GRANT.

WHEREAS, the State Department of Forestry and Fire Protection has awarded the City of Modesto a \$39,724 Urban Forestry Grant for the planting of street trees, and

WHEREAS, this grant award will provide financing for the planting of over 4,000 trees, and for several educational activities to increase public awareness of the value of street trees, as well as to provide information necessary to properly care for their trees, and

WHEREAS, it will be necessary for the City Manager to sign a project agreement in order to obtain funding of the grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the State Department of Forestry and Fire Protection in the amount of \$39,724 for the planting of street trees and authorizes the City Manager to execute the project agreement on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute and submit all other documents which may be necessary relating to the aforementioned grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-86

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND LILA HUFF FOR CONCESSIONAIRE SERVICES AT THE MODESTO MUNICIPAL GOLF COURSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Lila Huff for concessionaire services at the Modesto Municipal Golf Course 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 6th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-87

A RESOLUTION APPROVING A CITIZEN PARTICIPATION PLAN AND FUNDING PRIORITIES  
FOR THE FISCAL YEAR 1990-91 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the  
Citizen Participation Plan and funding priorities for the fiscal year 1990-91  
Community Development Block Grant (CDBG) application, a copy of which is attached  
hereto be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Citizen Participation  
Plan and funding priorities 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 February, 1990, by  
Councilmember Lang, who moved its adoption, which motion being duly  
seconded by Councilmember Bird, was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

PROPOSED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
FUNDING PRIORITIES FOR FY 1990-91

Community Development Block Grant (CDBG) funds are awarded to the City of Modesto as an Entitlement City from the United States Department of Housing and Urban Development (HUD) for:

"the development of viable urban communities, including decent housing and a suitable living environment, and expanding economic opportunity, principally for persons of low and moderate income."

The City of Modesto has utilized CDBG funds primarily for housing rehabilitation, handicapped barrier removal, and public improvements in low income areas. Recently, CDBG funds were extended to economic development activities and public service activities of nonprofit organizations.

HUD regulations stipulate what activities are eligible for CDBG funding, and place two caps on the use of these funds. One cap is a limit of 15% of the grant for public service activities, and the other is a 20% cap on the grant plus program income for administrative activities. These caps were intended to keep CDBG funds going into infrastructure and improvements in low income areas, and not into operational and staff costs.

Funding for tangible projects - housing, public improvements, handicapped barrier removal, and jobs - is not readily available, and CDBG is one of the few sources of funds for these activities. They are also activities that will have a lasting effect on low income residents of Modesto, and this is where the City's priorities are.

Funding for public services is available through other funding mechanisms, and priorities for these eligible services will be to those projects and programs that are community-based and are unable to obtain funding elsewhere, but are capable of becoming self-supporting.

Funding may be requested for any CDBG eligible activity, as regulated by HUD, that meets a demonstrated critical need of Modesto's low/moderate income residents, and subject to approval of the City Council.

1/17/90

PUBLIC NOTICE

January 17, 1990

The City of Modesto is starting its Fiscal Year 1990-91 Community Development Block Grant (CDBG) application to the U.S. Department of Housing and Urban Development (HUD) with a public information meeting at Modesto Centre Plaza, 10th and K Streets, Modesto.

City Staff will describe the CDBG activities in Modesto, the proposed programs for the next fiscal year, and invites comments and discussion of its community development programs.

Organizations may apply for CDBG funding for projects that benefit low to moderate income residents of Modesto, through the Citizens Housing and Community Development Committee (CH&CDC), and the City Council, according to the following schedule:

<u>TIME</u>	<u>DATE</u>	<u>EVENT and PLACE</u>
7:00 p.m.	Monday, Feb. 12, 1990	Public Meeting and Issue of Requests for Funding: Modesto Centre Plaza, 10th & K Streets, Modesto
7:00 p.m.	Thursday, Feb. 15, 1990	Workshop to help prepare requests for funding from CDBG: Housing Program Office 401 H Street, Modesto.
5:00 p.m.	Friday, March 16, 1990	Requests for Funding due: Housing Program Office, 401 H Street, Modesto
7:00 p.m.	Thursday, Apr. 5, 1990	CH&CDC Meeting to Hear Requests for Funding: Modesto Centre Plaza, Modesto
4:00 p.m.	Tuesday, Apr. 17, 1990	CH&CDC Report to Mayor and Council: City Hall, 801 11th St., Modesto
12:00 noon	Friday, April 27, 1990	CH&CDC Meeting to Recommend FY 90-91 Program to City Council: King-Kennedy Center 601 N. Martin L. King Dr., Modesto
4:00 p.m.	Tuesday, May 15, 1989	City Council Public Hearing on the CDBG FY 90-91 Application: City Hall, Modesto
4:30 p.m.	Thursday, May 31, 1990	FY 1990-91 CDBG Application due in HUD office: San Francisco

FOR FURTHER INFORMATION: Housing Program Office  
401 H Street, Modesto, Ca. 95351  
1/17/90 (209) 577-5245, and TDD (209) 526-9211

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-88

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE MODESTO CITY SCHOOL DISTRICT.

WHEREAS, the Modesto City School District is participating in the Comprehensive Alcohol Drug Prevention Education (CADPE) Program, sponsored through the County of Stanislaus, and

WHEREAS, in order to be eligible for funds under this State Program, the school district must have a memorandum of understanding for service with its local law enforcement agency, in this instance, the City of Modesto's Police Department, and

WHEREAS, the memorandum of understanding formalizes the link that the Police Department has with the Modesto City School District, and it addresses areas specified by the State Office of Criminal Justice Planning, which is the State agency administering the CADPE Program, and

WHEREAS, upon execution of said memorandum of understanding, a copy of which is attached hereto, there will be no new impact on law enforcement services for the Modesto City School District,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding, a copy of which is attached hereto, is hereby approved to provide that there will be no new impact on law enforcement services for the Modesto City School District, and the City Manager or his designee is hereby authorized to execute the Memorandum of Understanding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-89

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KEMPER INSURANCE COMPANY FOR RENEWAL OF CENTRE PLAZA PROPERTY INSURANCE FROM FEBRUARY 5, 1990 TO FEBRUARY 5, 1991

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Kemper Insurance Company for renewal of Centre Plaza property insurance from February 5, 1990 to February 5, 1991

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 February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-90

A RESOLUTION APPROVING A GRANT DEED BETWEEN THE CITY OF MODESTO AND THE HOUSING AUTHORITY OF STANISLAUS COUNTY FOR EXCESS PROPERTY ON BRIGHTON AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant deed between the City of Modesto and the Housing Authority of Stanislaus County for excess property on Brighton Avenue be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant deed 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 February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-91

A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR DEVELOPMENT OF A HOTEL/MOTEL SITE AT THE MODESTO CITY-COUNTY AIRPORT.

WHEREAS, City staff has been made aware of renewed interest in development of a hotel/motel site at the Modesto City-County Airport, and

WHEREAS, successful development of a hotel/motel site would provide additional revenue and services for the Modesto City-County Airport, and

WHEREAS, City staff feels it would be appropriate to send out a request for proposals for the hotel/motel site to see if sufficient interest exists at this time for development,

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 development of a hotel/motel site at the Modesto City-County Airport.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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MODESTO CITY COUNCIL  
RESOLUTION NO. 90-92

A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR DEVELOPMENT OF A RESTAURANT SITE AT THE MODESTO CITY-COUNTY AIRPORT.

WHEREAS, City staff has been made aware of renewed interest in development of a restaurant site at the Modesto City-County Airport, and

WHEREAS, successful development of a restaurant site would provide additional revenue and services for the Modesto City-County Airport, and

WHEREAS, City staff feels it would be appropriate to send out a request for proposals for the restaurant site to see if sufficient interest exists at this time for development,

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 development of a restaurant site at the Modesto City-County Airport.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-93

A RESOLUTION APPROVING THE REQUEST BY THE CAMBODIAN COMMUNITY OF MODESTO FOR DIRECT CITY ASSISTANCE FOR TWO RESERVE POLICE OFFICERS FOR THE CAMBODIAN NEW YEAR CELEBRATION TO BE HELD ON APRIL 22, 1990 IN THE CITY OF MODESTO.

WHEREAS, the Cambodian Community of Modesto has filed an application for Direct City Assistance for two reserve police officers for the Cambodian New Year Celebration to be held on April 22, 1990, from 6:00 p.m. to 12:00 a.m., at the Centre Plaza 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, said application for Direct City Assistance filed by the Cambodian Community of Modesto is attached hereto, and

WHEREAS, the Chief of Police has recommended approval of the request for two reserve officers at a total cost of less than \$100.00, and

WHEREAS, the Council deems it appropriate to grant approval for Direct City Assistance to the Cambodian Community of Modesto to provide for two reserve police officers at a cost of less than \$100.00 for the Cambodian New Year Celebration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request for approval for Direct City Assistance to the Cambodian Community of Modesto to provide for two reserve police officers at a cost of less than \$100.00 for the Cambodian New Year Celebration to be held on April 22, 1990, at the Centre Plaza in 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 February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPLICATION FOR DIRECT CITY ASSISTANCE

Information - Please Read



The City Council of the City of Modesto has adopted the following criteria for Direct City Assistance:

The City will consider providing direct City assistance when it has available the personnel, equipment, and/or supplies and similar services, equipment or supplies are not readily available elsewhere in the community.

In addition, direct City assistance will only be provided when the needs and obligations of the City will not be adversely affected.

(For a complete statement of the criteria adopted by the City Council see Modesto City Council Resolution No. 80-1066.)

Any person or organization desiring Direct City Assistance from the City of Modesto shall submit the following information for approval.

Cambodian Community of Modesto  
(Name of Organization)

620 Paradise Rd # F102 Modesto, ca 95351  
(Address of Organization)

4/22/90  
(Date of event)

1-23-90  
(Date submitted)

Council

Peter S. Ken  
(Name of activity coordinator)

Mgr.

City

(209) 527-6209  
(Phone)

Rep. Mgr.

Police Chief

Modesto Center Plaza's Insurance  
(Organization's insurance carrier)

EVALUATION QUESTIONS

1. Is this request needed to support a community-wide event held on a recurring basis?

Yes  No

Describe the event(s) Cambodian New Year Celebration

If the answer is yes, how many years has the event been held in Modesto?

5 years

2. Is this request for a fund-raising event?

Yes  No

If the answer is yes, how will it be used? \_\_\_\_\_

3. Is the request for an event co-sponsored by the City of Modesto?

Yes  No

4. Have you attempted to obtain these services elsewhere in the community?

Yes  No

If yes, where \_\_\_\_\_

GENERAL QUESTIONS

What Direct City Assistance are you requesting? Please briefly describe the supplies and services you will need.

- Police officers for April 22<sup>nd</sup>, 1990  
from 6-12:00pm.

CITY OF MODESTO  
M E M O R A N D U M

January 29, 1990

TO: City Manager *[Signature]*  
FROM: Chief of Police  
SUBJECT: Application for Direct City Assistance, Cambodian  
Community of Modesto

The Cambodian Community of Modesto requested direct city assistance to provide for police officers for Cambodian New Year's Celebration. This event will be at the Centre Plaza on April 22, 1990. Consistent with the Centre Plaza's policy and the Modesto Police Department's policy, a minimum of two (2) reserve officers will be necessary and four (4) private security guards. This request is for the 2 reserve officers only, and I recommend approval. The total cost is less than \$100.

*[Signature]*  
G. L. McKinsey  
Chief of Police

GLMcK/jm

cc Sergeant Petrides



MODESTO CITY COUNCIL  
RESOLUTION NO. 90-94

A RESOLUTION APPOINTING MEMBER OF THE AFFIRMATIVE ACTION COMMISSION  
(QUINCY HAMILTON)

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.

Quincy Hamilton  
1521 Wakebridge Drive  
Modesto, California

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 6th day of February, 19 90, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-95

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT AS  
THE PLANNING COMMISSION REPRESENTATIVE (JESSE ALEXANDER)

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, representing the Planning Commission.

Jesse Alexander  
2001 Goldfield Drive  
Modesto, Ca. 95351

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, representing the Planning/<sup>Commission</sup> 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 February  
19 90, by Councilmember Lang, who moved its adoption,  
which motion being duly seconded by Councilmember Bird, was  
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90- 96

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE MCHENRY MANSION RESTORATION PHASE III, IN-  
STALLATION OF ELECTRICAL AND HVAC SYSTEMS

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

SECTION 1. The plans and specifications for the McHenry Mansion restoration Phase III, installation of electrical and HVAC systems 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 8, 1990, at 11:05 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1990, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-97

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE CONSTRUCTION OF PUMP STATION NO. 48

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

SECTION 1. The plans and specifications for the construction of  
Pump Station No. 48  
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 8, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 13th day of February, 1990,  
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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-98

A RESOLUTION ACCEPTING THE POLICE DEPARTMENT PARKING LOT PAVING AT 10TH  
AND F STREETS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the Police Department parking lot paving at 10th and F Streets

has been completed by Ragsdale & Son, Inc.

in accordance with the contract agreement dated November 7, 1989. .

NOW, THEREFORE, BE IT RESOLVED that the Police Department parking  
lot paving at 10th and F Streets

be accepted from said contractor, Ragsdale & Son, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$25,168.90 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 February,  
19<sup>90</sup>, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-99

A RESOLUTION ACCEPTING THE CONSTRUCTION OF AIRPORT TAXIWAYS, BLAST PAD AND APRON AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the construction of Airport taxiways, blast pad and apron has been completed by Granite Construction in accordance with the contract agreement dated July 28, 1987.

NOW, THEREFORE, BE IT RESOLVED that the construction of Airport taxiways, blast pad and apron

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 \$391,087.05 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 February, 1990, 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: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-100

A RESOLUTION ACCEPTING THE CONSTRUCTION OF MILDRED PERKINS PARK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works  
that the construction of Mildred Perkins Park

has been completed by George Reed, Inc.

in accordance with the contract agreement dated May 2, 1989

NOW, THEREFORE, BE IT RESOLVED that the construction of Mildred  
Perkins Park

be accepted from said contractor, George Reed, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$272,186.15 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 February,  
1990, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-101

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON REPORT OF WORK AND COST OF CONSTRUCTION OF ALLEYS IN CERTAIN BLOCKS IN THE CITY OF MODESTO (BLOCK NO. S 825, 6146, 6729, 6821, 6822, 6139, 5304, 12952, 804-A)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that March 13, 1990, at 7:30 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 attached report by the Superintendent of Streets listing the names of property owners and individual cost of construction of alleys in Blocks 825, 6146, 6729, 6821, 6822, 6139, 5304, 12952, 804-A, as shown on the attached list.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1990, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

BLOCK 825  
PURDUE - FORDHAM AVENUE/NOTRE DAME AVENUE - TULLY ROAD

Ruggieri, Francis R., et ux	1204 Purdue Avenue	\$733.48
Baba, Alexander, Jr.	1214 Purdue Avenue	675.47
Lyons, William T.	1220 Purdue Avenue	675.47
Yarick, Bart C., et al	1226 Purdue Avenue	641.16
Perry, Donald L. et ux	1230 Purdue Avenue	650.35
Cuellar, Joe, et ux	1234 Purdue Avenue	630.44
Taylor, Daniel J., et ux	1238 Purdue Avenue	630.44
Patch, Robert E., et ux	920 Tully Road	635.58
Hinchey, Donald A., et ux	916 Tully Road	679.35
Ponte, John R., et ux	1239 Fordham Avenue	630.44
Prigge, Steve W., et ux	1235 Fordham Avenue	630.44
Lay, Steven G., et ux	1231 Fordham Avenue	605.14
Snyder, Wayne M.	1227 Fordham Avenue	704.66
Mann, David M., et ux	1221 Fordham Avenue	675.47
Stutzin, Leo	1215 Fordham Avenue	675.47
Azevedo, Henry V. Jr., et ux	1205 Fordham Avenue	671.51

BLOCK 6146  
SILKWOOD DRIVE - LINWOOD DRIVE/FERNWOOD DRIVE - GLENWOOD DRIVE

Glass, James A., et ux	1503 Glenwood Drive	\$ 245.14
Ullman, Gertrude Z.	1502 Goldenwood drive	1,196.19
Greydanus, Peter, et ux	1506 Silkwood Drive	774.28
Peralta, Stella	1510 Silkwood Drive	702.76
Ridgeway, Florence M.	1602 Silkwood Drive	702.76
Piscitello, Nick R., et ux	1606 Silkwood Drive	702.76
Muyres, Hubert M., et ux	1610 Silkwood Drive	702.76
Sanders, John S., et ux	1614 Silkwood Drive	702.76
Setaro, Leonard, et ux	1618 Silkwood Drive	702.76
Wong, Moon G., et ux	1622 Silkwood Drive	702.76
Jeppson, Gerald B., et ux	1626 Silkwood Drive	702.76
Gada, Raymond S. III	1702 Silkwood Drive	702.76
Carano, Rose, et al	1706 Silkwood Drive	702.76
Jackson, Merri E.	1710 Silkwood Drive	702.76
Turrentine, Carol R., et ux	1714 Silkwood Drive	630.62
Tidwell, Regina K. D.	1500 Fernwood Drive	1,115.07
Larson, Daniel R., et ux	1705 Linwood Drive	999.05
Baker, John S. Jr., et al	1701 Linwood Drive	729.68
Clevenger, Kenneth L., et ux	1629 Linwood Drive	729.68
Pucci, Jacqueline M.	1625 Linwood Drive	999.05
Wagner, Julia A.	1621 Linwood Drive	999.05
Higbee, De Wayne A.	1617 Linwood Drive	684.82
Stamos, Jimmy N. et ux	1613 Linwood Drive	684.82
Heller, Melvin W. Jr., et ux	1609 Linwood Drive	937.41
Stuit, Raymond E., et ux	1605 Linwood Drive	937.11
Louis, Douglas M.	1601 Linwood Drive	739.10
Freitas, Roberta	1513 Linwood Drive	720.71
Colombo, Angelo, et ux	1509 Linwood Drive	666.87
Dahlgren, John W. et ux	1505 Linwood Drive	693.79
Banner, Eugene H. Trust	1501 Linwood Drive	684.82

## BLOCK 6729

MONTE CARLO AVENUE - MONTE VERDE AVENUE/MOUNT VERNON DRIVE - BOWEN AVENUE

Hughes, Donald W., et ux	1124 Mount Vernon Drive	\$976.26
Coelho, Alvin J., et ux	2322 Monte Verde Avenue	896.45
Kaufmann, Opal M.	2314 Monte Verde Avenue	663.64
Allen, Donald C. et ux	2310 Monte Verde Avenue	663.64
Lea, Ugo P.	2306 Monte Verde Avenue	663.64
Imbesi, Frank S., et ac	2302 Monte Verde Avenue	663.64
Shiyomura, George T. et ux	2218 Monte Verde Avenue	663.64
Metzler, Ruth E.	2214 Monte Verde Avenue	663.64
James, Robert F., et ux	2210 Monte Verde Avenue	672.58
Warner, Jack R., et ux	2206 Monte Verde Avenue	672.58
Mott, John	2202 Monte Verde Avenue	732.55
Carlson, Isabelle	2201 Monte Carlo Avenue	687.06
Brawley, Wayne, et ux	2205 Monte Carlo Avenue	672.58
Windemuth, Richard	2209 Monte Carlo Avenue	672.58
Gardner, Kenneth L.	2213 Monte Carlo Avenue	663.64
Silva, William C.	2217 Monte Carlo Avenue	663.64
Tomao, Salvatore, et ux	2301 Monte Carlo Avenue	663.64
Davis, Edwin V., et ux	2305 Monte Carlo Avenue	663.64
Burrows, Leroy, et ux	2309 Monte Carlo Avenue	663.64
Inskeep, Hugh V., et ux	2313 Monte Carlo Avenue	663.64
Woodrunn, Dennis M.	2317 Monte Carlo Avenue	896.45
Crow, Keith T., et ux	1116 Mount Vernon Drive	995.48

## BLOCK 6821

NORTHWOOD DRIVE - BOWEN AVENUE/SHERWOOD AVENUE - FREMONT AVENUE

Horgan, Maurice R., et ux	710 Northwood Drive	\$837.64
Occhipinti, Lena A.	706 Northwood Drive	708.41
Alleman, Richard C.	702 Northwood Drive	714.19
Wilson, John A., et ux	606 Northwood Drive	701.03
Suggs, Thomas J., et ux	602 Northwood Drive	732.43
Berchem, Julius W., et ux Tr.	514 Northwood Drive	696.67
Meanza, Angelo, et ux Family Trust	510 Northwood Drive	757.15
Darpinian, Barbara D.	506 Northwood Drive	791.93
Dimond, Brower A., et ux	502 Northwood Drive	878.38
Richards, Robert N., et ux	410 Northwood Drive	878.11
Harding, James D., et ux	406 Northwood Drive	814.34
Vickrey, F. W., et ux	402 Northwood Drive	843.60
Kaiser, Erwin L., et ux	2201 Sherwood Avenue	729.58
Blaine, Gordon B., et ux	405 Bowen Avenue	800.47
Booth, Catherine T.	409 Bowen Avenue	800.47
Johnson, Calvin P. et ux	501 Bowen Avenue	840.31
Costa, Norma L.	505 Bowen Avenue	818.52
Canty, Howard W., et ux	509 Bowen Avenue	782.95
Swigart, Russell D., et ux	513 Bowen Avenue	774.05
Struck, James D., et ux	601 Bowen Avenue	756.26
Figueiredo, Anthony J.	605 Bowen Avenue	756.35
Kalunian, Arthur, et ux	701 Bowen Avenue	756.44
Ward, Mary L.	705 Bowen Avenue	756.44
Craft, Charles D., et ux	2202 Fremont Avenue	826.17

BLOCK 6822  
KIRKWOOD AVENUE - MCHENRY AVENUE/NORTHGATE AVENUE - BOWEN AVENUE

Sandelman, Sanford Tr.	2205 McHenry Avenue	\$1,708.08
PNW, Inc.	2401 McHenry Avenue	1,981.06
Sciabica, Vincent J., et ux	216 Northgate Drive	881.52
Hill, Jerry W., et ux	2306 Kirkwood Avenue	883.82
Martone, Alberta	2302 Kirkwood Avenue	839.58
Smith, G. Dale, et ux	302 Northwood Drive	1,281.92
Pierre, Hazel L.	306 Northwood Drive	917.89
Dolan, Gary M. et ux	310 Northwood Drive	843.12
Forbes, Raymond P., et ux	314 Northwood Drive	839.67
Domitrovich, Thomas L., et ux	318 Northwood Drive	702.69
Soderstrom, Elizabeth T., et ux	322 Northwood Drive	825.60
Lingle, Dorothy A.	326 Northwood Drive	842.59
Fuery, John J., et ux	330 Northwood Drive	855.95
Hansen, Edward W., et ux	2202 Sherwood Avenue	991.42
Powers, Larry L. et ux	321 Bowen Avenue	786.49
Brown, Charles J., et ux	317 Bowen Avenue	786.49
Erickson, Eleanor	313 Bowen Avenue	786.49
Smith, Joseph C., et ux	309 Bowen Avenue	786.49
Luond, Albert C., et ux	305 Bowen Avenue	786.49
Voskes, Peter M., et ux	301 Bowen Avenue	786.49
Edwards, George W., et ux	221 Bowen Avenue	786.49
Funnell, John H.	217 Bowen Avenue	807.72

BLOCK 6139  
COLLEGE AVENUE - CONCORD AVENUE/GRANGER AVENUE - WOODMAN WAY

Hughes, Robert D., et ux	1713 College Avenue	\$ 548.44
Larsen, Robert L., et ux	1707 College Avenue	635.50
Chatfield, Milton, et ux	1705 College Avenue	635.50
Mathies, Fred T., et ux	1701 College Avenue	635.50
Grogan, William B., et ux	1629 College Avenue	635.50
Grogan, Paul S., et ux	1625 College Avenue	635.50
Vaille, DAvid A.	1617 College Avenue	317.48
Bryant, Kenneth S., et ux	1615 College Avenue	453.93
Grogan, Mary	1611 College Avenue	635.50
Prom, Sim, et ux	1115 Granger Avenue	1,588.76
Meyer, Ellen M.	1600 Concord Avenue	544.72
Achterberg, Jennie J.	1604 Concord Avenue	544.72
Cantrell, Jimmie L., et ux	1608 Concord Avenue	544.72
Ridenour, Levert, et ux	1612 Concord Avenue	544.72
McSparin, Sharon A.	1616 Concord Avenue	544.72
Groves, Virgil	1620 Concord Avenue	544.72
Quinonez, Adan, et ux	1624 Concord Avenue	544.72
O'Conner, Donald K.	1628 Concord Avenue	544.72
Caudle, Alta P.	1700 Concord Avenue	544.72
Villers, David B., et ux	1704 Concord Avenue	544.72
Kovolyak, John, et ux	1708 Concord Avenue	544.72
Birgel, Ronald L., et ux	1712 Concord Avenue	723.93

HILLVIEW DRIVE - FAIROAKS DRIVE/CLOVER LANE - BLUEGRASS LANE

Silva, Phillip, et ux	1210 Hillview Drive	\$996.32
Best, Charles J. Jr., et ux	206 Clover Lane	916.52
Cummins, Dennis, et ux	202 Clover Lane	916.52
Shirley, Jarrett F., et ux	106 Clover Lane	916.52
Simmons, Timothy J., et ux	1211 Fair Oaks Drive	938.67
Bean, Leaman, et ux	1207 Fair Oaks Drive	938.76
Ott, Clements Jr., et ux	105 Bluegrass Lane	938.76
Ott, Clements Jr., et ux	201 Bluegrass Lane	938.76
Brown, Christine I.	205 Bluegrass Lane	938.67
McKeever, Charles E., et ux	209 Bluegrass Lane	

WINDSOR LANE - SHEFFIELD LANE/SUNRISE AVENUE - RUMBLE ROAD

Wilbur, Norman, et ux	900 Rumble Road	\$ 644.18
Fleeman, Constance A.	2912 Windsor Lane	643.58
Pollard, Daniel A., et ux	2908 Windsor Lane	643.58
Fleshman, Edgar W.	2904 Windsor Lane	643.58
Setzer, Keith P., et ux	2900 Windsor Lane	643.58
Morelini, Wayne C., et ux	2816 Windsor Lane	1,184.88
Parkhurst, Ilona M.	2705 Sheffield Lane	468.44
Suzuki, Emmie	2801 Sheffield Lane	789.46
Kellogg, Elmo F., et ux	2805 Sheffield Lane	789.46
Neder, Ronald A., et ux	2809 Sheffield Lane	789.46
Parsons, Joseph J., et ux	2901 Sheffield Lane	789.46
Davis, Walter A. Jr., et ux	2905 Sheffield Lane	777.10

YALE AVENUE - COLDWELL AVENUE/COLLEGE AVENUE - TULLY ROAD

Rolefson, Walter J., et ux	1120 Yale Avenue	\$1,313.94
Rorick, Kurt W., et ux	1118 Yale Avenue	1,133.97
Walker, David B., et ux	1112 Yale Avenue	1,079.97
Begen, Gerard J., et ux	717 College Avenue	1,282.38

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-102

A RESOLUTION APPROVING THE FINAL MAP OF THE SCENIC ESTATES  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Douglas Keith Highiet, a single man is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 2.947 acres, known as the Scenic Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 5th day of June, 1989, 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 Scenic Estates 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 13 day of February, 1990; 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: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-103

A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF NECESSITY TO ACQUIRE REAL PROPERTY FOR PUBLIC FACILITIES DISTRICT NO. 6 - WIDENING MAJOR STREETS: COFFEE, OAKDALE AND PRESCOTT ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Tuesday, March 13, 1990, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of a Hearing of Necessity to acquire real property for Public Facilities District No. 6 - widening major streets: Coffee, Oakdale and Prescott Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1990, 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: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

12/13 8/10  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-104

A RESOLUTION APPROVING THE REQUEST OF STANISLAUS COUNTY DHIA FOR REFUND OF \$6,070.49 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Stanislaus County DHIA for refund of \$6,070.49 for overpayment of business license taxes 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 February, 1990, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90 -105

A RESOLUTION APPROVING THE REQUEST OF GOULD MEDICAL GROUP, INC. FOR REFUND OF \$28,678.78 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Gould Medical Group, Inc. for refund of \$28,678.78 for overpayment of business license taxes 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 February, 1990, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-106

A RESOLUTION APPOINTING MEMBERS TO THE MODESTO FIGHTS BACK  
STEERING 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 persons are hereby appointed to the  
Modesto Fights Back Steering Committee: Fontesa Ratliffe, Peter Pen and Mike  
Garcia.

SECTION 2. The City Clerk is hereby directed to transmit a copy of  
this resolution to the newly appointed members of the Modesto Fights Back  
Steering 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 13th day of February, 1990, by  
Councilmember Muratore, who moved its adoption, which motion being duly  
seconded by Councilmember Irizarry, was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dobbs

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-107

A RESOLUTION REAPPOINTING MEMBERS 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 persons are hereby reappointed to the  
Affirmative Action Commission for the respective term as indicated:

Michelle Aiken - term to expire 1-1-92

Dorothy Falco - term to expire 1-1-92

Mary Ann Greenwood - term to expire 1-1-92

Pearl Hough - term to expire 1-1-92

Janie Tomlin - term to expire 1-1-92

SECTION 2. The City Clerk is hereby directed to transmit a copy of  
this resolution to the newly reappointed members 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 13th day of February, 1990, by  
Councilmember Muratore, who moved its adoption, which motion being duly  
seconded by Councilmember Irizarry, was upon roll call carried and the  
resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-108

A RESOLUTION REAPPOINTING MEMBERS TO THE INTERNATIONAL  
FRIENDSHIP 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 persons are hereby reappointed to the  
International Friendship Committee:

John Bree - Term to expire 1-1-94

John Mensinger - Term to expire 1-1-94

SECTION 2. The City Clerk is hereby directed to transmit a copy of  
this resolution to the newly reappointed members of the International  
Friendship 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 13th day of February, 1990, by  
Councilmember Muratore, who moved its adoption, which motion being duly  
seconded by Councilmember Irizarry, was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-109

A RESOLUTION REAPPOINTING MEMBERS 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. The following person is hereby reappointed to the  
Landmark Preservation committee for the respective term as indicated:

Dennis Smith - Term to expire - 1/1/94

SECTION 2. The City Clerk is hereby directed to transmit a copy of  
this resolution to the newly reappointed member of the Landmark Preservation  
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 13th day of February, 1990, by  
Councilmember Muratore, who moved its adoption, which motion being duly  
seconded by Councilmember Irizarry, was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-110

A RESOLUTION APPOINTING MEMBERS 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:

Victor Hollingshead - Term to expire 1-1-91.

SECTION 2. The City Clerk is hereby directed to transmit a copy of  
this resolution to the newly appointed member of the Airport 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 13th day of February, 1990, by  
Councilmember Muratore, who moved its adoption, which motion being duly  
seconded by Councilmember Irizarry, was upon roll call carried and the  
resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-111

A RESOLUTION APPOINTING MEMBERS TO THE DOWNTOWN  
IMPROVEMENT DISTRICT 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:

Terri Amerio-Bell - Term to expire 3-28-94.

SECTION 2. The City Clerk is hereby directed to transmit a copy of  
this resolution to the newly appointed member of the Downtown Improvement  
District 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 13th day of February, 1990, by  
Councilmember Muratore, who moved its adoption, which motion being duly  
seconded by Councilmember Irizarry, was upon roll call carried and the  
resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-112

A RESOLUTION APPOINTING MEMBERS TO THE TUOLUMNE RIVER  
REGIONAL PARK CITIZENS 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 persons are hereby appointed to the  
Tuolumne River Regional Park Citizens Committee:

Calvin Moorad - Term to expire 1-1-94

Beverly Kilpatrick - Term to expire 1-1-94

Ray Nish - Term to expire 1-1-94

SECTION 2. The City Clerk is hereby directed to transmit a copy of  
this resolution to the newly appointed members of the Tuolumne River Regional  
Park Citizens 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 13th day of February, 1990, by  
Councilmember Muratore, who moved its adoption, which motion being duly  
seconded by Councilmember Irizarry, was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-113

A RESOLUTION APPOINTING MEMBERS TO THE LOCAL CABLE  
PROGRAMMING 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 persons are hereby appointed to the Local  
Cable Programming Committee:

Richard Alter - Term to expire 1-1-94

Don Frascinella - Term to expire 1-1-94

George Pettygrove - 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 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 13th day of February, 1990, by  
Councilmember Muratore, who moved its adoption, which motion being duly  
seconded by Councilmember Irizarry, was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-114

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR AIRPORT EXIT TAXIWAY NO.2 DRAINAGE, RUNWAY 28R-10L  
DISTANCE REMAINING SIGNS AND POUROUS FRICTION COURSE

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

SECTION 1. The plans and specifications for the Airport exit taxiway No. 2 drainage, runway 28R-10L distance remaining signs and pourous friction course 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 22, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-115

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AIRPORT IMPROVEMENT PROGRAM.

WHEREAS, on February 20, 1990, the City Council approved plans and specifications and authorized a call for bids relating to the Airport Exit Taxiway No. 2 Drainage, Runway 28R-10L Distance Remaining Signs and Pourous Friction Course project, and

WHEREAS, the City Council certifies that at its meeting of February 20, 1990, it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration (No. 89-103) in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT 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 relating to the Airport Exit Taxiway No. 2 Drainage, Runway 28R-10L Distance Remaining Signs and Pourous Friction Course project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20 day of February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-116

A RESOLUTION ACCEPTING THE BID OF BRANNON TIRE COMPANY FOR FURNISHING ANNUAL  
TIRE RECAPPING AND SERVICE REQUIREMENTS

WHEREAS, Resolution No.89-1218 , adopted by the Council of the City of Modesto on December 26, 1989 , approved the plans and specifications for the purchase of annual tire recapping and service requirements

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of annual tire recapping and service requirements were opened at 11:25 a.m. on January 22, 1990 , 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 Brannon Tire Company in the amount of \$22,699 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Brannon Tire Company in the amount of \$22,699 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 20th day of February , 1990 , by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-117

A RESOLUTION ACCEPTING THE BID OF MODESTO FORD TRACTOR, INC. FOR FURNISHING THREE NEW VIBRATORY COMPACTOR PLATES

WHEREAS, Resolution No. 90-43 , adopted by the Council of the City of Modesto on January 23, 1990 , approved the plans and specifications for the purchase of three new vibratory compactor plates

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of three new vibratory compactor plates were opened at 11:00 a.m. on February 12, 1990 , 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 Modesto Ford Tractor, Inc. in the amount of \$3,783.56 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Modesto Ford Tractor, Inc. in the amount of \$3,783.56 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 20th day of February , 1990 , by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-118

A RESOLUTION ACCEPTING THE BID OF U.S. ELEVATOR FOR FURNISHING ELEVATOR  
MAINTENANCE SERVICE

WHEREAS, Resolution No. 90-6 , adopted by the Council of the City of Modesto on January 2, 1990 , approved the plans and specifications for the purchase of City-wide elevator maintenance service

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of elevator maintenance service were opened at 11:00 a.m. on February 5, 1990 , 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 U.S. Elevator in the amount of \$23,940 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of U.S. Elevator in the amount of \$23,940 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 20th day of February , 1990 , by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-119

A RESOLUTION APPROVING A LEASE-PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MONROE SYSTEMS FOR BUSINESS FOR FURNISHING ONE COPY MACHINE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease-purchase agreement between the City of Modesto and Monroe Systems for Business for furnishing one copy machine be, and it is hereby approved.

BE IT FURTHER RESOLVED that the lease-purchase 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 February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-120

A RESOLUTION APPROVING A LEASE-PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CAPITAL OFFICE SYSTEMS OF STOCKTON FOR FURNISHING ONE COPY MACHINE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease-purchase agreement between the City of Modesto and Capital Office Systems of Stockton for furnishing one copy machine be, and it is hereby approved.

BE IT FURTHER RESOLVED that the lease-purchase agreement by the designated city officials be authorized.

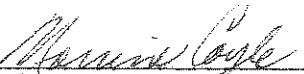
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-121

A RESOLUTION ACCEPTING THE BID OF PURE GRO COMPANY FOR FURNISHING DRY CHEMICAL FERTILIZER

WHEREAS, Resolution No. 89-1194 , adopted by the Council of the City of Modesto on December 12, 1989 , approved the plans and specifications for the purchase of dry chemical fertilizer

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of dry chemical fertilizer were opened at 11:05 a.m. on January 8, 1990 , 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 Pure Gro Company in the amount of \$20,974 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Pure Gro Company in the amount of \$20,974 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 20th day of February , 19 90 , by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-122

A RESOLUTION ACCEPTING THE ROUSE, CREEKWOOD, GLENN, SEMALLON & CLAUS ROAD WATERLINE EXTENSION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Rouse, Creekwood, Glenn, Semallon & Claus Road waterline extension has been completed by Joe Martin Pipeline, Inc.

in accordance with the contract agreement dated September 5, 1989.

NOW, THEREFORE, BE IT RESOLVED that the Rouse, Creekwood, Glenn, Semallon & Claus Road waterline extension

be accepted from said contractor, Joe Martin Pipeline, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$108,156.20 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 20th day of February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-123

A RESOLUTION AUTHORIZING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO SIGN LOT LINE ADJUSTMENT AGREEMENTS ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, the City requires the applicants of lot line adjustments to enter into standardized agreements with the City of Modesto for transfer of property for which lot line adjustments are being sought and to prevent property owners from holding out the property being transferred for sale as a separate parcel, and

WHEREAS, currently, said lot line adjustment agreements are not signed by a representative of the City but are recorded by the City and become part of the public record of the lot line adjustment, and

WHEREAS, the City Attorney's Office has determined that a representative of the City should sign lot line adjustment agreements on behalf of the City of Modesto to assure that the provisions of the agreements will be enforceable, and

WHEREAS, lot line adjustments are reviewed and approved by the Planning and Community Development Department, therefore, it would be appropriate to authorize the Planning and Community Development Director to sign said lot line adjustment agreements which would help to expedite the processing of said lot line adjustments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director be, and hereby is, authorized to execute lot line adjustment agreements 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 20th day of February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-124

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONFIRM EXPENSES  
INCURRED FOR DEMOLITION OF A BUILDING LOCATED AT 303-305 WASHINGTON STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that March 20, 1990, 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 confirming expenses  
incurred for demolition of a building located at 303-305 Washington Street.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 20th day of  
February, 1990, by Councilmember Bird, who  
moved its adoption, which motion being duly seconded by Councilmember  
Patterson, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-125

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONFIRM EXPENSES  
INCURRED FOR DEMOLITION OF A BUILDING LOCATED AT 408 EAST COOLIDGE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that March 20, 1990, 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 confirming expenses  
incurred for demolition of a building located at 408 East Coolidge Avenue.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 20th day of  
February, 1990, by Councilmember Bird, who  
moved its adoption, which motion being duly seconded by Councilmember  
Patterson, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-126

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON REPORT OF WORK AND COST OF CONSTRUCTION OF ALLEYS IN CERTAIN BLOCKS IN THE CITY OF MODESTO (BLOCK NO. 6042 - ORANGEBURG AVENUE - OAKWOOD DRIVE/DEL VALE AVENUE - CARVER ROAD)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that April 10, 1990, at 7:30 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 attached report by the Superintendent of Streets listing the names of property owners and individual cost of construction of alleys in Block 6042 in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-127

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY.

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

WHEREAS, the City possesses 1,504 cubic feet of excess plastic media which is used for water filtering, primarily in water treatment plants, and which is surplus to the City's needs, and

WHEREAS, the City also possesses a five volume set of law books, which is surplus to the City's needs, and

WHEREAS, it is desirable to authorize the sale of said surplus property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that 1,504 cubic feet of excess plastic media and a five volume set of law books have become surplus property to the City's needs and the Council does hereby authorize the sale of said surplus property as follows:

SECTION 1. The City Manager or his authorized representative is hereby authorized and directed to sell said surplus property on a sealed bid basis to the highest bidder.

SECTION 2. The sale shall be conducted by the City Manager or by such person as he may select for this purpose. If said items of property cannot be sold on a sealed bid basis as provided for above, said items shall be disposed of in such manner as the City Manager deems to be in the best interest of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-128

A RESOLUTION SETTING TIME AND PLACE FOR HEARING FOR PROPOSED AMENDMENT TO THE GENERAL PLAN MAP TO INCLUDE JOHANSEN HIGH SCHOOL AND JOHN C. SUTTON COMMUNITY PARK IN THE EMPIRE WEST NEIGHBORHOOD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that March 13, 1990, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an amendment to the General Plan map to include Johansen High School and John C. Sutton Community Park in the Empire West Neighborhood.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-129

A RESOLUTION APPROVING THE FINAL MAP OF THE ROSEMORE  
GARDENS SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Aquarian Homes, Inc., a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.651 acres, known as the Rosemore Gardens Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 21st day of February, 1989, 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 Rosemore 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,

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 20 day of February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-130

A RESOLUTION APPROVING THE FINAL MAP OF THE DRAKE PROFESSIONAL PARK CONDOMINIUMS SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Sylvan Drake Associates, a Limited Partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.46 acres, known as the Drake Professional Park Condominiums Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 16th day of October, 1989, 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 Drake Professional Park Condominiums 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 20 day of February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-131

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT TO ALLOW ACCESS TO PROPERTIES OWNED BY BOTH AGENCIES IN CONNECTION WITH CONSTRUCTION OF DRY CREEK GOLF COURSE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District to allow access to properties owned by both agencies in connection with construction of Dry Creek golf course

be, and it is hereby approved.

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

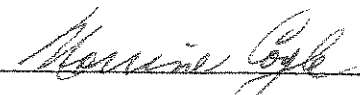
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-132

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOSEPH N. SCIABICA, GEMMA S. SCIABICA, NICHOLAS A. SCIABICA, AND DANIEL SCIABICA, IN CONNECTION WITH UNDERGROUNDING M.I.D. LATERAL NO. 2 NECESSARY IN CONNECTION WITH CONSTRUCTION OF DRY CREEK GOLF COURSE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Joseph N. Sciabica, Gemma S. Sciabica, Nicholas A. Sciabica, and Daniel Sciabica, in connection with undergrounding M.I.D. Lateral No. 2, necessary in connection with construction of Dry Creek golf course

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 February , 1990 , by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Noprine Coyle*  
NOPRINE COYLE, City Clerk

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND TONY CAPOBIANCO AND MARY JONES, IN CONNECTION WITH UNDERGROUNDING M.I.D. LATERAL NO. 2, NECESSARY IN CONNECTION WITH CONSTRUCTION OF DRY CREEK GOLF COURSE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Tony Capobianco and Mary Jones, in connection with undergrounding M.I.D. Lateral No. 2, necessary in connection with construction of Dry Creek golf course

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 February , 1990 , by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-134

A RESOLUTION APPROVING EXECUTION OF AN EASEMENT DEED BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR A WATERLINE TO SERVE A NEW WELL NEAR MCHENRY AVENUE AT LATERAL NO. 6

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the execution of an easement deed between the City of Modesto and Modesto Irrigation District for a waterline to serve a new well near McHenry Avenue at Lateral No. 6 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said easement deed 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 February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-135

A RESOLUTION ENDORSING THE PROPOSED "ACCESS TO JUSTICE"  
FORUM TO BE OFFERED BY MUNICIPAL AND SUPERIOR COURTS OF  
STANISLAUS COUNTY.

WHEREAS, the Municipal and Superior Courts of Stanislaus County are proposing to present "Access to Justice", a public information forum relating to court operations which will be held on March 7, 1990, at 7:30 p.m., at the Stanislaus County Library, 15th and I Streets, Modesto, for the purpose of demystifying the role of judges and the judicial process, and

WHEREAS, the participants in said forum will include Municipal and Superior Court Judges of Stanislaus County, and a local television news reporter will serve as moderator of the program, and

WHEREAS, Stanislaus County is among 36 counties joining in this statewide series of forums which have been modeled after other successful programs held in Sacramento, San Francisco and Long Beach, California, and

WHEREAS, Stanislaus County Superior and Municipal Court Judges propose to discuss a variety of current issues and court procedures including sentencing, domestic violence, use of Small Claims Court, landlord/tenant disputes, drunk driving, and the impact on the courts of drug-related crimes, and a portion of the program will also be devoted to allowing time to answer questions that may arise from the people in the audience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby endorses the proposed "Access to Justice" forum to be held on March 7, 1990, at 7:30 p.m., at the Stanislaus County Library, 15th and I Streets, Modesto, which is being offered by the Municipal and Superior Courts of Stanislaus County, for the purpose of demystifying the role of judges and the judicial process.

BE IT FURTHER RESOLVED that the Council urges the citizens of Modesto to attend said proposed "Access to Justice" forum and encourages citizenry participation during this outreach program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-136

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND AIG/IRIS, LTD.  
FOR RENEWAL OF AIRPORT LIABILITY INSURANCE FOR MARCH 1, 1990, TO MARCH 1, 1991

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and AIG/Iris, Ltd., for renewal of Airport liability insurance for March 1, 1990, to March 1, 1991

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 February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside \*

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-137

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DOUGLAS A. MATHES FROM THE ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE, EFFECTIVE FEBRUARY 20, 1990

WHEREAS, Douglas Mathes was appointed a member of the Economic Development Loan Pool Subcommittee on September 22, 1987; and

WHEREAS, Douglas Mathes has tendered his resignation from the Economic Development Loan Pool Subcommittee, effective February 20, 1990; and

WHEREAS, Douglas Mathes 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 Douglas Mathes from the Economic Development Loan Pool Subcommittee 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 Douglas A. Mathes for his outstanding service to the community.

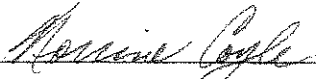
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of February, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

RESOLUTION NO. 90-138

RESOLUTION FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE  
AND NECESSITY REQUIRE THE CONSTRUCTION OF THE IMPROVEMENTS

PUBLIC FACILITIES DISTRICT NO. 6  
CITY OF MODESTO, COUNTY OF STANISLAUS, CALIFORNIA

The City Council of the City of Modesto resolves:

A public hearing for which notice has been given by publication, posting and mailing, has been held as to the public convenience and necessity of the improvements in Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California.

This Council has heard and considered all the evidence, both oral and written, relative to the public convenience and necessity of the construction of improvements, and finds that the public convenience and necessity require the following improvements proposed to be constructed in Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California:

1. Coffee Road

The majority of work for Coffee Road consists of a complete street structural reconstruction. The reconstruction will begin at East Rumble Road and extend north to Sylvan Avenue. Prior to reconstruction, however, an additional 20 to 30 feet of right-of-way on the west side of the street needs to be acquired. The reconstruction work will entail clearing and grubbing along the west side of the existing pavement, roadway excavation, installation of asphalt concrete, aggregate base and pavement markings. Rockwells with catch basins will be installed for storm drainage. Curb, gutter, sidewalk and drive approaches will also be installed on the west side of the street. Curb and sidewalk currently exist along the east side of the street. Water and sewer services will be extended to the properties along the west side of the street which are not currently served. Fire hydrants and street lights will be installed along both the east and west frontage.

2. Oakdale Road

The work for Oakdale Road consists of widening the street from the existing east edge of pavement to 50 feet east of the centerline. The widening will begin at Modesto Irrigation District Lateral No. 3 and extend north to Merle Avenue. Prior to widening, however, an additional 25 feet of right-of-way on the east side of the street needs to be acquired. The widening work will entail clearing and grubbing along the east side of the existing pavement, roadway excavation, installation of asphalt concrete, aggregate base and pavement markings.

Positive storm drainage will be extended south from an existing line at Merle Avenue. Curb, gutter, sidewalk, drive approaches, fire hydrants and street lights will also be installed on the east side of the street. Curb and sidewalk currently exist along the west side of the street. Water services will be extended from an existing watermain in Oakdale Road. A six-inch sewer lateral will be extended from Lancey Drive across Oakdale Road to serve a 1.2-acre parcel.

3. Prescott Road

The work for Prescott Road consists of widening the street from the existing east edge of pavement to 50-feet east of the centerline. The widening will begin about 275 feet north of West Rumble Road and extend about 497 feet to the north. No right-of-way acquisition is required for this widening. The widening work will entail clearing and grubbing along the east side of the existing pavement, roadway excavation, installation of asphalt concrete, aggregate base and pavement markings. Rockwells with catch basins will be installed for storm drainage. Curb, gutter, sidewalk and street lights will also be installed on the east side of the street. Curb and sidewalk currently exist along the west side of the street. Water services, sewer services and fire hydrants currently exist.

and further determines that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply to these assessment proceedings and that this project shall proceed in accordance with the terms and provisions of the Municipal Improvement Act of 1913.

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Harris Cyle*  
City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Alan J. Johnson*  
City Attorney

RESOLUTION NO. 90-139

RESOLUTION APPROVING AMENDED ENGINEER'S REPORT  
AND ASSESSMENT AND ORDERING IMPROVEMENT

PUBLIC FACILITIES DISTRICT NO. 6  
CITY OF MODESTO, COUNTY OF STANISLAUS, CALIFORNIA

The City Council of the City of Modesto resolves:

This Council has taken a series of actions preliminary to ordering the improvement in Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California, and now makes the following findings and orders:

1. The Council adopted a map showing the boundaries of the land benefited by the proposed improvement. A copy of the boundary map was filed in the office of the County Recorder of the County of Stanislaus in the Book of Maps of Assessment and Community Facilities Districts.

2. The Council adopted its Resolution Rescinding Resolution No. 88-291 and Stating Intention to order the improvement described therein under the Municipal Improvement Act of 1913, and directed the Director of Public Works and Transportation, as the Engineer of Work for the assessment district, to prepare the report required by Section 10204 of the Streets and Highways Code.

The improvement is generally described as follows:

(1) Coffee Road

The majority of work for Coffee Road consists of a complete street structural reconstruction. The reconstruction will begin at East Rumble Road and extend north to Sylvan Avenue. Prior to reconstruction, however, an additional 20 to 30 feet of right-of-way on the west side of the street needs to be acquired. The reconstruction work will entail clearing and grubbing along the west side of the existing pavement, roadway excavation, installation of asphalt concrete, aggregate base and pavement markings. Rockwells with catch basins will be installed for storm drainage. Curb, gutter, sidewalk and drive approaches will also be installed on the west side of the street. Curb and sidewalk currently exist along the east side of the street. Water and sewer services will be extended to the properties along the west side of the street which are not currently served. Fire hydrants and street lights will be installed along both the east and west frontage.

(2) Oakdale Road

The work for Oakdale Road consists of widening the street from the existing east edge of pavement to 50 feet east of the centerline. The widening will begin at Modesto Irrigation District Lateral No. 3 and extend north to Merle Avenue. Prior to widening, however, an additional 25 feet of right-of-way on the east side of the street needs to be acquired. The widening work will entail clearing and grubbing along the east side of the existing pavement, roadway excavation, installation of asphalt concrete, aggregate base and pavement markings. Positive storm drainage will be extended south from an existing line at Merle Avenue. Curb, gutter, sidewalk, drive approaches, fire hydrants and street lights will also be installed on the east side of the street. Curb and sidewalk currently exist along the west side of the street. Water services will be extended from an existing watermain in Oakdale Road. A six-inch sewer lateral will be extended from Lancey Drive across Oakdale Road to serve a 1.2-acre parcel.

(3) Prescott Road

The work for Prescott Road consists of widening the street from the existing east edge of pavement to 50-foot east of the centerline. The widening will begin about 275 feet north of West Rumble Road and extend about 497 feet to the north. No right-of-way acquisition is required for this widening. The widening work will entail clearing and grubbing along the east side of the existing pavement, roadway excavation, installation of asphalt concrete, aggregate base and pavement markings. Rockwells with catch basins will be installed for storm drainage. Curb, gutter, sidewalk and street lights will also be installed on the east side of the street. Curb and sidewalk currently exist along the west side of the street. Water services, sewer services and fire hydrants currently exist.

3. The Engineer of Work filed the report as directed, and the City Council called a hearing on the report as required by Section 10301 of the Streets and Highways Code. Notice of the hearing was given by publication, by street posting and by mailing to affected property owners, all according to the Municipal Improvement Act of 1913. Affidavits of publication, posting and mailing were filed with the City Clerk.

4. At the time and place for which notice was given, the City Council conducted a public hearing and gave every interested person an opportunity to object to the proposed improvement, the extent of the assessment district, or the proposed assessment. Following the hearing, at the direction of the City Council the Engineer of Work filed an amended report.

5. The Council finds that written protests against the proposed improvement have not been made by owners representing more

than one-half of the area of the land to be assessed for the improvement.

6. The documents and events described in paragraphs 1 to 4, inclusive, are stated here in tabular form, with their dates and, where appropriate, their numbers. All documents are now on file with the City Clerk.

<u>Document or Event</u>	<u>Date</u>	<u>Number</u>
a. Resolution approving boundary map	1/23/90	90-53
b. Boundary map filed with County Recorder	1/24/90	
c. Resolution Stating Intention	1/23/90	90-54
d. Filing of Engineer's Report	1/23/90	
e. Resolution accepting Report	1/23/90	90-56
f. Certificate of Mailing Notice of Improvement	2/1/90	
g. Affidavit of publication of Notice of Improvement	2/3/90	
h. Certificate of posting Notice of Improvement	2/5/90	
i. Public hearing conducted	2/27/90	
j. Filing of Amended Engineer's Report	2/27/90	

7. The Council approves the Amended Engineer's Report and each component part of it, including each exhibit incorporated by reference in the report.

8. The Council finds that the Engineer of Work, in the Amended Engineer's Report has fairly and properly apportioned the cost of the improvement to each parcel of land in the assessment district in proportion to the estimated benefits to be received by each parcel, respectively, from the improvement. The City Council hereby confirms and levies each individual assessment as stated in the Amended Engineer's Report.

9. This City Council orders the improvement described in paragraph 2 and as detailed in the Amended Engineer's Report.

10. The City Council finds that the total amount of the principal sum of all unpaid special assessments levied against the parcels proposed to be assessed, plus the principal amount of the special assessment proposed to be levied in the instant proceedings do not exceed one-half of the total value of the parcels proposed to be assessed.

11. Serial bonds representing unpaid assessments, and bearing interest at a rate not to exceed twelve percent (12%) per annum, will be issued in the manner provided by the Improvement Bond Act of 1915 (Division 10, Streets and Highways Code), and the last installment of the bonds shall mature not to exceed nineteen

(19) years from the second day of September next succeeding twelve (12) months from their date.

12. According to Section 10603 of the Streets and Highways Code, the City Council designates the Director of Finance to collect and receive payment of the assessments. The property owners who elect to pay their assessments in cash before the issuance of improvement bonds will not be required to pay their pro rata share of the allowance for special reserve fund and allowance for bond discount.

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kirzarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: *Maurine Boyle*  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY *Alan J. Green*  
City Attorney

RESOLUTION NO. 90-140

RESOLUTION OVERRULING PROTESTS

PUBLIC FACILITIES DISTRICT NO. 6  
CITY OF MODESTO, COUNTY OF STANISLAUS, CALIFORNIA

The City Council of the City of Modesto resolves:

On February 27, 1990, the City Council opened a public hearing on the resolution stating intention and the engineer's report on the proposed improvement in Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California.

At or before the time set for hearing, certain interested persons made protests or objections to the proposed improvement, the extent of the assessment district or the proposed assessment.

The City Council hereby overrules each of these protests, written or oral.

The City Council finds that the protest against the proposed improvement (including all written protests not withdrawn in writing before the conclusion of the protest hearing) is made by the owners of less than one-half of the area of the land to be assessed for the improvement.

\* \* \*

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Morris Cagle  
City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]  
City Attorney

ORIGINAL

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-141

A RESOLUTION ESTABLISHING RATES AND CONDITIONS FOR PLAY ON THE MODESTO NINE-HOLE MUNICIPAL GOLF COURSE AND THE DRYDEN PARK MUNICIPAL GOLF COURSE AND RESCINDING RESOLUTION NO. 89-1216.

WHEREAS, the Council of the City of Modesto finds that golf rates for golfers at its Modesto Nine-Hole Municipal Golf Course and Dryden Park 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 and the Dryden Park Municipal Golf Course are hereby established as follows:

<u>Monthly Tickets (Muni/Dryden):</u>	<u>Rates</u>
Monthly Unlimited Husband and Wife Ticket	\$96.00
Monthly Unlimited Individual Ticket	\$61.00
Monthly Junior Ticket	\$41.00
Monthly Retired Disabled Ticket	\$41.00
Monthly Senior Citizen Ticket	\$41.00
Monthly Senior Citizen 70/Older Ticket	\$23.50
School Golf Team Monthly Ticket	\$41.00
Non-City Resident Per Round Fee	\$ 2.00

<u>Regular Tickets (Muni):</u>	
Weekdays - 9 Holes	\$ 8.00
Weekdays - 18 Holes	\$12.00
Weekends and Holidays/9 Holes	\$10.00
Weekends and Holidays/18 Holes	\$14.00

<u>Regular Tickets (Muni) continued:</u>	<u>Rates</u>
Weekdays - Late Afternoon Play	\$ 6.00
Weekends - Late Afternoon Play	\$ 8.00
Wednesdays, 65/Older	\$ 4.00
Non-City Resident Per Round Fee	\$ 2.00

<u>Regular Tickets (Dryden/Dry Creek):</u>	
Weekdays - 18 Holes	\$12.00
Weekends and Holidays/18 Holes	\$14.00
Weekdays - Late Afternoon Play	\$10.00
Weekends - Late Afternoon Play	\$10.00
Non-City Resident Per Round Fee	\$ 2.00

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 be limited to residents of the County of Stanislaus. Monthly ticket play at the municipal golf courses shall be charged an additional fee of \$2.00 per round for all non-city residents.

(b) 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.

(c) School Golf Team Tickets. Student tickets are to be issued only upon presentation by holder of a current high school or college student body card, said high school or college being located within the City of Modesto, 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. School team golf tickets will not be valid on Saturdays, Sundays, or holidays. Team members wishing to play during these periods shall be subject to the regular green fees. Team members with team member tickets 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.

(d) Senior Citizen Tickets. Senior Citizen tickets are to be issued only to persons sixty-five (65) years of age or older. A Medicare card or other proof of age and proof of residency must be displayed to obtain a Senior Citizen ticket. Senior Citizen's tickets will not be valid on Saturdays, Sundays, or holidays. Senior Citizens wishing to play on those days shall be subject to the regular green fees.

(e) Senior Citizen - 65 or Older (Wednesdays). Residents of the County of Stanislaus, sixty-five (65) years of age or older, may play golf at the Nine-Hole Municipal Golf Course for a fee of Four and 00/100ths (\$4.00) Dollars if they display their Medicare card or other proof of age and residency to the starters at the Nine-Hole Municipal Golf Course on Wednesdays, between the hours of 9:00 a.m. and 3:00 p.m., except on holidays.

(f) Senior Citizen - 70 or Older. Residents of the County of Stanislaus, seventy (70) years of age or older, may play golf at the Nine-Hole Municipal Golf Course with a special monthly ticket at a fee of Twenty-three and 50/100ths (\$23.50) Dollars if they display their Medicare card or other

proof of age and residency to the starters at the Nine-Hole Municipal Golf course on Mondays through Thursdays before the hour of 2:00 p.m., except on holidays.

(g) Retired/Disabled Ticket. Retired/Disabled tickets are to be issued only to those who are on disability retirement and who display proof of such disability retirement and proof of residency. These tickets will not be valid on Saturdays, Sundays or holidays. Those on disability retirement wishing to play on weekends and holidays shall be subject to the regular green fees.

(h) Junior Tickets. Junior tickets are to be issued only to persons who are under 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. These tickets will not be valid on Saturdays, Sundays, holidays or during school hours. Juniors wishing to play on weekends and holidays shall be subject to the regular green fees.

(i) Non-residents. Persons without proof of residency in the County of Stanislaus shall be charged an additional fee of \$2.00 per round on all tickets at Municipal, Dryden and Dry Creek courses.

SECTION 3. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 4. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day, Martin Luther King's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Admissions Day, Veterans Day, Thanksgiving Day, Day After Thanksgiving, and Christmas Day.

SECTION 5. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established green fees.

SECTION 6. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after March 1, 1990.

SECTION 7. REPEALS. Resolution No. 89-1216 adopted on October 26, 1989 is hereby rescinded as of February 28, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-142

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING LIGHTING AND SOUND SERVICES AT THE  
CENTRE PLAZA

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

SECTION 1. The plans and specifications for the purchase of lighting  
and sound services at the Centra 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 March 26, 1990, at 11:05 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 27th day of February, 1990,  
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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-143

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR CONSTRUCTION OF PUMP STATION NO. 51

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

SECTION 1. The plans and specifications for the construction of Pump Station No. 51 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 22, 1990, at 11:05 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1990, 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:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-144

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE TWELFTH STREET SEWER REPLACEMENT

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

SECTION 1. The plans and specifications for the Twelfth Street sewer replacement 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 22, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-145

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$82,000 FROM SEWER FUND RESERVES, TO PROVIDE FINANCING FOR THE TWELFTH STREET SEWER REPLACEMENT PROJECT

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

FROM:	Sewer Fund Reserves (621-800-8000-8003)	\$82,000
TO:	12th Street Sewer Replacement (621-480-P905-6000)	\$82,000

Funds are needed to provide financing for the Twelfth Street sewer replacement project. This project will replace an existing line that is in poor condition with a high potential for problems if not replaced.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1990, 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:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-146

A RESOLUTION ACCEPTING THE BID OF CIMARRON CONSTRUCTION FOR CONSTRUCTION OF WATERLINE EXTENSION AT M.I.D. LATERAL NO. 6, STANDIFORD AVENUE AND DALE ROAD

WHEREAS, Resolution No. 90-40 , adopted by the Council of the City of Modesto on January 23, 1990 , approved the plans and specifications for the construction of waterline extension at M.I.D. Lateral No. 6, Standiford Avenue and Dale Road and authorized the calling for bids; and

WHEREAS, the bids received for the construction of waterline extension at M.I.D. Lateral No. 6, Standiford Avenue and Dale Road were opened at 11:00 a.m. on February 13, 1990, and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Cimarron Construction in the amount of \$69,590.18 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Cimarron Construction in the amount of \$69,590.18 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 27th day of February , 1990 , 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:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-147

A RESOLUTION ACCEPTING THE MORTON BOULEVARD UNDERPASS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works  
that the Morton Boulevard underpass

has been completed by Rising Sun Company  
in accordance with the contract agreement dated April 11, 1989

NOW, THEREFORE, BE IT RESOLVED that the Morton Boulevard underpass

be accepted from said contractor, Rising Sun Company ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$358,491.52 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 27th day of February,  
1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-148

A RESOLUTION ACCEPTING THE 1989 CAPE SEALS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the 1989 cape seals

has been completed by Don Milner, Inc.

in accordance with the contract agreement dated September 5, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the 1989 cape seals

be accepted from said contractor, Don Milner, Inc. ;

that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$252,693.50 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 27th day of February ,  
1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-149

A RESOLUTION ACCEPTING THE CHIP SEALING OF THE 9TH STREET BRIDGE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the chip sealing of the 9th Street bridge

has been completed by Don Milner, Inc.

in accordance with the contract agreement dated September 5, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the chip sealing of the 9th  
Street bridge

be accepted from said contractor, Don Milner, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$75,584.62 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 27th day of February,  
1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

J. M. M. M.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-150

A RESOLUTION REJECTING ALL BIDS FOR FURNISHING A VACTOR TRUCK, OPENED IN THE OFFICE OF THE CITY CLERK ON JANUARY 22, 1990 AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 89-1195, adopted by the Council of the City of Modesto on December 12, 1989, approved the plans and specifications for furnishing a vactor truck, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of a vactor truck were opened at 11:10 a.m. on January 22, 1990; and

WHEREAS, three bids were received, all of which failed to meet the minimum requirements as called for in the Specifications; and

WHEREAS, stall feels it is in the City's best interest to reject all bids and issue a new call for bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for furnishing a vactor truck, and opened in the Office of the City Clerk on January 22, 1990 at 11:10 a.m., are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for furnishing a vactor truck, to be opened March 19, 1990, 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 27th day of February, 1990, 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:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-151

A RESOLUTION ESTABLISHING CHARGES FOR METERED WATER SERVICES AND UNMETERED WATER SERVICES, AND RESCINDING RESOLUTION NO. 86-874.

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 March 1, 1990

Size of Meter	Bimonthly Rate March 1, 1990
¾"	\$ 9.68
1 "	12.88
1½"	16.00
2 "	19.30
3 "	25.74
4 "	33.48
6 "	50.32
8 "	64.28
10 "	77.48
12 "	90.74

The charge for each additional  
100 cf over 3,355 cf on a  
bimonthly rate .29

Commodity Charge:

For the first three thousand, three hundred fifty-five (3,355) cubic feet of water delivered through a water meter, per bimonthly period the bimonthly ready to serve charge shall apply for each meter size. For all water over three thousand, three hundred fifty-five (3,355) cubic feet delivered through a water meter per bimonthly period, the charge shall be twenty-nine (\$.29) cents per one hundred (100) cubic feet.

If a meter shall be found out of order, the bimonthly charge shall be determined by the Director of Finance 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 April 1, 1990 shall be as follows:

<u>Lot Area</u>	<u>Bimonthly Rate</u> <u>April 1, 1990</u>
3,500 SF, or less	\$12.68
3,501 to 7,000 SF	14.62
7,001 to 10,500 SF	16.38
10,501 to 14,000 SF	18.14
14,001 to 17,500 SF	21.84
17,501 to 21,000 SF	25.62
For each 3,500 SF or fraction thereof over 21,000	3.45

When water is turned on or off at any time between the beginning and end of the bimonthly period, the amount charged shall be pro-rated to the nearest one-half (½) month.

A five (5%) percent discount will be made in all billings on unmetered services paid one year in advance.

SECTION 3. 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. 86-874 adopted on July 15, 1986, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of February, 1990, by Councilmember Patterson, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-152

A RESOLUTION APPROVING THE MODESTO CITY-COUNTY AIRPORT'S APPLICATION FOR FEDERAL FUNDS TO COMPLETE THE INSTALLATION OF A FIRE PROTECTION WATER MAIN TO THE PASSENGER TERMINAL

WHEREAS, a preapplication was approved by the Council and submitted to the Federal Aviation Administration on January 23, 1990, for federal funds to complete the installation of a fire protection water main to the passenger terminal; and

WHEREAS, the preapplication has been approved by the Federal Aviation Administration and approximately \$25,437 in federal funds has been tentatively allocated to the City of Modesto.

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 \$25,437 for the above-mentioned project 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 27th day of February, 1990, 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:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-153

A RESOLUTION AUTHORIZING ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF \$9,600 TO HAZARD MANAGEMENT SERVICES, INC. FOR INDUSTRIAL HYGIENIST CONSULTING SERVICES

WHEREAS, it is necessary to document the existing odoriferous components and their levels of concentration in the sewer system atmosphere; and

WHEREAS, Hazard Management Services, Inc. is the only firm in the area that can provide the needed services.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Director of Finance is hereby authorized to issue a purchase order in the amount of \$9,600 to Hazard Management Services, Inc., for industrial hygienist consulting services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-154

A RESOLUTION APPROVING THE FINAL MAP OF THE SHAKER ESTATES  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Phillip D. Overholtzer, Inc., a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 20.93 acres, known as the Shaker Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 8th day of May, 1989, 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 Shaker Estates 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 27 day of February, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-155

A RESOLUTION ACCEPTING IMPROVEMENTS IN EMERALD TERRACE SUBDIVISION AND  
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Horn Construction, subdividers of Emerald Terrace have filed subdivision bonds for faithful performance and labor and materials in the amount of \$210,600.00 and \$ 105,300.00 respectively to guarantee improvements in Emerald Terrace Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated February 16, 1990, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering 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 Emerald Terrace Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 210,600.00 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 \$ 105,300.00 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 27th day of February, 1990, 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:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-156

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND TURLOCK IRRIGATION DISTRICT TO ALLOW BORING AND JACKING A WATERLINE UNDER T.I.D. LATERAL NO. 1 ON CROWS LANDING ROAD

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 allow boring and jacking a waterline under T.I.D. Lateral No. 1 on Crows Landing 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 27th day of February , 1990 , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-157

A RESOLUTION ACCEPTING THE BID OF DOW HAMMOND FOR FURNISHING TWO VANS AND ONE VAN WITH AERIAL LIFT

WHEREAS, Resolution No. 90-26 , adopted by the Council of the City of Modesto on January 16, 1990 , approved the plans and specifications for the purchase of two vans and one van with aerial lift

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of two vans and one van with aerial lift

were opened at 11:05 a.m. on February 12, 1990, 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 Dow Hammond in the amount of \$61,393

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Dow Hammond in the amount of \$61,393 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 6th day of March , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST:

  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF COMPUTER REMARKETING CORP. FOR FURNISHING ONE  
FIXED DISK DRIVE

WHEREAS, Resolution No. 90-4 , adopted by the Council of the City of  
Modesto on January 2, 1990 , approved the plans and specifications for the  
purchase of computer hardware

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of computer hardware  
were opened at 11:00 a.m. on January 29, 1990 , 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  
Computer Remarketing Corp. for furnishing one fixed disk drive for \$6,044  
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the bid of Computer Remarketing Corp. in the amount of \$6,044  
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 6th day of March , 1990 , by  
Councilmember Lang , who moved its adoption, which motion being duly  
seconded by Councilmember Irizarry , was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-159

A RESOLUTION ACCEPTING THE BID OF COMPUTERLAND FOR FURNISHING FOUR LASER PRINTERS

WHEREAS, Resolution No. 90-4 , adopted by the Council of the City of Modesto on January 2, 1990 , approved the plans and specifications for the purchase of computer hardware

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of computer hardware were opened at 11:00 a.m. on January 29, 1990 , 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 Computerland for furnishing four laser printers for the total cost of \$12,741 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Computerland in the amount of \$12,741 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 6th day of March , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-160

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CAROLINA CASUALTY INSURANCE COMPANY FOR RENEWAL OF TRANSIT LIABILITY INSURANCE FOR THE POLICY YEAR MARCH 1, 1990, TO MARCH 1, 1991

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Carolina Casualty Insurance Company for renewal of transit liability insurance for the policy year March 1, 1990, to March 1, 1991

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 March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-161

A RESOLUTION SUPPORTING THE MODESTO YOUTH COMMISSION GUIDELINES FOR HONORING  
YOUTH FOR OUTSTANDING ACCOMPLISHMENT

WHEREAS, the Modesto Youth Commission has developed criteria and an application procedure to select recipients of an award designed to recognize young men and women within the City of Modesto who have made outstanding contributions and accomplishments which have in turn benefitted the community in a positive manner; and

WHEREAS, a maximum of three individuals would be recognized each year in the areas of community service, volunteerism, and heroism, and recommended to the City Council for approval.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Modesto does hereby support the Modesto Youth Commission guidelines for honoring youth for outstanding accomplishment, 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 6th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

CITY OF MODESTO

M E M O R A N D U M

Date: November 16, 1989

TO: Modesto City Council  
FROM: Modesto Youth Commission  
SUBJECT: HONORING YOUTH FOR OUTSTANDING ACCOMPLISHMENT

Per the City Council's request, the City of Modesto Youth Commission has reviewed the City Council Policy (No. 1.022) on Honoring Youth for Outstanding Accomplishments and would like to recommend that the following criteria and application procedure be utilized to select those individuals who are deserving of this award.

- I. Definition of Award - To recognize young men and women within the City of Modesto who have made outstanding contributions and accomplishments which have in turn benefitted the community in a positive manner.

Contributions and accomplishments will be recognized in the following areas:

- A. Community Service - An individual who contributed financially or personally assisted a special cause, program or activity which benefitted the community.
  - B. Volunteerism - An individual acting under their own initiative who donated a substantial amount of time and effort toward the betterment of a community cause, idea, program, or activity.
  - C. Heroism - An individual who has conducted themselves in a courageous or noble manner as it pertains to another individual or cause.
- II. Age/Residence - All nominees must be 18 years or under. Nominees must currently reside within the City of Modesto boundaries.
  - III. There will be a maximum of three individuals honored per year. A City of Modesto Outstanding Youth Accomplishment application form must be completed and submitted for each candidate.
  - IV. Application Process - Applications will be available at City of Modesto Parks and Recreation Department. Application forms must be completed in detail and submitted to the Awards Selection Committee.

V. Selection Committee - The committee shall consist of six members of the City of Modesto Youth Commission, a representative of the City of Modesto Parks and Recreation Department and the Recreation Supervisor who is the liaison to the Commission. The committee shall accept all applications and will recommend a maximum of three candidates for outstanding accomplishments for City Council approval.

VI. Awards

A. City Council meeting - reward recipients will be acknowledged during a regular meeting of the Modesto City Council.

B. Awards

(a) Each recipient selected will receive an 8 x 10 plaque.

(b) City Hall plaque - a plaque will be displayed at City Hall with the names of the award recipients. This plaque will remain at City Hall and names will be added on a yearly basis.

VII. Budget

A. Plaques (8 x 10 - three each)	\$110.00
B. City Hall plaque (design--one time fee)	60.00
C. Plaques for hanging at City Hall	<u>70.00</u>
	\$240.00

VIII. Effective Date - The Youth Commission would like to recommend the program be implemented during the 1990-91 calendar year. Applications will be available at the City of Modesto Parks and Recreation Department in September 1990. The award presentation will be scheduled for January 1991.

Chairperson

JRL:mc

CITY OF MODESTO

AWARD FOR OUTSTANDING YOUTH ACCOMPLISHMENT

Information

(Please read prior to completing Application Form.)

- I. The purpose of this award is to recognize young men and women within the City of Modesto who have made outstanding contributions and accomplishments in the following areas:
  - A. Community Services - An individual who contributed financially or personally assisted a special cause, program or activity which benefitted the community.
  - B. Volunteerism - An individual acting under their own initiative who donated a substantial amount of time and effort toward the betterment of a community cause, idea, program or activity.
  - C. Heroism - An individual who has conducted himself in a courageous or noble manner as it pertains to another individual or cause.
- II. Those young men and women who are 18 years of age and under and reside within the City of Modesto boundaries may be nominated for this award.
- III. Application forms are only valid for the year submitted. Application forms and additional materials will not be returned after selections have been finalized.
- IV. Any individual within the community may nominate a young man or woman whom they feel is deserving of the award. There will be a maximum of three awards given per year. The attached application form must be completed and returned as indicated.

CITY OF MODESTO

AWARD FOR OUTSTANDING YOUTH ACCOMPLISHMENTS

Application Form

To be completed by the person nominating an individual for an award. Application forms should be typed and submitted to the Selection Committee prior to the deadline date. Applications will not be accepted after the deadline date.

Completed application forms are valid for a period of one year.

Please return application forms to:

City of Modesto Parks and Recreation Department  
P. O. Box 642  
801 11th Street  
Modesto, CA 95353

Attention: Youth Commission  
Outstanding Youth Awards Selection Committee

Please type all responses.

I. Nominator:

- A. Name: \_\_\_\_\_
- B. Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
Work Phone: \_\_\_\_\_
- C. Relationship to Candidate: \_\_\_\_\_

II. Candidate Biography:

- A. Name: \_\_\_\_\_  
Last First Middle Init.
- B. Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
Work Phone: \_\_\_\_\_
- C. Birth Date: \_\_\_\_\_ Age: \_\_\_\_\_

III. Reason Why Candidate Should Receive This Award:

(Please state the reason(s) why you feel this candidate is deserving of this award. List all accomplishments and contributions. Attach additional sheets if necessary.)

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IV. Personal Information:

Name of Parent(s) or Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_

\_\_\_\_\_  
Signature of Parent or Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Nominator

\_\_\_\_\_  
Date

V. Notification:

The Selection Committee will notify the final candidates, their parents and the person nominating the individual for the award.

\*Please note: Application forms and any additional information will be kept on file with the City of Modesto. Forms will not be returned.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-162

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:

HAZARDOUS MATERIALS INSPECTOR

The specification for the classification created, 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 March 6, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

## HAZARDOUS MATERIALS INSPECTOR

DEFINITION

To conduct investigations, inspections, and site mitigations in the enforcement of the City Fire Code and hazardous materials regulations, and to perform other related duties as required.

SUPERVISION RECEIVED

Receives supervision from the Fire Prevention Bureau Chief.

EXAMPLES OF DUTIES

The position duties may include, but are not limited to, the following:

Inspect hazardous material handling facilities to ensure compliance with material storage, underground tank, and sanitation codes.

Respond to complaints and/or emergency incidents to assess the health or safety risks, and take action to mitigate the hazards.

Train in-house fire personnel in hazardous materials handling.

Identify industries which produce or use hazardous materials, or operate underground storage tanks.

Regulate the installation, removal, or modification of underground storage tanks to ensure compliance with applicable laws and regulations.

Conduct environmental surveys, field investigations, monitoring programs, data collection, chemical testing, and sampling.

Review and approve Hazardous Material Business Plans for proper inventory of chemicals, emergency preparedness plans, and training components.

Assess the degree of contamination of hazardous waste sites.

Prepare legal complaints and draft compliance orders, summaries, and reports for legal action by the City or District Attorney's Office.

Review construction, assessment, and mitigation plans for compliance with Hazardous Material Codes, standards and policies.

Plan and conduct seminars to educate department and city staff on hazardous materials.

Review land use documents to assure compliance with hazardous materials codes.

QUALIFICATIONS

Knowledge of:

State and Federal laws and regulations governing hazardous material use, storage and management.

Methods and procedures used in inspecting, identifying and correcting hazardous conditions, emergency preparedness, toxicological, personal protection, risk assessment and risk mitigation.

Ability to:

Plan, organize, and conduct research, analysis, and data evaluation, and make recommendations based on findings.

Prepare clear and concise reports.

Consult with and instruct others individually or in a group setting.

Establish and maintain effective relationships with staff, other governmental agencies, and the 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

Three years of field experience in Environmental Health; or

Three years of experience in Environmental Management with one year of experience in hazardous materials regulation.

Education/Training

Possession of a Bachelor's Degree from an accredited college or university with a major in chemistry, biology, toxicology, or environmental health.

License or Certificate

Possession of a valid California Driver's License.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-163

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 88-490 ENTITLED "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE", AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 88-491 ENTITLED "A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEES ASSOCIATION OF THE CITY OF MODESTO FOR THE FISCAL YEARS 1988-89, 1989-90, AND 1990-91, COMMENCING ON JULY 1, 1988, AND ENDING ON JUNE 30, 1991."

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 88-490. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-490, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective March 6, 1990," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds the classification of Hazardous Materials Inspector, Range 130.

SECTION 2. AMENDMENT TO RESOLUTION NO. 88-491. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective July 5, 1988," attached to Resolution No. 88-491, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective March 6, 1990", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds the classification of Hazardous Materials Inspector, Range 130.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after March 6, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT A

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective March 6, 1990

---

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 Data Processing Technician
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 Fire Supply Specialist Equipment Service Worker II

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective March 6, 1990

---

RANGE	TITLE
115	Accounting Technician Planning Technician I Police Administrative Technician 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 Parking Meter Worker Traffic Painter Traffic Sign Worker Water Line Worker
117	Electrical Technician II
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
120	Welder/Fabricator Senior Equipment Operator Fire Prevention Technician II Equipment Mechanic Assistant Electrician Traffic Painter Crewleader Accountant I Assistant Lab Technician

022690

1359/WPPER

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective March 6, 1990

---

RANGE	TITLE
121	
122	Coach Mechanic Fire Equipment Mechanic Nursery Propagator Tree Trimmer Crewleader Housing Program Specialist Programmer Analyst I
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
125	Crime Analyst
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Materials Inspector

022690

1359/WPPER

EXHIBIT A

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective March 6, 1990

---

RANGE	TITLE
131	Sr. Civil Engineering Asst.
132	
133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

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MODESTO CITY COUNCIL  
RESOLUTION NO. 90-164

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CASH KING CHECK CASHING COMPANY TO SELL INTRACITY TRANSIT BUS PASSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Cash King Check Cashing Company to sell Intracity Transit bus passes

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 March , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRIE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-165

A RESOLUTION APPOINTING THE RISK MANAGER AS THE CITY'S REPRESENTATIVE TO THE AUTHORITY FOR CALIFORNIA CITIES EXCESS LIABILITY POOL (ACCEL).

WHEREAS, the City of Modesto is a participant in the Authority for California Cities Excess Liability (ACCEL); and

WHEREAS, the ACCEL agreement requires the City Council to appoint a representative to the Board of Directors.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does hereby designate the Risk Manager as the City's representative to the Authority for California Cities Excess Liability Pool (ACCEL).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 1990, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-166

A RESOLUTION APPROVING THE REQUEST OF WARDEN'S OFFICE, INC. FOR REFUND OF \$573.32 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Warden's Office, Inc. for refund of \$573.32 for overpayment of Business Improvement Area Tax 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 March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-167

A RESOLUTION APPROVING THE REQUEST OF THOMPSON-HYSELL FOR REFUND OF \$1,291.19 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Thompson-Hysell for refund of \$1,291.19 for overpayment of Business Improvement Area Tax 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 March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

A RESOLUTION APPROVING THE REQUEST OF THE MODESTO BEE FOR REFUND OF \$2,245.75 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of The Modesto Bee for refund of \$2,245.75 for overpayment of Business Improvement Area Tax 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 March, 1990, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-169

A RESOLUTION APPROVING THE REQUEST OF THE MODESTO LUMBER COMPANY FOR REFUND OF \$569.73 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of the Modesto Lumber Company for refund of \$569.73 for overpayment of Business Improvement Area Tax 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 March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-170

A RESOLUTION APPROVING THE REQUEST OF BUDGET RENT-A-CAR FOR REFUND OF \$607.11 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Budget Rent-A-Car for refund of \$607.11 for overpayment of Business License Tax 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 March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-171

A RESOLUTION APPROVING THE REQUEST OF CENTRAL JANITORS SUPPLY FOR REFUND OF \$569.46 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Budget Rent-A-Car for refund of \$607.11 for overpayment of Business License Tax is hereby approved.

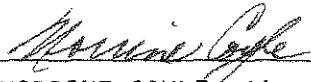
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-172

A RESOLUTION APPOINTING MEMBERS OF THE MODESTO FIGHTS BACK STEERING COMMITTEE

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

are

SECTION 1. The following persons / hereby appointed to the Modesto  
Fights Back Steering Committee:

Ora Scruggs  
Ben Ratliffe  
Patty Fairchild  
Tommie Ware  
Carolyn Cotta

SECTION 2. The City Clerk is hereby directed to transmit a copy  
of this resolution to the newly appointed members of the Modesto Fights  
Back Steering 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 March , 19 90 ,  
by Councilmember Patterson , who moved its adoption, which motion being  
duly seconded by Councilmember Irizarry , was upon roll call carried and  
the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST: *Norrine Coyle*  
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-173

A RESOLUTION AMENDING ASSESSMENTS FOR PARCELS 13-68-36 AND 13-68-37 IN PUBLIC FACILITIES DISTRICT NO. 6. (DAVID MOSS)

WHEREAS, on February 27, 1990, the Council of the City of Modesto, by Resolution No. 90-139 confirmed and levied individual assessments on parcels 13-68-36 and 13-68-37 as stated in the Amended Engineer's Report for Public Facilities District No. 6, and

WHEREAS, on March 2, 1990, Remus D. Moss, the property owner of assessor's parcels 13-68-36 and 13-68-37, requested the Stanislaus County Assessor to combine his two parcels into one parcel, and

WHEREAS, on March 5, 1990, the Department of Public Works and Transportation, of the City of Modesto, received a letter from the Stanislaus County Assessor stating that "The Assessor's Office is combining parcels 013 6836 281 and 013 6837 181, located on Coffee Road in Modesto. The new number is 013 6848 281". Also received from the Stanislaus County Assessor's Office was a revised parcel map 13-68. The letter is attached as Exhibit "A" and the map as Exhibit "B".

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

1. Parcels 13-68-36 and 13-68-37 are to be assessed in the same manner as other single parcels, on which an existing single family residential dwelling is located, in Public Facilities District No. 6.

2. The individual assessments, confirmed and levied on February 27, 1990, by the Council of the City of Modesto, by Resolution No. 90-139, on parcels 13-68-36 and 13-68-37 as stated in the Amended Engineer's

Report for Public Facilities District No. 6, are amended as follows:

<u>Parcel No.</u>	<u>Assessment Levied on 27-Feb-90</u>	<u>Amended Assessment Levied on 13-Mar-90</u>
13-68-37	\$ 2,886.73	\$ 0.00
13-68-36	\$23,538.58	\$5,773.46

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13 day of March, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT A  
OFFICE OF THE ASSESSOR

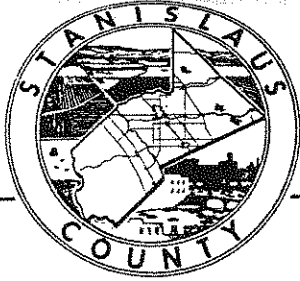
DAVID W. TRIPLETT

TELEPHONE (209) 525-6461

1100 H STREET

P. O. BOX 1068

MODESTO, CALIFORNIA 95353-1068



March 5, 1990

To Whom It May Concern:

This is to advise you that the Assessor's Office is combining parcels 013 6836 281 and 013 6837 181, located on Coffee Road in Modesto. The new number is 013 6848 281.

If you have any further questions regarding property in Stanislaus County, please contact our office.

Very truly yours,

DAVID W. TRIPLETT, Assessor  
Stanislaus County

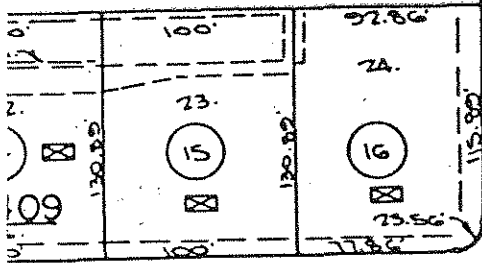
DWT:mt

RESET PARK NO. 1

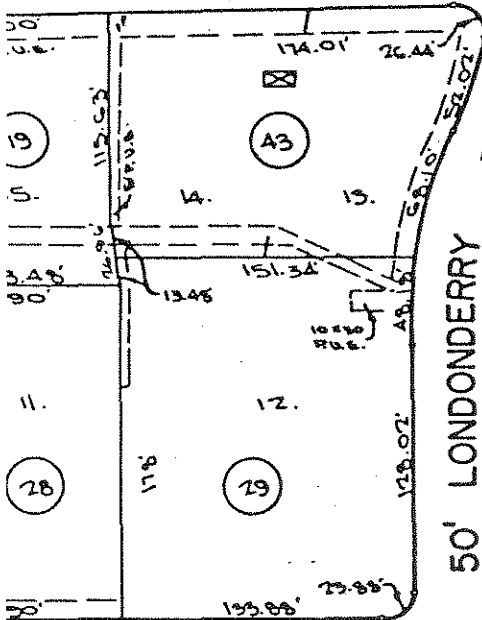
1 - RESUB. POR. BLK. 12409

THIS MAP FOR  
ASSESSMENT PURPOSES ONLY

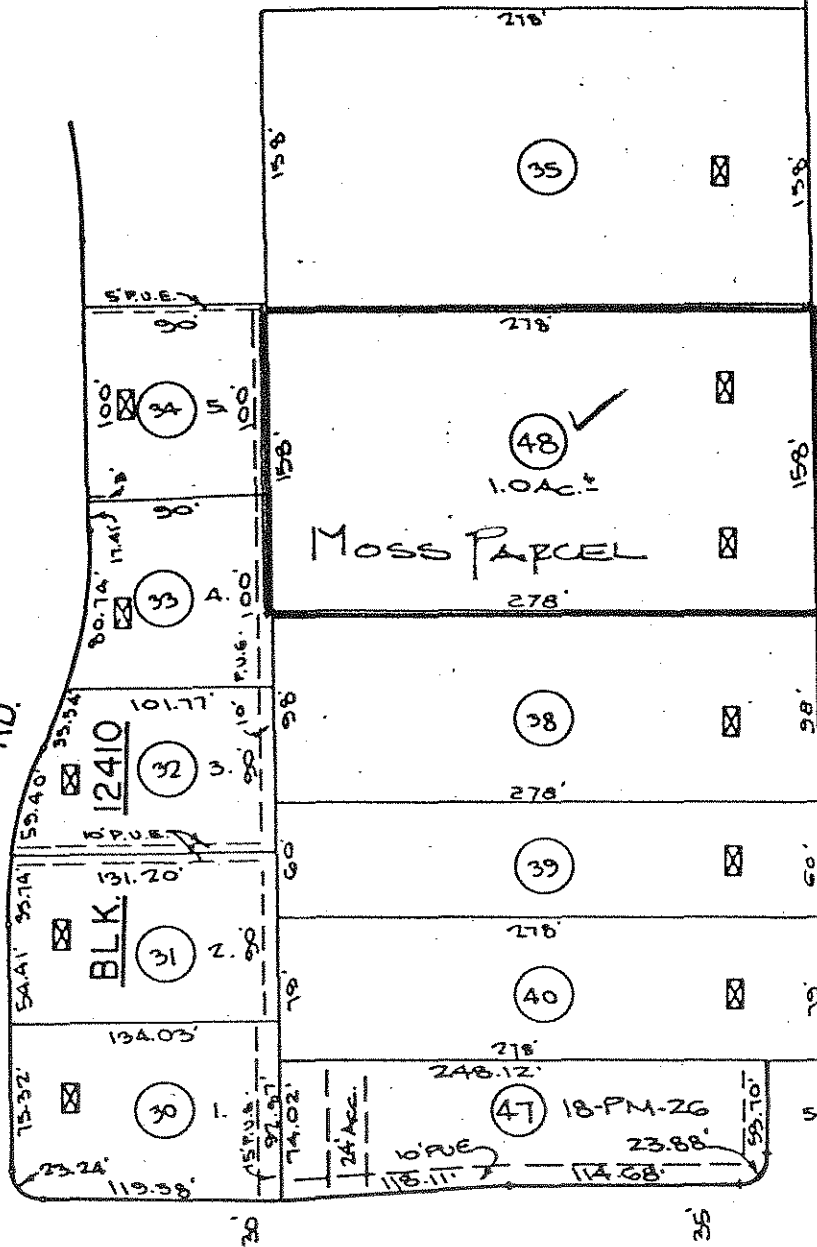
70



JRY COURT



50' LONDONDERRY RD.

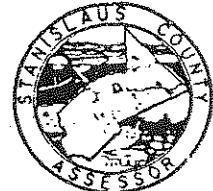


95' COFFEE ROAD 70'

BK. 65

LONDONDERRY COURT

85



65,67

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-174

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR PUBLIC  
FACILITIES DISTRICT NO. 6. (MATTHEW S. ALDERMAN)

WHEREAS, on February 13, 1990, the Council of the City of Modesto by Resolution No. 90-103 set a hearing to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on March 13, 1990, 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 Public Facilities District No. 6,

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 attached legal description marked Exhibit "A" and attached hereto and made a part hereof as though contained in full herein, and 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 Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Gregory M. Hewener  
Public Works and Transportation

EXHIBIT A

All that real property in the City of Modesto, County of Stanislaus, State of California described as follows:

All that portion of the East one-half of the Southeast quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The Eastern 20.00 feet, measured at right angles, of the following described property:

Commencing at the Southeast corner of said Section 9; thence along the South line of Section 9, North 89° 37' West, 20.00 feet, to the Western line of a 40.00 foot County Road known as Coffee Road and the true point of beginning of this description; thence continuing along said South line of Section 9, North 89° 37' West, 278.00 feet; thence North 0° 50' 30" West, 341.00 feet; thence South 89° 37' East, 278.00 feet, to said Western line of Coffee Road; thence along said Western line, South 0° 50' 30" East, 341.00 feet, to the true point of beginning of this description.

EXCEPTING THEREFROM the North 158 feet.

ALSO EXCEPTING THEREFROM the South 104.0 feet.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-175

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR PUBLIC  
FACILITIES DISTRICT NO. 6. (JAMES C. BYLES)

WHEREAS, on February 13, 1990, the Council of the City of Modesto by Resolution No. 90-103 set a hearing to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on March 13, 1990, 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 Public Facilities District No. 6,

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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Gregory M. Newkirk  
Public Works and Transportation

EXHIBIT A

All that real property in the City of Modesto, County of Stanislaus, State of California described as follows:

All that portion of the East one-half of the Southeast quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The Eastern 20.00 feet, measured at right angles, of the South 60 feet of the North 158 feet of the following described property:

Commencing at the Southeast corner of said Section 9; thence along the South line of Section 9, North 89° 37' West, 20.00 feet, to the Western line of a 40.00 foot County Road known as Coffee Road and the true point of beginning of this description; thence continuing along said South line of Section 9, North 89° 37' West, 278.00 feet; thence North 0° 50' 30" West, 341.00 feet; thence South 89° 37' East, 278.00 feet, to said Western line of Coffee Road; thence along said Western line, South 0° 50' 30" East, 341.00 feet, to the true point of beginning of this description.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-176

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR PUBLIC  
FACILITIES DISTRICT NO. 6. (CLYDE O. BRANER)

WHEREAS, on February 13, 1990, the Council of the City of Modesto by Resolution No. 90-103 set a hearing to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on March 13, 1990, 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 Public Facilities District No. 6,

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 attached legal description marked Exhibit "A" and attached hereto and made a part hereof as though contained in full herein, and 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 Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Gregory M. Shawver  
Public Works and Transportation

EXHIBIT A

All that real property in the City of Modesto, County of Stanislaus, State of California described as follows:

All that portion of the East one-half of the Southeast quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The Eastern 20.00 feet, measured at right angles, of the North 98 feet of the following described property:

Commencing at the Southeast corner of said Section 9; thence along the South line of Section 9, North 89° 37' West, 20.00 feet, to the Western line of a 40.00 foot County Road known as Coffee Road and the true point of beginning of this description; thence continuing along said South line of Section 9, North 89° 37' West, 278.00 feet; thence North 0° 50' 30" West, 341.00 feet; thence South 89° 37' East, 278.00 feet, to said Western line of Coffee Road; thence along said Western line, South 0° 50' 30" East, 341.00 feet, to the true point of beginning of this description.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-177

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR PUBLIC  
FACILITIES DISTRICT NO. 6. (REMUS D. MOSS)

WHEREAS, on February 13, 1990, the Council of the City of Modesto by Resolution No. 90-103 set a hearing to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on March 13, 1990, 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 Public Facilities District No. 6,

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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Gregory M. Henderson  
Public Works and Transportation

EXHIBIT A

All that real property in the City of Modesto, County of Stanislaus, State of California described as follows:

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

The Eastern 20.00 feet, measured at right angles of the following described property:

Commencing at the Southeast corner of said Section 9; thence North 89° 37' West, along the section line, 20.00 feet; thence North 0° 50' 30" West along the West line of a 40.00 foot County Road, 341.00 feet, to the true point of beginning of this description; thence continuing North 0° 50' 30" West, along the West line of said 40 foot County Road, 158.00 feet; thence North 89° 37' West, 278.00 feet; thence South 0° 50' 30" East, 158.00 feet; thence South 89° 37' East, 278.00 feet, to the true point of beginning.

EXCEPTING THEREFROM the North 79.00 feet.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-178

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR PUBLIC  
FACILITIES DISTRICT NO. 6. (REMUS D. MOSS)

WHEREAS, on February 13, 1990, the Council of the City of Modesto by Resolution No. 90-103 set a hearing to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on March 13, 1990, 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 Public Facilities District No. 6,

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 attached legal description marked Exhibit "A" and attached hereto and made a part hereof as though contained in full herein, and 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 Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Gregory M. Hammerman  
Public Works and Transportation

EXHIBIT A

All that real property in the City of Modesto, County of Stanislaus, State of California described as follows:

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

The Eastern 20.00 feet, measured at right angles, of the following described property:

Commencing at the Southeast corner of said Section 9; thence North 89° 37' West, along the section line, 20.00 feet; thence North 0° 50' 30" West along the West line of a 40.00 foot County Road, 341.00 feet, to the true point of beginning of this description; thence continuing North 0° 50' 30" West, along the West line of said 40 foot County Road, 158.00 feet; thence North 89° 37' West, 278.00 feet; thence South 0° 50' 30" East, 158.00 feet; thence South 89° 37' East, 278.00 feet, to the true point of beginning.

EXCEPTING THEREFROM the South 79.00 feet.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-179

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR PUBLIC  
FACILITIES DISTRICT NO. 6. (LOLITA B. SANTIAGO)

WHEREAS, on February 13, 1990, the Council of the City of Modesto by Resolution No. 90-103 set a hearing to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on March 13, 1990, 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 Public Facilities District No. 6,

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 attached legal description marked Exhibit "A" and attached hereto and made a part hereof as though contained in full herein, and 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 Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Gregory M. Brown  
Public Works and Transportation

EXHIBIT A

All that real property in the City of Modesto, County of Stanislaus, State of California described as follows:

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

The Eastern 20.00 feet, measured at right angles, of the following described property:

Commencing at the Southeast corner of said Section 9; thence North 89° 37' West, along the section line, 20.00 feet; thence North 0° 50' 30" West along the West line of a 40.00 foot County Road, 499.00 feet, to the true point of beginning of this description; thence continuing North 0° 50' 30" West, along the West line of said 40 foot County Road, 158.00 feet; thence North 89° 37' West, 278.00 feet; thence South 0° 50' 30" East, 158.00 feet; thence South 89° 37' East, 278.00 feet, to the true point of beginning of this description.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-180

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR PUBLIC  
FACILITIES DISTRICT NO. 6. (PAULINE ISRAELS)

WHEREAS, on February 13, 1990, the Council of the City of Modesto by Resolution No. 90-103 set a hearing to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on March 13, 1990, 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 Public Facilities District No. 6,

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 attached legal description marked Exhibit "A" and attached hereto and made a part hereof as though contained in full herein, and 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 Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Suzanne M. Hawman  
Public Works and Transportation

EXHIBIT A

All that real property in the City of Modesto, County of Stanislaus, State of California described as follows:

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

Commencing at the Southeast corner of said Section 9; thence North 89° 37' West, along the section line, 20.00 feet; thence North 0° 50' 30" West along the West line of a 40.00 foot County Road, 657.00 feet, to the true point of beginning of this description; thence continuing North 0° 50' 30" West, along the West line of said 40 foot County Road, 158.00 feet; thence North 89° 37' West, 30.01 feet; thence South 27° 24' 24" East, 22.36 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Westerly from said West line of 40.00 foot County Road; thence along said parallel line, South 00° 50' 30" East, 138.21 feet; thence South 89° 37' East, 20.01 feet, to the point of beginning.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-181

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR PUBLIC  
FACILITIES DISTRICT NO. 6. (DENNIS R. SMITH)

WHEREAS, on February 13, 1990, the Council of the City of Modesto by Resolution No. 90-103 set a hearing to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on March 13, 1990, 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 Public Facilities District No. 6,

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 attached legal description marked Exhibit "A" and attached hereto and made a part hereof as though contained in full herein, and 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 Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Suzey M. Hausman  
Public Works and Transportation

EXHIBIT A

All that real property in the City of Modesto, County of Stanislaus, State of California described as follows:

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

The Eastern 25.00 feet, measured at right angles, of the following described property:

Commencing at the quarter corner common to Sections 9 and 10 above Township and Range; thence South  $00^{\circ} 50' 30''$  East along the Section line, 821.00 feet; thence North  $89^{\circ} 37'$  West, 20.00 feet, to a point on the West line of a 40.00 foot County Road and the true point of beginning of this description; thence continuing North  $89^{\circ} 37'$  West, 278.00 feet; to the East line of land conveyed to LESLIE H. HIGH, and wife, by Deed recorded January 8, 1948, as Series No. 382; thence South  $00^{\circ} 50' 30''$  East, along the East line of said High Lane, 158.00 feet; thence South  $89^{\circ} 37'$  East, 278.00 feet, to the West line of said 40.00 foot County Road; thence North  $00^{\circ} 50' 30''$  West along the West line of said 40.00 foot County Road, 158.00 feet, to the true point of beginning of this description.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-182

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR PUBLIC  
FACILITIES DISTRICT NO. 6. (GEORGE G. MARGARITE)

WHEREAS, on February 13, 1990, the Council of the City of Modesto by Resolution No. 90-103 set a hearing to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on March 13, 1990, 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 Public Facilities District No. 6,

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 attached legal description marked Exhibit "A" and attached hereto and made a part hereof as though contained in full herein, and 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 Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Sergiy M. Ananienko  
Public Works and Transportation

EXHIBIT A

All that real property in the City of Modesto, County of Stanislaus, State of California described as follows:

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

The Eastern 25.00 feet, measured at right angles, of the following described property:

Commencing at the quarter corner common to Sections 9 and 10, above Township and Range; thence South  $00^{\circ} 50' 30''$  East along the Section line, 505.00 feet; thence North  $89^{\circ} 37'$  West, 20.00 feet, to a point on the West line of a 40.00 foot County Road and the true point of beginning of this description; thence continuing North  $89^{\circ} 37'$  West, 278.00 feet; thence South  $00^{\circ} 50' 30''$  East, 158.00 feet; thence South  $89^{\circ} 37'$  East, 278.00 feet, to the West line of said 40.00 foot County Road; thence North  $00^{\circ} 50' 30''$  West along the West line of said 40.00 foot County Road, 158.00 feet, to the true point of beginning of this description.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-183

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR PUBLIC  
FACILITIES DISTRICT NO. 6. (DONALD R. GONSALVES)

WHEREAS, on February 13, 1990, the Council of the City of Modesto by Resolution No. 90-103 set a hearing to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on March 13, 1990, 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 Public Facilities District No. 6,

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 attached legal description marked Exhibit "A" and attached hereto and made a part hereof as though contained in full herein, and 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 Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Suzanne M. Hansen  
Public Works and Transportation

EXHIBIT A

All that real property in the City of Modesto, County of Stanislaus, State of California described as follows:

All that portion of the Southwest quarter of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 3 of the O. McHENRY RANCH, as per map filed February 14, 1905 in Volume 2 of Maps, Page 7, Stanislaus County Records, described as follows:

Commencing at the Southwestern corner of said Lot 3; thence along the Western line of Lot 3 and the center line of the former 40.00 foot County Road known as Oakdale Road, North 0° 20' 57" West, 665.04 feet, to the Southwestern corner of the property conveyed to Donald R. Gonsalves, a single man, and Genevieve Ahles, a married woman, as her sole and separate property, by Deed recorded September 25, 1975, as Instrument 13764, Stanislaus County Records; thence along the Southern line of said Gonsalves and Ahles property, South 89° 27' 57" East, 25.00 feet, to a point on the Eastern line of Oakdale Road, and the true point of beginning of this description; thence continuing South 89° 27' 57" East, 25.00 feet, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Easterly from said Western line of Lot 3 and said centerline of Oakdale Road; thence along said parallel line, North 0° 20' 57" West, 239.12 feet, to a point on the Northern line of said Gonsalves and Ahles property; thence along said Northern line, North 89° 32' 27" West, 25.00 feet, to said Eastern line of Oakdale Road; thence along the Eastern line of Oakdale Road, South 0° 20' 57" East, 239.08 feet, to the point of beginning.

Containing 0.137 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-184

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR PUBLIC  
FACILITIES DISTRICT NO. 6. (NORA NARAGHI)

WHEREAS, on February 13, 1990, the Council of the City of Modesto by Resolution No. 90-103 set a hearing to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on March 13, 1990, 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 Public Facilities District No. 6,

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 attached legal description marked Exhibit "A" and attached hereto and made a part hereof as though contained in full herein, and 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 Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Gregory M. Houseman  
Public Works and Transportation

EXHIBIT A

All that real property in the City of Modesto, County of Stanislaus, State of California described as follows:

All that portion of the Southwest quarter of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 3 of the O. McHENRY RANCH, as per map filed February 14, 1905 in Volume 2 of Maps, Page 7, Stanislaus County Records, described as follows:

Commencing at the Southwestern corner of said Lot 3; thence along the Western line of Lot 3 and the center line of the former 40.00 foot County road known as Oakdale Road, North 0° 20' 57" West, 904.09 feet, to the Northwestern corner of the property conveyed to Donald R. Gonsalves, a single man, and Genevieve Ahles, a married woman as her sole and separate property, by Deed recorded September 25, 1975, as Instrument 13764, Stanislaus County Records; thence along the Northern line of said Gonsalves and Ahles property, South 89° 32' 27" East, 25.00 feet, to a point on the Eastern line of Oakdale Road and the true point of beginning of this description; thence along said Eastern line of Oakdale Road, North 0° 20' 57" West, 107.41 feet; thence along a line at right angles to said centerline of Oakdale Road, North 89° 39' 03" East, 25.00 feet, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Easterly from the centerline of Oakdale Road; thence along said parallel line, South 0° 20' 57" East, 107.76 feet, to a point on said Northern line of the Gonsalves and Ahles property; thence along said last mentioned Northern line, North 89° 32' 27" West, 25.00 feet, to the point of beginning.

Containing 0.211 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-184A

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (FRANCIS R. RUGGIERI, ET UX - 1204 PURDUE AVENUE - \$733.67)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$733.67.

SECTION 2. That the cost of the aforesaid work, being the amount of \$733.67, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 9 of Block 825 of CAMPUS TRACT No. 3, as per map filed 9-02-52, in Volume 17 of Maps, Page 42, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 114-07-17)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-185

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ALEXANDER BABA, JR. - 1214 PURDUE AVENUE - \$675.65)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$675.65.

SECTION 2. That the cost of the aforesaid work, being the amount of \$675.65, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 10 of Block 825 of CAMPUS TRACT No. 3, as per map filed 9-02-52, in Volume 17 of Maps, Page 42, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 114-07-18)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

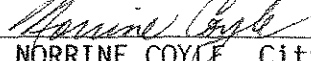
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-186

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WILLIAM T. LYONS, ET UX - 1220 PURDUE AVENUE - \$675.65)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$675.65.

SECTION 2. That the cost of the aforesaid work, being the amount of \$675.65, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-187

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (BART C. YARICK, ET AL - 1226 PURDUE AVENUE - \$641.33)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$641.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$641.33, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 12 of Block 825 of CAMPUS TRACT No. 3, as per map filed 9-02-52, in Volume 17 of Maps, Page 42, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 114-07-20)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.


SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-188

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DONALD L. PERRY, ET UX - 1230 PURDUE AVENUE - \$650.52)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$650.52.

SECTION 2. That the cost of the aforesaid work, being the amount of \$650.52, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 13 of Block 825 of CAMPUS TRACT No. 3, as per map filed 9-02-52, in Volume 17 of Maps, Page 42, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 114-07-21)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.


SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-189

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JOE CUELLAR, ET UX - 1234 PURDUE AVENUE - \$630.61)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$630.61.

SECTION 2. That the cost of the aforesaid work, being the amount of \$630.61, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 14 of Block 825 of CAMPUS TRACT No. 3, as per map filed 9-02-52, in Volume 17 of Maps, Page 42, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 114-07-22)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-190

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DANIEL J. TAYLOR, ET UX - 1238 PURDUE AVENUE - \$630.61)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$630.61.

SECTION 2. That the cost of the aforesaid work, being the amount of \$630.61, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 15 of Block 825 of CAMPUS TRACT No. 3, as per map filed 9-02-52, in Volume 17 of Maps, Page 42, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 114-07-23)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-191

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ROBERT E. PATCH, ET UX - 929 TULLY ROAD, \$635.74)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$635.74.

SECTION 2. That the cost of the aforesaid work, being the amount of \$635.74, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 of Block 825 of CAMPUS TRACT No. 3, as per map filed 9-02-52, in Volume 17 of Maps, Page 42, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 114-07-25)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-193

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JOHN R. PONTE, ET UX - 1239 FORDHAM AVENUE - \$630.61)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$630.61.

SECTION 2. That the cost of the aforesaid work, being the amount of \$630.61, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The West 68' of Lot 2 and the East 2' of Lot 1 of Block 825 of CAMPUS TRACT No. 3, as per map filed 9-02-52, in Volume 17 of Maps, Page 42, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 114-07-26)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.


SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-194

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (STEVE W. PRIGGE, ET UX - 1235 FORDHAM AVENUE - \$630.61)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$630.61.

SECTION 2. That the cost of the aforesaid work, being the amount of \$630.61, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The West 68' of Lot 3 and the East 2' of Lot 2 of Block 825 of CAMPUS TRACT No. 3, as per map filed 9-02-52, in Volume 17 of Maps, Page 42, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 114-07-27)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.


SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-195

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (STEVEN G. LAY, ET UX - 1231 FORDHAM AVENUE - \$605.29)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$605.29.

SECTION 2. That the cost of the aforesaid work, being the amount of \$605.29, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 4 and the East 2' of Lot 3 of Block 825 of CAMPUS TRACT No. 3, as per map filed 9-02-52, in Volume 17 of Maps, Page 42, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 114-07-28)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-196

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN ( WAYNE M. SNYDER - 1227 FORDHAM AVENUE - \$704.84)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$704.84.

SECTION 2. That the cost of the aforesaid work, being the amount of \$704.84, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 5 of Block 825 of CAMPUS TRACT No. 3, as per map filed 9-02-52, in Volume 17 of Maps, Page 42, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 114-07-29)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

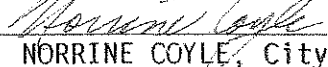
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-197

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DAVID M. MANN, ET UX - 1221 FORDHAM AVENUE - \$675.65)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$675.65.

SECTION 2. That the cost of the aforesaid work, being the amount of \$675.65, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 6 of Block 825 of CAMPUS TRACT No. 3, as per map filed 9-02-52, in Volume 17 of Maps, Page 42, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 114-07-30)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-198

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (LEO STUTZIN - 1215 FORDHAM AVENUE - \$675.65)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$675.65.

SECTION 2. That the cost of the aforesaid work, being the amount of \$675.65, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 7 of Block 825 of CAMPUS TRACT No. 3, as per map filed 9-02-52, in Volume 17 of Maps, Page 42, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 114-07-31)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

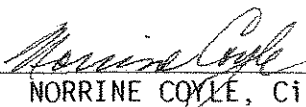
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-199

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (HENRY V. AZEVEDO, JR ET UX - 1205 FORDHAM AVENUE - \$671.69)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$671.69.

SECTION 2. That the cost of the aforesaid work, being the amount of \$671.69, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 8 of Block 825 of CAMPUS TRACT No. 3, as per map filed 9-02-52, in Volume 17 of Maps, Page 42, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 114-07-32)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-200

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JAMES A. GLASS, ET UX - 1503 GLENWOOD DRIVE - \$245.17)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$245.17.

SECTION 2. That the cost of the aforesaid work, being the amount of \$245.17, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 31 of Block 6146 of QUARESMA HOMES No. 1 as per map filed 7-16-59 in Volume 19 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-03-04)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-201

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (GERTRUDE Z. ULLMAN - 1502 Goldenwood Drive - \$1,196.33)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,196.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,196.33, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 30 of Block 6146 of QUARESMA HOMES No. 1 as per map filed 7-16-59 in Volume 19 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-03-05)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-202

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (PETER GREYDANUS, ET UX - 1506 SILKWOOD DRIVE - \$774.37)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$774.37.

SECTION 2. That the cost of the aforesaid work, being the amount of \$774.37, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 29 of Block 6146 of QUARESMA HOMES No. 1 as per map filed 7-16-59 in Volume 19 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-03-06)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

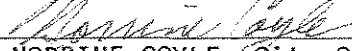
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-203

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (STELLA PERALTA - 1510 SILKWOOD DRIVE - \$702.85)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$702.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$702.85, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 28 of Block 6146 of QUARESMA HOMES No. 1 as per map filed 7-16-59 in Volume 19 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-03-07)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-204

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (FLORENCE RIDGEWAY - 1602 SILKWOOD DRIVE - \$702.85)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$702.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$702.85, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 27 of Block 6146 of QUARESMA HOMES No. 1 as per map filed 7-16-59 in Volume 19 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-03-08)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

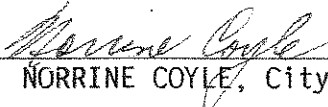
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-205

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (NICK R. PISCITELLO, ET UX - 1606 SILKWOOD DRIVE - \$702.85)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$702.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$702.85, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 26 of Block 6146 of QUARESMA HOMES No. 1 as per map filed 7-16-59 in Volume 19 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-03-09)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

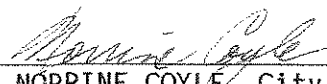
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-206

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (HUBERT M. MUYRES, ET UX - 1610 SILKWOOD DRIVE - \$702.85)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$702.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$702.85, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 25 of Block 6146 of QUARESMA HOMES No. 1 as per map filed 7-16-59 in Volume 19 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-03-10)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

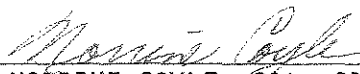
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-207

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JOHN S. SANDERS, ET UX - 1614 SILKWOOD DRIVE - \$702.85)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$702.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$702.85, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 24 of Block 6146 of QUARESMA HOMES No. 1 as per map filed 7-16-59 in Volume 19 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-03-11)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-208

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (LEONARD SETARO, ET UX - 1618 SILKWOOD DRIVE - \$702.85)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$702.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$702.85, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 23 of Block 6146 of QUARESMA HOMES No. 1 as per map filed 7-16-59 in Volume 19 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-03-12)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

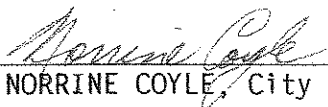
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-209

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (MOON G. WONG, ET UX - 1622 SILKWOOD DRIVE - \$702.85)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$702.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$702.85, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 22 of Block 6146 of QUARESMA HOMES No. 1 as per map filed 7-16-59 in Volume 19 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-03-13)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-210

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (GERALD B. JEPSON, ET UX - 1626 SILKWOOD DRIVE - \$702.85)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$702.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$702.85, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 21 of Block 6146 of QUARESMA HOMES No. 1 as per map filed 7-16-59 in Volume 19 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-03-14)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-211

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (RAYMOND S. GADA, III - 1702 SILKWOOD DRIVE - \$702.85)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$702.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$702.85, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 20 of Block 6146 of QUARESMA HOMES No. 1 as per map filed 7-16-59 in Volume 19 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-03-15)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-212

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JOYCE MILLER - 1706 SILKWOOD DRIVE - \$702.85)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$702.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$702.85, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 19 of Block 6146 of QUARESMA HOMES No. 1 as per map filed 7-16-59 in Volume 19 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-03-16)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-213

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (MERRI E. JACKSON - 1710 SILKWOOD DRIVE - \$702.85)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$702.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$702.85, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 18 of Block 6146 of QUARESMA HOMES No. 1 as per map filed 7-16-59 in Volume 19 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-03-17)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

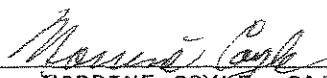
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-214

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CAROLL R. TURRENTINE, ET UX, 1714 SILKWOOD DRIVE, \$630.70)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$630.70.

SECTION 2. That the cost of the aforesaid work, being the amount of \$630.70, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 17 of Block 6146 of QUARESMA HOMES No. 1 as per map filed 7-16-59 in Volume 19 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-03-18)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-215

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN ( REGINA TIDWELL - 1500 FERNWOOD DRIVE - \$1,115.20)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,115.20.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,115.20, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 5 of Block 6146 of WESTWOOD MANOR No. 2 as per map filed 6-03-69, in Volume 22 of Maps, Page 23, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-05-90)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-216

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DANIEL R. LARSON, ET UX - 1705 LINWOOD DRIVE - \$999.17)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$999.17.

SECTION 2. That the cost of the aforesaid work, being the amount of \$999.17, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 14 of Block 6146 of WESTWOOD MANOR No. 1 as per map filed 4-28-55, in Volume 18 of Maps, Page 24, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-05-19)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-217

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JOHN S. BAKER, JR., ET AL - 1701 LINWOOD DRIVE - \$729.77)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$729.77.

SECTION 2. That the cost of the aforesaid work, being the amount of \$729.77, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 13 of Block 6146 of WESTWOOD MANOR No. 1 as per map filed 4-28-55, in Volume 18 of Maps, Page 24, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-05-20)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

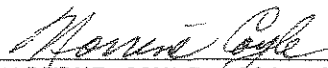
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-218

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (KENNETH L. CLEVINGER, ET UX - 1629 LINWOOD AVENUE - \$729.77)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$729.77.

SECTION 2. That the cost of the aforesaid work, being the amount of \$729.77, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 12 of Block 6146 of WESTWOOD MANOR No. 1 as per map filed 4-28-55, in Volume 18 of Maps, Page 24, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-05-21)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-219

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JACQUELINE M. PUCCI - 1625 LINWOOD DRIVE - \$999.17)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$999.17.

SECTION 2. That the cost of the aforesaid work, being the amount of \$999.17, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 11 of Block 6146 of WESTWOOD MANOR No. 1 as per map filed 4-28-55, in Volume 18 of Maps, Page 24, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-05-22)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

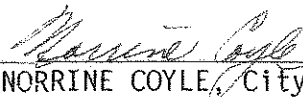
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-220

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JULIA A. WAGNER - 1621 LINWOOD DRIVE - \$999.17)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$999.17.

SECTION 2. That the cost of the aforesaid work, being the amount of \$999.17, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 10 of Block 6146 of WESTWOOD MANOR No. 1 as per map filed 4-28-55, in Volume 18 of Maps, Page 24, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-05-47)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-221

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DE WAYNE A. HIGBEE - 1617 Linwood Drive - \$684.90)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$684.90.

SECTION 2. That the cost of the aforesaid work, being the amount of \$684.90, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 9 of Block 6146 of WESTWOOD MANOR No. 1 as per map filed 4-28-55, in Volume 18 of Maps, Page 24, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-05-48)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-222

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JIMMY N. STAMOS, ET UX - 1613 LINWOOD DRIVE - \$684.90)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$684.90.

SECTION 2. That the cost of the aforesaid work, being the amount of \$684.90, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 8 of Block 6146 of WESTWOOD MANOR No. 1 as per map filed 4-28-55, in Volume 18 of Maps, Page 24, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-05-49)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-223

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DAVID C. CARDENAS - 1609 LINWOOD DRIVE - \$937.52)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$937.52.

SECTION 2. That the cost of the aforesaid work, being the amount of \$937.52, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 7 of Block 6146 of WESTWOOD MANOR No. 1 as per map filed 4-28-55, in Volume 18 of Maps, Page 24, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-05-50)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

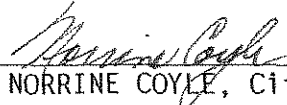
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-224

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (RAYMOND E. STUIT, ET UX - 1605 LINWOOD DRIVE - \$937.52)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$937.52.

SECTION 2. That the cost of the aforesaid work, being the amount of \$937.52, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The North 62' of Lot 6 of Block 6146 of FREMONT PARK as per filed 2-14-54, in Volume 18 of Maps, Page 13, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-06-06)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

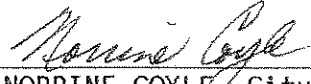
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-225

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DOUGLAS M. LOUIS - 1601 LINWOOD DRIVE - \$739.19)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$739.19.

SECTION 2. That the cost of the aforesaid work, being the amount of \$739.19, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 5 and the South 5.06' of Lot 6 of Block 6146 of FREMONT PARK as per filed 2-14-54, in Volume 18 of Maps, Page 13, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-06-05)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

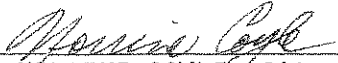
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-226

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ROBERTA FREITAS - 1513 LINWOOD DRIVE - \$720.80)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$720.80.

SECTION 2. That the cost of the aforesaid work, being the amount of \$720.80, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 4 and the North 3' of Lot 3 of Block 6146 of FREMONT PARK as per filed 2-14-54, in Volume 18 of Maps, Page 13, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-06-04)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

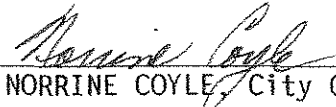
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-227

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ANGLO COLOMBO, ET UX - 1509 LINWOOD DRIVE - \$666.95)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$666.95.

SECTION 2. That the cost of the aforesaid work, being the amount of \$666.95, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The South 63' of Lot 3 of Block 6146 of FREMONT PARK as per filed 2-14-54, in Volume 18 of Maps, Page 13, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-06-03)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

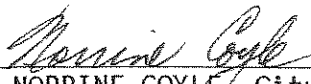
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-228

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JOHN W. DAHLGREN, ET UX - 1505 LINWOOD DRIVE - \$693.87)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$693.87.

SECTION 2. That the cost of the aforesaid work, being the amount of \$693.87, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 2 of Block 6146 of FREMONT PARK as per filed 2-14-54, in Volume 18 of Maps, Page 13, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-06-02)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-228A

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (EUGENE H. BANNER, TR - 1501 LINWOOD DRIVE - \$684.90)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$684.90.

SECTION 2. That the cost of the aforesaid work, being the amount of \$684.90, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 of Block 6146 of FREMONT PARK as per filed 2-14-54, in Volume 18 of Maps, Page 13, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 117-06-01)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

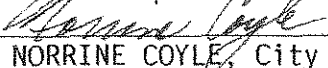
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-229

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DONALD W. HUGHES, ET UX - 1124 MOUNT VERNON DRIVE - \$976.43)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$976.43.

SECTION 2. That the cost of the aforesaid work, being the amount of \$976.43, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 11 and the West 32.58' of Lot 12 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-01)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-230

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ALVIN J. COELHO, ET UX - 2322 MONTE VERDE AVENUE - \$896.61)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$896.61.

SECTION 2. That the cost of the aforesaid work, being the amount of \$896.61, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 10 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-02)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

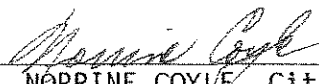
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-231

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (OPAL M. KAUFMAN - 2314 MONTE VERDE AVENUE - \$663.75)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$663.75.

SECTION 2. That the cost of the aforesaid work, being the amount of \$663.75, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 9 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-03)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-232

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DONALD C. ALLEN, ET UX - 2310 MONTE VERDE AVENUE - \$663.75)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$663.75.

SECTION 2. That the cost of the aforesaid work, being the amount of \$663.75, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 8 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-04)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

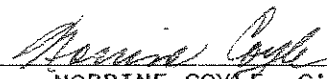
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-233

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (BRIAN L. MEADER, ET UX - 2306 MONTE VERDE AVENUE - \$663.75)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$663.75.

SECTION 2. That the cost of the aforesaid work, being the amount of \$663.75, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 7 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-05)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.


SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-234

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (FRANK S. IMBESI, ET AL - 2302 MONTE VERDE AVENUE - \$663.75)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$663.75.

SECTION 2. That the cost of the aforesaid work, being the amount of \$663.75, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 6 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-06)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.


SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-235

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (GEORGE T. SHIYOMURA, ET UX - 2218 MONTE VERDE AVENUE - \$663.75)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$663.75.

SECTION 2. That the cost of the aforesaid work, being the amount of \$663.75, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 5 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-07)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-236

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (RUTH E. METZLER - 2214 MONTE VERDE AVENUE - \$663.75)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$663.75.

SECTION 2. That the cost of the aforesaid work, being the amount of \$663.75, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 4 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-08)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-237

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ROBERT F. JAMES, ET UX - 2210 MONTE VERDE AVENUE - \$672.69)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$672.69.

SECTION 2. That the cost of the aforesaid work, being the amount of \$672.69, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 3 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-09)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

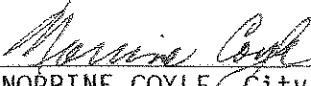
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-238

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WARNER, JACK R. ET UX - 2206 MONTE VERDE AVENUE - \$672.69)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$672.69.

SECTION 2. That the cost of the aforesaid work, being the amount of \$672.69, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 2 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-10)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

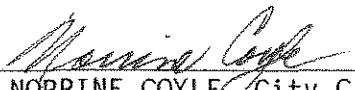
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-239

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JOHN MOTT - 2202 MONTE VERDE AVENUE - \$732.67)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$732.67.

SECTION 2. That the cost of the aforesaid work, being the amount of \$732.67, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-11)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

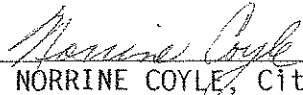
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-240

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ISABELLE CARLSON - 2201 MONTE CARLO AVENUE - \$687.17)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$687.17.

SECTION 2. That the cost of the aforesaid work, being the amount of \$687.17, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 23 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-12)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-241

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WAYNE BRAWLEY, ET UX - 2205 MONTE CARLO AVENUE - \$672.69)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$672.69.

SECTION 2. That the cost of the aforesaid work, being the amount of \$672.69, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 22 of Block 6729 of BEL AIR SUBDIVION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-13)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-242

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (RICHARD WINDEMUTH - 2209 MONTE CARLO AVENUE - \$672.69)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$672.69.

SECTION 2. That the cost of the aforesaid work, being the amount of \$672.69, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 21 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-14)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-243

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (KENNETH L. GARDNER - 2213 MONTE CARLO AVENUE - \$663.75)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$663.75.

SECTION 2. That the cost of the aforesaid work, being the amount of \$663.75, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 20 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-15)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-244

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WILLIAM C. SILVA - 2217 MONTE CARLO AVENUE - \$663.75)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$663.75.

SECTION 2. That the cost of the aforesaid work, being the amount of \$663.75, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, Stanislaus County, California, described as follows:

Lot 19 of Block 6729 of Bel Air Subdivision No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-16)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

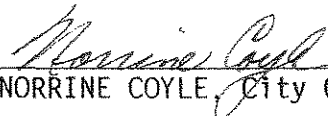
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-245

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (SALVATORE TOMAO, ET UX - 2301 MONTE CARLO AVENUE - \$663.75)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$663.75.

SECTION 2. That the cost of the aforesaid work, being the amount of \$663.75, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 18 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-17)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-246

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (EDWIN V. DAVIS, ET UX - 2305 MONTE CARLO AVENUE - \$663.75)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$663.75.

SECTION 2. That the cost of the aforesaid work, being the amount of \$663.75, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 17 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-18)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

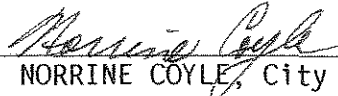
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-247

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (LEROY BURROWS, ET UX - 2309 MONTE CARLO AVENUE - \$663.75)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$663.75.

SECTION 2. That the cost of the aforesaid work, being the amount of \$663.75, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 16 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-19)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-248

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (HUGH V. INSKEEP, ET UX - 2313 MONTE CARLO AVENUE - \$663.75)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$663.75.

SECTION 2. That the cost of the aforesaid work, being the amount of \$663.75, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 15 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-20)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-249

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DENNIS M. WOODRUFF - 2317 MONTE CARLO AVENUE - \$896.61)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$896.61.

SECTION 2. That the cost of the aforesaid work, being the amount of \$896.61, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 14 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-21)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

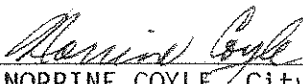
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-250

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (KEITH T. CROW, ET UX - 1116 MOUNT VERNON DRIVE - \$995.65)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$995.65.

SECTION 2. That the cost of the aforesaid work, being the amount of \$995.65, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 13 and the East 32.42' of Lot 12 of Block 6729 of BEL AIR SUBDIVISION No. 1 as per map filed 2-24-56, in Volume 18 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-10-22)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-251

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (MAURICE R. HORGAN, ET UX - 710 NORTHWOOD DRIVE - \$837.77)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$837.77.

SECTION 2. That the cost of the aforesaid work, being the amount of \$837.77, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 13 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-28)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-252

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (LENA A. OCCHIPINTI - 706 NORTHWOOD DRIVE - \$708.52)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$708.52.

SECTION 2. That the cost of the aforesaid work, being the amount of \$708.52, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lots 14 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-29)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

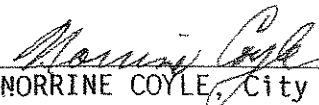
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-253

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (RICHARD C. ALLEMAN - 702 NORTHWOOD DRIVE - \$714.30)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$714.30.

SECTION 2. That the cost of the aforesaid work, being the amount of \$714.30, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 15 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-30)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-254

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JOHN A. WILSON, ET UX - 606 NORTHWOOD DRIVE - \$701.13)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$701.13.

SECTION 2. That the cost of the aforesaid work, being the amount of \$701.13, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 16 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-31)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-255

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (THOMAS J. SUGGS, ET UX - 602 NORTHWOOD DRIVE - \$732.53)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$732.53.

SECTION 2. That the cost of the aforesaid work, being the amount of \$732.53, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 17 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-32)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-256

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JULIUS W. BERCHEM, ET UX - 514 NORTHWOOD DRIVE - \$696.77)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$696.77.

SECTION 2. That the cost of the aforesaid work, being the amount of \$696.77, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 18 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-33)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

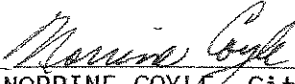
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-257

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ANGELO MEANZA, ET UX - 510 NORTHWOOD DRIVE - \$757.26)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$757.26.

SECTION 2. That the cost of the aforesaid work, being the amount of \$757.26, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 19 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-34)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-258

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (BARBARA D. DARPINIAN - 506 NORTHWOOD DRIVE - \$792.04)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$792.04.

SECTION 2. That the cost of the aforesaid work, being the amount of \$792.04, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 20 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-35)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

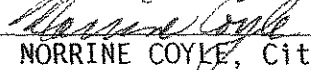
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-259

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (BROWER A. DIAMOND, ET UX - 502 NORTHWOOD DRIVE - \$878.51)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$878.51.

SECTION 2. That the cost of the aforesaid work, being the amount of \$878.51, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 21 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-36)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

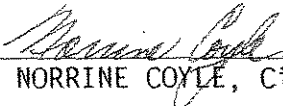
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-260

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ROBERT N. RICHARDS, ET UX - 410 NORTHWOOD DRIVE - \$878.24)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$878.24.

SECTION 2. That the cost of the aforesaid work, being the amount of \$878.24, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 22 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-37)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

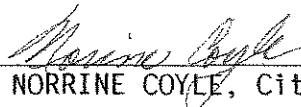
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-261

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JAMES D. HARDING, ET UX - 406 NORTHWOOD DRIVE - \$814.46)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$814.46.

SECTION 2. That the cost of the aforesaid work, being the amount of \$814.46, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 23 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-38)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-262

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (F. W. VICKREY, ET UX - 402 NORTHWOOD DRIVE - \$843.73)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$843.73.

SECTION 2. That the cost of the aforesaid work, being the amount of \$843.73, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 24 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-39)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

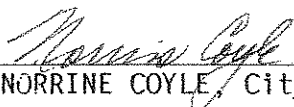
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-263

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ERWIN L. KAISER, ET UX - 2201 SHERWOOD AVENUE - \$729.69)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$729.69.

SECTION 2. That the cost of the aforesaid work, being the amount of \$729.69, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-40)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-264

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (GORDON B. BLAINE, ET UX - 405 BOWEN AVENUE - \$800.58)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$800.58.

SECTION 2. That the cost of the aforesaid work, being the amount of \$800.58, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 2 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-41)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-265

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CATHERINE T. BOOTH - 409 BOWEN AVENUE - \$800.58)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$800.58.

SECTION 2. That the cost of the aforesaid work, being the amount of \$800.58, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 3 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-42)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

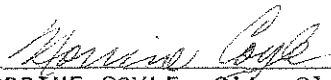
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-266

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CALVIN P. JOHNSON, ET UX - 501 BOWEN AVENUE - \$840.43)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$840.43.

SECTION 2. That the cost of the aforesaid work, being the amount of \$840.43, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 4 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-43)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-267

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (NORMA L. COSTA - 505 BOWEN AVENUE - \$818.64)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$818.64.

SECTION 2. That the cost of the aforesaid work, being the amount of \$818.64, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 5 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-44)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-268

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (HOWARD W. CANTY, ET UX - 509 BOWEN AVENUE - \$783.06)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$783.06 .

SECTION 2. That the cost of the aforesaid work, being the amount of 783.06, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 6 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-45)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-269

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (RUSSELL D. SWIGART, ET UX - 513 BOWEN AVENUE - \$774.16)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$774.16.

SECTION 2. That the cost of the aforesaid work, being the amount of \$774.16, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 7 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-46)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-270

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JAMES D. STRUCK, ET UX - 601 BOWEN AVENUE - \$756.37)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$756.37.

SECTION 2. That the cost of the aforesaid work, being the amount of \$756.37, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 8 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-47)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

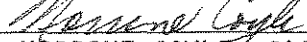
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-271

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ANTHONY J. FIGUEIREDO - 605 BOWEN AVENUE - \$756.46)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$756.46.

SECTION 2. That the cost of the aforesaid work, being the amount of \$756.46, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 9 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-48)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-272

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ARTHUR KALUNIAN, ET UX - 701 BOWEN AVENUE - \$756.55)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$756.55.

SECTION 2. That the cost of the aforesaid work, being the amount of \$756.55, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 10 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-49)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (MICHAEL F. MONSCHEIN - 705 BOWEN AVENUE - \$756.55)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$756.55.

SECTION 2. That the cost of the aforesaid work, being the amount of \$756.55, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 11 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-50)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-274

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CHARLES D. CRAFT, ET UX - 2202 FREMONT AVENUE - \$826.29)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$826.29.

SECTION 2. That the cost of the aforesaid work, being the amount of \$826.29, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 12 of Block 6821 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56, in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-12-51)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-275

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (SANFORD SANDELMAN, TR, C/O KIN PROPERTIES INC. - 2205 MC HENRY AVENUE - \$1,708.08)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,708.08.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,708.08, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel "A" as shown on that map filed 10-28-66 in Volume 2 of Parcel Maps, Page 86, Stanislaus County Records

(Stanislaus County Assessor's Parcel No. 59-04-05)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-276

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (P N W INC - 2401 MC HENRY AVENUE - \$1,981.06)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,981.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,981.06, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the NE corner of Parcel "2" as per map filed 10-17-69 in Volume 7 of Parcel Maps, Page 75, Stanislaus County Records. Thence North 82.85'; thence West 471.72'; thence South 278.9'; thence East 60'; thence North 180'; Thence East 411.46' to the Point of Beginning.

(Stanislaus County Assessor's Parcel No. 59-04-20)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.


SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-277

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (VINCENT J. SCIABICA, ET UX - 216 NORTHGATE DRIVE - \$881.52)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$881.52.

SECTION 2. That the cost of the aforesaid work, being the amount of \$881.52, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 20 of Block 6822 of NORTHGATE SUBDIVISION No. 2 as per map filed 7-28-58, in Volume 19 of maps, page 04, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-12)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

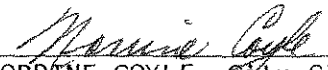
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-278

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JERRY W. HILL, ET UX - 2306 KIRKWOOD AVENUE - \$883.82)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$883.82.

SECTION 2. That the cost of the aforesaid work, being the amount of \$883.82, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lots 19 of Block 6822 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-13)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-279

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ALBERTA MARTONE - 2302 KIRKWOOD AVENUE - \$839.58)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$839.58.

SECTION 2. That the cost of the aforesaid work, being the amount of \$839.58, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lots 18 of Block 6822 of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-14)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-280

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (G. DALE SMITH, ET UX - 302 NORTHWOOD DRIVE - \$1,281.92)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,281.92.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,281.92, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 17 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-15)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.


SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE City Clerk

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (HAZEL L. PIERRE - 306 NORTHWOOD DRIVE - \$917.89)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$917.89.

SECTION 2. That the cost of the aforesaid work, being the amount of \$917.89, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 16 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-16)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-282

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (GARY M. DOLAN, ET UX - 310 NORTHWOOD DRIVE - \$843.12)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$843.12.

SECTION 2. That the cost of the aforesaid work, being the amount of \$843.12, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 15 and the East 5' of Lot 14 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-17)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

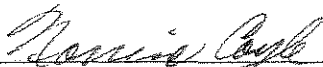
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
MORRINE COYLE, City Clerk

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (RAYMOND P. FORBES, ET UX - 314 NORTHWOOD DRIVE - \$839.67)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$839.67.

SECTION 2. That the cost of the aforesaid work, being the amount of \$839.67, be assessed in three annual instalments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The west 85.01' of Lot 14 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-18)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-284

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (THOMAS L. DOMITROVICH, ET UX - 318 NORTHWOOD DRIVE - \$702.69)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$702.69.

SECTION 2. That the cost of the aforesaid work, being the amount of \$702.69, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 13 and the East 5' of Lot 12 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-19)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-285

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ELIZABETH T. SODERSTROM, ET AL - 322 NORTHWOOD DRIVE - \$825.60)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$825.60.

SECTION 2. That the cost of the aforesaid work, being the amount of \$825.60, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The west 83.42' of Lot 12 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-20)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-286

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DOROTHY A. LINGLE - 326 NORTHWOOD DRIVE - \$842.59)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$842.59.

SECTION 2. That the cost of the aforesaid work, being the amount of \$842.59, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 11 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-21)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-287

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JOHN J. FUERY, ET UX - 330 NORTHWOOD DRIVE - \$855.95)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$855.95.

SECTION 2. That the cost of the aforesaid work, being the amount of \$855.95, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 10 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-22)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.


SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-288

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (EDWARD W. HANSEN, ET UX - 2202 SHERWOOD AVENUE - \$991.42)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$991.42.

SECTION 2. That the cost of the aforesaid work, being the amount of \$991.42, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 9 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-23)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

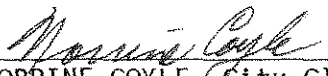
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-289

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (LARRY L. POWERS, ET UX - 321 BOWEN AVENUE - \$786.49)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$786.49.

SECTION 2. That the cost of the aforesaid work, being the amount of \$786.49, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-290

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CHARLES J. BROWN, ET UX - 317 BOWEN AVENUE - \$786.49)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$786.49.

SECTION 2. That the cost of the aforesaid work, being the amount of \$786.49, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 7 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-25)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-291

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ELEANOR ERICKSON - 313 BOWEN AVENUE - \$786.49)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$786.49.

SECTION 2. That the cost of the aforesaid work, being the amount of \$786.49, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 6 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-26)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-292

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (SHIRLEY TRINGALI - 309 BOWEN AVENUE - \$786.49)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$786.49.

SECTION 2. That the cost of the aforesaid work, being the amount of \$786.49, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 5 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-27)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-293

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ALBERT C. LUOND, ET UX - 305 BOWEN AVENUE - \$786.49)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$786.49.

SECTION 2. That the cost of the aforesaid work, being the amount of \$786.49, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 4 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-28)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-294

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (MELVIN W. HELLER, JR. ET UX - 301 BOWEN AVENUE - \$786.49)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$786.49.

SECTION 2. That the cost of the aforesaid work, being the amount of \$786.49, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 3 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-29)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

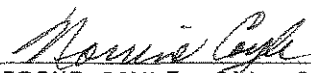
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-295

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (GEORGE W. EDWARDS, ET UX - 221 BOWEN AVENUE - \$786.49)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$786.49.

SECTION 2. That the cost of the aforesaid work, being the amount of \$786.49, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 2 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-30)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-296

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JOHN H. FUNNELL - 217 BOWEN AVENUE - \$807.72)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$807.72.

SECTION 2. That the cost of the aforesaid work, being the amount of \$807.72, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 of Block 6822-A of NORTHGATE SUBDIVISION No. 1 as per map filed 6-29-56 in Volume 18 of Maps, Page 54, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 59-13-31)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

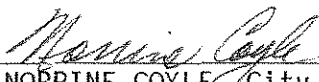
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-297

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ROBERT D HUGHES, ET UX - 1713 COLLEGE AVENUE - \$548.55)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$548.55.

SECTION 2. That the cost of the aforesaid work, being the amount of \$548.55, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 9, excepting the South & East 10' of Block 6139 of COLLEGE AVENUE TRACT as per map filed 11-09-36, in Volume 11 of Maps, Page 34, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-10)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

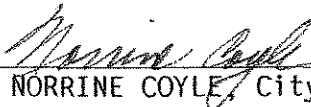
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-298

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ROBERT L. LARSEN, ET UX - 1720 COLLEGE AVENUE - \$635.63)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$635.63.

SECTION 2. That the cost of the aforesaid work, being the amount of \$635.63, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The South 10' of Lot 9 and the North 60' of Lot 8, excepting the East 10' of Block 6139 of COLLEGE AVENUE TRACT as per map filed 11-09-36, in Volume 11 of Maps, Page 34, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-11)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-299

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (MILTON CHATFIELD, ET UX - 1705 COLLEGE AVENUE - \$635.63)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$635.63.

SECTION 2. That the cost of the aforesaid work, being the amount of \$635.63, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The South 25' of Lot 9 and the North 45' of Lot 8, excepting the East 10' of Block 6139 of COLLEGE AVENUE TRACT as per map filed 11-09-36, in Volume 11 of Maps, Page 34, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-12)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-300

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (FRED T. MATHIES, ET UX - 1701 COLLEGE AVENUE - \$635.63)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$635.63.

SECTION 2. That the cost of the aforesaid work, being the amount of \$635.63, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The South 40' of Lot 7 and the North 30' of Lot 6, excepting the East 10' of Block 6139 of COLLEGE AVENUE TRACT as per map filed 11-09-36, in Volume 11 of Maps, Page 34, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-13)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WILLIAM B. GROGAN, ET UX - 1629 COLLEGE AVENUE - \$635.63)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$635.63.

SECTION 2. That the cost of the aforesaid work, being the amount of \$635.63, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The South 55' of Lot 6 and the North 15' of Lot 5, excepting the East 10' of Block 6139 of COLLEGE AVENUE TRACT as per map filed 11-09-36, in Volume 11 of Maps, Page 34, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-14)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-302

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DAVID C. LINSKOTT, - 1625 COLLEGE AVENUE - \$635.63)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$635.63.

SECTION 2. That the cost of the aforesaid work, being the amount of \$635.63, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The South 70' of Lot 5, excepting the East 10' of Block 6139 of COLLEGE AVENUE TRACT as per map filed 11-09-36, in Volume 11 of Maps, Page 34, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-15)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-303

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DAVID A. VAILLE - 1617 COLLEGE AVENUE - \$317.54)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$317.54.

SECTION 2. That the cost of the aforesaid work, being the amount of \$317.54, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel "1" of that certain map recorded 9-11-86, in Volume 11 of Parcel Maps, Page 65, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-57)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-304

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (KENNETH BRYANT S.UX - 1615 COLLEGE AVENUE - \$454.02)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$454.02.

SECTION 2. That the cost of the aforesaid work, being the amount of \$454.02, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel "2" of that certain map recorded 9-11-86, in Volume 11 of Parcel Maps, Page 65, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-58)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-305

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (MARY GROGAN - 505 ANDOVER LANE - \$635.63)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$635.63.

SECTION 2. That the cost of the aforesaid work, being the amount of \$635.63, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The North 70' of Lots 1 and 2, excepting the East 10' of Block 6139 of COLLEGE AVENUE TRACT as per map filed 11-09-36, in Volume 11 of Maps, Page 34, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-17)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-306

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (SAYSAO PROM - 1115 GRANGER AVENUE - \$1,589.08)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,589.08.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,589.08, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The South 175' of Lot 2, excepting the East 10' of Block 6139 of COLLEGE AVENUE TRACT as per map filed 11-09-36, in Volume 11 of Maps, Page 34, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-19)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

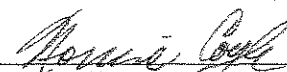
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-307

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ELLEM M. MEYER - 1600 CONCORD AVENUE - \$544.83)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$544.83.

SECTION 2. That the cost of the aforesaid work, being the amount of \$544.83, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 23 of Block 6139 of Woodman Tract as per map filed 10-18-46, in Volume 16 of Maps, Page 06, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-20)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-308

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JENNIE J. ACHTERBERG - 1604 CONCORD AVENUE - \$544.83)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$544.83.

SECTION 2. That the cost of the aforesaid work, being the amount of \$544.83, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 22 of Block 6139 of Woodman Tract as per map filed 10-18-46, in Volume 16 of Maps, Page 06, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-21)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-309

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JIMMIE L. CANTRELL ET UX - 1608 CONCORD AVENUE - \$544.83)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$544.83.

SECTION 2. That the cost of the aforesaid work, being the amount of \$544.83, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 21 of Block 6139 of Woodman Tract as per map filed 10-18-46, in Volume 16 of Maps, Page 06, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-22)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE City Clerk

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (LEVERT RIDENOUR ET UX - 1612 CONCORD AVENUE - \$544.83)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$544.83.

SECTION 2. That the cost of the aforesaid work, being the amount of \$544.83, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 20 of Block 6139 of Woodman Tract as per map filed 10-18-46, in Volume 16 of Maps, Page 06, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-23)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-311

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (SHARON A. McSPARIN - 1616 CONCORD AVENUE - \$544.83)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$544.83.

SECTION 2. That the cost of the aforesaid work, being the amount of \$544.83, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 19 of Block 6139 of Woodman Tract as per map filed 10-18-46, in Volume 16 of Maps, Page 06, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-24)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

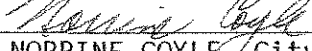
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-312

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (VIRGIL GROVES - 1620 CONCORD AVENUE - \$544.83)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$544.83.

SECTION 2. That the cost of the aforesaid work, being the amount of \$544.83, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 18 of Block 6139 of Woodman Tract as per map filed 10-18-46, in Volume 16 of Maps, Page 06, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-25)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

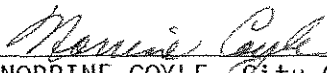
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-313

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ADAN QUINONEZ ET UX - 1624 CONCORD AVENUE - \$544.83)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$544.83.

SECTION 2. That the cost of the aforesaid work, being the amount of \$544.83, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 17 of Block 6139 of Woodman Tract as per map filed 10-18-46, in Volume 16 of Maps, Page 06, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-26)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-314

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DONALD K. O CONNOR - 1628 CONCORD AVENUE - \$544.83)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$544.83.

SECTION 2. That the cost of the aforesaid work, being the amount of \$544.83, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 16 of Block 6139 of Woodman Tract as per map filed 10-18-46, in Volume 16 of Maps, Page 06, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-27)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-315

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ALTA P. CAUDLE - 1700 CONCORD AVENUE - \$544.83)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$544.83.

SECTION 2. That the cost of the aforesaid work, being the amount of \$544.83, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 15 of Block 6139 of Woodman Tract as per map filed 10-18-46, in Volume 16 of Maps, Page 06, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-28)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-316

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DAVID B. VILLERS ET UX - 1704 CONCORD AVENUE - \$544.83)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$544.83.

SECTION 2. That the cost of the aforesaid work, being the amount of \$544.83, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 14 of Block 6139 of Woodman Tract as per map filed 10-18-46, in Volume 16 of Maps, Page 06, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-29)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-317

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JOHN KOVOLYAK ET UX - 1708 CONCORD AVENUE - \$544.83)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$544.83.

SECTION 2. That the cost of the aforesaid work, being the amount of \$544.83, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 13 of Block 6139 of Woodman Tract as per map filed 10-18-46, in Volume 16 of Maps, Page 06, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-30)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

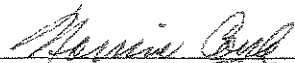
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-318

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (RONALD L. BIRGEL ET UX - 1712 CONCORD AVENUE - \$724.07)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$724.07.

SECTION 2. That the cost of the aforesaid work, being the amount of \$724.07, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 12 of Block 6139 of Woodman Tract as per map filed 10-18-46, in Volume 16 of Maps, Page 06, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 118-02-31)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-319

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (PHILLIP G. SILVA, ET UX - 1210 HILLVIEW DRIVE - \$996.61)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$996.61.

SECTION 2. That the cost of the aforesaid work, being the amount of \$996.61, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 6 of Block 5304 of HILLVIEW ACRES as per map filed 2-27-59, in Volume 19 of Maps, Page 14, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 29-30-33)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-320

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CHARLES A. BEST, ET UX - 206 CLOVER LANE - \$916.78)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$916.78.

SECTION 2. That the cost of the aforesaid work, being the amount of \$916.78, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 7 of Block 5304 of HILLVIEW ACRES as per map filed 2-27-59, in Volume 19 of Maps, Page 14, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 29-30-34)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-321

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DENNIS CUMMINS, ET UX - 202 CLOVER LANE - \$916.78)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$916.78.

SECTION 2. That the cost of the aforesaid work, being the amount of \$916.78, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 8 of Block 5304 of HILLVIEW ACRES as per map filed 2-27-59, in Volume 19 of Maps, Page 14, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 29-30-35)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-322

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JARRETT F. SHIRLEY, ET UX - 106 CLOVER LANE - \$916.78)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$916.78.

SECTION 2. That the cost of the aforesaid work, being the amount of \$916.78, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 9 of Block 5304 of HILLVIEW ACRES as per map filed 2-27-59, in Volume 19 of Maps, Page 14, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 29-30-36)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

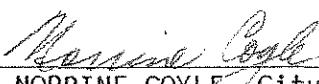
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-323

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (TIMOTHY J. SIMMONS, ET UX - 1211 FAIROAKS DRIVE - \$916.78)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$916.78.

SECTION 2. That the cost of the aforesaid work, being the amount of \$916.78, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 10 of Block 5304 of HILLVIEW ACRES as per map filed 2-27-59, in Volume 19 of Maps, Page 14, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 29-30-37)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-324

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (LEAMAN BEAN, ET UX - 1207 FAIROAKS DRIVE - \$938.95)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$938.95.

SECTION 2. That the cost of the aforesaid work, being the amount of \$938.95, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 of Block 5304 of HILLVIEW ACRES as per map filed 2-27-59, in Volume 19 of Maps, Page 14, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 29-30-38)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-325

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CLEMENTS OTT, JR. ET UX - 105 BLUEGRASS LANE - \$939.03)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$939.03.

SECTION 2. That the cost of the aforesaid work, being the amount of \$939.03, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 2 of Block 5304 of HILLVIEW ACRES as per map filed 2-27-59, in Volume 19 of Maps, Page 14, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 29-30-39)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-326

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CLEMENS OTT, JR. ET UX - 105 BLUEGRASS LANE - \$939.03)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$939.03.

SECTION 2. That the cost of the aforesaid work, being the amount of \$939.03, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 3 of Block 5304 of HILLVIEW ACRES as per map filed 2-27-59, in Volume 19 of Maps, Page 14, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 29-30-40)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-327

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CHRISTINE I. BROWN - 205 BLUEGRASS LANE - \$939.03)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$939.03.

SECTION 2. That the cost of the aforesaid work, being the amount of \$939.03, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 4 of Block 5304 of HILLVIEW ACRES as per map filed 2-27-59, in Volume 19 of Maps, Page 14, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 29-30-41)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-328

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CHARLES MC KEEVER, ET UX - 209 BLUEGRASS LANE - \$938.95)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$938.95.

SECTION 2. That the cost of the aforesaid work, being the amount of \$938.95, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 5 of Block 5304 of HILLVIEW ACRES as per map filed 2-27-59, in Volume 19 of Maps, Page 14, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 29-30-42)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-329

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WILBUR NORMAN ET UX - 900 RUMBLE ROAD - \$644.38)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$644.38.

SECTION 2. That the cost of the aforesaid work, being the amount of \$644.38, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 18 of Block 12952 of SHERWOOD MANOR as per map filed 7-20-59, in Volume 19 of Maps, Page 59, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 13-28-24)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

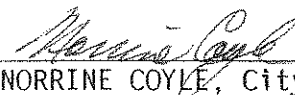
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-330

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CONSTANCE A. FLEEMAN - 2912 WINDSOR LANE - \$643.78)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$643.78.

SECTION 2. That the cost of the aforesaid work, being the amount of \$643.78, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 17 of Block 12952 of SHERWOOD MANOR as per map filed 7-20-59, in Volume 19 of Maps, Page 59, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 13-28-25)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

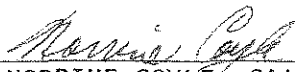
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-331

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DANIEL A. POLLARD ET UX - 2908 WINDSOR LANE - \$643.78)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$643.78.

SECTION 2. That the cost of the aforesaid work, being the amount of \$643.78, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 16 of Block 12952 of SHERWOOD MANOR as per map filed 7-20-59, in Volume 19 of Maps, Page 59, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 13-28-26)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-332

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (EDGAR W. FLESHMAN - 2904 WINDSOR LANE - \$643.78)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$643.78.

SECTION 2. That the cost of the aforesaid work, being the amount of \$643.78, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 15 of Block 12952 of SHERWOOD MANOR as per map filed 7-20-59, in Volume 19 of Maps, Page 59, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 13-28-27)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-333

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (KEITH P. SETZER ET UX - 2900 WINDSOR LANE - \$643.78)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$643.78.

SECTION 2. That the cost of the aforesaid work, being the amount of \$643.78, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 14 of Block 12952 of SHERWOOD MANOR as per map filed 7-20-59, in Volume 19 of Maps, Page 59, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 13-28-28)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-334

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WAYNE C. MORELINI ET UX - 2816 WINDSOR LANE - \$1,185.24)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,185.24.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,185.24, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 13 of Block 12952 of SHERWOOD MANOR as per map filed 7-20-59, in Volume 19 of Maps, Page 59, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 13-28-29)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-335

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ILONA M. PARKHURST - 2705 SHEFFIELD LANE - \$468.59)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$468.59.

SECTION 2. That the cost of the aforesaid work, being the amount of \$468.59, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 24 of Block 12952 of SHERWOOD MANOR No. 2 as per map filed 10-30-62 in Volume 20 of Maps, Page 59, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 13-61-02)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-336

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (EMMIE SUZUKI - 2801 SHEFFIELD LANE - \$789.70)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$789.70.

SECTION 2. That the cost of the aforesaid work, being the amount of \$789.70, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lots 23 of Block 12952 of SHERWOOD MANOR No. 2 as per map filed 10-30-62 in Volume 20 of Maps, Page 59, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 13-61-03)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-337

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ELMO F. KELLOGG ET UX - 2805 SHEFFIELD LANE - \$789.70)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$789.70.

SECTION 2. That the cost of the aforesaid work, being the amount of \$789.70, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 22 of Block 12952 of SHERWOOD MANOR No. 2 as per map filed 10-30-62 in Volume 20 of Maps, Page 59, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 13-61-04)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-338

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (RONALD A. NEDER ET UX - 2809 SHEFFIELD LANE - \$789.70)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$789.70.

SECTION 2. That the cost of the aforesaid work, being the amount of \$789.70, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 21 of Block 12952 of SHERWOOD MANOR No. 2 as per map filed 10-30-62 in Volume 20 of Maps, Page 59, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 13-61-05)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-339

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JOSEPH J. PARSONS ET UX - 2901 SHEFFIELD LANE - \$789.70)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$789.70.

SECTION 2. That the cost of the aforesaid work, being the amount of \$789.70, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lots 20 of Block 12952 of SHERWOOD MANOR No. 2 as per map filed 10-30-62 in Volume 20 of Maps, Page 59, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 13-61-06)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

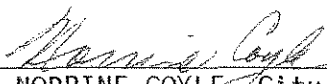
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-340

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WALTER A. DAVIS, JR. ET UX, 2905 SHEFFIELD LANE, \$777.34)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$777.34.

SECTION 2. That the cost of the aforesaid work, being the amount of \$777.34, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 19 of Block 12952 of SHERWOOD MANOR No. 2 as per map filed 10-30-62 in Volume 20 of Maps, Page 59, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 13-61-07)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-341

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WALTER J. ROLEFSON, ET UX - 1120 YALE AVENUE - \$1,314.68)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,314.68.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,314.68, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 and the West 33' of Lot 2 of Block 804-A of CAMPUS TRACT No. 2 as per map filed 12-07-50 in Volume 17 of Maps, Page 17, Stanislaus County Records.

(Stanislaus County Assessor's Parcel Nos. 114-06-02)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-342

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DONALD K. WARD, ET UX - 1118 YALE AVENUE - \$1,134.61)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,134.61.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,134.61, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 3 and the East 35' of Lot 2 of Block 804-A of CAMPUS TRACT No. 2 as per map filed 12-07-50 in Volume 17 of Maps, Page 17, Stanislaus County Records.

(Stanislaus County Assessor's Parcel Nos. 114-06-03)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-343

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DAVID B. WALKER, ET UX - 1112 YALE AVENUE - \$1,080.58)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,080.58.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,080.58, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 4 and the West 10' of Lot 5 of Block 804-A of CAMPUS TRACT No. 2 as per map filed 12-07-50 in Volume 17 of Maps, Page 17, Stanislaus County Records.

(Stanislaus County Assessor's Parcel Nos. 114-06-04)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

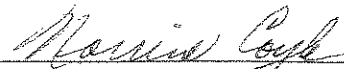
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-344

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (GERARD J. BEGEN, ET UX - 717 COLLEGE AVENUE - \$1,283.10)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 13, 1990, adopt its Resolution No. 90-101, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code, the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, March 13, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$1,283.10.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,283.10, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The East 73.62' of Lot 5 of Block 804-A of CAMPUS TRACT No. 2 as per map filed 12-07-50 in Volume 17 of Maps, Page 17, Stanislaus County Records.

(Stanislaus County Assessor's Parcel Nos. 114-06-05)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Finance Director shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-345

A RESOLUTION GRANTING THE APPEAL FILED BY JOHN B. HINCHEY, JBH DEVELOPMENT, TO A PLANNING COMMISSION DECISION, DENYING A REZONING FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(470), WITH C-1 USES, PROPERTY LOCATED ON THE NORTHWEST CORNER OF CARPENTER ROAD AND TORRID AVENUE.

WHEREAS, a verified application for an amendment to Section 25-3-8 of the Zoning Map was filed by John B. Hinchey, JBH Development, on March 13, 1989, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(470), to allow a commercial strip center, property located on the northwest corner of Carpenter Road and Torrid Avenue, described as follows:

All that certain real property situate in a portion of the northeast quarter of Section 25, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

The south 195 feet of:

Lot 4 in Block 12 of Pleasant Homes, as per map, filed August 17, 1922, in Volume 9 of maps at Page 67, Stanislaus County Records.

and

WHEREAS, a public hearing was held by the Planning Commission on February 5, 1990, 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 of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 90-14, and denied the

application of John B. Hinchey, JBH Development, to develop property as a commercial strip center, and

WHEREAS, the Planning Commission, as set forth in said Planning Commission Resolution No. 90-14, recommended to the Council an amendment to Section 25-3-8 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(470), to allow an office/financial complex, property located on the northwest corner of Carpenter Road and Torrid Avenue, and

WHEREAS, an appeal to the Planning Commission's denial of the request to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(470), with commercial zone uses, property located on the northwest corner of Carpenter Road and Torrid Avenue, was filed with the Office of the City Clerk by John B. Hinchey, JBH Development, by letter dated February 6, 1990, 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 March 13, 1990, at 7:30 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 development of property as a commercial strip center to rezone property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(470), property located on the northwest corner of Carpenter Road and Torrid Avenue, should be granted for the following reasons:

1. The proposed commercial strip center will be compatible with the adjoining residential area to the west due to the increased

building setback as well as an 8-foot solid masonry wall and screen-landscaping.

2. The proposed commercial strip center, at the intersection of a major and collector street will meet the traffic mitigation measures identified in a traffic study.
3. The proposed commercial strip center is directly across the street from a neighborhood shopping center under construction.

and

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

SECTION 1. APPEAL GRANTED. That the appeal of John B. Hinchey, JBH Development to the decision of the Planning Commission denying the request to develop property as a commercial strip center, property located on the northwest corner of Carpenter Road and Torrid Avenue, is hereby granted for the reasons set forth above.

SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(470), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan" as amended in red, stamped approved by the City Council on March 13, 1990.
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 west property line. 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 double sided wood, stucco, or masonry wall or fence with masonry pilasters along the entire north property line to within 15 ft. of Carpenter Road right-of-way line. An 8-foot high solid masonry wall shall border the west 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. The developer shall dedicate street right-of-way required by the Public Works and Transportation Director to complete Carpenter Road and Torrid Avenue to major and collector street standards respectively. Said dedication 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. 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 pay the City of Modesto the cost of planting street trees along the Carpenter Road and Torrid Avenue frontages. The number shall be as determined by the Public Works and Transportation Director.
8. All curbcuts serving two-way driveways shall be 41 feet in width.
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. 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. Drainage shall be provided as required by the Public Works and Transportation Director.
12. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
13. Trash bins shall be kept in enclosures in accordance with the approved plan, and shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director. No trash enclosure may occupy a peripheral planter.
14. 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.

15. All signs shall comply with the sign requirements of the P-0 Zone.
16. That the developer shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action, or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Modesto or its advisory agency, appeal board, or legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceedings and shall cooperate fully in the defense.
17. Prior to issuance of a building permit, the applicant shall, as traffic mitigation measures, comply with the recommended mitigation called for in the Barton Ashwan Associates' Traffic Study for this project and the memo dated December 5, 1989, from the Transportation Planner to the Environmental Assessment Committee, as required by the Director of Public Works and Transportation.
18. Prior to issuance of a building permit, the developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the north, substantially as shown in red on the plot plan.

SECTION 3. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(422):

Construction to begin on or before February 27, 1992 and completion to be not later than February 27, 1993.

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. The development plan and development schedule for Planned Development Zone, P-D(470), set forth in Sections 2 and 3 above, shall not become effective unless and until Ordinance No. 2705-C.S., introduced on the 13th day of March, 1990, reclassifying the property to Planned Development Zone, P-D(470), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS DESCRIPTION:

By Clifford Proctor  
Planning and Community  
Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-346

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 25-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(470). (JOHN HINCHEY)

WHEREAS, on March 13, 1990, the City Council introduced Ordinance No. 2705-C.S. giving approval to a project relating to an amendment to Section Map 24-3-8 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(470), property located on the northwest corner of Carpenter Road and Torrid 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 mitigated 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 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 Map 25-3-8 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(470), property located on the northwest corner of Carpenter Road and Torrid Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-347

A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN MAP TO INCLUDE THE JOHANSEN HIGH SCHOOL SITE AND JOHN C. SUTTON COMMUNITY PARK SITE IN THE EMPIRE WEST NEIGHBORHOOD AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS AND TO THE STANISLAUS UNION SCHOOL DISTRICT.

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

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 (Amendment to 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 (Circulation Element)
- 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)

and

WHEREAS, pursuant to the provisions of the 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, on February 5, 1990, the Modesto City Planning Commission held a public hearing on a proposal by the Modesto City School District to locate the Johansen High School site and John C. Sutton Community Park site in the Empire West Neighborhood, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Modesto City Planning Commission adopted Resolution No. 90-13 on February 5, 1990, recommending an amendment to the General Plan Map to include a Johansen High School site and John C. Sutton Community Park

site in the Empire West Neighborhood for the reasons set forth therein and found and determined that the proposed school and park site is consistent with the land use element of the General Plan, and

WHEREAS, the Council on February 20, 1990, by Resolution No. 90-128, set March 13, 1990, at 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, as the time and place for consideration of the proposed amendment to the General Plan Map to include a Johansen High School site and John C. Sutton Community Park site in the Empire West Neighborhood, and

WHEREAS, said public hearing was held on the date and at the time above-mentioned, as required by law, at which time evidence both oral and documentary was received and considered by the Council,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby finds and determines that the General Plan Map amendment to include a Johansen High School site and John C. Sutton Community Park site in the Empire West Neighborhood, located on the east side of Claus Road between Yosemite Boulevard and Scenic Drive in the City of Modesto, is required for the public health, safety and welfare for the following reasons:

1. The proposal is consistent with the land use element of the General Plan which sets forth objectives, principles, and implementation guidelines for public facilities (including schools). The plan encourages joint acquisition of school and adjacent park sites and for the schools to be located in such a manner to minimize bussing. Prior to selection of the current high school site, a high school site was featured on the east side of the City. The site was originally purchased for a high school, as shown in the Riverside Neighborhood on the 1965 Land Use Element map and then sold for private development. The 1977 Land Use Element map designated a high school site in the Empire West Neighborhood.
2. The proposal is consistent with the Open Space and Recreation Element Standards of the General Plan which calls for 20-40 acres for community parks to be developed adjacent to high

schools (20+ acres). The purchase of this land is consistent with the City's goal of acquiring land in advance of residential development in new neighborhoods.

3. The District is purchasing sufficient land: 1) to accommodate the proposed uses; 2) to provide a buffer between potential conflicting land uses; and, 3) to grow and expand on-site if future demand warrants. The community needs a new high school to alleviate student crowding.

BE IT FURTHER RESOLVED by the Council that the General Plan Map be and hereby is amended to include a Johansen High School site and John C. Sutton Community Park site in the Empire West Neighborhood as shown on the map which is attached hereto marked as 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 and to the Modesto City School District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13 day of March, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

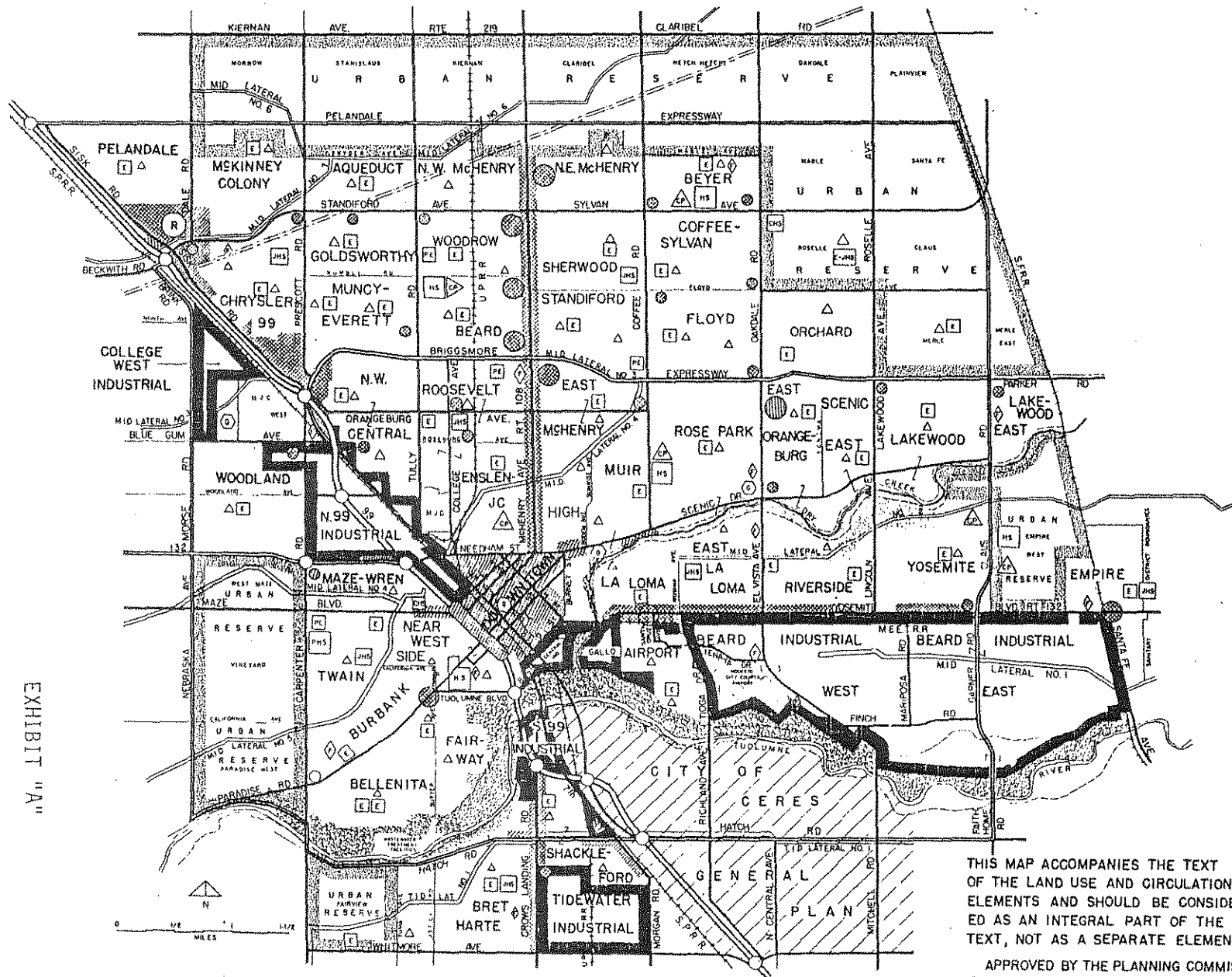
ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

# MODESTO URBAN AREA GENERAL PLAN



- LAND USE**
- RESIDENTIAL
  - URBAN RESERVE
  - COMMERCIAL
    - NEIGHBORHOOD CENTER
    - COMMUNITY CENTER
    - REGIONAL CENTER
    - GENERAL COMMERCIAL
  - INDUSTRIAL
  - MAJOR OPEN SPACES

- PUBLIC AREAS**
- PUBLIC SCHOOLS
    - ELEMENTARY
    - JUNIOR HIGH/SENIOR ELEMENTARY
    - HIGH
    - CONTINUATION HIGH
  - PRIVATE SCHOOLS
    - ELEMENTARY
    - HIGH
  - PARKS
    - COMMUNITY
    - NEIGHBORHOOD
  - GOVERNMENT OFFICES
  - FIRE STATIONS

- CIRCULATION**
- FREEWAYS (WITH INTERCHANGE)
  - EXPRESSWAY
  - MAJOR STREET
  - COLLECTOR STREET
  - RAILROAD
  - HETCH HETCHY (AQUEDUCT)
  - CANAL
  - FLOODWAY AS DESIGNATED BY THE STATE RECLAMATION BOARD.

THIS MAP ACCOMPANIES THE TEXT OF THE LAND USE AND CIRCULATION ELEMENTS AND SHOULD BE CONSIDERED AS AN INTEGRAL PART OF THE TEXT, NOT AS A SEPARATE ELEMENT.

APPROVED BY THE PLANNING COMMISSION ON SEPT. 5, 1989

APPROVED BY THE CITY COUNCIL ON OCT. 10, 1989

EXHIBIT "A"

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-348

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT OF THE MODESTO URBAN AREA GENERAL PLAN MAP TO INCLUDE THE JOHANSEN HIGH SCHOOL SITE AND JOHN C. SUTTON COMMUNITY PARK SITE IN THE EMPIRE WEST NEIGHBORHOOD.

WHEREAS, on March 13, 1990, the City Council, by Resolution No. 90-348, amended the Modesto Urban Area General Plan Map to include the Johansen High School site and John C. Sutton Community Park site in the Empire West Neighborhood, property located on the east side of Claus Road between Yosemite Boulevard and Scenic Drive, and

WHEREAS, the City Council certifies that at its meeting of March 13, 1990, 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 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 the Modesto Urban Area General Plan Map to include the Johansen High School site and John C. Sutton Community Park site in the Empire West Neighborhood, property located on the east side of Claus Road between Yosemite Boulevard and Scenic Drive, in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13 day of March, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-349

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND TRANSMIT TO THE COUNTY OF STANISLAUS A NEGOTIATED PUBLIC FACILITIES FEES/STREETS CAPITAL FACILITIES FEES AGREEMENT WITH THE COUNTY OF STANISLAUS

WHEREAS, the City of Modesto and the County of Stanislaus have entered into and completed negotiations regarding the collection by the City of Modesto of the County of Stanislaus' Public Facilities Fees, and the collection by the County of Stanislaus of the City of Modesto's Streets Capital Facilities Fees, and

WHEREAS, the Stanislaus County Board of Supervisors, on March 13, 1990, adopted and established the City of Modesto's Streets Capital Facilities Fees, and

WHEREAS, the Stanislaus County Board of Supervisors, on March 13, 1990, authorized the execution of the Agreement presented to the County of Stanislaus on March 9, 1990, between the City of Modesto and the County of Stanislaus, and

WHEREAS, said Agreement addresses the five major understanding of the Cities which were the limitation of development in the Cities' Spheres of Influence to agricultural uses, churches and other uses mutually agreed upon; non-interference in the Cities expansion efforts of their Spheres of Influence; prioritization of County-wide street projects through the Stanislaus Area Association of Governments; good faith negotiations on individual concerns of the Cities; and compensation for costs of collection; and

WHEREAS, each of the obligations of the County of Stanislaus as set forth in the Agreement is significant to the present and future interests of the City of Modesto and that any failure by the County of Stanislaus to meet any of its obligations would be detrimental to the City of Modesto, and

WHEREAS, termination of this Agreement requires six months prior notice and said notice is provided solely to preserve the rights of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute the negotiated Agreement with the County of Stanislaus.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL RESOLUTION NO. 90-350

A Resolution adopting County of Stanislaus Public Facility Fees for the City of Modesto.

WHEREAS, the Board of Supervisors of the County of Stanislaus has adopted Resolution No. 89-1724 on December 19, 1989, establishing Public Facilities Fees throughout the County of Stanislaus; and,

WHEREAS, the Board of Supervisors adopted Resolution No. 90-126 on January 23, 1990, after reviewing road improvements listed in the County's Capital improvement program and determined that they were capable of accommodating development beyond 20 years and reduced the road fees to accommodate a 30 year time period; and,

WHEREAS, a detailed Fiscal and Public Facilities study of the impacts of contemplated future development on existing public facilities in Stanislaus County through the year 2010, along with an analysis of the need of new public facilities and improvements required by future developments, has been prepared by Recht Hausrath & Associates entitled "Stanislaus County Public Facilities Fee Program" dated December, 1989. It is attached to Stanislaus County Resolution No. 89-1724 and is incorporated herein as Exhibit A; and

WHEREAS, said study also sets forth the relationship between contemplated future development, the needed facilities, and

the estimated costs of those improvements; and

WHEREAS, these studies were available for public inspection and review for more than ten (10) days prior to this public hearing; and

WHEREAS, the City Council finds as follows:

A. The purpose of this fee is to finance County public facilities to reduce the impact caused by future development in Stanislaus County. Such improvements include the expansion and construction of public improvements, public services and community amenities.

B. The fees collected pursuant to this resolution shall be used to finance the public facilities identified in Exhibit A attached hereto and incorporated by reference.

C. After considering the studies and analysis prepared by Recht Hausrath & Associates, and the testimony received at this public hearing, the City Council approves and adopts said studies, and incorporates such herein, and further finds that the future development within the City of Modesto will generate additional demands on County public facilities.

D. As development occurs within the City of Modesto there will be a need for expanded, improved or newly constructed County public facilities. The Board of Supervisors have found that said facilities have been called for in, or are consistent with, the County's General Plan.

E. The facilities called for in the County Capital Improvement Plan are consistent with the City's General Plan.

F. The studies and the testimony establish:

(1) That there is a reasonable relationship between the need for the public facilities designated in Exhibit A and the impacts of the types of development for which the corresponding fee is charged.

(2) That there is a reasonable relationship between the fee's use and the type of development for which the fee is charged.

(3) That there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

(4) That the cost estimates set forth in Exhibit A are reasonable cost estimates for constructing these facilities, and the fees expected to be generated by future developments will not exceed the total costs of constructing the public facilities identified in Exhibit A.

G. The Recht Hausrath Stanislaus County Public Facilities Fee Program dated December, 1989, is a detailed analysis of how public services will be affected by development within Stanislaus County including the City of Modesto, the existing deficiencies, and the public facilities required to accommodate that development and those deficiencies.

H. The method of allocation of the public facilities fee to a particular development bears a fair and reasonable relationship to each development's burden on, and benefit from, the

facilities to be funded by the fee.

WHEREAS, this study finds that Public Facilities Fees are necessary to mitigate impacts caused by new development within the County and that the fees are needed to finance Public Facilities and to assure that new development pays its fair share for these improvements;

WHEREAS, the California Government Code provides that Public Facilities Fees may be enacted and imposed on development projects;

WHEREAS, the City Council finds that the public health, safety, peace, morals, convenience, comfort, prosperity and general welfare will be promoted by the adoption of Public Facilities Fees for construction, expansion or improvement of Public Facilities; and

WHEREAS, failure to enact the County's Public Facilities Fees will subject County residents to conditions perilous to their health and/or safety.

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

1. Definitions.

(a) "Development" shall mean the construction, alteration, addition, occupancy or use of any building or structure within Stanislaus County.

(b) "Dwelling Unit" shall mean a structure as defined in the Uniform Building Code (UBC) as adopted by Stanislaus County.

(c) "Residential"

(1) "Senior Housing" includes retirement

communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.

(2) "Single Family" is typically single family detached homes on individual lots, such as in residential subdivisions, but could also be in planned developments. Density of development may vary, but is typically ten (10) dwellings per acre or less.

(3) "Multiple" includes multiple family dwelling units of several types, including high and low rise apartments, high and low rise condominium, and multi-family residential planned unit developments, This category also applies to mobile homes.

(d) "Industrial" means the manufacture, fabrication, reduction or destruction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form or character thereof, but excluding mini-warehouses which are treated separately.

(e) "Office"

(1) "Medical" means buildings and clinics devoted to the practice of medical and dental professions or providing medical or dental services, including pseudo-medical services, but excluding hospitals and nursing homes, which are treated separately.

(2) "General" is all other types of general and professional offices, including but not limited to business parks, corporate headquarters, insurance sales, and research centers, and excluding government and United States Postal Service.

(f) "Commercial"

(1) "Convenience Market" is retail grocery sales, off-site sale of beer and wine, often with on-site gasoline pumps, and usually open 24-hours or extended hours.

(2) "Restaurants"

(i) "Fast Foods" are eating establishments with or without sit-down facilities and with or without drive-up windows; generally food is ordered and taken to be consumed outside the building, although some on-site seating is usually provided.

(ii) "High Turnover" is sit-down eating establishments where food is ordered and consumed on the premises, and customers generally stay less than one hour; frequently belong to chains and typically serve breakfast, lunch and dinner.

(iii) "Quality" is sit-down eating establishments which generally have turnover rates of one hour or longer, typically do not serve breakfast, and may or may not serve lunch.

(3) "Retail" includes a wide range of retail and service uses, both free-standing and in shopping centers, including but not limited to supermarkets, drug stores, department stores, general merchandise, building materials or lumber stores, specialty retail stores, discount stores, hardware/paint stores, garden centers or nurseries, wholesale markets, apparel stores, furniture stores, video arcades, and new car sales. Does not include the following uses which shall be considered separately: restaurants, convenience markets, banks, savings and loans, movie theaters, and

other specifically defined as a separate category for streets fee purposes.

(g) "Financial"

(1) "Banks" are full service financial institutions with or without drive-up windows.

(2) "Savings and Loans" are financial institutions, with or without drive-up windows, which typically offer fewer financial services than banks and are typically smaller in gross floor area than banks. If a given Savings and Loan is 5,000 gross square feet or more, or provides full banking services, it should be treated as a bank.

(h) "Miscellaneous"

The uses in this category are generally self-explanatory. Service station uses are uses which sell automotive fuels and possibly also provide automotive repair service, but do not have small retail shops (such as convenience markets). For fee calculation, a pump is defined as a fuel dispensing station, regardless of the number of pump machines or nozzles provided. The number of "pumps" using this definition will be the maximum number of standard passenger cars which can be served at the fuel dispensing islands on the site at one time.

(i) "Recreational"

The uses in this category are generally self-explanatory. Golf courses do not include miniature golf uses.

(j) For purposes of fees set forth in subparagraphs 1(a) through 1(i), the following definitions shall apply:

(1) "Low Density Residential Use" shall mean a detached building designed for occupancy by one family.

(2) "Medium Density Residential Use" shall mean a mobile home or an attached building designed for occupancy by two families or two detached buildings designed for occupancy on a single lot.

(3) "Medium High Density Residential Use" shall mean one or more buildings on a single lot designed for occupancy by three or more families.

(4) "Care Home Use" shall mean structures designed for use as a convalescent hospital, or a retirement home, or a twenty-four hour care center for seven or more persons in addition to members of the family, or a child day care center.

(5) "Church Use" shall mean structures primarily designed as a place for public worship.

(6) "School Use" shall include those uses offering educational services and/or vocational training to students aged five years or older but excluding child care facilities.

(7) "Professional Office Use" shall mean structures designed for use in which business, clerical, or professional activities are conducted, including medical or dental offices and laboratories (excluding retail or wholesale sales and banking institutions), and pharmacies (excluding manufacture and distribution of pharmaceuticals).

(8) "Commercial Use" shall mean those uses

designated as permitted or conditional uses in the C-1 and C-2 Zones of Title 21 of the Stanislaus County Code.

(9) "Fast Food Restaurant Use" shall mean those restaurant structures frequently designed with drive-in or drive-through facilities with menus to accommodate fast ordering and receipt of food with no, or a limited number of, sit down facilities.

(10) "Convenience Mart Use" shall include those structures of approximately one to five thousand square feet in size which are designed to be open for retail use between fifteen and twenty-four hours a day and which commonly sell fuel for motorized vehicles.

(11) "Industrial Use" shall mean those uses designated as permitted or conditional uses in the M, LM, and PI Zones of Title 21 of the Stanislaus County Code, excluding all those uses which are permitted in any of the other zones as set forth in Title 21 excepting mini-warehouses.

(12) "Capital Improvement" shall mean the following:

(i) Any structure or other improvement constructed or renovated by the County upon property owned by or under its control.

(ii) Any initial equipment or piece of equipment necessary to service new growth or new development.

(13) "Hospital" shall mean a structure designed for health services, both in-patient and out-patient; that includes

surgical care of the sick or injured or the physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, out-patient departments, training facilities, central service facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered "professional offices" if located off-site, unless a multi-site campus is covered by a P-D Zone for hospital uses. A separate set of offices on the same site for physicians is considered "professional offices."

2. Fee Imposed.

A Public Facilities Fee shall be charged and paid at the time of issuance of a building permit for development. The fee shall be determined by the fee schedule in effect on the date the vesting tentative map or vesting parcel map is approved, or the date a permit is issued. The fee shall not be levied upon any building permit application, deemed complete, if submitted on or before December 29, 1989.

3. Amount of County Public Facilities Fee for the City of Modesto.

(a) The fee for the County-wide development fee within Modesto shall be the following:

**SUMMARY OF COUNTY-WIDE IMPACT FEES**

LAND USE	INTER-CITY ROADS	JAILS	JUSTICE	LIBRARY	PARKS	PUBLIC HEALTH	OUT-PATIENT	OTHER FACILITY	FEE ADMIN.	TOTAL FEE
<b>RESIDENTIAL (Unit Cost)</b>										
Single-Family	1,457	1,066	128	314	138	93	61	90	84	3,431
Multi-Family	976	689	83	203	89	60	39	58	55	2,252

LAND USE	INTER-CITY ROADS	JAILS	JUSTICE	LIBRARY	PARKS	PUBLIC HEALTH	OUT-PATIENT	OTHER FACILITY	FEE ADMIN.	TOTAL FEE
Senior Housing	583	689	83	203	89	60	39	58	45	1,849
<b>NON-RESIDENTIAL</b> (per 1,000 sq. ft.)										
<b>OFFICE</b>										
General Office/										
Office Park	1,599	533	67	163	0	48	32	47	62	2,551
Medical Office	2,879	533	67	163	0	48	32	47	94	3,863
<b>INDUSTRIAL</b>										
Industrial (<20,000 sq. ft.)	800	237	29	70	0	21	14	20	30	1,221
each 1,000 sq. ft. over										
20,000 sq. ft.	160	47	6	14	0	4	3	4	6	244
<b>COMMERCIAL/RETAIL</b>										
Convenience Market	13,030	332	40	98	0	29	20	28	339	13,916
Retail (<50,000 sq. ft.)	3,089	332	40	98	0	29	20	28	91	3,727
Retail (50-100,000 sq. ft.)	1,877	332	40	98	0	29	20	28	61	2,485
Retail (100-300,000 sq. ft.)	1,042	332	40	98	0	29	20	28	40	1,629
Shopping Mall	860	332	40	98	0	29	20	28	35	1,442
<b>RESTAURANTS</b>										
Fast Food	8,657	332	40	98	0	29	20	28	230	9,434
High Turnover	4,980	332	40	98	0	29	20	28	138	5,665
Sit Down	2,416	332	40	98	0	29	20	28	74	3,037
<b>FINANCIAL</b>										
Bank	4,798	332	40	98	0	29	20	28	134	5,479
Savings & Loan	1,829	332	40	98	0	29	20	28	59	2,435
<b>MISC. LAND USES</b>										
Manual Car Wash (stall)	1,200	332	40	98	0	29	20	28	44	1,791
Church	213	332	40	98	0	29	20	28	19	779
Day Care Center	1,230	332	40	98	0	29	20	28	44	1,821
Hospital	526	332	40	98	0	29	20	28	27	1,100
Mini-Warehouse	87	332	40	98	0	29	20	28	16	650
Nursing Home	90	332	40	98	0	29	20	28	16	653
Gas Station-per pump	605	332	40	98	0	29	20	28	29	1,181
Motel/Hotel-per room	213	332	40	98	0	29	20	28	16	779
<b>RECREATIONAL</b>										
Golf Course (per acre)	371	332	40	98	0	29	20	28	23	941
Movie Theater	5,845	332	40	98	0	29	20	28	160	6,552
Racquet Club (per court)	3,751	332	40	98	0	29	20	28	107	4,405
Tennis Courts (per court)	3,265	332	40	98	0	29	20	28	95	3,907

(b) Uses included in each land use type are specified in Section 1. Definitions.

(c) Uses not specified in Section 1. Definitions shall be charged at rates determined by the Director of Public Works, using trip generation estimates found in the most recent edition

of Trip Generation Factors prepared by the Institute of Transportation Engineers (ITE) as used by Recht Hausrath during the preparation of the Public Facilities Fee Program or from other data sources acceptable to the Director. The formula used to derive the road fee portion of each category is the following:

SOURCES FOR FORMULA DATA

Peak Hour Trip End Generation: Applicant Traffic Studies  
Diverted Trip Factor: Institute of Transportation Engineers (ITE)  
Trip Length Factor: Choice by category  
Residential 1.23  
Non-residential  
Office and Industrial .88  
Commercial/Retail, .77  
Restaurants, Financial,  
and Miscellaneous  
Recreational 1.00  
Composite Technical Factor: Diverted Trip Factor x  
Trip Length Factor

(i) Peak Hour Trip Rate is expressed in trip ends per unit of development (i.e., per DU, per 1,000 sf, etc.).

(ii) Adjustment Factor includes adjustment for trip length pass-by trips, and linkage to residential uses as estimated by the Director of Public Works.

4. Exemptions from Fee.

(a) The public facilities fees shall not be imposed on any of the following:

(1) Any alteration or addition to a residential structure, except to the extent that additional units are created;

(2) Any alteration or addition to a non-residential structure if the square footage is increased less than ten percent, unless the alteration or addition changes the use of

the structure to a higher density category or will result in the generation of additional peak hour trip ends;

(3) Any replacement or reconstruction of any residential, commercial, or industrial development project that is damaged or destroyed as a result of a natural disaster as declared by the Governor.

(b) Whenever the alteration, addition, replacement, or reconstruction is not exempt, the fee shall be imposed only on the additional units or guest rooms, change in use, or additional trips generated.

5. Payment of Other Fees Required.

(a) Notwithstanding any other provision of this resolution, every development within the incorporated area of Modesto is responsible for the payment of all other applicable fees adopted by the City.

(b) Nothing in this resolution affects the obligation of any person to pay area of benefit fees established pursuant to the City Ordinance Code so long as this fee shall not result in a duplicate fee for any development or portion thereof included in an area of benefit listed in Exhibit A.

6. Collection of Fee Reserves.

(a) The public facility fees which are adopted by this resolution shall be collected by the County of Stanislaus pursuant to a collection agreement which has been executed on the 13th day of March, 1990, between the City of Modesto and the County of Stanislaus.

7. Expenditure and Accounting for the Fees.

(a) The County of Stanislaus is responsible for expending and accounting for the fees adopted by this resolution pursuant to agreement and the requirement of California Government Code section 66000, et seq.

8. Exemption from California Environmental Quality Act (CEQA). In addition to the other findings made by this resolution, the City Council further finds that CEQA does not apply to the adoption of this resolution. Pursuant to the provisions of sections 15061 and 15273 of the State CEQA guidelines because:

(a) The fees established by this resolution will be collected, in part, for the purposes of obtaining funds to be used for development projects and improvements which are necessary to maintain the current level of service in terms of street capacity within the County as well as the purchase of certain items of capital equipment;

(b) To a limited extent, the fees established by this resolution will be used to fund some new facilities, such as traffic signals, park and ride lots, bike paths, and pedestrian foot paths in new neighborhoods outside existing service areas. However, the addition of public facilities to new neighborhoods will not take place until there has been CEQA review of the development projects which will pay for said public facilities via the public facilities fee mechanism established by the Board of Supervisors Resolution No. 89-1724. The construction of each public facility will be subject to CEQA review. It is, therefore,

reasonably certain that this resolution which established public facilities fees will not, by itself, have any possibility of causing a significant effect on the environment.

9. Subsequent Analysis of Fee.

The Fee established herein is adopted and implemented by the City Council in reliance on the comprehensive studies that have been prepared by the County. When additional information is available, the City Council shall review this fee to determine that the fee amounts are reasonably related to the impacts of developments, and to consider whether the fee should be more specifically refined. The City may revise the fees to incorporate the findings and conclusions of further studies and revisions that may be adopted by the Stanislaus County Board of Supervisors.

10. Effective Date of Public Facilities Fee.

This resolution is effective sixty days after adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Council Member Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Council Members: None

ABSENT: Council Members: None

ATTEST:

Norrine Coyle  
Norrine Coyle, City Clerk

(SEAL)

Approved as to form:

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

Date: December 19, 1989

No. 89-1724

On motion of Supervisor ..... Blom ..... , Seconded by Supervisor Paul .....

and approved by the following vote,

Ayes: Supervisors: ..... Paul, Blom, Simon, Cannella and Chairman Starn .....

Noes: Supervisors: ..... None .....

Excused or Absent: Supervisors: ..... None .....

Abstaining: Supervisor: ..... None .....

9:45 a.m.

THE FOLLOWING RESOLUTION WAS ADOPTED:

IN RE: ESTABLISHING A PUBLIC FACILITIES FEE FOR DEVELOPMENT WITHIN STANISLAUS COUNTY

WHEREAS, the Board of Supervisors of the County of Stanislaus has adopted Ordinance No. CS-360 to add Title 23 to the Stanislaus County Ordinance Code creating and establishing the authority for imposing and charging a Public Facilities Fee;

WHEREAS, pursuant to a public hearing, at which oral or written presentations can be made, as part of a regularly scheduled meeting;

WHEREAS, notice of the public meeting and a general explanation of the matter to be considered was published two times within 10 days according to California Government Code Section 6062a; and,

WHEREAS, a detailed Fiscal and Public Facilities study of the impacts of contemplated future development on existing public facilities in Stanislaus County through the year 2010, along with an analysis of the need of new public facilities and improvements required by future developments, has been prepared by Recht Hausrath & Associates entitled "Stanislaus County Public Facilities Fee Program" dated December, 1989. It is attached and labeled Exhibit A.

ATTEST: CLAUDIA LEONG, Clerk  
Stanislaus County Board of Supervisors,  
State of California,

EXHIBIT "A"

By: PATRICIA A. MINTON, Assistant Clerk

File No. S-18-00-3

WHEREAS, said study also sets forth the relationship between contemplated future development, the needed facilities, and the estimated costs of those improvements;

WHEREAS, these studies were available for public inspection and review for more than ten (10) days prior to this public hearing; and,

WHEREAS, the Board of Supervisors finds as follows:

A. The purpose of this fee is to finance public facilities to reduce the impact caused by future developments in Stanislaus County. Such improvements includes the expansion and construction of public improvements, public services and community amenities.

B. The fees collected pursuant to this resolution shall be used to finance the public facilities identified in Exhibit A attached hereto and incorporated by reference.

C. After considering the studies and analysis prepared by Recht Hausrath & Associates, and the testimony received at this public hearing, the Board of Supervisors approves and adopts said studies, and incorporates such herein, and further finds that the future development in Stanislaus County will generate additional demands on public facilities;

D. As development occurs there will be a need in Stanislaus County for expanded, improved or newly constructed public facilities. Said facilities have been called for in, or are consistent with, the County's General Plan;

E. The studies and the testimony establish:

(1) that there is a reasonable relationship between the need for the public facilities designated in Exhibit A and the impacts of the types of development for which the corresponding fee is charged,

(2) that there is a reasonable relationship between the fee's use and the type of development for which the fee is charged,

(3) that there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed, and

(4) that the cost estimates set forth in Exhibit A are reasonable cost estimates for constructing these facilities, and the fees expected to be generated by future developments will not exceed the total costs of constructing the public facilities identified in Exhibit A.

F. The Recht Hausrath Stanislaus County Public Facilities Fee Program dated December, 1989 is a detailed analysis of how public services will be affected by development within Stanislaus County, the existing deficiencies, and the public facilities required to accommodate that development and those deficiencies.

G. The method of allocation of the public facilities fee to a particular development bears a fair and reasonable relationship to each development's burden on, and benefit from, the facilities to be funded by the fee.

WHEREAS, this study finds that Public Facilities Fees are necessary to mitigate impacts caused by new development within the County and that the fees are needed to finance Public Facilities and to assure that new development pays its fair share for these improvements;

WHEREAS, the California Government Code provides that Public Facilities Fees may be enacted and imposed on development projects;

WHEREAS, the Board of Supervisors finds that the public health, safety, peace, morals, convenience, comfort, prosperity and general welfare will be promoted by the adoption of Public Facilities Fees for construction expansion or improvement of Public Facilities; and,

WHEREAS, failure to enact Public facility Fees will subject County residents to conditions perilous to their health and/or safety.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Stanislaus County that:

1. Definitions.

(a) "Development" shall mean the construction, alteration, addition, occupancy or use of any building or structure within Stanislaus County.

(b) "Dwelling Unit" shall mean a structure as defined in the Uniform Building Code (UBC) as adopted by Stanislaus County.

(c) "Residential"

(1) "Senior Housing" includes retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.

(2) "Single Family" is typically single family detached homes on individual lots, such as in residential subdivisions, but could also be in planned developments. Density of development may vary, but is typically ten (10) dwellings per acre or less.

(3) "Multiple" includes multiple family dwelling units of several types, including high and low rise apartments, high and low rise condominium, and multi-family residential planned unit developments. This category also applies to mobile homes.

(d) "Industrial" means the manufacture, fabrication, reduction or destruction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form or character thereof, but excluding mini-warehouses which are treated separately.

(e) "Office"

(1) "Medical" means buildings and clinics devoted to the practice of medical and dental professions or providing medical or dental services, including pseudo-medical services, but excluding hospitals and nursing homes, which are treated separately.

(2) "General" is all other types of general and professional offices, including but not limited to business parks, corporate headquarters, insurance sales, and research centers, and excluding government and US Postal Service.

(f) "Commercial"

(1) "Convenience Market" is retail grocery sales, off-site sale of beer and wine, often with on-site gasoline pumps, and usually open 24-hours or extended hours.

(2) "Restaurants"

(i) "Fast Foods" are eating establishments with or without sit-down facilities and with or without drive-up windows; generally food is ordered and taken to be consumed outside the building, although some on-site seating is usually provided.

(ii) "High Turnover" is sit-down eating establishments where food is ordered and consumed on the premises, and customers generally stay less than one hour; frequently belong to chains and typically serve breakfast, lunch and dinner.

(iii) "Quality" is sit-down eating establishments which generally have turnover rates of one hour or longer, typically do not serve breakfast, and may or may not serve lunch.

(3) "Retail" includes a wide range of retail and service uses, both free-standing and in shopping centers, including but not limited to supermarkets, drug stores, department stores, general merchandise, building materials or lumber stores, specialty retail stores, discount stores, hardware/paint stores, garden centers or nurseries, wholesale markets, apparel stores, furniture stores, video arcades, and new car sales. Does not include the following uses which shall be considered separately:

restaurants, convenience markets, banks, savings and loans, movie theaters, and other uses specifically defined as a separate category for streets fee purposes.

(g) "Financial"

(1) "Banks" are full service financial institutions with or without drive-up windows.

(2) "Savings and Loans" are financial institutions, with or without drive-up windows, which typically offer fewer financial services than banks and are typically smaller in gross floor area than banks. If a given Savings and Loan is 5,000 gross square feet or more, or provides full banking services, it should be treated as a bank.

(h) "Miscellaneous": the uses in this category are generally self-explanatory. Service station uses are uses which sell automotive fuels and possibly also provide automotive repair service, but do not have small retail shops (such as convenience markets). For fee calculation, a pump is defined as a fuel dispensing station, regardless of the number of pump machines or nozzles provided. The number of "pumps" using this definition will be the maximum number of standard passenger cars which can be served at the fuel dispensing islands on the site at one time.

(i) "Recreational": The uses in this category are generally self-explanatory. Golf courses do not include miniature golf uses.

(j) For purposes of fees set forth in subparagraphs 1(a) through 1(i), the following definitions shall apply:

(1) "Low Density Residential Use" shall mean a detached building designed for occupancy by one family.

(2) "Medium Density Residential Use" shall mean a mobile home or an attached building designed for occupancy by two families or two detached buildings designed for occupancy on a single lot.

(3) "Medium High Density Residential Use" shall mean one or more buildings on a single lot designed for occupancy by three or more families.

(4) "Care Home Use" shall mean structures designed for use as a convalescent hospital, or a retirement home, or a twenty-four hour care center for seven or more persons in addition to members of the family, or a child day care center.

(5) "Church Use" shall mean structures primarily designed as a place for public worship.

(6) "School Use" shall include those uses offering educational services and/or vocational training to students aged five years or older but excluding child care facilities.

(7) "Professional Office Use" shall mean structures designed for use in which business, clerical or professional activities are conducted, including medical or dental offices and laboratories, (excluding retail or wholesale sales and banking institutions), and pharmacies (excluding manufacture and distribution of pharmaceuticals).

(8) "Commercial Use" shall mean those uses designated as permitted or conditional uses in the C-1 and C-2 Zones of Title 21 of the Stanislaus County Ordinance.

(9) "Fast Food Restaurant Use" shall mean those restaurant structures frequently designed with drive-in or drive-through facilities with menus to accommodate fast ordering and receipt of food with no, or a limited number of, sit down facilities.

(10) "Convenience Mart Use" shall include those structures of approximately one to five thousand square feet in size which are designed to be open for retail use between fifteen and twenty-four hours a day and which commonly sell fuel for motorized vehicles.

(11) "Industrial Use" shall mean those uses designated as permitted or conditional uses in the M, LM and PI Zones of Title 21 of the Stanislaus County Ordinance Code, excluding all those uses which are permitted in any of the other zones as set forth in Title 21 excepting mini-warehouses.

(12) "Capital Improvement" shall mean the following:

(i) Any structure of other improvement constructed or renovated by the County upon property owned by or under its control.

(ii) Any initial equipment or piece of equipment necessary to service new growth or new development.

(13) "Hospital" shall mean a structure designed for health services, both in-patient and out-patient; that includes surgical care of the sick or injured or the physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, out-patient departments, training facilities, central service facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered "professional offices" if located off-site, unless a multi-site campus is covered by a P-D Zone for hospital uses. A separate set of offices on the same site for physicians is considered "professional offices".

(k) Capital Facilities Fees Administrative Fee

2.5% of the sum of the fees specified in subparagraphs 3(a) and 3(b).

2. Fee Imposed.

A Public Facilities Fee shall be charged and paid at the time of issuance of a building permit for development. The fee shall be determined by the fee schedule in effect on the date the vesting tentative map or vesting parcel map

is approved, or the date a permit is issued. The fee shall not be levied upon any building permit application, deemed complete, if submitted on or before December 29, 1989.

3. Amount of Public Facilities Fee.

(a) The fee for county-wide development shall be the following:

<u>LAND USE</u>	<u>TOTAL FEE</u>
<b>RESIDENTIAL</b>	
Single-family	\$ 4,957 per unit
Multi-family	3,275 per unit
Senior Housing	2,459 per unit
<u>LAND USE</u>	<u>TOTAL FEE</u>
<b>NON-RESIDENTIAL</b>	
Office	
General Office/office Park	5,232 per 1,000 sq. ft.
Medical Offices	8,687 per 1,000 sq. ft.
Industrial	
High Density Industrial	2,560 per 1,000 sq. ft.
Low Density Industrial	1,754 per 1,000 sq. ft.
Commercial/Retail	
Convenience Market	74,169 per 1,000 sq. ft.
Retail ( 50,000 sq. ft.)	18,141 per 1,000 sq. ft.
Retail (50-100,000 sq. ft.)	11,243 per 1,000 sq. ft.
Retail (100-300,000 sq. ft.)	6,492 per 1,000 sq. ft.
Shopping Mall	5,454 per 1,000 sq. ft.
Restaurants	
Fast Food	49,239 per 1,000 sq. ft.
High Turnover	28,909 per 1,000 sq. ft.
Sit Down	14,275 per 1,000 sq. ft.
Financial	
Bank	27,730 per 1,000 sq. ft.
Savings and Loan	10,919 per 1,000 sq. ft.
Miscellaneous Land Uses	
Manual Car Wash (stall)	7,388 per 1,000 sq. ft.
Church	1,771 per 1,000 sq. ft.
Day Care Center	7,523 per 1,000 sq. ft.
Hospital	3,549 per 1,000 sq. ft.
Mini-Warehouse	1,053 per 1,000 sq. ft.
Nursing Home	1,071 per 1,000 sq. ft.
Gas Station	4,021 per pump
Motel/Hotel	1,771 per room

Recreational

Golf Course	1,518 per acre
Movie Theater	15,637 per 1,000 sq. ft.
Racquet Club	10,235 per court
Tennis Courts	8,983 per court

Notes:

(i) If the development is within any sphere of a city or town which has established a road fee, then the City/County Road fee of the County-wide Fee shall be replaced by the city or town road fee.

(ii) Uses included in each land use type are specified in Section 1. Definitions.

(iii) Uses not specified in Section 1. Definitions shall be charged at rates determined by the Director of Public Works, using trip generation estimates found in the most recent edition of Trip Generation Factors prepared by the Institute of Transportation Engineers (ITE) as used by Recht Hausrath during the preparation of the Public Facilities Fee Program or from other data sources acceptable to the Director. The formula used to derive the road fee portion of each category is the following:

INTER CITY ROAD FEE

Peak Hour Trip End Generation x Diverted Trip Factor x Trip Length Factor x Single Family Residential Adjusted Fee (\$1,428) = Technical Adjustment Fee.

CITY/COUNTY ROAD FEE

Trip Hour Trip End Generation x Diverted Trip Factor x Trip Length Factor x Single Family Residential Adjusted Fee (\$967) = Technical Adjustment Fee.

SOURCES FOR FORMULA DATA

Peak Hour Trip End Generation: Applicant Traffic Studies

Diverted Trip Factor: Institute of Transportation Engineers (ITE)

Trip Length Factor: Choice by category

Residential 1.23

Non-residential

Office and Industrial .88

Commercial/Retail, Restaurants .77

Financial and Miscellaneous

Recreational 1.00

Composite Technical Factor: Diverted Trip Factor x Trip Length Factor

(iv) Peak Hour Trip Rate is expressed in trip ends per unit of development (i.e., per DU, per 1,000 sf, etc.).

(v) Adjustment Factor includes adjustment for trip length pass-by trips, and linkage to residential uses as estimated by the Director of Public Works.

(b) The fee for unincorporated development shall be the following:

<u>LAND USE</u>	<u>UNINCORP SERVICES</u>
<b>RESIDENTIAL</b>	
Single-family	\$607 per unit
Multi-family	393 per unit
Senior Housing	393 per unit
<b>LAND USE</b>	
<b>UNINCORP SERVICES</b>	
<b>NON-RESIDENTIAL</b>	
<b>Office</b>	
General Office/office Park	318 per 1,000 sq. ft.
Medical Offices	318 per 1,000 sq. ft.
<b>Industrial</b>	
High Density Industrial	136 per 1,000 sq. ft.
Low Density Industrial	45 per 1,000 sq. ft.
<b>Commercial/Retail</b>	
Convenience Market	191 per 1,000 sq. ft.
Retail ( 50,000 sq. ft.)	191 per 1,000 sq. ft.
Retail (50-100,000 sq. ft.)	191 per 1,000 sq. ft.
Retail (100-300,000 sq. ft.)	191 per 1,000 sq. ft.
Shopping Mall	191 per 1,000 sq. ft.
<b>Restaurants</b>	
Fast Food	191 per 1,000 sq. ft.
High Turnover	191 per 1,000 sq. ft.
Sit Down	191 per 1,000 sq. ft.
<b>Financial</b>	
Bank	191 per 1,000 sq. ft.
Savings and Loan	191 per 1,000 sq. ft.
<b>Miscellaneous Land Uses</b>	
Manual Car Wash (stall)	191 per 1,000 sq. ft.
Church	191 per 1,000 sq. ft.
Day Care Center	191 per 1,000 sq. ft.
Hospital	191 per 1,000 sq. ft.
Mini-Warehouse	191 per 1,000 sq. ft.
Nursing Home	191 per 1,000 sq. ft.
Gas Station	191 per pump
Motel/Hotel	191 per room
<b>Recreational</b>	
Golf Course	191 per acre
Movie Theater	191 per 1,000 sq. ft.
Racquet Club	191 per court
Tennis Courts	191 per court

4. Exemptions from Fee.

(a) The public facilities fees shall not be imposed on any of the following:

(1) any alteration or addition to a residential structure, except to the extent that additional units are created;

(2) any alteration or addition to a non-residential structure if the square footage of the structure is increased less than ten percent, unless the alteration or addition changes the use of the structure to a higher density category or will result in the generation of additional peak hour trip ends;

(3) any replacement or reconstruction of any residential, commercial or industrial development project that is damaged or destroyed as a result of a natural disaster as declared by the Governor.

(b) Whenever the alteration, addition, replacement or reconstruction is not exempt, the fee shall be imposed only on the additional units or guestrooms, change in use, or additional trips generated.

5. Payment of Other Fees Required.

(a) Notwithstanding any other provision of this resolution, every development within the unincorporated area of Stanislaus County is responsible for the payment of all other applicable fees adopted by the County.

(b) Nothing in this resolution affects the obligation of any person to pay area of benefit fees established pursuant to Stanislaus County Ordinance Code so long as this fee shall not result in a duplicate fee for any development or portion thereof included in an area of benefit listed in Exhibit A.

6. Use of Fee Revenues.

(a) The revenues collected by payment of the public facilities fee shall be placed in the Public Facilities Fund and shall be segregated in separate and special accounts as provided herein and such revenues, along with any interest earnings on each account, shall be used for the following purposes:

(1) to pay for design and construction of designated public facilities and reasonable costs of outside consultant studies related thereto;

(2) to reimburse developers who have designed and constructed designated public facilities which are oversized with supplemental size, length, or capacity; and

(3) to pay for and/or reimburse costs of program development and ongoing administration of the Public Facilities Fee program.

7. Expenditure of the Fees.

(a) Fees in the Public Facilities Accounts shall be expended only for those facilities listed in Exhibit A and only for the purpose for which the fee was collected.

(b) The standards upon which the needs for facilities are based are the standards of the County. The County has undertaken an extensive capital improvement program to implement these standards and the County will remedy existing deficiencies without using proceeds of the public facilities fee.

8. Administrative Regulations. The Chief Administration Office shall develop rules and regulations for the effective implementation and administration of the public facilities fee and to annually review and update the Fee Schedule.

9. Annual Review.

(a) No later than June 30 of each year, the Auditor-Controller shall prepare a report for the Board of Supervisors identifying the balance of fees in the public facilities accounts, the facilities constructed and the capital facilities to be constructed. In preparing the report, the Auditor-Controller shall adjust the estimated costs of the public improvements in accordance with the Engineering Construction Cost Index as published by Engineering News Record for the elapsed time period from the previous July 1 or the date that the cost estimate was developed. The annual report shall also include a review of the administrative charge.

(b) The Board shall review the report at a noticed public hearing and shall make findings identifying the purpose to which the existing fee balances are to be put and demonstrating a reasonable relationship between the fee and the purpose for which it is charged. The Board may revise the public facilities fee to include increased construction costs.

10. Exemption from California Environmental Quality Act (CEQA). In addition to the other findings made by this resolution, the Board of Supervisors further finds that CEQA does not apply to the adoption of this resolution. Pursuant to the provisions of Sections 15061 and 15273 of the State CEQA guidelines because:

(a) the fees established by this resolution will be collected, in part, for the purposes of obtaining funds to be used for development projects and improvements which are necessary to maintain the current level of service in terms of street capacity within the County as well as the purchase of certain items of capital equipment;

(b) to a limited extent, the fees established by this resolution will be used to fund some new facilities, such as traffic signals, park and ride lots, bike paths and pedestrian foot paths in new neighborhoods outside existing service areas. However, the addition of public facilities to new neighborhoods will not take place until there has been CEQA review of the development projects which will pay for said public facilities via the public facilities fee mechanism established by this resolution. The construction of each public facility will be subject to CEQA review. It is, therefore, reasonably certain that this resolution which establishes public facilities fees will not, by itself, have any possibility of causing a significant effect on the environment.

11. Subsequent Analysis of Fee. The Fee established herein is adopted and implemented by the Board in reliance on the comprehensive studies that have

been prepared by the County. When additional information is available, the Board shall review this fee to determine that the fee amounts are reasonably related to the impacts of developments, and to consider whether the fee should be more specifically refined. The Board may revise the fee to incorporate the findings and conclusions of further studies and any revised standards in the County's General Plan.

12. Effective Date of Public Facilities Fee. This resolution is effective sixty (60) days after passage.

**STANISLAUS COUNTY  
PUBLIC FACILITIES FEE  
PROGRAM**

*Prepared for:*  
**THE COUNTY OF STANISLAUS**

*Prepared by:*  
**RECHT HAUSRATH & ASSOCIATES  
URBAN ECONOMISTS**

1212 Broadway, Suite 1700  
Oakland, California 94612

December 19, 1989

## I. INTRODUCTION AND SUMMARY

### Reason For Fees

Several events during the past ten years have undercut the financial capacity of local governments to build infrastructure: passage of Proposition 13, difficulty passing bond initiatives, and severe reductions in federal and state assistance. As an immediate response to their funding crisis, cities and counties throughout California cut back services, deferred maintenance, and slashed capital investment.

As a longer-term response, most cities and counties are shifting the burden of financing the capital costs of additional infrastructure from tax revenues and general obligation bonds to new development. This shift has primarily been accomplished through the imposition of development impact fees, within city boundaries. Some fee programs address only a few specific facilities, such as sewer, fire, or storm drainage, while other municipal fee programs are comprehensive, requiring developers to pay for all additions to municipal facilities needed to accommodate new development.

As a result of wide-spread imposition of development fees, the State Legislature passed AB 1600 which spells out some ground rules for imposition and on-going administration of impact fees. The law, which became effective in January 1989, requires local governments to document the *nexus* between the amount new development and the facilities that will be built to it. The legal requirements restrict how local governments may impose and use impact fees. But it has also made local governments less vulnerable to litigation and has given developers a more predictable environment in which to build.

In contrast to most cities in the State, California counties have been far less aggressive imposing comprehensive fees that will fund the full costs of all additional infrastructure

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serving new growth. As will be explained below, a comprehensive county-wide program for development fees is more complex than an equivalent municipal program. In order to give the reader a clear understanding of this complexity, the first chapter discusses the following topics before presenting the detailed analysis used to calculate the fees for each type of facility.

- Process of Fee Determination
- Fee Schedules (Tables)
- Implementation and Administration
- Existing Deficiencies
- County Fees in Urban Spheres and City Annexation Policies

The introduction is intended to provide the reader with a general understanding of the concepts and methodology used to design the specific fees. The succeeding chapters each contain a detailed analysis of the specific costs, benefits, and assumptions involved in the calculation of each group of facility fees.

#### Process of Fee Determination

The design of a development fee program follows a five step process: (1) Selecting a time period (or area of development, e.g., city limits); (2) Projecting new development; (3) Identifying the facilities to accommodate new development; (4) Estimating their cost; (5) Selecting an appropriate and equitable means to allocate costs among new development (and, if applicable, existing deficiencies).

- (1) Time Period - The determination of development fees begins with the selection of the time period over which population growth and development will be measured. The county's capital improvements plan and the official population and economic forecasts are central to the impact fee study. Therefore, it is convenient to have the

time period aligned with these documents. The county's recently adopted forecasts are projected to the year 2010. Since the capital improvement plan was based on the population forecast, it also forecasts facility requirements out to 2010. This data is therefore used for fee determination purposes.

- (2) Growth Projection - The requirements for new facilities are based on a forecast by QED Research, Inc. (*A Strategic Planning Approach for a County in Change, Population and Economic Forecasts 1988-2010*, June 1988) which forecasts county-wide population and employment reaching approximately 610,000 and 207,600 by the year 2010, respectively. The unincorporated population and employment, based on a synthesis of forecasts from the Planning Department, State Department of Finance (DOF), and SAAG, will reach about 119,300 residents and approximately 20,200 workers by 2010.
  
- (3) Facilities to Accommodate Growth - The determination of the quantity of new facilities required to serve the forecasted population growth requires the adoption of standards. These standards establish the level of service (L.O.S.) for existing and future county infrastructure. Standards are often stated in terms of a departments staff per capita or some amount of facilities per capita (e.g., acres of park land). The amount of new facilities that new development must fund is calculated according to the projected population growth.

In most cases, the county can adopt its own standards that reduce, maintain, or increase the present level of service being provided to the existing population. In some cases, however, the standards are mandated by state or federal regulations (e.g. minimum number of jail cells with single bunks). New development cannot be held accountable for higher standards than the current population provides for itself; thus, if present facilities are not up to a chosen standard, the county may establish a

higher standard only if the county funds the necessary improvements to its existing facilities.

The standards and type of facilities required to serve existing population and new development were established through a two part process. Initial standards were recommended during extensive consultations with each county department. These standards were then reviewed by a policy group composed of elected policy-makers and key county staff. The final determination is the responsibility of the County Board of Supervisors.

- (4) Estimating Cost of Facilities - Each department provided cost estimates for the new facilities it will require to serve new growth and, if necessary, to remedy existing deficiencies. Additional sources for cost estimates include the Capital Improvements Plan (CIP) and the departments of planning, purchasing, auditor/controller, and Chief Administrative Officer (CAO). Careful review was given to the determination as to which facilities, and their costs, were appropriately included as part of the development fee program.
- (5) Allocating Total Facility Costs - There are three steps required to formulate an equitable allocation of the capital costs for county infrastructure: (a) the cost of remedying existing deficiencies must be separated from the financing of facilities to accommodate new growth; (b) costs for county-wide services (e.g., criminal justice system) must be distinguished from county services provided only in the unincorporated areas (e.g., sheriff's patrol); and finally, (c) costs for new facilities must be distributed among different types of development (e.g., residential, retail, etc.).

The first step separates the cost of (1) bringing existing infrastructure up to standard and (2) the amount calculated to fund improvements to accommodate new growth

## Introduction

out to the end of the forecast period. The amount required to cure existing deficiencies cannot be included in development fees. Thus the capital investment for a single facility that both remedies an existing deficiency and provides additional capacity to accommodate growth must be allocated according to the shares that benefit each group. For example, a county might build a new 20,000 square foot jail for \$10 million. In order to reduce the current overcrowding, a county might need to construct 5,000 square feet, leaving 15,000 square feet to jail the forecasted increase in inmates through 2010. Development fees could provide \$7.5 million and the remaining \$2.5 million would come from other sources, perhaps the county's general fund or a one-time federal grant. If the entire project were being financed with bonds, new development could not be made responsible for more than three-quarters of the debt service.

The second allocation divides the cost for new facilities that will benefit growth county-wide versus growth exclusively in unincorporated areas (e.g., sheriff's patrols in unincorporated areas versus county-wide jails for all inmates). A county service delivered exclusively to unincorporated areas will be charged in a separate fee to development specifically in those areas. In the case of traffic fees, for example, three divisions will be necessary. These are the road construction necessary for secondary county roads to serve remote developments, the improvements to major county arteries that benefit growth county-wide and, where arranged with cities, roads within the cities' urban spheres.

The final allocation distributes the cost of new facilities that will serve growth among five land use categories (i.e., single-family residential; multi-family residential; office; retail; and low and high density industrial). For most types of facilities, development fees for residential projects are based upon an average number of residents per dwelling unit for each land use type, and non-residential projects are charged on the average number of employees per 1,000 square feet.

Traffic impact fees are based on trips generated and thus differentiated even more finely among land uses.

Summary of Facility Costs and Proposed Fee Schedules (Tables I-2 and I-3)

The three tables below summarize the facilities cost and fees necessary for the next twenty years of new development. Tables I-1 presents the cost of facilities that will serve forecasted growth out to 2010.

TABLE I - 1

**COST OF FACILITIES TO ACCOMMODATE GROWTH**  
(Millions of 1989 Dollars)

<u>County Facilities</u>	<u>County-Wide</u>	<u>Unincorporated</u>	<u>Total</u>
Inter-City Roads	\$267.3	0	\$267.3
City/County Roads <sup>1</sup>	53.1	0	\$53.1
Criminal Justice System	12.5	0	12.5
Jails & County-Wide Sheriff Services	103.4	0	103.4
Sheriff's Patrol & Investigation	0	1.3	1.3
County Fire Warden	0	2.2	2.2
Parks & Recreation	11.0	0	11.0
Out-Patient Care	5.9	0	5.9
Libraries	30.7	0	30.7
Public & Mental Health	8.8	0	8.8
Other County Facilities	8.9	2.6	11.5
Fee Administration (2.5 percent)	<u>12.5</u>	<u>1.5</u>	<u>14.0</u>
<b>TOTAL</b>	<b>\$514.1</b>	<b>\$7.6</b>	<b>\$521.7</b>

<sup>1</sup>The distribution of the cost for *City/County* road projects (\$53.1 million) includes new development in all unincorporated areas and eight cities, excluding Modesto and its urban sphere and the Salida Planned Development (see page VI-4).

Source: Stanislaus County and Recht Hausrath & Associates

## Introduction

Table I-2 on the following page presents the proposed *county-wide* fees that would be charged to each type of land use. These fees apply to all new development that will occur county-wide including development with the nine cities. The one exception is the city/county road fee, which would not be imposed on new development that occurs within a city's sphere of influence that has implemented a *sphere* fee. A *sphere* fee includes the cost of street improvements throughout the city and its sphere (e.g., Modesto). Thus when a city imposes its own sphere fee, the county would collect the sphere fee for the city instead of the county's city/county fee. The two fees are mutually exclusive. Table I-3 presents the proposed fees paid by new development that will occur in the unincorporated areas of the county. The following examples presents typical applications of the county's two fee schedules plus a city's own fee program:

New development located inside the city limits of any city except Modesto would pay the county-wide fees listed in Table I-2 plus any city fees that the particular city requires.

New development outside the city limits of the eight cities (exclusive of Modesto and its sphere of influence) would pay both the county-wide fees show in Table I-2 plus the unincorporated fees shown in Table I-3.

New development within Modesto's sphere of influence (and outside Modesto's city limits) will pay both the county-wide fees (Table I-2) plus the unincorporated fees (Table I-3) except that the *city/county* road fee will be replaced with Modesto's own streets fee.

- New development within the City of Modesto would pay all Modesto's city fees and all of the county-wide fees (Table I-2).

The two county road fees, *inter-city* and *city county*, are presented in Table I-2 as approximate averages of the land-use specific fees, shown at the conclusion of Chapter VI in Tables VI-10 and VI-11. The actual fees listed in Tables VI-10 and VI-11 are determined by the number of trips generated by specific types of land-use.

TABLE I - 2

## COUNTY-WIDE CAPITAL FACILITIES FEES

*(Fees apply to all new development county-wide)*

FACILITIES	LAND USE CATEGORIES					
	RESIDENTIAL		NON - RESIDENTIAL			
	Single Family <sup>1</sup>	Multi-Family <sup>1</sup>	Office <sup>2</sup>	Retail <sup>2</sup>	Industrial <sup>2</sup> (high density) <sup>3</sup>	Indu (low c
Inter-City Roads <sup>4</sup>	\$1,757	\$1,177	\$2,513	\$6,220	\$1,257	
City/County Roads <sup>5</sup>	1,189	797	1,702	4,212	851	
Criminal Justice	128	83	67	40	29	
Jails	1,066	689	533	332	237	
Libraries	314	203	163	98	70	
Parks	138	89	n/a	n/a	n/a	
Out-Patient Care	61	39	32	20	14	
Public & Mental Health	93	60	48	29	21	
Other County Facilities	90	58	47	28	20	
Fee Administration (2.5 percent)	<u>120</u>	<u>80</u>	<u>128</u>	<u>274</u>	<u>64</u>	
<b>TOTAL</b>	<b>\$4,956</b>	<b>\$3,275</b>	<b>\$5,233</b>	<b>\$11,253</b>	<b>\$2,563</b>	

1 Fees per dwelling unit

2 Fee charge per gross thousand usable square feet.

3 High density industrial is defined as building under 100,000 square feet with employment densities of 700 square feet per employee. Low density building are over square feet and are assumed to have employment density of 2,100 square feet.

4 Actual fees for specific types of non-residential land use categories depends upon specific trip generation and technical adjustments for each type of development. They have all been calculated using a technically adjusted cost per peak hour tripend of \$1,428 (see page VI-13).

5 This fee is calculated using an adjusted cost per peak hour tripend of \$967. This fee is replaced by a city's own sphere fee that includes traffic planning in the city's urban sphere.

Source: Recht Hausrath & Associates

TABLE I - 3

UNINCORPORATED AREA CAPITAL FACILITIES FEES

(Development in unincorporated areas is subject to both county-wide and unincorporated fees)

FACILITIES	LAND USE CATEGORIES					
	RESIDENTIAL		NON - RESIDENTIAL			
	Single Family <sup>1</sup>	Multi-Family <sup>1</sup>	Office <sup>2</sup>	Retail <sup>2</sup>	Industrial <sup>2</sup> (high density) <sup>3</sup>	Industrial (low density) <sup>3</sup>
Sheriff's Patrol	\$134	\$87	\$70	\$42	\$30	
Fire	192	124	100	60	43	
Other County Facilities	266	172	140	84	60	
Fee Administration (2.5 percent)	<u>15</u>	<u>10</u>	<u>8</u>	<u>5</u>	<u>3</u>	
TOTAL	\$607	\$393	\$318	\$191	\$136	

1 Fees per dwelling unit

2 Fee charge per gross usable thousand square feet

3 High density industrial is defined as building under 100,000 square feet with employment densities of 700 square feet per employee. Low density building are over 100,000 square feet and are assumed to have employment density of 2,100 square feet.

### Implementation and Administration

A small part of the cost of supplying the facilities to accommodate development consists of the documentation, administration and implementation expenses of the fee program. An estimate of 2.5 percent of all fees collected appears to be a reasonable estimate for these costs. The county is therefore justified in adding a 2.5 percent surcharge on all fees collected to cover these overhead costs. The actual expenses incurred will be monitored and compared with this estimate; the fee will be adjusted as necessary to insure that excess funds are not collected. Experience shows administrative costs decline over time as the Public Works Department becomes more proficient at processing permits and annual fee updates become more automatic.

The county will undertake annual and longer-term (perhaps five-year) reviews of its facilities fee program. The annual review will verify that the assumptions on which the fees are based remain generally applicable; it will also involve adjustments for inflation. The longer-term reviews will allow for re-examination of previous assumptions with regard to growth forecasts, development trends, facilities needs, annexation, inflation, land costs, etc. Such reviews will help attune long-range infrastructure planning to the county's changing needs and ensure that the county is proceeding with remedying its current deficiencies.

### Administrative Guidelines

The actual implementation and administration of an impact fee program will involve adopting a host of new procedures, training personnel, tracking facility costs and accounting for fee revenues. In addition, county staff will be frequently confronted with particular situations in which they must interpret the program's criteria and render special judgements. Just a few examples include determining what type of building permits do or do not require fee payment (e.g., residential remodeling), fees for

temporary uses (e.g. model homes), conversions of property from one type of land use to another (e.g., retail to office space), and the timing and method of updating the cost assumptions and inventory of additional infrastructure needed to serve growth.

Furthermore, the accounting involved in the program is likely to require more attention than a municipal fee program does because of the added complexity of the county-wide fee program compared to fees collected by cities.

Many cities implementing comprehensive fee programs (as well as specific traffic, park, and public safety fees) have adopted administrative guidelines that provide staff and the development community with guidance during the initial implementation and on-going operation of the program. The guidelines are intended to maintain consistent standards regardless of city personnel turnover or updates to the fee program. While the preparation of administrative guidelines is outside the scope of this report, we recommend the county begin to consider what steps must be taken to implement and administer the fee program once adopted by the Board of Supervisors.

#### Existing Deficiencies

The law establishing the right of local governments to collect development fees (Government Code 66000 *et. seq.*) states that funds collected can only be used for facilities to accommodate new development. Furthermore, existing deficiencies must be brought up to the same level of service required for facilities serving new development. If facilities do not currently meet the established level of service, the county should document how it plans to remedy the existing deficiencies with funding sources independent of development fees in order to be able to impose development fees based on the higher level of service. This is usually done through the capital improvements program (CIP). The CIP may include projects that both remedy existing deficiencies and build additional capacity to accommodate new development. Some projects are jointly funded by (1) fees on new development and (2) other county sources.

Table I-4 summarizes the existing deficiencies in each fee category. The amounts listed are all net costs; in other words they are derived by reducing the total cost of each department's projects by the amount benefiting growth. In some cases, existing facilities have capacity to accommodate new growth. In some cases, the county may estimate the original cost of constructing such additional capacity and charge new development a "buy-in" fee.

TABLE I - 4  
SUMMARY OF COUNTY FACILITY DEFICIENCIES

<u>FACILITY TYPE</u>	<u>Estimated Cost (1989 Dollars)</u>
Jail & County-Wide Sheriff's Services	\$25.8 <sup>1</sup>
Justice System	6.3
Sheriff Patrol & Investigation	3.9 <sup>1</sup>
Fire	3.2 <sup>1</sup>
Parks	0.6
Public & Mental Health	0.5
Libraries	0
Out Patient Care	0
Traffic and Roads	0
Other County Facilities	<u>0</u>
<b>TOTAL</b>	<b>\$40.3</b>

<sup>1</sup> These services involve significant replacement of the existing facilities with new construction. The cost estimate of these deficiencies does not include any deductions for the salvage value of the existing facilities.

Source: Recht Hausrath & Associates

The total cost of the county's deficiencies, approximately \$40.3 million (1989 dollars), must be remedied if the county chooses to impose the fees as structured in this report.

While there is no legal requirements dictating how quickly the county must remedy its deficiencies, the "rule-of-thumb" commonly applied suggests 5 percent of the deficiency, or about \$2 million, be remedied each year over the 20 year planning horizon.

County Fees in Each of the Urban Spheres and Cities' Annexation Policies

Future county infrastructure constructed to accommodate development in one of the nine cities' spheres of influence requires special consideration, because there is a probability that these areas will be annexed into the city eventually. At the time of annexation, the facility capacity developed by the county to provide unincorporated area services (e.g., sheriff's office space) is no longer needed while the annexing city needs facilities (e.g., police station space) to provide its services. The county and the cities will have to negotiate a procedure to accommodate such transactions.

## II. NEW DEVELOPMENT

### Introduction

This chapter describes how the officially adopted forecasts of county population and employment growth are used to calculate the amount of new development in each of five land use categories: single family residential, multi-family residential, office, retail and industrial. These net additions to residential and non-residential development are then weighted to adjust each category's utilization of the new infrastructure necessary to serve the next 20 years of future growth.

We assume demand for most facilities will increase at the same rate as the population served. The notable exceptions are criminal justice facilities. Historically, demands on the county's criminal justice system have increased more rapidly than the growth in population. This phenomenon will be discussed in greater detail in the section on criminal justice fees. With the exception of criminal justice fees, however, we will assume that demand for all other county infrastructure will increase at the same rate as the number of persons served.

Fees are based on the forecasted population and employment growth over a twenty year time period: 1990 to 2010. We selected this period for this study because it corresponds to the latest forecast adopted by the county. This principal demographic/economic forecast served as a basis for projecting the need for additional facilities to serve new growth. The latter part of this chapter explains how we applied the principal forecast to our specific growth projections for each type of land use.

This chapter will explain how the official county-wide forecast of population and employment growth will be used to measure the demand for county services from five

types of land use: single family residential, multi-family residential, office, retail, and industrial. The chapter is organized into the following four sections.

- Forecasted Population Growth
- Forecasted Employment Growth
- County Land Use Trends and Policies
- Allocation of Growth to Land Use Categories

The first two of four sections present the official county forecast of population and employment in more detail. The third section discusses county land use trends and policies and their effects of future development. The fourth section describes (1) how forecasted population and employment are used to calculate the amount of new development in each of the five land use categories and (2) how these amounts are weighted according to their burden on county facilities.

#### Forecasted Population Growth

Three forecasts of county population growth have been completed since 1985 and differ substantially in their estimates of population. The county has officially adopted the third and latest set of forecasts, the QED Research Inc., Population and Economic Forecasts: 1988-2010. This study has developed two growth forecasts that form lower and upper bounds given the uncertainties of economic cycles, public policies, and commuting patterns. The primary differences between the two scenarios are assumptions about the increase of Bay Area commuters and the growth of county employment. The lower growth scenario assumes commuting will peak at 20,000 in the year 2000 and then remain constant, while an estimated 80,000 new residents moving into the county between 2000 and 2010 will find local employment. The higher growth scenario forecasts Bay Area commuters will peak at 30,000 in the year 2000 and then decline to 27,000 as some county residents switch to jobs in the local economy. This

scenario also forecasts 108,000 new residents will move into the county between 2000 and 2010, with all of the growth being accommodated by the growing local employment base.

In order to develop an impact fee for services provided only to specific areas (e.g., unincorporated areas) or particular types of land use (e.g., residential), more specialized forecasts were needed than provided by the QED county-wide demographic projections. Demographic and economic data from a variety of sources (e.g., SAAG, Department of Finance, County of Stanislaus, City of Modesto, Caltrans, etc.) were used to derive these specialized forecasts. During the preparation of this report subsequent updates to the forecasts from SAAG and Department of Finance have projected population exceeding the county's current projections. To the degree possible, the forecast currently adopted by the county was made consistent with the projections for specific areas. However, some inconsistencies were unavoidable and therefore tolerated. Table II-1 shows the QED Research forecast for county-wide population and employment.

TABLE II - 1

DEMOGRAPHIC & ECONOMIC TRENDS  
(County-wide population in thousands)

	<u>1990</u>	<u>2000</u>	<u>2010</u>	<u>Compound Annual Growth</u>
Population	370	502	610	2.53%
Employment	154	221	282	3.07%
Resident Commuters	16	30	27	2.65%

Source: *A Strategic Planning Approach for Change: Population and Economic Forecasts 1988-2010*, Kreines & Kreines and Q.E.D. Research Inc., June 1988

Recent growth patterns in the county indicate new development will be most rapid in communities near major commute corridors (e.g. Patterson/Interstate 5 and Salida/Highway 99). The county's forecast assumes commuters to the Bay Area will continue to expand until the year 2000, and then decline slightly to around 27,000 by 2010. From 2000 to 2010, the forecast projects county-wide population increases by an additional 108,000, all presumably employed in the local economy. Thus, the county expects its own regional economy will offer employment opportunities at a rate slightly faster than population growth.

The county's Economic Strategic Plan disaggregated the QED county-wide projections into estimated populations for the nine cities and the unincorporated area. However, this disaggregation was based upon the QED more conservative forecast which projected county-wide population reaching 535,000 by 2010, while the newly adopted forecast predicts 610,000 residents county-wide. In order to revise the county's forecast so that it aligned with the higher growth forecast, we distributed the larger population between cities according to the basic distribution of population used in the county's Economic Strategic Plan. Modesto and its urban sphere was the exception, where the city's own forecast was used for traffic planning and the calculation of impact fees.

This process generated twenty year population projections for the following three areas within the county that are relevant to the calculation of impact fees: (1) The City and urban sphere of Modesto, (2) the unincorporated area of the county, (3) the other eight cities. The rapid development occurring throughout the county, especially in areas such as Salida Planned Development, indicates these forecasts already understate growth over the next twenty years.

Despite the uncertainties, a forecasted 26,210 additional residents in unincorporated areas seems reasonable given the expected annexation policies of most cities. Some critical assumptions underlying the projection of unincorporated residential development

are explained in the County Land Use and Policies section, below. This residential and non-residential growth in the unincorporated areas, will fund the additional facilities (e.g., sheriff patrol and investigation, rural roads) that will be necessary to serve its needs. In the following section we examine employment growth county-wide and in the unincorporated areas.

#### Forecasted Employment Growth

The next twenty years of non-residential growth will also impact county infrastructure. Thus, future non-residential development should pay impact fees that reflect its share of the benefits derived from new facilities. As noted above, the county's forecast predicts Bay Area commuters will play a significant role as a driver of county-wide population growth for the next ten years and that local employment will increase more rapidly after the year 2000. Two forces will help improve local employment opportunities and lessen the significance of residents commuting to work outside the county. The first consists of increasing demand for local goods and services from a growing county population (known as the "multiplier effect").

The second force is a longer-term out-migration of Bay Area businesses and their relocation to Stanislaus and other Central Valley counties. The underlying logic of this second force postulates that Bay Area employers will relocate to Stanislaus County as skyrocketing housing prices and congested freeways inflate their wage costs and retard the efficiency of northern California and state-wide distribution operations. These firms will hire county residents (including some wage-earners who are presently commuters) that are willing to work for lower wages in exchange for local employment. These two forces, the multiplier effect and out-migration from the Bay Area, will generate more development of office space and industrial land use than in the more conservative forecast. Table II - 2 presents the county's projection of employment growth by industry.

TABLE II - 2

COUNTY-WIDE EMPLOYMENT GROWTH  
(1990 - 2010, in thousands)

<u>Selected Industries<sup>1</sup></u>	<u>1990</u>	<u>2010</u>	<u>Annual Growth</u>
Retail Trade	31.8	57.7	3.02%
Manufacturing	25.9	64.0	4.63%
Services	24.1	54.9	4.20%
Construction	7.3	12.0	2.52%
Transportation & Utilities	5.4	9.8	3.02%
F.I.R.E. <sup>2</sup>	5.2	9.2	2.89%

<sup>1</sup> These are reported as the six fastest growing industries and do not constitute total employment county-wide.

<sup>2</sup> Financial, Insurance, and Real Estate

Source: QED Research, SAAG and Recht Hausrath & Associates

Forecasts of employment growth in the unincorporated areas of the county are not as reliable as those projecting growth county-wide. The County Planning Department has prepared projections of unincorporated employment growth by disaggregating QED county-wide forecasts. Table II-3 presents a summary of unincorporated employment growth by type of activity.

TABLE II - 3

EMPLOYMENT GROWTH IN UNINCORPORATED AREAS  
(1990 - 2010)

<u>Selected Industries<sup>1</sup></u>	<u>1990</u>	<u>2010</u>	<u>Annual Growth</u>
Manufacturing	3,189	6,724	3.80%
Services	2,580	6,020	4.33%
Retail Trade	2,243	4,078	3.02%
Construction	899	1,478	2.52%
Transportation & Utilities	664	929	1.69%
F.I.R.E.	557	1,009	2.89%

<sup>1</sup> These are reported as the six fastest growing industries and do not constitute total employment county-wide.

Source: Q.E.D. Research, SAAG and Recht Hausrath & Associates

The QED forecast assumes agricultural employment will decline slightly and retail trade and service sectors will increase the most, both in absolute terms and growth rate. Over the next 20 years, the fastest growing employment will be in manufacturing (specifically durables) and services (especially data processing and other business support functions).

### County Land Use Trends and Policies

The growth management procedures in effect in Modesto have helped to shift residential development to those smaller cities and unincorporated areas with easier access to Interstate 5. Until recently, smaller cities such as Patterson have shown less resistance to growth, but are now controlling additional residential development. Resistance on their part will put more pressure on the more rural, unincorporated areas of the county. This growth could take the form of large mixed-use projects proposed for the Interstate 5 or Highway 99 corridors (e.g. Salida Planned Development).

One such proposal before the county is the Lake Borough development located on I-5 in the southwest corner of the county. The proposal includes 25,000 residential units, 228 acres of retail building and 657 acres of industrial parks. Lake Borough, and other mixed-use developments likely to be proposed if this first proposal is approved, have the potential to generate more employment than projected by the county's forecast. This type of large scale development will construct its own local infrastructure (e.g., collector and access roads, fire stations, schools), but will pay impact fees for county-wide services such as libraries, criminal justice and general county administration.

At the present time, the likelihood of large-scale development in the unincorporated areas of the county remains uncertain, while there is reasonable certainty that the cities

will continue to annex land presently in their urban spheres. The growth forecast used here assumes that urban spheres will continue to dominate population growth and land use intensity within the county. If projects such as Lake Borough become the norm, these forecasts of growth in unincorporated areas, as well as county-wide population growth, will have to be revised.

#### Allocation of New Growth to Land Use Categories

New development's demand for additional infrastructure to serve new development varies by its type of land use (i.e., residential, retail, office and industrial) and density (i.e., single versus multi-family dwellings). Therefore, new development's impact is calculated on a per capita basis than converted into a fee on a unit of development (e.g., a dwelling unit or a thousand square feet of industrial, office or retail) according to an average resident or employment densities per unit. The following two sections show how we calculate the amount of growth *residential* and *non-residential* development.

#### **New Residential Development**

The two types of residential fees are calculated from the average household size for single family and multi-family dwelling units. The average number of residents occupying single- and multi-family dwelling units is based on estimates from SAAG, the Stanislaus County Planning Department, and the Modesto City Planning Department which have made the following assumptions: (1) Currently, 55 to 70 percent of dwelling units county-wide are single family units that average six dwelling units per acre. (2) Multi-family dwelling units constitute the remaining share and average 10 to 15 units per acre. (3) SAAG estimates 3.20 residents per single family dwelling and 2.07 residents per multi-family dwelling. The county-wide averages are, therefore, 2.75

residents per dwelling unit and 8.20 occupied dwelling units per acre (this includes neighborhood parks, elementary and junior high schools, 20 to 25 percent street coverage, and a five percent vacancy rate).

Table II-4 presents the net additions of new residential units to the unincorporated areas and county-wide and the weighted residential growth during the next 20 years. The number of new residents given in the fourth column of Table II-4 are the product of the additional units built between 1990 and 2010 multiplied by the average number of residents per household.

TABLE II - 4  
RESIDENTIAL DWELLING UNIT GROWTH  
(1990 - 2010)

	Total Units 1990	Total Units 2010	1990-2010 Additional Units	1990-2010 Additional Residents
<b>County-Wide</b>				
<i>Single Family</i>	76,926	140,551	63,625	203,600
<i>Multi-Family</i>	<u>36,047</u>	<u>61,608</u>	<u>25,561</u>	<u>52,911</u>
<b>TOTAL</b>	112,973	202,159	89,186	256,511
<b>Unincorporated Areas</b>				
<i>Single Family</i>	9,520	16,100	6,580	21,056
<i>Multi-Family</i>	<u>2,980</u>	<u>5,470</u>	<u>2,490</u>	<u>5,154</u>
<b>TOTAL</b>	12,500	21,570	9,070	26,210

Source: SAAG and Recht Hausrath & Associates

### New Non-Residential Development

In order to calculate impact fees for non-residential development, we consolidated the employment forecasted for the six industries listed in Table II-3 into the four non-residential land use categories (i.e. office, industrial, and retail). For example, new industrial development is the sum of the net increase of employment in the manufacturing, construction, transportation and public utilities sectors over the next twenty years; office development is the total of services and financial/insurance/real estate (F.I.R.E.); and retail development is the forecasted employment growth of the trade sector. Table II-5 presents the results.

TABLE II - 5

EMPLOYMENT GROWTH  
(1990 - 2010)

	Employment <u>1990</u>	Employment <u>2010</u>	Growth <u>1990-2010</u>
<b>County-Wide</b>			
<i>Office</i>	29,300	64,100	34,800
<i>Retail</i>	31,800	57,700	25,900
<i>Industrial</i>	<u>38,600</u>	<u>85,800</u>	<u>47,200</u>
<b>TOTAL</b>	99,700	207,600	107,900
<b>Unincorporated</b>			
<i>Office</i>	3,137	7,029	3,892
<i>Retail</i>	2,243	4,078	1,835
<i>Industrial</i>	<u>4,752</u>	<u>9,131</u>	<u>4,379</u>
<b>TOTAL</b>	10,132	20,238	10,106

Source: County Planning Department, SAAG and Recht Hausrath & Associates

In order to calculate a fee on each type of new development, the forecasted employment in each land use category must be converted into a projection of building space (usually measured as usable square feet). For this conversion, there are four separate employment density factors for the four non-residential land use categories. We have combined estimates from the Stanislaus County Planning Department, City of Modesto, and SAAG to arrive at the following ratios of square feet per employee. Office space is considered the most dense at an average of 300 square feet per employee. Retail development averages 500 square feet per employees.

Industrial space under 100,000 square feet will be considered high density employment averaging 700 square feet per employee. We assume industrial buildings in excess of 100,000 square feet will average employment densities of 21,000 square feet per employee (e.g., warehousing, agricultural industrial). These industrial employment densities are based on both national averages and comparisons with counties that resemble Stanislaus County as it may look in ten or twenty years (e.g., Placer County, northern San Diego County). These estimates may be verified by surveying industrial development trends over the next few years.

We assume approximately 90 percent of the forecasted, industrial employment county-wide will work in buildings under 100,000 square feet. The remaining 10 percent will be employed in buildings over 100,000 square feet. The ratio allocating employment between the two types of new industrial development is not critical, since it is the total employment that determines the revenues collected.

The final step involves weighting the four different types of new non-residential development, as measured by employment, according to new development's demand for new facilities. This weighting requires an assumption with regard to the relative demand for county services from the population while at work versus while at home. The City of Modesto assumes that on average a resident requires twice the amount of

services than an employee. This assumption is used in the analysis here. Therefore, each new employee is weighted by one half the amount of each new resident.

The total cost of new facilities will be distributed across these weighted measures of growth county-wide and in the unincorporated areas. Two distributions (i.e., residential and business) provide the basis for fees per residential dwelling unit and thousand square feet of non-residential development during the next 20 years. Tables II-6 and II-7 summarize the final results for all five categories of new development.

TABLE II - 6

COUNTY-WIDE GROWTH  
(1990 - 2010)

<u>Residential Population</u>	<u>Growth</u>	<u>Percent</u>
Single Family	203,600	65.6%
Multi-Family	<u>52,911</u>	<u>17.0</u>
Residential Subtotal	256,511	82.6%
<u>Employment</u>		
Office <sup>1</sup> (weighted 50%)	17,400	5.6
Retail <sup>1</sup> (weighted 50%)	12,950	4.2
High Density Industrial <sup>1</sup> (wtd 50%)	21,240	6.8
Low Density Industrial <sup>1</sup> (wtd 50%)	<u>2,360</u>	<u>0.8</u>
Non-Residential Subtotal	53,950	17.4%
<b>TOTAL</b>	<b>310,461</b>	<b>100.0%</b>

Source: Recht Hausrath & Associates

<sup>1</sup> All four categories of forecasted employment growth have been weighted by 50 percent

The county-wide total distribution for residents and employment shown in Table II-7 apply to fees for county-wide services, such as libraries and criminal justice. Fees that apply to new development in unincorporated areas (e.g., sheriff's patrol) must be based on only those new residents and employees within the unincorporated areas of the county. Table II-7 presents the similar weighting as used in Table II-6, but only for those residents and employees in the unincorporated areas.

TABLE II - 7

UNINCORPORATED AREA GROWTH  
(1990 - 2010)

<u>Residential Population</u>	<u>Growth</u>	<u>Percent</u>
Single Family	21,056	67.4%
Multi-Family	<u>5,154</u>	<u>16.5</u>
Residential Subtotal	26,210	83.9%
<u>Employment</u>		
Office <sup>1</sup> (weighted 50%)	1,946	6.2
Retail <sup>1</sup> (weighted 50%)	918	2.9
High Density Industrial <sup>1</sup> (wtd 50%)	1,971	6.3
Low Density Industrial <sup>1</sup> (wtd 50%)	<u>219</u>	<u>0.7</u>
Non-Residential Subtotal	5,054	16.1%
<b>TOTAL</b>	<b>31,264</b>	<b>100.0%</b>

Source: Recht Hausrath & Associates

<sup>1</sup> All four categories of forecasted employment growth have been weighted by 50 percent

The growth projections presented above (Table II-7) are based upon the current land use policies applied by the county regarding residential and non-residential development in unincorporated areas. These policies may change and would therefore change the

absolute amount of new development and very possibly the relative distribution across different categories of land use. Policy changes as well as revisions to population and employment forecasts are expected. Thus, the fee program should be updated annually and major reviews planned about every five years.

### III. SHERIFF PATROL AND INVESTIGATION

#### Description of Department

The Sheriff's Department operates two types of services. The first type is police services to residents living in the unincorporated areas of the county. The department provides Sheriff's deputies to patrol these unincorporated areas and detectives to investigate crimes. The second involves services provided county-wide. These county-wide services include the coroner's office, public administrators, civil division, bailiff duty, and jails. The county-wide services will be dealt with as a separate fee and will be discussed in the following chapter.

This chapter (Chapter III) covers only those fees for police services to unincorporated areas. Since these services are similar to municipal police services, only the new development in unincorporated areas should pay a Sheriff's patrol and investigation impact fee. New development's demand for sheriff's protection will require the same ratio of facilities to population as existing development. Generally, new development within cities will not participate in the Sheriff's patrol and investigation fee. However, cities that contract with the Sheriff's department for police services will pay the same fee charged to development in the unincorporated areas.

The department currently employs 66 sworn deputies and 22 detectives designated as field law enforcement staff. While the department employs additional sworn deputies as staff for other functions (e.g. administration, laboratory work), the department can field a maximum of 88 sworn officers given its current staffing level and responsibilities. The department employs reserve deputies to cover field officers vacation, illness, training, and other absences. The 88 sworn officers serve an estimated 97,120 county residents and 14,300 workers over 698,444 unincorporated acres. Stated another way, the departments level of service equals a ratio of roughly 0.91 officers (deputies and detectives) per thousand population, or 0.68 deputies and 0.23 detectives per thousand

population. This current level of service ratio is then used to measure the existing space and vehicle ratios.

Currently, the Sheriff's department has 19,890 square feet of headquarters space located at its central facility in downtown Modesto. The Department does not operate any satellite or branch offices. At its current staffing level, the departments space ratio is 226 building gross square feet (BGSF) per sworn field officer. The central dispatch facility serves all county and municipal emergency response agencies and therefore is not included in the Sheriff's patrol and investigation fee.

The department currently operates 26 patrol cars, and has requested the county to purchase two additional patrol cars in order to obtain an acceptable, although short-term, operating standard of 2.36 deputies per patrol car. At any given time, 20 percent of the vehicle fleet is undergoing repairs or scheduled maintenance. Therefore the effective standard is actually 2.95. The Department currently owns 18 standard passenger cars for its 22 detectives. Detectives can respond to emergency calls with deputy back-up. If all available vehicles are allocated among all officers (deputies and detectives), the vehicle ratio equals 1.91 officers per vehicle.

#### County Standards

The Stanislaus County Sheriff's department currently applies an average staffing ratio of 0.91 sworn officers (deputies and detectives) per thousand capita served to determine its long-term facility requirements. This level of manpower is used to determine the Department's existing deficiencies and the amount of building space and vehicles that new development must purchase to serve future growth.

The building space standard for the Sheriff's department is measured as a ratio of a specified amount of building gross square footage (BGSF) per sworn officer. The

existing facility gives the department a ratio of 226 BGSF per officer. When the new Public Safety Center is completed and projected 20 year staffing levels are reached in 2010, the space ratio would exceed the existing 226 BGSF per officer if all the eventual space were allocated to the projected field force of 112 sworn officers. However, at least while present funding limitations are a constraint, the Sheriff's Department is using the existing 226 BGSF per sworn officer as its official space standard and will apply the additional capacity remaining after the next 20 years to future growth beyond 2010.

Assuming a patrol car can theoretically run 24 hours a day and 7 days a week, one patrol car can be allocated to the 4.2 deputies required for around-the-clock staffing (this ratio includes using reserve deputies to cover vacation, illness and training time of the full-time field officers). However, current practices affect this ratio. For instance, two deputies usually respond to dangerous calls. Detectives can respond to routine calls and will do so in their issued vehicles. As mentioned above, 20 percent of the vehicle fleet is undergoing repairs or scheduled maintenance at any given time. When these considerations are taken into account, the current operational standard of 1.91 sheriff deputies per vehicle is a reasonable ratio. The standard for detectives is one car per officer.

#### Existing Deficiencies

The county is using its current ratio of 0.91 sworn officers per thousand population, including the 22 detectives with the current 66 sworn deputies. Broken out into separate ratios for deputies and detectives, the Department fields 0.68 deputies per thousand population and 0.23 detectives per thousand population. The current ratio of 0.91 sworn deputies and detectives per thousand population is sufficient; thus there is no existing deficiency in the Departments.

The existing ratio of 1.91 deputies per patrol vehicle is also used as a standard adopted by the department. The present force of 22 detectives shares 18 cars and is considered acceptable for the present time. Thus, the department currently has no existing deficiency for its patrol vehicles or detective's cars.

The department's existing 19,890 square feet of space in the county courthouse gives it a standard of 226 square feet per sworn officer. When the department moves to its new headquarters in the proposed Public Safety Center, 19,890 square feet of the new space will go to replacing the existing headquarters in the county courthouse. The cost of correcting this *replacement* deficiency may be reduced if the salvage value of existing headquarters is captured by selling or using the space for another purpose.

The original design of the new Public Safety Center sized the facility according to a projected staff level of 152 sworn field officers each of whom was allocated 300 square feet. The current county standards will produce a 2010 staffing level of 112 officers (see below) requiring only 226 square feet each. Therefore, the Center, as planned, will have significant capacity to accommodate new growth after 2010. This capacity cannot be financed by the proposed impact fees, over the next twenty years of growth. However, impact fees levied on new development after the year 2010 can be used to continue to reimburse the county for its cost of providing future capacity in the Center at this time.

#### Facilities Needed to Accommodate New Development and Their Cost

The Master Plan calls for a new Public Safety Center to be constructed between 1989 and 1995 to house the new jail and the Sheriff's Operations Facility. The Master Plan allocates 65,752 BGSF for "non-custody facilities" out of a total of 648,232 BGSF for the new Public Safety Center (*Stanislaus County Public Safety Center*, page B3-5). A strict allocation of common area space (e.g., lobby, reception, hallways) between those services provided to only unincorporated areas versus county-wide services depends on the

relative staffing levels. For the sake of simplicity, this common area space that serves both unincorporated and county-wide sheriff services is divided equally between the two. Table III-2 presents a breakdown of new development's fair share of the building space allocated to Sheriff's patrol and investigation services.

TABLE III - 2

NEW SPACE FOR SHERIFF'S PATROL & INVESTIGATION

	Space (BGSF)
<u>Planned Public Safety Center Facilities</u>	
Public Lobby/Common Spaces <sup>1</sup>	1,631
Administrative Division	6,419
Operations Division	
<i>Crime Analysis Bureau</i>	1,647
<i>Crime Prevention Bureau</i>	1,260
<i>Patrol Bureau</i>	6,086
<i>Investigations Bureau</i>	9,018
Services Division	
<i>Records Bureau</i>	5,346
<i>Technical Services Bureau</i>	7,472
Circulation & Mechanical <sup>2</sup>	<u>5,015</u>
 TOTAL	 43,894

<sup>1</sup>Common space is half the total amount

<sup>2</sup>The cost of the central dispatch facility, which serves all county and municipal emergency response agencies, is not included here.

Source: Public Safety Center Master Plan

Table III-2 indicates that Sheriff's patrol and investigation operations will utilize 43,894 BGSF of the new Public Safety Center. By the year 2007, the Master Plan projects full staffing levels for the Sheriff's patrol and investigation operations will reach approximately 380 employees of which 150 will be sworn field officers (deputies and detectives).

The current staffing plan calls for maintaining a 0.91 sworn field officers per thousand population. The official forecast adopted by the county projects the unincorporated county population increasing by approximately 26,210 residents. This forecasted increase produces a requirement for 24 additional sworn officers over the next twenty years, or a total force of 90 sworn officers by 2010. The 24 additional officers times the department's space standard of 226 square feet per sworn officer equals approximately 5,500 square feet of the new Public Safety Center to serve growth in the unincorporated areas. Table III-3 presents a breakdown of construction costs for the Sheriff's operations facilities contained within the new public safety center.

TABLE III - 3

NEW SHERIFF PATROL & INVESTIGATION FACILITY

<u>Itemized Facilities</u>	<u>Basic Cost<sup>1</sup></u>
Sheriff's Operations Facility <sup>2</sup>	\$8,253,800
Site Acquisition	206,923
Off-Site Roadway Improvements	51,032
Site Preparation & Off-Site Utilities	156,008
On-Site Development & Landscaping	<u>830,945</u>
 FACILITY TOTAL (1988 Dollars)	 \$9,498,708

1. All costs (e.g., site preparation, land acquisition) are allocated between Sheriff's operations center and jails according to a ratio of 1:9 respectively (i.e., ratio of square footage between the two core facilities).
2. The estimated \$3,025,200 cost of the central dispatch and communications facility that will serve all county emergency agencies has been subtracted from the Master Plan total of \$11,279,000.

Sources: Stanislaus County Public Safety Center Master Plan, Stone Marraccini Patterson/The Design Partnership, page A12-8.

The Master Plan estimates the Department's construction costs for building functional area at \$120 per square foot (1988 dollars) for the Sheriff's Operations facilities (*Public Safety Center Master Plan*, page A12-3). However, when site acquisition, site preparation, and other items are included, the approximate cost per square foot reaches \$195. The total cost of the facility that may be allocated to new development in the unincorporated areas of the county during the next twenty years equals approximately \$1,072,500, which covers the 5,500 square feet necessary to accommodate the 24 additional officers. The proportion of the cost allocated to existing deficiencies will be discussed in more detail below.

Based on 1.91 deputies per patrol vehicle and one detective per car, the Department would purchase 12 additional patrol vehicles and one new detective car to serve new development. These vehicles currently cost \$18,500 for patrol vehicles and \$12,000 for standard detective cars. Therefore the total cost for new vehicles over the next 20 years will be \$234,000. This total is then added to the \$1,072,500 for building space and equipment, yielding a grand total of approximately \$1,306,500 million for new facilities over the next 20 years.

#### Allocation of Costs

The Stanislaus County's Sheriff patrol and investigation operations provide services to only those county residents living in unincorporated areas. Therefore, the total cost of future system-wide expansion (exclusive of existing deficiencies) is allocated over new development outside the city limits of the nine municipalities. The demand for police services in the unincorporated areas is distributed among residents and business establishments. Therefore the entire cost for additional patrol and investigation infrastructure must be borne by all five types of land use: single family, multi-family, office, retail, and industrial.

Table III-4 presents the amount of each category of future development over which the cost of new facilities will be spread.

TABLE III - 4

UNINCORPORATED GROWTH  
(1990 - 2010)

<u>Land Use Categories</u>	<u>Growth</u>	<u>Percent</u>
Single Family Residents	21,056	67.4%
Multi-Family Residents	5,154	16.5
Office Employment (Weighted at 50%) <sup>1</sup>	1,946	6.2
Retail Employment (Weighted at 50%) <sup>1</sup>	918	2.9
High Density Industrial (Weighted at 50%) <sup>1</sup>	1,971	6.3
Low Density Industrial (Weighted at 50%) <sup>1</sup>	<u>219</u>	<u>0.7</u>
<b>TOTAL</b>	<b>31,264</b>	<b>100.0%</b>

<sup>1</sup> Non-residential development is weighted at 50 percent of its forecasted employment.

Source: Recht Hausrath & Associates

The 31,264 new residents and employees, the latter counted as one half the service need of a resident, calculated above (Table III-4) constitutes the adjusted base over which the \$1.3 million cost for new Sheriff's facilities (exclusive of costs for existing deficiencies) will be spread. Therefore, the total amount required to accommodate the next twenty years of new demand for Sheriff's facilities equals \$42 per resident and \$21 per worker in the unincorporated areas of the county. The percentages given in the second column indicated the approximate shares each type of development will contribute to the cost of facilities to serve the next 20 years of new development.

Calculation of Fees

Table III-5 shows how the fee per resident or worker is allocated to new development. The third column shows the fee per dwelling unit or per thousand square foot of office, retail, or industrial space.

TABLE III - 5

## SHERIFF'S PATROL &amp; INVESTIGATION FEES

<u>Land Use Category</u>	<u>Fee Calculation</u>	<u>Fee</u>
Single Family	\$42 x 3.20 residents	\$134 per dwelling unit
Multi-Family	\$42 x 2.07 residents	\$87 per dwelling unit
Office Space <sup>1</sup>	\$21 x $\frac{1 \text{ employee}}{300 \text{ square feet}}$	\$70 per 1,000 sq.ft.
Retail Space <sup>1</sup>	\$21 x $\frac{1 \text{ employee}}{500 \text{ square feet}}$	\$42 per 1,000 sq.ft.
High Density Industrial <sup>1</sup>	\$21 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$30 per 1,000 sq.ft.
Low Density Industrial <sup>1</sup>	\$21 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$10 per 1,000 sq.ft.

<sup>1</sup>The cost per employee is set at one-half the cost per resident (see page II-13).

Source: Recht Hausrath & Associates

Cost of Existing Deficiencies

The department's current staffing ratio of 0.91 sworn field officers per thousand population will be used for the time being as the level of service that new development will fund with impact fees. The 0.91 ratio may be improved as additional capital and

operating revenues become available. Until such time as such funding is used to improve the department's existing level-of-service, however, its existing deficiency consists of replacing the 19,890 square feet of headquarters space located in the county courthouse in downtown Modesto with 19,890 square feet of new space in the proposed public safety center. The new Public Safety Center will include this existing space as well as the additional space required to serve growth.

The new Public Safety Center will cost approximately \$195 per BGSF, therefore 19,890 square feet will cost about \$3.9 million. The "salvage value" of the Sheriff's current space in the courthouse may be deducted from the gross deficiency of \$3.9 million. An estimate of the salvage value is difficult to calculate unless the space were somehow sold on the open market. One alternative would be to "sell" the space to one of the five criminal justice departments that need to expand and should remain located in the courthouse. These five departments have access to the "Temporary Courthouse Construction Fund" (see page V-7) which is restricted to capital acquisitions of courthouse space only.

If the county builds the Public Safety Center as planned, it will be providing additional capacity beyond that required to serve the next twenty years of growth. Under the departments current standards, it will require 226 square feet for each of its 112 sworn field officers, or a total of 25,312 square feet in the new Public Safety Center. The total space of 43,894 BGSF planned for Sheriff's patrol and investigation operations will exceed the required capacity by 18,582 BGSF.

At an estimated cost of \$195 per BGSF (1988 dollars, including land, site preparation, furnishings, etc.), the likely cost to the county of the extra capacity equals \$3.6 million (1989 dollars). While this cost does not constitute an existing deficiency that must be remedied, the funds are not projected to be provided by impact fees until beginning in 2010. At which time, new development may be assessed the cost of this available

capacity to service its needs.

#### IV. JAILS AND OTHER COUNTY-WIDE SHERIFF SERVICES

##### Description of Department

The Sheriff's Department operates two types of services. The first, discussed in Chapter III, are police services to residents living in the unincorporated areas of the county. The second involves services provided county-wide. These services include the coroner's office, public administrators, civil division, bailiff duty, and jails. The county will assess this fee on all new development county-wide for facilities to provide these services at the same level-of-service provided to the existing population. Historical trends and forecasted trends show new development will increase demand for these facilities at the same rate as the existing population and employment.

The Sheriff's Department currently operates three jails and four other county-wide services. All three jails are in desperate need of repair or outright replacement. The total designed capacity for all three jails is 721 inmates; the daily population, however, often exceeds a thousand inmates. Table IV-1 compares each facility's current inmate population to its design capacity.

TABLE IV - 1

##### CURRENT INMATE CAPACITY & POPULATIONS

<u>Jail Facility</u>	<u>Average Population</u>	<u>Design Capacity</u>	<u>Inmate Space</u>	<u>Sq.Ft./Inmate Existing/Design</u>
Women's Detention	140	82	11,500	82 vs. 140
Downtown Jail	448	333	36,411	81 " 109
Honor Farm	<u>328</u>	<u>306</u>	<u>33,100</u>	<u>101 " 108</u>
<b>TOTAL/AVERAGE</b>	<b>916</b>	<b>721</b>	<b>81,011</b>	<b>88 vs.112</b>

1 Approximate daily population based on the 1988-89 fiscal year.

Sources: Sheriff's Department, Public Safety Master Plan, and Recht Hausrath & Associates

The recently completed Public Safety Master Plan forecasts facilities requirements for jails and sheriff's operations and documents the condition and service levels for all three jails. The Master Plan concludes that the men's honor farm is in the best condition of the three and may be kept in service, with some renovation, for the next twenty years. The downtown jail has critical design flaws, deferred maintenance problems and constant, severe overcrowding. The Master Plan recommends minimal investment in the structure until 1997. At that time all bed capacity will be shifted to the jail facilities at the new Public Safety Center and the existing men's jail will be either abandoned or converted to a court holding facility. The women's jail has occasionally held twice its designed capacity. It is in such dire need of repair that restoration may be uneconomical and the Master Plan recommends the facility be abandoned as soon as replacement capacity becomes available.

#### County Standards

The county's proposed jail facilities have qualified for State revenues from Propositions 52 and 86. Qualification includes compliance with design requirements set forth in California Code of Regulations (Titles 15 and 24) and review, approval and cost reporting requirements by the Board of Corrections and State Fire Marshal.

The county policies and State standards for sentencing are difficult to quantify. The district attorney's policies and State legislation have changed certain crimes from misdemeanors to felonies and therefore increased the number of felons serving jail terms. While some felonies can be turned over directly to probation, many will serve time in county jails. For example, new tougher sentencing for drug offenders, drunk-driving, and gang activity has already increased overcrowding in the county's jail dramatically. While the long-term impacts on county jail population remains uncertain, county officials expect continued enforcement of stricter sentencing guidelines to require

all justice system departments to expand the capacity of their facilities at a rate roughly half again as fast as population growth.

The county's standards for sizing its custody operations assume one inmate per bed. As of 1988, California State codes require either one third of all beds be in single cells or that there be single cells sufficient for 60 percent of the pre-trial inmate population. The average cost of a jail bed is based upon a mix of cell types using these standards.

#### Existing Deficiencies

The county jail system has two types of deficiencies: 1) a *replacement* deficiency consisting of the 415 beds that are currently in the men's and women's jails but will be abandoned when replacement capacity becomes available; and, 2) an *immediate* deficiency consisting of the 195 beds that are needed just to handle the existing demand.

*Replacement Deficiency:* The Master Plan calls for abandoning the men's and women's jail as the new jail has space available. This replacement of its existing 415 beds must be funded from other sources than impact fees.

*Immediate Deficiency:* The current and severe overcrowding in all three jail facilities has been well documented and must be remedied in addition to building new capacity for future growth. The present average daily population of 916 inmates exceeds the 721 available beds by an average of 195 beds. Therefore, the county must allocate 195 beds in its new jail facilities to remedy the existing deficiency.

In addition to the jails, the Sheriff's department provides four other county-wide services. The coroner's office has no backlog, although a considerable amount of overtime is required to process the workload. The civil division currently serves documents in 60 to 90 days as opposed to the 30 day maximum required by state regulations. The backlog in both operations indicates a manpower problem. The existing office space for these operations is considered adequate for three additional staff positions. These additional

staff would be able to process the backlog and therefore remedy the deficiency. The bailiff and the public administrator have no existing deficiencies.

#### Facilities Needed to Accommodate New Development and Their Cost

The new Public Safety Center was initially designed to provide sufficient capacity for forecasted jails needs through the year 2007 and to, "...have the capacity to accommodate undefined growth beyond this time" (*Public Safety Master Plan*, page 3). When the facilities are fully constructed by 2010, the new jail will have 1,768 beds giving the county a system-wide capacity of 2,106 beds, broken down as follows:

- 936 medium/maximum security, special custody, and medical/mental health beds.
- 576 minimum security beds
- 256 work furlough beds
- 338 existing Honor Farm beds
- 32 additional Honor Farm beds in a modular dormitory

When the *Public Safety Master Plan* was originally drafted, the jail was designed to accommodate an inmate population of 2,077 as forecasted under the county's more conservative forecast. However, an updated forecast projects inmate population reaching 2,685 in 2010. This projection, a forecast for male and female bookings and jail populations, is presented below in Table IV-2.

TABLE IV - 2

## FORECASTED BOOKINGS AND JAIL POPULATIONS

	<u>1990</u>	<u>1995</u>	<u>2000</u>	<u>2005</u>	<u>2010</u>
Bookings - Male	30,457	33,917	37,770	42,061	46,939
Bookings - Female	<u>7,738</u>	<u>9,249</u>	<u>11,055</u>	<u>13,213</u>	<u>15,733</u>
<b>TOTAL</b>	38,195	43,166	48,825	55,274	62,632
Jail Pop.- Male	1,375	1,357	1,620	1,879	2,178
Jail Pop.- Female	<u>206</u>	<u>323</u>	<u>375</u>	<u>436</u>	<u>507</u>
<b>TOTAL</b>	1,581	1,680	1,995	2,315	2,685

Sources: QED Research and the *Public Safety Center Master Plan*

Table IV-2 shows inmate population as a percentage of bookings increasing slightly from 4.14 percent to 4.29 percent. Inmate population is forecasted to grow at 2.68 percent compounded annually or a total increase of 69.8 percent, slightly more than the 65 percent increase in county-wide population. Table IV-3 compares the forecasted inmate population with the capacities of the planned jail facilities. The table shows interim deficiencies throughout the twenty year period because the construction of new bed capacity will occur in phases that will be lagged behind the forecasted steady growth of inmates. These interim deficiencies will create severe overcrowding while increments of new jail capacity are constructed. It is the final deficiency occurring in 2010, however, that must be remedied by including additional beds to the new jail as configured in the *Master Plan*.

TABLE IV - 3

PLANNED BED CAPACITY & PROJECTED INMATE POPULATION  
(1990 - 2010)

	<u>1990</u>	<u>1995</u>	<u>2000</u>	<u>2005</u>	<u>2010</u>
Bed Capacity	721	1,559	1,559	1,559	2,106
Inmate Population	1,581	1,680	1,995	2,315	2,685
Interim Deficiencies <sup>1</sup>	(860)	(121)	(436)	(756)	(579)

<sup>1</sup>The interim and final deficiencies shown are due to the phased construction of bed capacity "catching-up" to the forecasted steady increase of inmate population. The 907 bed shortfall in 2010 indicates the ultimate *future* deficiency that must be remedied.

Sources: Sheriff's Department and the Public Safety Master Plan

Table IV-3 shows that the forecasted inmate population will exceed the maximum capacity of the new jail facilities by 579 inmates in 2010. In order to adapt the new jail as originally planned, the 579 bed short fall is added to the 2,106 beds planned system-wide for a total of 2,685 beds. This adjustment is presented in Table IV-4 below.

The new custody facilities, as proposed in the Master Plan, will occupy 582,479 building gross square feet (BGSF) or approximately 90 percent of the new Public Safety Center's total of 647,700. The Master Plan estimates the total cost of the entire Public Safety Center at \$121.2 million. The new jail facilities account for approximately 89 percent of the total cost, or approximately \$108 million, with the remainder consisting of the new Sheriff headquarters. This amount covers the full cost of land acquisition, site preparation, and the construction of 1,768 beds (as originally proposed). The Department calculated its average cost per bed by dividing the estimated cost of \$108 million (without the Coroner or Public Administrator) by the 1,768 beds planned for in the original proposal. The average cost per bed, therefore, is approximately \$61,086 (1988 dollars). When the new jail is configured with the minimum number of single bunks allowed, the average cost per bed drops to \$58,409.

The county has qualified for State funding assistance for jail construction under Propositions 52 and 86. The maximum construction cost that the State will fund is \$52,300 per bed (indexed to the Lee Saylor subcontractor index). The State's average cost per bed does not include land purchase cost, utility hookups, and EIR mitigation measures. The county's share of Proposition 52 and 86 funding assistance totals \$9.8 million and will be applied to the cost of remedying the 195 bed existing deficiency.

Table IV-4 presents a cost estimate of new development's share for new jail facilities and its share of the Sheriff's four county-wide services. This share does not include the cost of the *replacement* and *immediate* deficiencies which are subtracted from the total bed capacity.

TABLE IV - 4

NEW JAIL SPACE TO SERVE GROWTH  
(1990 - 2010)

	<u>Estimated Cost</u>
New Jail Construction (1,768 beds)	\$103,267,112
Additional Capacity (579 beds) <sup>1</sup>	33,818,811
Coroner & Public Administrator	<u>1,920,000</u>
Construction Subtotal	139,005,923
<i>Replacement</i> Deficiency (415 beds) <sup>2</sup>	(24,239,735)
<i>Immediate</i> Deficiency (195 beds) <sup>3</sup>	<u>(11,389,755)</u>
TOTAL (1989 Dollars)	\$103,376,433

1 The 1,768 bed capacity projected in the Master Plan is 579 beds below the O.E.D. Research forecasts. The average cost per bed equals approximately \$58,409 (1989 dollars).

2 The *replacement* deficiency of 415 beds times an average cost per bed of \$58,409 equals a total cost of \$24.2 million.

3 The *immediate* deficiency of 195 beds times an average cost per bed equals a total cost of \$11.4 million. However, the \$9.8 million in State aid will be used to off-set this deficiency, yielding a net *immediate* deficiency of \$1.6 million.

Sources: *Public Safety Master Plan* and Recht Hausrath & Associates

Allocation of Costs

The Stanislaus County's jail system and sheriff operations that are county-wide services provide benefits to all county residents living in both urban and unincorporated areas. Therefore, the total costs for future system-wide expansion are allocated over development county-wide, including any development in cities. While the causes of crime are complex, authorities have found that both the residents and business activity (measured by employment) will contribute to additional burden on the jail system. Therefore, the cost of new jail facilities must be borne by all five types of land use: single family, multi-family, office, retail, and industrial. Table IV-5 presents the amount of each category of future development over which the cost of new facilities will be spread.

TABLE IV - 5  
 COUNTY-WIDE GROWTH OF RESIDENTS & EMPLOYEES  
 (1990 - 2010)

<u>Land Use Categories</u>	<u>Growth</u>	<u>Percent</u>
Single Family Residents	203,600	65.6%
Multi-Family Residents	52,911	17.1
Office Employment (weighted 50%) <sup>1</sup>	17,400	5.6
Retail Employment (weighted 50%) <sup>1</sup>	12,950	4.2
High Density Industrial (weighted 50%) <sup>1</sup>	21,240	6.8
Low Density Industrial (weighted 50%) <sup>1</sup>	<u>2,306</u>	<u>0.7</u>
<b>TOTAL</b>	<b>310,407</b>	<b>100.0%</b>

<sup>1</sup> Employment growth is weighted at 50 percent (see page II-13)

Source: Recht Hansrath & Associates

The new residents and employees calculated above (Table IV-5) constitute the adjusted base over which the \$103.4 million cost for new jail facilities (calculated above in Table IV-4) will be spread. The percentages given in the second column indicated the approximate shares each type of development will contribute to the cost of facilities to serve the next 20 years of new development. The other sheriff operations that are county-wide services (i.e., coroner and public administrator) will require a total of \$1.9 million and have been included as part of the \$103.4 million total. Therefore, it will cost approximately \$333 per resident and \$166 per employee to accommodate the next 20 years of demand for all county-wide Sheriff facilities.

#### Calculation of Fees

Table IV-6 shows how the jail fee per resident and per worker is allocated to new development. The third column shows the fee per dwelling unit or per square foot of office, retail, or industrial space.

TABLE IV - 6  
CALCULATION OF JAIL FEES

<u>Land Use Category</u>	<u>Fee Calculation</u>	<u>Fee</u>
Single Family Dwelling Unit	\$333 x 3.20 residents	\$1,066 per dwelling unit
Multi-Family Dwelling Unit	\$333 x 2.07 residents	\$689 per dwelling unit
Office Space (weighted 50%) <sup>1</sup>	\$166 x $\frac{1 \text{ employee}}{300 \text{ square feet}}$	\$553 per 1,000 sq.ft.
Retail Space (weighted 50%) <sup>1</sup>	\$166 x $\frac{1 \text{ employee}}{500 \text{ square feet}}$	\$332 per 1,000 sq.ft.
High Density Industrial <sup>1</sup> (wtd 50%)	\$166 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$237 per 1,000 sq.ft.
Low Density Industrial <sup>1</sup> (wtd 50%)	\$166 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$79 per 1,000 sq.ft.

<sup>1</sup> The cost per employee is set at one half the cost per resident (see page II-13)

Source: Recht Hausrath & Associates

Cost of Existing Deficiencies

As discussed above, the county must remedy both a *replacement* and an *immediate* deficiency. The replacement deficiency consists of the 415 beds the county currently has but will be replaced with new beds in the new facilities. The *immediate* deficiency involves the 195 beds required to alleviate the present overcrowding. As stated above, each bed in the new facility will cost \$58,409. Thus the total cost of 610 beds will equal approximately \$35.6 million. The county will use the \$9.8 million available in state aid (Propositions 52 and 86) to reduce the local share of this cost to \$25.8 million.

The new Public Safety Center proposal includes approximately \$1,093,500 for renovation of all three jails and the court's holding facility. Since 415 beds currently located in the existing jails will be replaced by the new jail, the cost of these improvements is not considered an existing deficiency. On the contrary, the salvage value of the abandoned jail may be considered an asset and its value can be credited to the county's \$34.4 million cost. The actual calculation of the existing jail's salvage value depends on how the county uses the facility; however, the existing jail space may be considered extremely valuable to those overcrowded departments that will remain in the courthouse.

## V. CRIMINAL JUSTICE SYSTEM

Five county departments comprise the county's justice system: Municipal Court, Superior Court (and clerk), Probation and Juvenile Hall, District Attorney, and Public Defender. Collectively, the departments provide criminal justice services to all county residents and workers; thus their collective facility needs to serve future growth may be consolidated into a single *criminal justice impact fee*. The departments comprising the criminal justice system have documented recent evidence showing the impacts of new residential and business development on their facilities. This evidence shows that new development demands both the services (i.e., actual involvement with the civil and criminal justice) and benefits (i.e., well functioning law enforcement) of a justice system expanded proportionately to its existing capacity.

The approach used to arrive at this single fee must account for each department's individual level of service standards, existing deficiencies, and growth-induced facility requirements. Therefore, the needs for each of the five departments are derived separately below and then consolidated into an estimate of the total cost for all of the county's criminal justice facilities. This total cost is then allocated across the county-wide employment and population growth forecasted over the next twenty years.

Building space and vehicles are the only type of capital facilities required by the five departments. The cost per square foot of building space varies somewhat depending on the department's function. We estimate general office space costs \$100 per square foot, while we estimate courtrooms, primarily because of their security measures, will cost \$144 per square foot.

Historically, the burden on criminal justice has grown faster than the county population. Recent changes in California's penal policies will accelerate this trend. Therefore, unlike other county departments, the county projects the demand for criminal justice services over the next twenty years will double while the county-wide population will

increase about 65 percent. It appears likely that the majority of the increase in the need per resident will occur in the next few years. The following formula shows how the cost of doubling the county's justice facilities may be allocated between new and existing development:

Given:

- 200% = Total increase of justice facilities over the next 20 years
- 165% = Amount of new population after 20 years of growth
- 65% = Forecasted increase of county-wide population

Therefore:

- 200% =  $1.21 * 65\% = 79\%$ , the share attributed to new development
- 165%

Since the burden will be doubled over the next twenty years, it means that 21 percent of this increased burden will be due to the needs of the present population and that the remaining 79 percent due to the needs of new development.

Table V-1 presents a summary of the existing building space for each of the departments and the additional square feet that the departments have determined they will need to serve new growth *plus* the additional burden imposed by penal policy changes.

TABLE V - 1

CRIMINAL JUSTICE: EXISTING SPACE INVENTORY  
(1989/90 fiscal year)

<u>Building/Function</u>	<u>Existing (Sq.Ft.)</u>	<u>Leased (Sq.Ft.)</u>
Municipal Court	28,925	5,345
Superior Court	27,100	-0-
Clerk	13,280	-0-
Public Defender	400	6,376
District Attorney	14,098	-0-
Probation	<u>45,036</u>	<u>5,000</u>
<b>TOTALS</b>	128,839	16,721

Sources: Stanislaus County Assessors Office and Superior Court

The rate of growth for criminal justice facilities has two components that must be separated in order to allocate a fair share to new development. The first involves changes to penal policies that are increasing the burden on criminal justice facilities independent of any county-wide population growth. The increased burden that this new law places on the criminal justice system, regardless of growth, must be accommodated by existing residents and businesses. Our estimate of the existing population's share of this burden equals 21 percent of the total amount of new criminal justice facilities that must be constructed over the next twenty years. We have called this a *future* deficiency. We have also calculated each department's *immediate* deficiency if its existing facilities, according to its adopted level-of-service standards, are inadequate. The *future* deficiency is added to the department's *immediate* deficiency to obtain the total existing deficiency that must be remedied from funding sources other than impact fees.

The second component is the increased burden placed on criminal justice by future population growth. This burden will require more than the forecasted 65 percent increase in county-wide population growth because this new development, like the existing population, will be exposed to the same penal policy trends. We estimate new development's share of the doubling of criminal justice facilities will equal 79 percent.

The following presentation is divided into two parts: The first part presents: a brief description of each department's existing facilities; a discussion of the department's adopted level of service; an inventory of its existing deficiencies as measured against its level of service standards; and the facilities needed to accommodate new development and their cost. In the second part, we calculate a single criminal justice impact fee and total each department's existing deficiencies.

## SUPERIOR COURT/CLERK SERVICES

### Description of Service

The Superior Court has recently incorporated the County Clerk's functions under its authority. We will discuss the clerk's future facility requirements first and then those of the superior court. The clerk provides administrative services to the ten Superior courts including two commissioners for juvenile hearings. As an example of the escalating demands on the department, growth in case load was 19 percent from 1987 to 1988 and over 20 percent the year before. The Clerk currently employs 38 full time staff and occupies 13,280 square feet in the county court house.

The clerk is in the process of automating many of its administrative functions on the county's mainframe computer. The automation will be funded entirely from the "Temporary Construction Fund" (Government Code 76004 *et. seq.*) and will not require development fees to add additional capacity for future growth.

### County Standards

The clerk's 38 employees are part of the ten superior courts. This allocation works out to a staffing ratio of four clerks per court. However, the department's space standard should be based on a ratio of clerk space to the number of courtrooms rather than the number of employees because the employee to space ratio does not represent future space requirements. The clerk's current plans to automate some functions will reduce the need to increase staff, however the record keeping will continue to require additional space. Therefore, the 13,280 square feet for the ten courtrooms (about 1,328 square feet per courtroom) may serve as the appropriate standard.

### Existing Deficiencies

The pending automation of many of the Clerk's functions will allow the existing ratio of staff per court to handle a rapidly increasing workload. However, 21 percent of the future expansion of the clerk's facilities will be due to the impact of changing penal policies on the existing population. Since its space needs are directly related to the doubling of the case load and therefore number of courtrooms, the superior court estimates it will need to double its space, adding 13,280 square feet over the next 20 years; 21 percent of this total, the *future deficiency*, equals 2,789 square feet.

### Facilities Needed to Accommodate New Development and Their Cost

The forecasted caseload for superior courts is expected to double during the next 20 years; the Clerk will thus require twice the amount of the existing 13,280 square feet for future storage and staff work space. However, only 79 percent of this increase is due to population growth, while the remaining 21 percent may be attributed to the existing population. Therefore, the cost of only 10,491 square feet (79 percent) of the new space may be charged to new development. At \$100 per square foot, the cost equals \$1,049,120 for land, site preparation, construction, furnishings, and equipment.

## SUPERIOR COURT/COURT OPERATIONS

### Description of Department

The Superior court consists of ten departments (courts) including two juvenile commissioners. This includes a court being added this year that will remedy an existing deficiency. The ten courts occupy 27,100 square feet, or an average of 2,710 square feet per courtroom, including all ancillary judges chambers, office and administrative space, law library (2,784 square feet which is shared with other departments), and other general purpose areas.

### County Standards

In 1988, the ten courts handled 12,118 filings, or 1,250 per court. California Judicial Council has developed a formula to calculate the number of judges needed based on the number and type of filings received. Each type of filing is given a minute value which is divided by the number of minutes (63,300) that are available for each judge for per year. Therefore, the formula for calculating the number of judicial positions for each type of filing is:

$$\frac{\text{Number of Filings} * \text{Weight (minutes)}}{63,300 \text{ minutes available}} = \text{Number of judges for each type of filing}$$

The number of judges needed for each type of filing are summed together to give the total number of judicial positions and therefore the number of courtrooms. The actual results of this weighting scheme indicate that the ten superior courts should be able to handle over 12,000 filings annually, composed of the same mix of case types currently filed. The existing number of courts are thus adequate for the present load under the state standard.

### Existing Deficiencies

The court maintains a construction fund (Government Code 76005) that currently holds about \$1.7 million. The department plans to use these funds to build the tenth court required to remedy its existing deficiency. The addition of a tenth courtroom in 1990 will remedy the court's existing (1989) deficiency. The municipal court must also expand in the future to serve the increasing burden due to the impacts of changing penal policies on the existing population. As discussed above, our estimate of the existing

population's share of this *future* deficiency is 21 percent of the 27,100 square feet, or 5,691 square feet of new courtrooms and ancillary facilities over the next twenty years.

#### Facilities Needed to Accommodate New Development

The forecasted annual caseload is expected to double over the next twenty years. This growth will require the court to double its existing 27,100 square feet, however only 79 percent of these new facilities, or 21,409 square feet, may be allocated to new development. The new space, using \$144 per square foot for court house construction costs, will cost approximately \$3,082,900 for land, site preparation, construction, furnishings, security and other types of equipment.

The county has established two funds: 1) the Criminal Justice Facility Temporary Construction Fund (Government Code Section 76004) and 2) the County Courtroom Facilities Fund (Government Code Section 76005). This county treasurer directs fines, penalties and other court related assessments to these funds to be used for:

"...construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and the improvement of criminal justice automated information systems..."  
[Government Code Section 76004(b)]

"For the purposes of this section, 'county criminal justice facilities' includes, but not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms." [Government Code Section 76004(d)]

"...to assist the county...in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, may establish in the county treasury a courthouse Temporary Construction Fund." [Government Code Section 76005(a)]

The court's two construction funds collect approximately \$425 thousand each year, roughly split evenly between them. This amount is projected to grow at four percent

annually. The Board of Supervisors has the discretion to use these funds for various courthouse projects. These projects include remedying existing deficiencies and automation. The total cost of existing deficiencies will be discussed in the last section of this chapter. In addition, the county may choose to allocate some of the construction fund towards the cost of the proposed reconstruction of the office space made available through recent reorganization of courthouse operations.

## **MUNICIPAL COURT**

### Description of Department

The five municipal courts occupy 18,430 square feet in the county courthouse and seven branch courts account for 15,840 square feet in sites distributed throughout the county (see Table V-2 below). A sixth court (division) at the courthouse located in downtown Modesto will begin to operate this year with the appointment of a new judge. The six municipal courts in Modesto handle both criminal and civil cases. The branch in Ceres hears only civil and traffic cases. Each courtroom, on average, occupies 3,870 square feet. Table V-2 presents the space in all facilities.

TABLE V - 2

## EXISTING MUNICIPAL COURT FACILITIES

<u>Existing Facilities</u>	<u>Owned Space</u>	<u>Leased Space</u>
Modesto Courthouse (5 divisions)	18,430	-0-
Modesto Traffic Court (1 division)	-0-	4,955
Ceres Branch	4,200	-0-
Oakdale Branch	1,015	-0-
Turlock Branch	3,461	-0-
Riverbank Branch	0	390
Newman Branch	720	-0-
Patterson Branch	<u>1,099</u>	<u>-0-</u>
<b>TOTAL</b>	<b>28,925</b>	<b>5,345</b>

---

Source: Stanislaus Municipal Court

County Standards

The municipal court applies the same formula developed by California Judicial Council that was used by the superior court to calculate the number of judges needed based on the number and type of filings received. The current average of 2,710 square feet per courtroom will remain the county standard for future development. Table V-3 shows the results of this standard when applied to the cases filed in municipal court during 1988 and the number of cases projected for 1989.

TABLE V - 3

**EXISTING MUNICIPAL COURT DEFICIENCIES**  
(1988 - 1989)

Types of Filings	Minute Value Weights	1988		1989	
		Recorded Number of Filings <sup>1</sup>	Number of Courts Needed	Projected Number of Filings	Number of Courts Needed
Felonies	55	3,362	2.92	3,597	3.13
Group A	19	4,336	1.30	4,466	1.34
Group B	7	836	0.09	844	0.09
Group C	34	3,251	1.75	3,283	1.76
Group D	3	12,381	0.59	13,000	0.62
Infractions	2	479	0.02	484	0.02
Traffic	0.7	64,441	0.71	66,374	0.73
Parking	0.04	1,528	0.00	1,543	0.00
Civil	10	8,823	1.39	9,175	1.45
Small Claims	7	<u>5,330</u>	<u>0.59</u>	<u>5,543</u>	<u>0.61</u>
<b>TOTAL</b>		104,767	9.36	108,309	9.75

<sup>1</sup> The case statistics collected by Municipal Court vary from those collected by the District Attorney's office due to the differences between the responsibilities the two departments' have for processing cases.

Source: Stanislaus County Municipal Courts

### Existing Deficiencies

As shown in Table V-3, the county's standard requires approximately nine municipal courtrooms in 1988 and ten courtrooms by the end of 1989. Therefore, the department will be deficient one courtroom at the end of 1989. This *immediate* deficiency may also be expressed as the space required for one courtroom: 2,710 square feet.

In addition to the *immediate* deficiency, the municipal court must expand to serve the increasing burden due to the impacts of changes in the state and local penal policies on the existing population. As discussed above, our estimate of the existing population's

share of this *future* deficiency will be 21 percent of the 35,230 square feet of new courtrooms and ancillary space, or 7,398 square feet. When we add these two deficiencies, the department's total existing deficiency equals 10,108 square feet. At a cost of \$144 per square foot, these facilities will require approximately \$1.4 million to remedy.

#### Facilities Needed to Accommodate New Development

The formula used above is also applied to the forecasted number of filings to calculate the number of additional judicial positions required to serve new development over the next twenty years. Table V-4 shows the results of applying the level-of-service standard given above to the number and mix of future filings projected in 2000 and 2010. The county's standard will require approximately five additional municipal courtrooms by the year 2000 and a total of thirteen courtrooms by the end of 2010. At the existing standard of 2,710 square feet per courtroom plus all other ancillary space, the thirteen additional courtrooms will amount to 35,230 square feet.

TABLE V - 4

## FORECASTED NUMBER OF MUNICIPAL COURTS

<u>Types of Filings</u>	Minute Value Weights	<u>2000</u>		<u>2010</u>	
		Forecasted Number of Filings	Number of Courts Needed	Forecasted Number of Filings	Number of Courts Needed
Felonies	55	7,011	6.09	12,777	11.10
Group A	19	6,081	1.83	8,041	2.41
Group B	7	938	0.10	1,033	0.11
Group C	34	3,655	1.96	4,028	2.16
Group D	3	21,327	1.01	33,322	1.58
Infractions	2	542	0.02	597	0.02
Traffic	0.7	92,166	1.02	121,889	1.35
Parking	0.04	1,716	0.00	1,891	0.00
Civil	10	13,740	2.17	19,785	3.13
Small Claims	7	<u>8,299</u>	<u>0.92</u>	<u>11,949</u>	<u>1.32</u>
TOTAL		155,475	15.12	215,312	23.18

Source: Stanislaus Municipal Courts

Table V-4 shows the total increase necessary over the next twenty years. New development, however, will be responsible for only 79 percent, or 27,832 square feet, of the total increase. At \$144 per square foot, cost equals \$4,007,808 for land, site preparation, construction, furnishings, and equipment.

## DISTRICT ATTORNEY

### Description of Department

The district attorney (DA) occupies 14,098 square feet at the county courthouse and currently employs 33 attorneys. The DA also includes family support services; however, family support services are funded entirely from state and federal grants and are therefore not included in the calculation of development impact fees. The DA's principal task is prosecuting both misdemeanors and felonies.

### County Standards

The DA has applied a level-of-service standard of one attorney per 95 felonies. This level-of-service was based on a ratio of annual felony filings averaging 1.14 percent of the current county-wide population. However, recent trends indicate a constant 1.14 felony ratio is no longer a valid measure because of new state penal policies and the policies of the county's current district attorney. Assuming these policies remain in force during the next twenty years, the department expects the number of filings to more than double while population will increase approximately 65 percent. If the department's level-of-service is to remain constant, its personnel, and therefore its facilities, must be doubled over the next twenty years to keep pace with the projected increase in the number of felonies.

The current office space allotted to each attorney is 673 square feet. This space standard includes all support functions as recommended by the Department of Public Works (i.e., 195.5 square feet for professional employees; 161 square feet for clerical employees; and 316.5 square feet for investigative staff, conference rooms, law library, lobby, etc.)

Existing Deficiencies

The past level-of-service standard requires one attorney for 95 felonies. This standard, when applied to the 3,936 felonies filings recorded during fiscal year 1988/89, require the department have approximately 42 attorneys. The department is expecting felonies to increase at least 7 percent in fiscal year 1989/90 to over 4,200 felonies. This amount would require 44 attorneys and therefore leaves the department with an existing deficiency of 11 attorneys. The 673 square foot space standard applied to the 44 attorneys equals 29,612 square feet. Given the department currently occupies 14,098 square feet, the *immediate* deficiency for space is 15,514 square feet.

As with the other departments, the requisite increase in the DA facilities is due in part to a *future* deficiency that occurs from changes in the penal policies. The *future* deficiency may not be funded from impact fees. The department will add a total of 35 new attorneys of which seven (approximately 21 percent of the 44 new attorneys) are due to this *future* deficiency. This share equals the 6,219 square feet required over the next 20 years (see future space calculations below). When we add the *future* deficiency of 6,219 square feet to the immediate deficiency of 15,514 square feet, the department's total deficiency equals 21,733 square feet.

Facilities Needed to Accommodate New Development and Their Cost

The DA has determined that it will have to double the amount of office space to maintain its current level-of-service standards during the next twenty years. Over the same period, the county expects the total population to increase by approximately 240,000 people or 65 percent. As demonstrated above, this population increase plus similar trends in the employment growth will require a 79 percent increase in the DA's service capacity. The remaining 21 percent will be the additional burden from the existing population. Therefore, the department must double its existing staff of 44 attorneys or 29,612 square feet and may allocate 23,393 square feet (79 percent) to serve

new development. The remaining 6,219 square feet are the responsibility of existing residents. At \$100 per square foot, new development's share of the additional space will cost \$2,339,300 (1989 dollars).

## **PUBLIC DEFENDER**

### Description of Department

The Public Defenders (PD) department currently operates out of three offices: 7,000 square feet of leased space in downtown Modesto, 100 square feet located at the courthouse and another 300 square feet of office space at the Juvenile Office. The leasing of downtown space was intended as a temporary measure until space is made available in the courthouse building. The current lease is being paid out of the courthouse construction fund.

The 1987/88 fiscal year caseload of 3,589 felonies and 5,655 misdemeanors was handled by the department's public defender and 18 deputies. The workload necessary to process a felony is on average three times the amount of that for a misdemeanor. In addition, the department handled 240 conservatorship and 2,600 juvenile cases. The department allocates its 18 deputy PD's as follows: eleven attorneys to felonies and conservator cases, five to misdemeanors, and two to juvenile cases. This workload is increasing. For example, felonies increased 20 percent in the county in 1988.

### County Standards

The mix of case filings forecasted for the district attorney is an indication of the likely workload to be handled by the public defender. The two vary because some cases investigated by the DA are dropped or settled before the public defender becomes involved. Furthermore, the public defender makes use of private counsel as do some

defendants. Traditionally, the two departments have adopted a ratio of two deputy public defenders for three deputy district attorneys.

The current office space standard employed by the public defender recommends 400 square feet per attorney. This ratio includes reception area, hallways, secretarial space, law library, and investigative staff offices. By comparison, the DA's space standards is 673 square feet per attorney. The DA must conduct an initial investigation prior to filing a case (i.e., question potential witnesses) and this requires a larger number of investigators than the PD's follow-up investigation.

Existing Deficiencies

There are no mandated California standards for the number of cases per attorney; thus each county must set its own caseload standards. The PD has determined, however, that his deputy's caseload should be brought into line with the state-wide average. Table V-5 indicates the current workload handled by the public defender versus the corresponding state-wide average.

TABLE V - 5

COUNTY VS. STATE WORKLOAD AVERAGES  
(1987/88 Fiscal Year)

<u>Types of Cases</u>	<u>County Average</u>	<u>State-wide Average</u>
Felonies	350	250
Misdemeanors	1,165	600 - 800
Juvenile	1,308	800
Weighted Averages	650	612

Sources: *Judicial Council of California, 1988 Annual Report* and Stanislaus County Public Defender's Office

In order to bring the department's caseload into line with the state average of 250 felonies per attorney, the PD must hire approximately ten additional deputy public defenders. The total of 29 PD attorneys, when compared to the 44 attorneys required for the current DA staff, conforms to the two to three attorney ratio between the PD and DA, respectively. This additional 10 PD staff translates into 4,000 square feet of additional office space. In addition to this staff deficiency, the department currently leases 6,376 square feet for its main offices. This leased space must be counted as a deficiency in the public defender's current facilities. Thus, the *immediate* deficiency for this department amounts to 10,376 square feet.

In addition to the *immediate* deficiency calculated above, the PD will have to increase its size 21 percent, regardless of growth, in order to handle the changes in penal policy. Twenty-one percent of additional 12,000 square feet the public defender projects he will need by 2010 (see calculations below) equals 2,520 square feet. When this *future* deficiency is added to the *immediate* deficiency of approximately 10,376 square feet, the total deficiency equals 12,896 square feet.

#### Facilities Needed to Accommodate New Development

The public defender's office has forecasted case filings out to the year 2010. The department's forecast assumes that the district attorney's current rate of case filings policies remain the same. The forecasted caseload by 2010 will reach well over 10,000 felonies and the same number of misdemeanors. Table V-6 shows the total office space requirement by 2010.

TABLE V - 6

PUBLIC DEFENDER  
 FORECASTED CASELOAD & REQUISITE FACILITIES  
 (1990 - 2010)

<u>Case Type</u>	<u>Cases per Attorney</u>	<u>Total Number of Attorneys</u>	<u>Total Office Space (Sq.Ft.)</u>
Felonies	250	43	17,200
Misdemeanors	800	10	4,000
Conservatorship	300	2	800
Juvenile	<u>800</u>	<u>5</u>	<u>2,000</u>
<b>TOTAL</b>	<b>2,150</b>	<b>60</b>	<b>24,000</b>

Source: Public Defender's Office

The amount of space needed to serve the existing population must be subtracted from the total space required in 2010 in order to calculate the net amount of new facilities that will serve future growth. The county's current standards require 30 attorneys to handle the 12,000 cases. At 400 square feet per attorney, current facilities should total 12,000 square feet. The space necessary for 30 additional attorneys will total 12,000 square feet of office space over the next 20 years. However, new development's share equals 79 percent of this total, or 9,480 square feet. At \$100 per square foot, new development's share of the additional space will cost \$948,000 (1989 dollars) for the cost of land, site preparation, construction, furnishings, and equipment.

## PROBATION

### Description of Department

The Probation Department occupies 45,036 square feet of relatively new office space. In the near future the department will lose an additional 3,633 square feet in the county courthouse and will instead rent between 4,000 to 5,800 square feet; however, the space standard for the department has been adjusted for these changes. As is the case with the other six criminal justice departments, probation constitutes a county-wide service. The department's responsibilities consist of pre-sentence investigation (preparation of court reports) and the supervision of probationers. The department projects its workload (pre-sentence report referrals) based on a historical average of 10 percent of the number of criminal bookings. The department has assumed this ratio will remain constant of the next 20 years. The department's facility needs consist of office space, furnishings, clerical equipment, and radio equipped passenger cars. There are no special facilities needs beyond the type used for general administrative duties.

### County Standards

The department has studied the average time necessary to perform each of its two functions: investigation and supervision. The preparation and filing of a typical pre-sentence court report averages eight hours. The average amount of time required to perform the second function, supervision of probationers, is based on a case classification system developed by the National Institute of Corrections. This system determines the probation officer hours required to supervise a particular type of case.

The space standard used by the department is approximately 150 square feet per officer. This standard includes space required for support staff and other ancillary activities. The standard for vehicles is 2.68 officers per car. The cars are equipped with prisoner cages and two-way radios.

Existing Deficiencies

The probation department is currently operating at its space capacity. The current workforce of 60 probation officers uses 9,060 square feet, giving the department 150 square feet per officer. Its current vehicle fleet is adequate according to the department's vehicle standard. However, the department's projection of 10,050 square feet and 25 additional vehicles (see calculations below) includes the 21 percent share that will serve the existing population over the next 20 years. This *future* deficiency equals 2,110 square feet and 5 vehicles that must be funded from sources other than impact fees.

Facilities Needed to Accommodate New Development

The county forecasted that the number of criminal bookings will increase from 30,821 in 1990 to 59,658 by 2010. During the same time, the Probation Department workload will raise from 3,000 pre-sentence report referrals to 5,806. The supervision of active cases will increase from 4,000 in 1990 to 7,742 in 2010. These increases will require 67 additional probation officers who would require 10,050 square feet of office space and 25 additional vehicles. Seventy-nine percent of the additional space, or 7,940 square feet, and 20 of the new vehicles can be allocated to new development. At \$100 per square foot, the new building space, including all land, site preparation, construction, furnishings, and equipment, costs \$794,000. The cost of 20 vehicles (\$12,000 each) equals \$240,000 (1989 dollars).

## ALL CRIMINAL JUSTICE DEPARTMENTS

Total Costs for All Criminal Justice Facilities Required to Serve New Development

In the remainder of this chapter, we will discuss the needs of the six criminal justice departments in terms of a single system. Thus we will sum all the space requirements calculated above for each department and calculate the total number of square feet required to serve new development. Table V-7 presents the total cost based upon an average price for land, site preparation, construction, furnishings and equipment of either \$144 (for courtrooms) or \$100 per square foot (office space).

TABLE V - 7

CRIMINAL JUSTICE:  
NEW DEVELOPMENT'S SHARE OF ADDITIONAL FACILITIES  
(1990 - 2010)

<u>Department</u>	<u>Facilities (Sq.Ft., Cars)</u>	<u>Cost<sup>1</sup> (1989 dollars)</u>
Superior Court	21,409	3,082,896
Municipal Court	27,832	4,007,808
Superior Court Clerk	10,491	1,049,100
Public Defender	9,480	948,000
District Attorney	23,393	2,339,300
Probation (Space)	7,940	794,000
Probation (Vehicles)	<u>20</u>	<u>240,000</u>
<b>TOTALS</b>	<b>100,565</b>	<b>\$12,461,104</b>

<sup>1</sup> Estimated construction costs are based on \$100 per square foot except for the cost of municipal and superior courtrooms; courtrooms are estimated at \$144 per square foot (1989 dollars)

Source: Recht Hausrath & Associates

The total cost for new courthouse space plus the office space and vehicle requirements for probation brings the total cost to approximately \$12.5 million (1989 dollars). This cost will change as each department prepares more precise estimates of their capital facility needs.

Allocation of Total Costs for All Departments

The Stanislaus County's criminal justice system serves all county population and employment living and working in both urban and unincorporated areas. Therefore, the total costs for future system-wide expansion are allocated over development county-wide, including any development in cities. While the causes of crime are too complex to allow a concise allocation of cost between all categories of new development, population and employment growth will both contribute additional burdens to the criminal justice system. Therefore, the entire cost of new criminal justice facilities must be borne by all five types of land use: single family, multi-family, office, retail, and industrial. It is assumed here that employment is a reasonable indicator of service needs for non-residential development and that an employee will generate one-half the service needs of a resident. Table V-8 presents the amount of each category of future development over which the cost of new facilities will be spread.

TABLE V - 8

COUNTY-WIDE GROWTH: POPULATION AND EMPLOYMENT  
(1990 - 2010)

<u>Land Use Categories</u>	<u>Growth</u>	<u>Percent</u>
Single Family Residents	203,600	65.6%
Multi-Family Residents	52,911	17.0
Office Employees (Weighted 50%) <sup>1</sup>	17,400	5.6
Retail Employees (Weighted 50%) <sup>1</sup>	12,950	4.2
High Density Industrial (Weighted 50%) <sup>1</sup>	21,240	6.8
Low Density Industrial (Weighted 50%) <sup>1</sup>	<u>2,360</u>	<u>0.8</u>
<b>TOTAL</b>	<b>310,461</b>	<b>100.0%</b>

<sup>1</sup> Non-residential growth, as measured by employment, is weighted by one half the number of new employees forecasted over the next 20 years.

Sources: Recht Hausrath & Associates

The new population and employment presented above (Table V-8) constitute the adjusted base that will fund the \$12.5 million cost for criminal justice facilities (shown above in Table V-7). The percentages given in the second column indicates the approximate shares each type of development will contribute to the cost of facilities to serve the next 20 years of new development. Therefore, the total amount required to accommodate the next 20 years of demand for all county-wide criminal justice facilities equals approximately \$40 per county resident and \$20 per employee.

#### Calculation of Fees

Table V-9 shows how the criminal justice fee per resident or worker is allocated across new development. The third column shows the fee per dwelling unit or per square foot of office, retail, or industrial space.

TABLE V - 9

## CALCULATION OF JUSTICE FEES

<u>Land Use Categories</u>	<u>Fee Calculation</u>	<u>Fee</u>
Single Family Units	\$40 x 3.20 residents	\$128 per dwelling unit
Multi-Family Units	\$40 x 2.07 residents	\$83 per dwelling unit
Office Space <sup>1</sup> (weighted 50%)	\$20 x $\frac{1 \text{ employee}}{300 \text{ square feet}}$	\$67 per 1,000 sq.ft.
Retail Space <sup>1</sup> (weighted 50%)	\$20 x $\frac{1 \text{ employee}}{500 \text{ square feet}}$	\$40 per 1,000 sq.ft.
High Density Industrial <sup>1</sup> (wtd 50%)	\$20 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$29 per 1,000 sq.ft.
Low Density Industrial <sup>1</sup> (wtd 50%)	\$20 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$10 per 1,000 sq.ft.

<sup>1</sup> Non-residential growth, as measured by employment, is weighted by one half the number of new employees forecasted over the next 20 years.

Source: Recht Hausrath & Associates

### Cost of Existing Deficiencies

As is the calculation of future needs due to growth, the total cost of existing deficiencies will be the sum of the departments with existing space deficiencies calculated above.

Table V-10 presents this summation and calculated the total cost based upon an average price for land, site preparation, construction, furnishings and equipment of \$100 per square foot for general types of office space and \$144 per square foot for courtrooms.

TABLE V - 10

JUSTICE FACILITIES:  
IMMEDIATE & FUTURE DEFICIENCIES  
(1989 - 2010)

<u>Department</u>	<u>Additional Space (Sq.Ft.)</u>	<u>Total Cost<sup>1</sup> (1989 dollars)</u>
District Attorney	21,733	\$2,173,300
Municipal Court	10,108	1,455,552
Public Defender	12,896	1,289,600
Superior Court	5,691	819,504
Superior Court Clerk	2,789	278,900
Probation (space)	2,110	211,000
Probation (Vehicles)	<u>5</u>	<u>60,000</u>
<b>TOTALS</b>	<b>55,332</b>	<b>\$6,287,856</b>

<sup>1</sup> Estimated construction costs are based on \$100 per square foot except for the cost of municipal and superior courtrooms, estimated at \$144 per square foot (1989 dollars)

Source: Stanislaus County and Recht Hausrath & Associates

The results of Table V-10 indicate that the total space deficiency for the criminal justice system equals \$6.3 million (in 1989 dollars).

## VI. ROAD FACILITIES

The impact fee for county roads and other associated traffic facilities is complex because different types of new development will impact different parts of the county-wide road system. In order to satisfy the "nexus" requirement (discussed in Chapter I), the county's road fee is composed of three separate fees, each fee designed to mitigate the impacts on three different types of county roads. Generally defined, these types of roads are:

- 1) *inter-city routes* that serve all new county residents and employees;
- 2) *urban sphere roads* that have been incorporated into the long range traffic planning of a city (or an unincorporated area, such as Salida).
- 3) *city/county roads* that serve the remaining unincorporated areas of the county and cities that have not yet studied traffic improvements in their sphere of influence.

In this chapter, we will present a detailed description of the three types of roads and the methodology used to allocate project costs to the appropriate development. The chapter is composed of six sections following the same format used in the other chapters. In two of the sections, Cost of Facilities Needed to Accommodate New Development and Cost Allocation and Fee Determination, each fee is discussed separately.

### Description of Department

The Roads and Bridges division of the Public Works Department performs all construction and maintenance on county roads and traffic signals. This chapter will cover only those fees paid for road construction and new traffic signals. The department's future needs for additional office space will be covered in the general administration fee. The county does not construct or maintain roads within the nine cities but works jointly with some cities to plan future road improvements with the cities'

urban spheres. The department has a traffic model used for forecasting future needs out to 2010.

#### County Standards

At present, the county road system is generally operating at a level of service "C". The rapid urbanization within some spheres of influence has increased congestion at peak hours such that levels of service "D" are occasionally experienced in these areas. The county has reached an understanding with the City of Modesto with regard to traffic planning and level of service standards. The basic agreement, explained in more detail below, will allow the City to plan road improvements within its sphere of influence according to a comprehensive traffic plan prepared by an independent consultant. The Modesto traffic plan has as its goal level of service "C" at peak hours throughout the city and urban sphere. The county plans to implement similar agreements with other cities if and when they institute traffic planning for their urban spheres. The county will continue seeking to maintain a level of service standard "C" for all county roads outside urban spheres. The level-of-service for county roads within urban spheres are determined through joint county and municipal traffic planning.

#### Existing Deficiencies

The public works officials believe that all county roads outside Modesto's urban sphere generally operate at a service level "C" or better during peak hours. There are, therefore, no existing deficiencies.

Facilities Needed to Accommodate New Development and Their Cost

The following discussion identifies the cost of road and traffic projects that are necessary to accommodate the next 20 years of growth. For the purposes of this study, the Public Works department has organized these construction projects into three groups: *Inter-City, Urban Sphere, and City/County*. The projects in each group benefit a different geographic segment of the county's future population. The following definitions have been used to allocate road projects to one of three groups.

**Inter-City Projects:** This first category consists of all major intercity road improvements that will serve county-wide traffic circulation. The *inter-city fee* will be based on the construction cost for such improvements. For projects that serve both inter-city travel and sphere circulation, the county and appropriate city will split the cost of these projects. The fee will include the county's expected share of construction costs for all major interstate and limited access routes. It will be charged to all new development county-wide, regardless of where the new development takes place.

**Urban Sphere Projects:** The second category is intended to extend a city's traffic impact fees to cover road improvements within its urban sphere. The county will impose a city's traffic impact fee only when a city has completed long-term traffic planning throughout its sphere of influence and has developed traffic impact fees that account for road improvements within its urban sphere. Thus, where cities have developed their own development fees for road improvements within their sphere of influence, the county adopts the city's fee as its own. The county may then carry out the road and traffic improvements according to the city's intentions or turn the collected fees over to the city when the area is annexed. At the present time, Modesto is the only one of nine cities that has completed such sphere-wide traffic planning. In the future, the urban sphere fee will become more applicable as other cities undertake sphere-wide traffic planning and implement traffic impact fees. Also, to the extent that urban communities (e.g., Salida) are developed in unincorporated areas, street improvements may be planned and a fee imposed in place of the city/county fee similar to the arrangement in the sphere of a city.

**City/County Projects:** The third category includes all county roads and traffic improvements outside city boundaries that have not been either

accounted for as major inter-city routes (*inter-city fee*) or as urban sphere road improvements financed through a city's traffic fee program (*urban sphere fee*). The county will charge this fee to all development in all areas of the county except where development is assessed a sphere fee. It is expected that cities will complete sphere-wide planning and impose fees that will fund road improvements throughout their spheres. As such fees are implemented, the county will charge new development occurring in the city's urban sphere the city's new *sphere fee* instead of the *city/county fee*.

New development, therefore, will pay a two-part traffic fee. All new development will pay the inter-city fee regardless of where it is located in the county. In addition, new development will also pay either a sphere fee or a city/county fee. For example, the new development within the Modesto urban sphere would pay the Modesto *urban sphere fee* plus the county's *inter-city fee*. New development in or near the city limits of Oakdale, until it prepares a city sphere street fee program, would pay the county *city/county fee* and *inter-city fee*. The details of each of the three fees is discussed separately below.

It is important to note that all of these fees are independent of any on-site road improvements required as part of a city's or county's subdivision ordinance. Only in rare circumstances would a developer be given credit towards her/his county road fees for on-site, project-specific road construction. However, if a developer constructs city/county improvements that are part of the county's master list of inter-city, sphere, or rural road projects, then the county or city should give credit towards the appropriate fee.

### Inter-City Traffic Projects

The county Public Works Department, Caltrans, the City of Modesto and SAAG have prepared a list of all road projects appropriate for inclusion in the inter-city fee program. The projects are organized into two groups. The first group contains all

interstate and major state projects that are eligible for state or federal funding assistance. The second group consists of the remaining inter-city routes that will be funded locally.

The first group of inter-city projects consists of road, bridge and signal improvements to Interstate 5, State Highway 99, and routes 120, 219, 132, and 108. These projects are eligible for state and federal assistance. Caltrans and county transportation analysts have reviewed all the intercity projects and, on a case-by-case basis, estimated the percentage of Caltrans and other outside assistance that can be expected. In some cases the share of state assistance can be estimated quite accurately, while for other projects the estimate is only an approximation. It should be noted that all these estimates assume the state gas tax is increased as proposed. If the gas tax increase is not approved, the expected levels of funding assistance must be reconsidered.

The local share of partially state-funded projects along with the entire cost of those inter-city projects not eligible for state assistance are allocated to new development. Table VI-1 presents a summary of the cost estimates, net of the estimated state and federal funding, for all inter-city road and highway construction.

Appendix A lists all inter-city road projects currently allocated to the *inter-city fee*. The county will update this list as new projects are deemed necessary, as the cost of projects change due to inflation, and as adjustments to the expected level of state and federal assistance become appropriate.

TABLE VI - 1

**PROJECTED INTER-CITY ROAD IMPROVEMENTS**  
(Net of State & Federal Assistance)

<u>Projects Scheduled From 1990-2010</u>	<u>Estimated Cost<sup>1</sup></u>
State Highway Projects (Caltrans Assisted)	\$118,973,000
County Road Projects	74,234,937
Contingency <sup>2</sup> (20 percent)	39,529,587
Engineering <sup>3</sup> (15 percent)	29,647,191
County Traffic Signals	<u>4,920,000</u>
<b>TOTALS</b>	<b>\$267,304,715</b>

<sup>1</sup> Costs are in 1989 dollars and estimate the county's share of the cost for projects scheduled from 1990 to 2010

<sup>2</sup> The historic data demonstrate consistent bias between estimated construction costs and contractor bids.

<sup>3</sup> Engineering costs are typically 15 percent of the basic construction and right-of-way costs.

Source: Department of Public Works, Caltrans, SAAG and Recht Hausrath & Associates.

### Urban Sphere Traffic Projects

Modesto has recently completed an extensive traffic study with the assistance of Dowling Transportation Engineering. The study forecasts traffic flows throughout Modesto's sphere of influence to the year 2010 and then estimates the cost of traffic mitigation. The City of Modesto is using this study to update the city's existing traffic fees. The county will, in turn, levy the same fee as its *sphere fee* for all new development in Modesto's urban sphere. The developers of the Salida planned development have also recently completed a development agreement with the county that includes mitigation of new development's impact on roads throughout the township. The Salida *sphere fee*, designed as a result of the development project's EIR, will replace the county's *city/county fee* in that area.

The county expects other cities and unincorporated communities to develop their own *sphere fees* similar to those now in place in Modesto and Salida. Appendix A does not list sphere roads because these are specific projects planned by each jurisdiction currently imposing a *sphere fee* (i.e., Modesto and Salida).

### City/County Road Projects

This category covers all county roads that have not been classified as inter-city routes or been included in the traffic impact fees levied by one of the nine cities. Although the term "city/county roads" is somewhat of a misnomer, the county's classification of many road projects as "city/county" will be temporary because they are situated in the urban spheres of cities that will implement their own *sphere fees*. As cities and urban communities plan sphere-wide road fees, new development will be charged for local roads only within these jurisdictions. (All new development, regardless where it is situated in the county, will still pay the county's *inter-city fee*.)

Modesto is the only city and Salida is the only unincorporated community that are currently charging traffic impact fees for future traffic improvements to roads within their spheres. Therefore, all of the county's road projects not included in the *inter-city* group or within these two communities are currently part of the *city/county roads fee*. The projects in this group are unlikely to receive any state or federal assistance, and therefore the total cost of these projects is allocated to new development (see Appendix A for a detailed list). Table VI-2 presents a summary of the cost estimates for county city/county road and highway construction over the next 20 years.

TABLE VI - 2

PROJECTED CITY/COUNTY ROAD IMPROVEMENTS  
(1990 - 2010)

<u>Projects Scheduled From 1990-2010</u>	<u>Estimated Cost<sup>1</sup></u>
City/County Road Projects (Federal or State Assisted)	\$22,493,500
County Road Projects	16,006,816
Contingency <sup>2</sup> (20 percent)	7,869,063
Engineering <sup>3</sup> (15 percent)	5,901,797
County Traffic Signals	<u>845,000</u>
<b>TOTALS</b>	<b>\$53,116,176</b>

- <sup>1</sup> Costs are in 1989 dollars and are net of state or federal assistance for projects scheduled from 1990 through 2010
- <sup>2</sup> The historic data demonstrate consistent bias between estimated construction costs and contractor bids.
- <sup>3</sup> Engineering costs are typically 15 percent of the basic construction and right-of-way costs.

Source: Department of Public Works, Caltrans, SAAG and Recht Hausrath & Associates.

Appendix A lists all city/county road projects currently allocated to the *city/county fee*. The county should update this list as cities and urban communities implement their own sphere-wide fee programs and take over responsibility for certain projects. At the same time, the total amount of new development among which the cost of the *city/county* roads must be shared and therefore reduced accordingly.

#### Cost Summary of County-Wide Traffic Projects

Table VI-3 presents the total cost estimates calculated for each group of county road construction projects. The department allocates the amortized cost of all construction equipment to each specific project. These figures serve as the revenue requirements that will be funded by new development over the next 20 years.

TABLE VI - 3

**PROJECTED ROAD IMPROVEMENTS**  
(1990 - 2010)

<u>Projects Scheduled From 1990 - 2010</u>	<u>Totals<sup>1</sup></u>
Inter-City	\$267,824,715
City/county	<u>53,116,176</u>
<b>TOTALS</b>	<b>\$320,940,891</b>

<sup>1</sup> Costs are in 1989 dollars and estimate the county's share for projects scheduled from 1990 through 2010

Sources: Public Works, Caltrans, SAAG, and Recht Hausrath & Associates

### Forecast of Peak Hour Tripend Generation

In this section, the total number of peak hour trips are projected by using the forecast of the five types of land use (i.e., single family, multi-family, office, retail, and industrial). Different types of development generate different amounts of traffic. The demand for future traffic improvements will be determined by the amount of driving or "trips" generated by each type of future development growth. Specifically, each type of development generates an average number of peak hour trips, and this peak hour tripend generation factor may be used to allocate the cost of traffic mitigation to new growth in each of the five types of land use categories.

As is common in traffic analysis, tripend, rather than trip, is used as the actual measure of traffic. Tripend is defined here as either a departure or a destination; in other words, each trip has two tripends. Tripend generation rates are typically described in terms of peak hour trips (PHT) per dwelling unit for residential land use, and per acre or per thousand square feet for retail, office and industrial uses.

The peak hour trip estimates for five categories of land used in this report are based on the Caltrans' *Trip Ends Generation Research Counts* (1986) and analysis from SAAG and the Department of Public Works. Table VI-4 presents the peak hour trip factor estimates applied to the forecasted growth for each of the five land use categories.

TABLE VI - 4

## APPROXIMATE PEAK HOUR TRIPENDS

<u>Land Use Category</u>	<u>Peak Hour Tripends per Unit</u>
Single Family dwelling unit	1.00
Multi-Family dwelling unit	0.67
Retail per thousand square feet <sup>1</sup>	5.14
Office per thousand square feet <sup>1</sup>	2.00
High Density Industry per thousand square feet <sup>1</sup>	1.00
Low Density Industry per thousand square feet <sup>1</sup>	0.75

<sup>1</sup>The peak hour tripends show in this table are averages for purposes of calculating the total number of peak hour trips. For purposes of project-specific road fees, non-residential land use is broken out into more detailed business types in Tables VI-7 and VI-8.

Source: Caltrans and Institute of Traffic Engineers (ITE)

The estimated peak hour trips in Table VI-4 are used to calculate the total peak hour trips over the next 20 years generated from the forecasted growth. Because of the different fee categories, peak hour trips are forecast for county-wide growth and, separately, for growth in unincorporated areas.

Table VI-5 presents the conversion of new development by type of land use to peak hour tripends throughout the county. The first of the three fees, the *inter-city fee*, is

calculated by allocating the total local share (total cost minus the expected Caltrans assistance) of inter-city road projects among these tripends.

TABLE VI - 5

CONVERSION OF LAND USE TO TRIPENDS - COUNTY-WIDE  
(1990 - 2010)

Land Use Categories <sup>1</sup>	Growth <sup>2</sup>	Estimated PHT/Unit	Total PHT
Single Family Dwelling Units	63,635	1.00	63,635
Multi-Family Dwelling Units	25,561	0.67	17,126
Office <sup>3</sup> (1,000s of sq.ft.)	10,440	2.00	20,880
Retail <sup>3</sup> (1,000s of sq.ft.)	12,950	5.40	69,930
High Density Industry <sup>3</sup> (1,000s of sq.ft.)	30,500	1.00	30,500
Low Density Industry <sup>3</sup> (1,000s of sq.ft.)	3,387	0.75	2,540
<b>TOTAL</b>			<b>204,611</b>

1 Actual fees are based on ITE average trip generation statistics for specific types of businesses.

2 Forecasted land use growth county-wide, 1990-2010. Land use growth is based on forecasted employment converted to building space using 300 office, 500 retail, and 700 high density industrial, and 2,100 low density industrial square feet per employee.

3 Inter-city impact fees for *non-residential development only* will vary by the specific type of business activity and its corresponding tripend generation.

Sources: O.E.D. Research, SAAG, and Recht Hausrath & Associates

The *city/county fee* is based on the total peak hour trips generated over the next 20 years except within the Modesto sphere of influence and the Salida Planned Development (accounted for in their respective sphere fees). The peak hour trips generated by this unincorporated growth is calculated below in Table VI-6.

TABLE VI - 6

CONVERSION OF LAND USE CONVERT TRIPENDS FOR  
NON-SPHERE FEE AREAS  
(1990 - 2010)

Land Use Categories <sup>1</sup>	Growth <sup>2</sup>	Approximate PHT's/Unit	Total PHT's
Single Family Dwelling Units	20,595	1.00	20,595
Multi-Family Dwelling Units	5,725	0.67	3,836
Retail (1,000s of sq.ft.) <sup>3</sup>	3,828	5.40	20,671
Office (1,000s of sq.ft.) <sup>3</sup>	4,476	2.00	8,952
High Density Industry (1,000s of sq.ft.) <sup>3</sup>	5,550	1.00	5,550
High Density Industry (1,000s of sq.ft.) <sup>3</sup>	648	0.75	486
<b>TOTAL</b>			<b>60,090</b>

1 Actual fees are based on ITE average trip generation statistics for specific types of businesses.

2 The forecasted growth includes all cities and county except new development projected in the city and sphere of Modesto and the Salida Planned Development over the next 20 years. Land use growth is based on forecasted employment converted to building space using 300 office, 500 retail, and 700 high density industrial, and 2,100 low density industrial square feet per employee. Actual fees are based on ITE average trip generation statistics for specific types of businesses.

3 City/county impact fees for non-residential development only will vary by the specific type of business activity and its corresponding tripend generation.

Sources: QED Research, SAAG, County Planning Department and Recht Hausrath & Associates

The projected peak hour tripends above have been forecasted from county-wide land use patterns and based on research conducted by the Institute of Traffic Engineers (ITE). Peak hour tripend projections derived from a traffic model may be considered an alternative and equally valid approach. A comparison of the model's peak hour tripend generation was within 12 percent of the projections shown above (Tables VI-5 and VI-6). The next step involves calculating an average cost per peak hour tripend for the *inter-city* and *city/county* roads. Table VI - 7 divides the total cost for each group of road projects by the corresponding number of peak hour tripends.

TABLE VI - 7

## COST PER PEAK HOUR TRIPEND

<u>Type of Peak Hour Tripend</u>	<u>Total Cost of Road Projects</u>	<u>Number of Peak Hour Tripends</u>	<u>Cost per Peak Hour Tripend</u>
<i>Inter-city</i>	\$267,304,715	204,611	\$1,306
<i>City/county</i>	53,116,176	60,090	\$884

Source: Recht Hausrath & Associates

#### Technical Adjustments to Tripends

Impact fees for roads are often based on tripends as described above, however, tripends generated by each type of land use are not equivalent. There are significant differences between the tripends generated by residential, retail and office/industrial land uses that may be factored into the final calculation of tripends generated over the next twenty years. Without some adjustments, imposing the same cost per trip on retail as the cost for commute trips may appear inequitable. Some adjustments to non-residential land uses are calculated here to demonstrate the options available.

For example, retail trips (44 percent of all tripends), particularly those for convenience stores and fast food restaurants, are shorter than average and often interrupted or pass-by (stop-on-the-way) or diverted (a few blocks out-of-the-way) trips. These types of tripends are intermediate tripends and should be subtracted from the total unadjusted tripend total (see Tables VI-8 and VI-9).

A second adjustment is necessary to account for shorter trips for retail shopping than a typical commute to work. These adjustment factors are not subtracted from the

unadjusted tripends as are the interrupted trips because the tripends still occur. However, the shorter trips reduce the amount of additional road capacity that must be built to accommodate new development. Therefore, the adjustments are made directly to the fees a specific type of land use would otherwise pay. Tables VI-10 and V-11 show the interrupted trip and trip length adjustments for specific types of land use. The following factors are used to adjust the general land use categories:

<u>Land Use Categories</u>	<u>Trip Length Adjustment Factor</u>	<u>Interrupted Adjustment Factor</u>	<u>Composite Adjustment Factor</u>
Residential	1.23	1.00	1.23
Office	0.88	1.00	0.88
Retail	0.77	0.75	0.58
Industrial	0.88	1.00	0.88

Source: Recht Hausrath & Associates

A third adjustment involves the county's policy that links retail tripends back to the residential development. While economic logic may justify attributing the cause of a trip to a resident rather than the shopping mall or office building, there exists no practical method of quantifying the effect. Therefore, the application of a "linkage factor" must be a policy decision and requires both the involvement of the Board and legal advise.

Tables VI-8 and VI-9 show how the interrupted trip adjustments are applied to the total tripends (Tables VI-5 and VI-6). The second column shows these original tripends calculated above. The conversion factors are shown in the second column and the fully adjusted tripends are shown in the third column.

TABLE VI - 8

## Interrupted Trip Adjustment: Inter-City Fee

<u>Land Use Categories</u>	<u>Unadjusted Tripend</u>	<u>Interrupted Adjustment Factor</u>	<u>Adjusted Tripend</u>
Single Family	63,635	100%	63,635
Multi-Family	17,126	100%	17,126
Office	20,880	100%	20,880
Retail	69,930	75%	52,448
High Density Industry	30,500	100%	30,500
Low Density Industry	<u>2,540</u>	100%	<u>2,540</u>
<b>TOTAL</b>	<b>204,611</b>		<b>187,129</b>

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Source: Recht Hausrath & Associates

TABLE VI - 9

## INTERRUPTED TRIP ADJUSTMENT: CITY/COUNTY FEE

<u>Land Use Categories</u>	<u>Unadjusted Tripend</u>	<u>Interrupted Adjustment Factor</u>	<u>Adjusted Tripend</u>
Single Family	20,595	100%	20,595
Multi-Family	3,836	100%	3,836
Office	8,952	100%	8,952
Retail	20,671	75%	15,503
High Density Industry	5,550	100%	5,550
Low Density Industry	<u>486</u>	100%	<u>486</u>
<b>TOTAL</b>	<b>60,090</b>		<b>54,922</b>

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Source: Recht Hausrath & Associates

All of the adjustment taken together reduce the total tripends sharing the cost burden about 8.5 percent for *inter-city* peak hour tripends and 8.6 percent for *city/county*.

Calculation of the Cost Per Peak Hour Tripend

The next step involves calculating an average cost per peak hour tripend for the *inter-city* and *city/county* roads. Table VI-10 shows the calculation of the cost per peak hour trip end on an adjusted basis.

TABLE VI - 10

## ADJUSTED COST PER PEAK HOUR TRIPEND

<u>Type of Peak Hour Tripend</u>	<u>Total Cost of Road Projects</u>	<u>Number of Peak Hour Tripends</u>	<u>Cost per Peak Hour Tripend</u>
<i>Inter-city</i>	\$267,304,715	187,129	\$1,428
<i>City/county</i>	\$53,116,176	54,922	\$967

Source: Recht Hausrat. & Associates

If the adjustments described above as an example are applied, the fee per *inter-city* tripend would be increased from \$1,306 to \$1,428. When the adjustments are applied to *city/county* tripends, the cost per *city/county* peak hour tripend increases from \$884 to \$967. These average costs are then multiplied by the estimated peak hour trip factors for each land use category to determine the fee for each type of new development. Table VI-11 and VI-12 present the *inter-city* and *city/county* fees, respectively.

The fee, as it appears to the developer pulling a building permit, is a total of either the *inter-city* fee and the *city/county* fee or the *inter-city* fee and the *urban sphere* fee. As is evident from the combinations, the *inter-city* fee will be charged to all new development anywhere in the county. For development within the sphere of influence of Modesto, the developer will pay the *inter-city* fee and the *urban sphere* fee. For all development

outside the sphere of influence of Modesto and the Planned Development of Salida, the developer will pay the *inter-city fee* and the *city/county fee*. As other cities and unincorporated urban communities undertake comprehensive traffic planning and fee programs that include their spheres, the county will substitute the city's traffic fee for its *city/county fee*.

Cost of Existing Deficiencies

Engineers at the Department of Public Works conclude that existing traffic counts on county roads rarely exceed those for level of service "C". The exceptions are within certain spheres of influence where a level of service "D" is acceptable. Therefore, the county has no existing deficiency at the present time and the entire cost of future road construction will be allocated to new development.

TABLE VI-11  
ALTERNATIVE INTER-CITY ROADS FEE SCHEDULES

<u>Land Use</u>	<u>Peak Hour Trip Ends</u>	<u>Unadjusted Fee</u>	<u>Technical Adjustment Factor<sup>1</sup></u>	<u>Technically Adjusted Fee</u>
<b>RESIDENTIAL - Per Dwelling Unit</b>				
Single-family	1.00	\$1,306	1.23	\$1,756
Multi-family	0.67	875	1.23	1,177
Senior Housing	0.40	522	1.23	703
<b>NON-RESIDENTIAL - per 1,000 Sq. Ft. (unless otherwise noted)</b>				
<b>Office</b>				
<i>General Office/Office Park</i>	2.00	2,612	0.88	2,513
<i>Medical Offices</i>	3.60	4,702	0.88	4,524
<b>Industrial</b>				
<i>High Density Industrial</i>	1.00	1,306	0.88	1,257
<i>Low Density Industrial</i>	0.75	980	0.88	942
<b>Commercial</b>				
<i>Convenience Market</i>	71.10	92,857	0.42	42,643
<i>Small Retail (&lt;50,000 sq.ft.)</i>	12.36	16,142	0.58	10,237
<i>Medium Retail (50-100,000 sq.ft.)</i>	7.51	9,808	0.58	6,220
<i>Shopping Center (100-300,000 sq.ft.)</i>	4.17	5,446	0.58	3,454
<i>Shopping Mall (&gt;300,000 sq.ft.)</i>	3.44	4,493	0.58	2,849
<b>Restaurants</b>				
<i>Fast Food</i>	43.30	56,550	0.46	28,443
<i>High Turnover</i>	19.93	26,029	0.58	16,507
<i>Sit Down</i>	7.25	9,469	0.77	7,972
<b>Financial</b>				
<i>Bank</i>	24.00	31,344	0.46	15,765
<i>Savings &amp; Loan</i>	6.10	7,967	0.69	6,010
Manual Car Wash (per stall)	4.80	6,269	0.58	3,976
Church	0.64	836	0.77	704
Day Care Center	12.30	16,064	0.23	4,040
Hospital	1.58	2,063	0.77	1,737
Mini-Warehouse	0.26	340	0.77	286
Nursing Home	0.27	353	0.77	297
Gas Station-per pump	3.63	4,741	0.39	2,022
Motel/Hotel-per room	0.64	836	0.77	704
Golf Course (per acre)	0.39	509	1.00	557
Movie Theater	6.14	8,019	1.00	8,768
Racquet Club (per court)	3.94	5,146	1.00	5,626
Tennis Courts (per court)	3.43	4,480	1.00	4,898

<sup>1</sup> Adjustment factors are based on statistical analysis of interrupted trips and trip lengths for each of the six major types of land use.

ALTERNATIVE CITY/COUNTY ROADS FEE SCHEDULE

<u>Land Use</u>	<u>Peak Hour Trip Ends</u>	<u>Unadjusted Fee</u>	<u>Technical Adjustment Factor<sup>1</sup></u>	<u>Technically Adjusted Fee</u>
<b>RESIDENTIAL - Per Dwelling Unit</b>				
Single-family	1.00	\$844	1.23	1,189
Multi-family	0.67	565	1.23	797
Senior Housing	0.40	338	1.23	476
<b>NON-RESIDENTIAL - per 1,000 Sq. Ft. (unless otherwise noted)</b>				
<b>Office</b>				
General Office/Office Park	2.00	1,688	0.88	1,702
Medical Offices	3.60	3,038	0.88	3,063
<b>Industrial</b>				
High Density Industrial	1.00	844	0.88	851
Low Density Industrial	0.75	633	0.88	638
<b>Commercial</b>				
Convenience Market	71.10	60,008	0.42	28,877
Small Retail (<50,000 sq.ft.)	12.36	10,432	0.58	6,932
Medium Retail (50-100,000 sq.ft.)	7.51	6,338	0.58	4,212
Shopping Center (100-300,000 sq.ft.)	4.17	3,519	0.58	2,339
Shopping Mall (>300,000 sq.ft.)	3.44	2,903	0.58	1,929
<b>Restaurants</b>				
Fast Food	43.30	36,545	0.46	19,261
High Turnover	19.93	16,821	0.58	11,178
Sit Down	7.25	6,119	0.77	5,398
<b>Financial</b>				
Bank	24.00	20,256	0.46	10,676
Savings & Loan	6.10	5,148	0.69	4,070
Manual Car Wash (per stall)	4.80	4,051	0.58	2,692
Church	0.64	540	0.77	477
Day Care Center	12.30	10,381	0.23	2,736
Hospital	1.58	1,334	0.77	1,176
Mini-Warehouse	0.26	219	0.77	194
Nursing Home	0.27	228	0.77	201
Gas Station-per pump	3.63	3,064	0.39	1,369
Motel/Hotel-per room	0.64	540	0.77	477
Golf Course (per acre)	0.39	329	1.00	377
Movie Theater	6.14	5,182	1.00	5,937
Racquet Club (per court)	3.94	3,325	1.00	3,810
Tennis Courts (per court)	3.43	2,895	1.00	3,317

<sup>1</sup> Adjustment factors are based on the statistical analysis of interrupted trips and trip lengths for each of the six types of land use.

Source: Recht Hausrath & Associates

## VII. LIBRARIES

### Description of Department

The county library system currently operates a 62,000 square foot main library in downtown Modesto and 13 branch facilities totalling almost 100,000 square feet. Two of the branch facilities occupy leased space totaling 2,440 square feet. Currently, one third of all county residents have library cards.

While the county manages all the facilities, some cities (e.g. Modesto) have provided some maintenance and support, including limited purchase of materials. Oakdale has been the only city that has expressed any desire to own their library out-right. Historically, the libraries have received 75 percent of their total operating budget from the county and 25 percent from the cities. The specific terms of support and funding proportions vary by municipality. Table VII-1 presents a summary of the county's existing libraries and volumes.

The county's recent expansion plans included a 10,000 square foot mezzanine addition to the main library in Modesto and an adjacent three-deck parking structure costing \$3 million. These plans have been abandoned in favor of expanding the branch facility system where larger expected growth will create a greater need. In the next two years, the department will add two branch libraries to be constructed as part of two new secondary schools. The Modesto City School District has requested that these adjacent libraries be operated as a county library. With these additions, the department will have remedied all existing deficiencies. The immediate construction of the two school libraries (21,000 square feet) will bring the total system size to approximately 121,000 square feet.

TABLE VII - 1

## EXISTING LIBRARY FACILITIES

<u>Existing Facilities</u>	<u>Owned Space (square feet)</u>	<u>Leased Space (square feet)</u>	<u>Volumes<sup>1</sup></u>
Modesto Library	62,000	-0-	384,915
Modesto School Branches <sup>2</sup>	21,000	-0-	-0-
Oakdale Branch	6,500	-0-	41,086
Ceres Branch	4,500	-0-	24,461
Denair Branch	2,000	-0-	12,318
Turlock Branch	10,000	-0-	82,574
Empire Branch	670	-0-	6,061
Newman Branch	2,613	-0-	11,533
Patterson Branch	4,070	-0-	30,719
Riverbank Branch	3,594	-0-	20,089
Waterford Branch	2,170	-0-	17,663
Keyes Branch	1,200	-0-	12,522
Salida Branch <sup>3</sup>	-0-	1,400	6,256
Valley Home Branch	500	-0-	4,216
Hughson Branch	-0-	1,040	6,675
<b>TOTAL</b>	<b>120,817</b>	<b>2,440</b>	<b>661,088</b>

1 Volumes are defined to include documents, magazine titles, pamphlets, and audio-visual materials.

2 The Modesto School District plans to incorporate two library branches totaling 21,000 square feet into two new schools scheduled for completion sometime during 1990.

3 The Salida Planned Development will include a new 12,000 square foot branch library. The facility is considered part of the new system capacity to serve growth and is therefore not counted as an existing facility.

Source: Stanislaus Public Libraries

### County Standards

The American Library Association recommends 2.5 volumes per capita and the California State Library recommends from 0.4 to 0.5 square feet per resident as minimum standards for library capacity. The department will apply its current ratio of 2.1 volumes per resident as the future county standard.

The county currently owns approximately 121,000 square feet to serve the existing population of 360,000. This produces a 0.34 ratio of space to population, which the department has adopted as its space standard. The ratio does not include the currently leased space.

#### Existing Deficiencies

Currently, the library department owns over 661,000 volumes or 2.1 volumes per resident (Volumes are defined to include documents, magazine titles, pamphlets, and audio-visual materials). The space standard has been determined from the current ratio of 0.34 square feet to residential population. Therefore, the department has no existing space or volume deficiency.

#### Facilities Needed to Accommodate New Development and Their Cost

The county librarian and her staff have identified the facilities required for future population growth, the estimated construction cost of the building shell, shelving, furnishings, and equipment is \$138.75 (1989 dollars) per square foot. The amount of land needed is 2.75 times the amount of library floor space, or a floor area ratio (F.A.R.) of 0.36. Current land prices average between \$70,000 to \$85,000 per acre, or \$5.37 per building square foot adjusted for a 0.36 F.A.R. The results presented in Table VII-2 assume land costs of \$5.37 per square foot, or a total cost of \$144.12 per square foot (1989 dollars) for new library facilities.

The department's future needs are directly linked to the increase of residential and employment (used as a proxy for businesses expansion) population. According to the department's standard of 0.34 square feet per capita served, the forecasted residential population increase of 256,511 will require approximately 90,000 square feet of new

space. The specific branch facilities to be expanded or constructed are listed below in Table VII-2.

TABLE VII - 2  
COST SUMMARY OF FUTURE LIBRARY EXPANSION  
(1990 - 2010)

<u>New Facilities</u>	<u>New Space (Square Feet)</u>	<u>Construction Cost<sup>1</sup></u>	<u>Land Costs<sup>2</sup></u>
Northeast Modesto	15,000	\$2,081,250	\$ 80,550
Turlock Addition	38,000	5,272,500	204,060
Salida Addition	12,000	1,665,000	64,440
Ceres Addition	8,000	1,110,000	42,960
Oakdale Addition	6,000	832,500	32,220
Denair Addition	4,000	555,000	21,480
Hughson Library	3,000	416,250	16,110
Waterford Addition	<u>4,000</u>	<u>555,000</u>	<u>21,480</u>
<b>TOTAL</b>	<b>90,000</b>	<b>\$12,487,500</b>	<b>\$483,300</b>

<sup>1</sup> Construction costs (1989 dollars) are estimated at \$138.75 per square foot for the building shell, shelving, furnishings and equipment.

<sup>2</sup> Land costs (1989 dollars) are based on \$85,000 per acre or \$5.37 per square foot assuming a F.A.R. of 0.36.

Source: Stanislaus Public Libraries and Recht Hausrath & Associates

The forecasted county-wide population of 610,000 in the year 2010 will require 1.28 million volumes. This future need represents 620,000 additional volumes above the county's current collection of 661,000 volumes. The purchase cost of new volumes is based on average prices quoted from the March (1989) issue of Publishers Weekly. The average price per volume for general reading was \$28.00 in 1989. Therefore, the cost of purchasing reading material for future growth is approximately \$17.4 million (in 1989 dollars) over the next 20 years.

In addition to furnished space and volumes, the department's needs include an automated catalog that will help reduce future hiring of additional staff and provide better service. Since this capital expense will benefit existing as well as new library users, we have allocated 48 percent (the percentage of total usage represented by growth) of the \$700,000 total cost to new development; thus, \$340,000 will be included in the cost of new facilities to accommodate growth. This amount is added to \$13.0 million per Table VII-2 for expansion of the physical facilities and \$17.4 million for additional volumes, equaling a total of \$30.7 million (1989 dollars) required to accommodate new growth in the county through the year 2010.

#### Allocation of Costs

The Stanislaus County library system is a county-wide service. There are no parallel municipal facilities serving city residents. Therefore, the total costs for future system-wide expansion are allocated over development county-wide, including all development that will take place inside city limits. Furthermore, the libraries do not receive any mandated or probable state or federal funding. Therefore, the entire cost of new facilities can be borne by impact fees.

The county has included one half of the projected square footage of new non-residential development in the calculation of the library impact fee. The library department considers business use of library resources to be significant, but less than residential use. It is assumed here that employment is a reasonable indicator of non-residential library use and that an employee generates only about half the library use as a resident. Table VII-3 presents the number of new single and multi-family home residents and all types of employment that will share in the total costs of new library facilities and volumes. It can be seen that these assumptions result in non-residential development being responsible for 17.4 percent of the cost.

TABLE VII - 3

COUNTY-WIDE GROWTH IMPACTING LIBRARY FACILITIES  
(1990 - 2010)

	<u>Growth</u>	<u>Percent</u>
Residents	256,511	82.6%
Employment <sup>1</sup> (weighted at 50%)	<u>53,950</u>	<u>17.4%</u>
<b>TOTAL PERSONS SERVED</b>	<b>310,461</b>	<b>100.0%</b>

<sup>1</sup> Because employment, the indicator of non-residential use of libraries, is assumed to have only half the impact of residential population, only half the growth is shown.

Source: Recht Hausrath & Associates

The new residents and employees calculated above (Table VII-3) constitute the adjusted base over which the cost of new library buildings and volumes will be spread. The percentages given in the second column indicates the approximate shares each type of development will contribute to the cost of facilities to serve the next 20 years of new development. These costs total \$30.7 million and are then divided by the 310,461 new residents and employees that will use library facilities. Thus, the amount required to accommodate the next 20 years of new growth is \$98 per residents and \$49 per employee according to the standards currently enjoyed by the existing county-wide residents.

Calculation of Fees

Table VII-4 presents the allocation of the total costs for new library space and volumes over the eligible county-wide population. The second column shows the fee per dwelling unit or thousand square feet of office space.

TABLE VII - 4  
CALCULATION OF FEES

<u>Land Use Category</u>	<u>Fee Calculation</u>	<u>Fee Per Unit</u>
Single Family Unit	\$98 x 3.20 residents	\$314 per dwelling unit
Multi-Family Unit	\$98 x 2.07 residents	\$203 per dwelling unit
Office Space (weighted 50%)	\$49 x $\frac{1 \text{ employee}}{300 \text{ square foot}}$	\$163 per 1,000 sq.ft
Retail Space (weighted 50%)	\$49 x $\frac{1 \text{ employee}}{500 \text{ square foot}}$	\$98 per 1,000 sq.ft
High Density Industry <sup>1</sup> (wtd 50%)	\$49 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$70 per 1,000 sq.ft.
Low Density Industry <sup>1</sup> (wtd 50%)	\$49 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$23 per 1,000 sq.ft.

Source: Recht Hausrath & Associates

Cost of Existing Deficiencies

At present, the library must complete 21,000 square that the Modesto School District has offered to incorporate into two new schools in order to attain its standard of approximately 0.34 square feet per resident. The departments current collection of 661,008 volumes equals 2.1 volumes per population, thus there is no current deficiency.

## VIII. FIRE DEPARTMENT

### Description of Department

County-wide, some twenty-seven agencies have overlapping fire responsibilities. The county's agencies are organized into a central facility commanded by the county fire warden and 18 fire districts of which half have elected commissioners and the commissioners of the other half are appointed. The 18 fire districts carry out primary fire suppression and other emergency response duties in the unincorporated areas of the county, while the nine city departments (or contracted urban services) provide these services to the cities. The districts operate as semi-autonomous jurisdictions and therefore provide a range of service levels: from all-volunteer personnel with minimal equipment to full-time professional forces with fully-equipped stations. Given this range of service levels, each district would have to formulate its own impact fees. The lack of planning for long-term facilities requirements by most districts made the design and implementation of district-specific impact fees at the present time impossible.

One exception is the Salida Fire District which has participated in a Mello-Roos district to construct additional facilities required to serve new development. The Salida fee incorporates both the cost of a new station, which is necessary to serve new development and the "buy-in" cost that covers the service new development will receive from an existing station. This arrangement may serve as a model fee program for other fire districts as each completes long-term facility planning and some degree of standardization of their level-of-service.

The fire warden has completed most of his facility planning for the next twenty years with the exception of the training facility. Although preliminary cost estimates for the training facilities are included as part of the fire warden's fee, the cost sharing arrangements between the county and participating cities has yet to be finalized.

The county fire warden provides five types of services that primarily benefit unincorporated areas. Those activities that the fire warden provides to city agencies are mostly backup support that city agencies reciprocate for the county. Therefore, the department considers its primary responsibilities are directed to unincorporated residents and employment. These responsibilities are:

1. Fire prevention to unincorporated areas
2. Back-up fire suppression for both districts and cities upon request
3. Training for district and city personnel upon request
4. Arson investigation in all unincorporated parts of the county and for cities upon request
5. Administration assistance for fire districts

The county fire warden provides all of these services listed above, except some training activities, out of a 6,382 square foot headquarters and fire station at County Center III. This facility is scheduled to be relocated to a new adjacent site in 1991 or 1992. The department's periodic training activities are provided out of 961 square feet of leased space. The department is planning to move all training activities to a new facility that will be shared by all city and district fire departments county-wide. Table VIII-1 shows the current allocation of space by function.

The department employs 18 full-time professionals ( does not include support personnel) to provide all five services. Their salaries are funded from the county's general fund and a county-wide fire tax (Fire Service Tax) that all county residents pay except residents in the cities of Turlock and Modesto. These tax revenues are not adequate to support capital investment.

TABLE VIII - 1

DISTRIBUTION OF EXISTING SPACE BY FUNCTION  
(1988/89 Fiscal Year)

<u>Type of Service</u>	<u>Leased Square Feet</u>	<u>County-Owned Square Feet</u>
Fire Suppression	0	4,736
Administration of Fire Districts	0	949
Training for Fire District Personnel	961	147
Fire Prevention	0	265
Arson Investigation	<u>0</u>	<u>285</u>
<b>TOTAL</b>	<b>961</b>	<b>6,382</b>

Sources: Stanislaus County Fire Warden

### County Standards

The level-of-service standards for the county Fire Warden are difficult to state in quantitative terms because many of the department's functions involve support of fire districts and back-up services to city fire departments. The fire warden regards his current force of 18 full-time personnel and his existing facilities and equipment as adequate for his current workload. He projects, however, that the department will have to hire employees at the same rate as forecasted population growth. The current ratio of personnel to headquarters/fire station space may serve as the department's standard for level-of-service. This ratio is approximately 360 square feet per professional (does not include training). The existing inventory of fire fighting equipment is also adequate to serve the current unincorporated population and therefore will be expanded at the same rate as the growth of unincorporated population (residents plus employment).

Existing Deficiencies

The department's pending move will exchange the current headquarters space for the same amount of new space at its new headquarters plus 25 percent more space to accommodate growth. The cost of constructing the new headquarters must therefore be allocated according to the ratio of existing to new population in the unincorporated area. This ratio is roughly 75 percent existing population to 25 percent new. The actual cost of the existing population share will be calculated below.

The fire warden's lack of training capacity constitutes an existing deficiency. The 961 square feet of leased space for periodic training should be replaced with adequate amount of county-owned space. The planned, joint-training center will remedy this deficiency, and its cost must be allocated according to the ratio of existing to new unincorporated population used above for the new headquarters.

Facilities Needed to Accommodate New Development and Their Cost

The CIP calls for the relocation of the County fire warden to a site adjacent to the new county jail site. The estimate for construction and additional equipment equals \$2.2 million. The cost will include a communications center, replacing a service currently provided by the county's central communication facility. The new headquarters and attached fire station, including its autonomous communications capability, will serve both the existing population and the next 20 years of new development. Its cost, therefore, should be shared between existing and new population in the unincorporated area. Table VIII-2 presents a detailed breakdown of the new station cost.

TABLE VIII - 2

## PROPOSED BUDGET FOR NEW COUNTY FAIRE HEADQUARTERS

	Estimated Cost (1989 Dollars)
<u>New Facility</u>	
Land (2 acres @ \$85,000/acre)	\$ 170,000
Headquarters Building & Fire Station <sup>1</sup>	1,000,000
Office Equipment	68,150
Furnishings	<u>20,000</u>
Headquarters and Station Subtotal	\$1,258,150
<u>Additional Equipment</u>	
Major Suppression Equipment	\$ 144,500
Type I Engine Fully Equipped	310,000
Type I Tender Fully Equipped	200,000
Type I Rescue/Air/Light Fully Equipped	220,000
Arson Truck	20,000
Sedans Fully Equipped (3 @ \$17,000)	<u>51,000</u>
Equipment Subtotal	\$ 945,500
TOTAL	\$2,203,650

<sup>1</sup> Includes site preparation and construction

Source: Stanislaus County Fire Department

Thus, the new facility's construction cost of approximately \$1.3 million is thus allocated between existing and new unincorporated population (residents and employment). The allocation of the facility's total construction cost (\$1,258,150 in 1989 dollars) is approximately 75 percent to existing population and 25 percent to new development. Therefore, the cost of the existing deficiency equals approximately \$943,612 and new development should pay the remaining \$314,538. The new equipment cost of \$801,000 will be charged entirely to new development as the department's current inventory of fire fighting equipment is adequate for existing needs. The share of the new

headquarters space paid for by new development, therefore, equals approximately \$1,115,538.

In a joint effort, the County, Modesto Junior College (MJC), and some city fire departments have cooperated to construct two training centers for all professional and volunteer fire personnel county-wide. The City of Modesto estimates the cost of the first training center at approximately \$5.5 million. The cost estimate for the second site has not been finalized. The sites are already owned by county and Modesto Junior College and the cost of the land is not included in the estimates. All agencies participating in the project are sharing in the cost, however the exact percentages are as yet unspecified.

MJC is contributing \$4 million and the City of Modesto plans to fund the remaining costs of building at the first site. The county has not yet determined the final cost of developing on the second site, however the fire warden estimates the county will need about \$3.0 million to develop the second site. The estimate will be refined as plans are completed over the next year and the county will make appropriate revisions in next years fire impact fees.

The fire warden currently trains small groups in his existing facilities and all large scale training in borrowed or leased space. The current lack of a permanent training facility means the new training facility will remedy an existing deficiency as well as provide service to new development. The relative shares may be determined by the ratio of existing to new population in the unincorporated areas. This ratio, 75 percent existing population to 25 percent for new development, allocates \$750,000 for the training center to new development in the unincorporated areas. The total cost to be allocated to new development is therefore the sum of new development's share of the new headquarters (\$1,115,538) plus the training center cost (\$750,000), or a total of \$1,865,538.

### Allocation of Costs

The fire warden provides services primarily to those county residents living in unincorporated areas. Therefore, the total cost of future system-wide expansion (exclusive of existing deficiencies) is allocated over new development outside the city limits of the nine municipalities. Specifically, new development's share of the total cost is borne by all five types of land use: single family, multi-family, office, retail, and industrial. Table VIII-3 presents the amount of each category of future development over which the cost of new facilities will be spread.

TABLE VIII - 3

#### UNINCORPORATED GROWTH OF RESIDENTS & EMPLOYEES (1990 - 2010)

<u>Land Use Categories</u>	<u>Growth</u>	<u>Percent</u>
Single Family Residents	21,056	67.4%
Multi-Family Residents	5,154	16.5
Office Employment (weighted 50%) <sup>1</sup>	1,946	6.2
Retail Employment (weighted 50%) <sup>1</sup>	918	2.9
High Density Industrial <sup>1</sup> (weighted 50%)	1,971	6.3
Low Density Industrial <sup>1</sup> (weighted 50%)	<u>219</u>	<u>0.7</u>
<b>TOTAL</b>	<b>31,264</b>	<b>100.0%</b>

<sup>1</sup> Non-residential growth, as measured by the forecasted increase of employment working in the unincorporated area of the county, is weighted by one half the number of new employees forecasted over the next 20 years.

Source: Recht Hausrath & Associates

The 31,264 new residents and employees (after 50 percent weighting) calculated above (Table VIII-3) constitutes the base over which the \$1.9 million cost for new county fire facilities (exclusive of costs for existing deficiencies) will be spread. The percentages given in the second column indicates the approximate shares each type of development

will contribute to the cost of facilities to serve the next 20 years of new development. Therefore, the total amount required to accommodate the next 20 years of new demand for the Fire Warden's facilities equals approximately \$60 per resident and \$30 per worker in the unincorporated areas of the county.

Calculation of Fees

Table VIII-4 shows how the fee per resident or worker is calculated for each type of new development. The third column shows the fee per dwelling unit or per square foot of office, retail, or industrial space.

TABLE VIII - 4

CALCULATION OF FIRE WARDEN FEES

<u>Land Use Categories</u>	<u>Fee Calculation</u>	<u>Fee Per Unit</u>
Single Family Unit	\$60 x 3.20 residents	\$192 per dwelling unit
Multi-Family Unit	\$60 x 2.07 residents	\$124 per dwelling unit
Office Space (weighted 50%) <sup>1</sup>	\$30 x $\frac{1 \text{ employee}}{300 \text{ square feet}}$	\$100 per 1,000 sq.ft.
Retail Space (weighted 50%) <sup>1</sup>	\$30 x $\frac{1 \text{ employee}}{500 \text{ square feet}}$	\$60 per 1,000 sq.ft.
High Density Industry <sup>1</sup> (wtd 50%)	\$30 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$43 per 1,000 sq.ft.
Low Density Industry <sup>1</sup> (wtd 50%)	\$30 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$14 per 1,000 sq.ft.

<sup>1</sup> Non-residential growth, as measured by the forecasted increase of employment working in the unincorporated area of the county, is weighted by one half the number of new employees forecasted over the next 20 years.

Source: Recht Hausrath & Associates

Cost of Existing Deficiencies

The Fire Warden must remedy two deficiencies: the unincorporated population's 75 percent share of the new headquarters and adjoining fire station (approximately \$950,000) and the county's share of the new training facility (approximately \$2,250,000). The total cost to remedy all existing deficiencies equals approximately \$3.2 million.

## IX. PARKS AND FACILITIES DEPARTMENT

### Description of Department

The county currently owns and operates 8,000 acres of park land in eight regional parks and constructs and maintains neighborhood parks in unincorporated areas. In addition to park lands and facilities, the department is responsible for off-road vehicle (ORV) recreation areas, fishing access, historical sites, and a recreation center. The department's administrative offices are located at County Center IV and occupy 2,000 square feet. The present fleet of vehicles is shown in Table IX-2.

A construction program was begun in 1957 to expand the county's regional parks to accommodate the next 20 years of new demand. State-wide bond initiatives have funded at least 95 percent of the land acquisition and construction costs for the county's regional park system. The department also receives funding assistance from federal revenue sharing, the State Wildlife Fund, the Department of Fish and Game, and monies allocated from the state under AB 145 (1989). The current inventory of land will be adequate for the existing population and new development through 2010. The current external funding sources will pay for the cost of park development through the year 2010.

After a needs assessment completed in 1974, the Stanislaus County Regional Park Study prepared by EDAW Inc., the Parks Commission and the Board of Supervisors approved expansion and improvements to four county parks. Many of the proposed projects have now been completed using the State bonds and primary grant funds. The facilities still to be constructed consist of road systems, rest rooms, showers, and campsites. Table IX-1 summarizes the past and future expenditures necessary to complete the county's park system.

TABLE IX - 1

SCHEDULE OF PARK EXPENDITURES  
(thousands of 1987 dollars)

<u>Regional Park</u>	<u>1987<sup>1</sup></u>	<u>1990</u>	<u>2000</u>	<u>2010</u>
Woodward Reservoir	\$ 842	\$ 845	\$ 835	\$1,110
Modesto Reservoir <sup>2</sup>	759	880	930	800
Frank Rains Park	330	465	125	0
La Grange Park	760	330	75	125
<b>TOTAL</b>	<b>\$2,691</b>	<b>\$2,520.0</b>	<b>\$1,965</b>	<b>\$2,035</b>

1 Projects completed as of 1989

2 The Parks Department must still acquire 655 acres of remaining land around Modesto Reservoir in order to own all the property surrounding the reservoir. The estimated cost for the land is \$1,000 per acre or \$ 55,000 total cost will be funded through the State bond initiative and will not require any significant funding from the county's general funds.

Source: Stanislaus County Parks Department

The current demand for regional parks includes a large percentage of non-county residents. This non-county usage, however, has been more than offset by the State bonds that have financed almost the entire cost of the county's current development program.

### County Standards

The department has determined its future equipment needs based upon the scheduled opening of new acreage in its eight regional parks. Therefore, there is no direct standard between population growth and equipment, but rather a derived demand determined by the expansion of the county's regional parks. Table IX-3 shows the expected vehicle needs.

In addition to the regional park system discussed above, the county constructs neighborhood and community parks in the urban spheres of cities and urban communities such as Salida. Since neighborhood parks have more direct benefits to adjacent development but less utility to residents located further away, a neighborhood park system cannot be considered a truly county-wide facility. Therefore, the county would need to design an impact fee for each neighborhood park and its adjacent population. Neighborhood park projects usually involve large planned developments that require the developers to construct facilities as determined either by the subdivision ordinance or an EIR. Requisite subdivision ordinance improvements, the Quimby Act, or CEQA mitigation are more suitable methods for funding local-serving facilities.

In the case of dispersed development in the urban sphere, CEQA, subdivision ordinance, or Quimby Act methods may not generate sufficient revenues in a timely manner for neighborhood park development. The department expects the cities will annex these unincorporated areas and incorporate the neighborhood park into their own park systems. Therefore, the neighborhood parks in the urban spheres could be incorporated into a city's fee program.

#### Existing Deficiencies

As described above, the current county regional park system is more than adequate for the existing population. The Department's current amount of office space is also sufficient for existing and future requirements through 2010. Equipment is the only area in which the department is deficient. The deficiencies are shown in Table IX-2 below.

TABLE IX - 2

Existing Equipment Inventory  
(1989 Dollars)

<u>Type of Vehicle</u>	<u>Unit Cost</u> (1989 Dollars)	<u>Current</u> <u>Inventory</u>	<u>Existing</u> <u>Deficiency</u>	<u>Total Cost</u>
Pickup Truck	\$18,000	18	1	\$18,000
Crew Cab Truck	20,000	2	0	
Dump Pickup	23,000	1	1	23,000
Cube Van	21,000	2	0	
Personnel Van	20,000	3	0	
Passenger Car	15,000	2	0	
Flatbed Truck	33,000	3	0	
Garbage Truck	60,000	2	0	
Water Truck	42,000	2	0	
Patrol Boat	30,000	5	0	
Maintenance Boat	15,000	2	0	
Tractor	33,000	4	0	
Riding Mower	21,000	4	0	
Air Compressor	14,000	1	0	
Turf Sweeper	20,000	0	1	<u>20,000</u>
<b>TOTAL</b>				<b>\$61,000</b>

Source: Stanislaus County Parks Department

Facilities Needed to Accommodate New Development and Their Cost

The present facilities, when fully developed, will be adequate to serve the population through the year 2010. Therefore, no additional park facilities are needed.

The City of Modesto, through a joint powers agreement (JPA) with the county and the City of Ceres, is developing the Tuolumne Regional Park. The park currently has 100 acres already developed and another 290 acres of raw, undeveloped land. The agreement between the three agencies call for acquiring an additional 200 acres of land and full development of the 590 acre site. The JPA states that each participant

contribute one half of one percent of their gross assessments. The actual amount will vary as the value of gross assessments fluctuates for the three participating agencies. Given current assessment, this formula has required the county to contribute around 67 percent, Modesto provides 29 percent, and Ceres covers the remaining 4 percent. Modesto, under the authority of the JPA, has spent \$8.5 million, of which the county has contributed approximately \$6 million. The estimated cost of finishing the project is about \$35 million. The county's 67 percent share for the remaining land acquisition and park development amounts to \$23.5 million. Given the forecasted 65 percent increase in population county-wide over the next twenty years, new development's share of the outstanding costs comes to approximately \$10.2 million. The development of the county's inventory of raw land into regional park land will require additional equipment and vehicles. These cannot be funded through outside sources.

TABLE IX - 3

Future Equipment Needs  
(1989 Dollars)

<u>Type of Vehicle</u>	<u>Unit Cost</u> (1989 Dollars)	<u>Projected</u> <u>Need</u>	<u>Vehicles</u> <u>Total Cost</u>
Pickup Truck	\$18,000	13	\$234,000
Crew Cab Truck	20,000	2	40,000
Cube Van	21,000	1	21,000
Personnel Van	20,000	1	20,000
Passenger Car	15,000	1	15,000
Garbage Truck	60,000	2	120,000
Water Truck	42,000	2	84,000
Riding Mower	21,000	1	21,000
Backhoe	65,000	1	65,000
Aerial Tower Truck	85,000	1	85,000
Chipper	15,000	1	15,000
Chipper Truck	30,000	1	<u>30,000</u>
<b>TOTAL</b>			<b>\$750,000</b>

Source: Stanislaus County Parks Department

The equipment itemized above will be used exclusively for the county's regional park system. The cost of new neighborhood parks, borne entirely by future planned developments, will include the costs for site-specific vehicles and equipment. These requirements are shown in Table IX-3.

Allocation of Costs to County-Wide Residential Growth

The Stanislaus County Regional Parks, taken as a system, is a county-wide service. There are no parallel municipal parks providing the same type of facility to city residents. Therefore, the total costs for future equipment needs may be allocated over projected new development county-wide, including all development that will take place inside city limits. The department's future equipment needs will not be funded from the state or federal assistance given to regional parks development. Therefore, the entire cost of new equipment required to serve the county's additional regional parks can be borne by county-wide impact fees.

The county has included only new residential growth in the calculation of park fees. Industrial, commercial and retail employees are not considered significant users of regional parks. Table IX-4 presents the number of new single and multi-family residents that will share in the total cost of new regional park equipment.

TABLE IX - 4

County-Wide Growth Impacting Regional Parks  
(1990 - 2010)

<u>Land Use Categories</u>	<u>Growth</u>	<u>Percent</u>
Single Family Residents	203,600	79.4%
Multi-Family Residents	52,911	20.6%
<b>TOTAL</b>	<b>256,511</b>	<b>100.0%</b>

Source: Recht Hausrath & Associates

The new residents calculated above (Table IX-4) constitute the adjusted base over which the cost of new vehicles will be spread. The percentages given in the second column indicates the approximate shares each type of development will contribute to the cost of vehicles to serve the next 20 years of new development. These costs total \$750,000 for equipment plus \$10.2 million for the county's share of Tuolumne Regional Park. The total, \$11.0 million, may be spread over the 256,511 new residents that will use regional parks, producing a per resident cost of \$43.

#### Calculation of Fees

Table IX-5 presents the allocation of the total costs for the county's share of Tuolumne Regional Park and park equipment and vehicles over the eligible county-wide population. The second column shows the fee per dwelling unit.

TABLE IX - 5

#### CALCULATION OF PARK FEES

<u>Land Use Category</u>	<u>Fee Calculation</u>	<u>Fee</u>
Single Family Dwelling Unit	\$43 x 3.20 residents	\$138 per dwelling unit
Multi-Family Dwelling Unit	\$43 x 2.07 residents	\$ 89 per dwelling unit

Source: Recht Hausrath & Associates

#### Cost of Existing Deficiencies

The department's only existing deficiencies involve vehicles. Table IX-2 indicates the Department requires three additional vehicles: a pickup truck (\$18,000), a dump pickup (\$23,000), and a turf sweeper (\$20,000). The county is three years in arrears on its payment for Tuolumne Regional Park. Although the county must continue to fund the existing residents' share of the park through the half percent formula discussed above (roughly estimated at \$13.3 million), this on-going obligation does not constitute a deficiency. An estimate of the total deficiency equals \$61,000 (1989 dollars).

## X. PUBLIC AND MENTAL HEALTH SERVICES

### Description of Department

This department provides four types of programs: 1) mental health, 2) public health, 3) alcohol and drug abuse, and 4) public guardian. All of its programs are provided county-wide and none of the municipalities operate parallel programs to supplement or replace county activities within their city limits. User fees collected for some services go entirely to the operating costs of the respective programs. The facilities serve all income levels and no indigence requirement restrict access to the department's programs. Historical trends show more or less direct correlation between population growth and demand for additional facilities.

The department occupies almost 89,000 square feet at County Center II and leases 44,350 square feet of space in branch or "regional" centers where certain outpatient programs are delivered. Mental health occupies 60,000 square feet and leases 31,000 square feet of additional space. Public health occupies 28,942 square feet and leases an additional 13,350. It owns and operates three types of specialized vehicles: mobile clinics, mental health vans, and public guardian vehicles. These vehicles are purchased with 90 percent state and 10 percent county funds and maintained by the county motor pool.

### County Standards

State mandated programs either require or recommend minimum levels of service. Even where these standards are not binding they still serve as a useful resource for measuring program adequacy. The primary measure for a sufficient level-of-service recommends inpatient bed capacity be approximately 30 percent more than the average

daily census of patients in order to serve the erratic levels demand and involuntary care requirements. If all support services are included, each bed requires approximately 480 square feet. From an overall perspective, the county owns 240 square feet of clinic space per thousand population.

#### Existing Deficiencies

Existing mental and public health facilities are for the most part sufficient for present needs. However, the department leases 44,350 square feet for its regional or branch centers. This space would have to be counted as an existing deficiency if the county were to impose a fee to fund branch facilities.

The Mental Health Inpatient Care unit operates 24 beds to serve an average daily census of 20 patients. With 24 beds, the Department currently operates at the upper limit of this standard and therefore retain its current level-of-service without expanding its facilities. The California State oversight board has requested the number of beds be increased to 26 in order to serve the erratic levels demand and involuntary care requirements, giving the department a two bed deficiency. The department currently has adequate space required to accommodate two additional beds and maintain its standard of 240 square feet per thousand residents.

#### Facilities Needed to Accommodate New Development and Their Cost

The consensus among the departments senior management is that the current population receives adequate service but that new facilities will be essential to serve new growth. The regional centers are operating at capacity and cannot accommodate additional growth. The department has identified the west side of Modesto as particularly in need of a satellite clinic if current levels of service are to be maintained over the next twenty years.

The department staff has recently completed their future facilities plan. The plan calls for a new 56,459 square foot structure, giving the department a total of 145,000 square feet of space. The addition will maintain the department's current standard of 240 square feet per thousand residents.

The new building is estimated to cost \$8,495,640. This project has the following component costs.

TABLE X - 1  
COST SUMMARY FOR NEW FACILITIES  
(1990 - 2010)

<u>Type of Service</u>	<u>Required New Space</u>	<u>Cost per Square Ft.</u>	<u>Total Cost</u>
Mental Health			
<i>In-patient</i>	11,563	\$200	\$2,312,600
<i>Out-patient</i>	9,996	115	1,149,540
Public Health			
<i>Clinical</i>	12,000	\$200	2,400,000
<i>Out-patient</i>	<u>22,900</u>	115	<u>2,633,500</u>
TOTAL	56,459		\$8,495,640

Source: Department of Mental Health

The mental health inpatient care capacity would be increased from its current desired level of service of 26 beds to 48 beds in 2010. This net addition of 22 beds is equivalent to 11,563 square feet or approximately 482 square feet per bed, for a total cost of almost \$8.5 million (1989 dollars). The entire cost of this facility will be allocated to new residential development.

The department has decided to purchase its own mini-computer to replace and augment the data processing services it currently receives from the county. This purchase will serve existing needs as well as future growth and will cost roughly \$900,000 to complete. The total cost of this system must be allocated in proportion to the existing versus new residential population it will serve.

This ratio is based on the forecasted 65 percent increase of the county's 370,000 current residents (1990) to 610,000 residents (2010), or 61 percent existing to 39 percent new. The cost of the new computer system that may be paid for by impact fees is approximately \$351,000. When this amount is added to the \$8,495,640 for additional space, the total cost for new facilities (space and equipment) equals \$8,846,640 (1989 dollars).

#### Allocation of Costs to County-Wide Residential Growth

All county residents have access to the public and mental health services. There are no municipal facilities providing the same type of services to city residents. Therefore, the total costs for future needs may be allocated over projected residential development county-wide, including all development that will take place inside city limits. The department's future needs that have been calculated above are in excess of any the state or federal assistance already received for specific programs or facilities. Therefore, the cost of new building space and computer systems can be borne by county-wide impact fees.

Only new residential growth is included in the calculation of public and mental health fees. Employment, as well as residents, generates a significant demand for mental and public health programs and therefore should share in the cost of providing new facilities. The department assumes this share is roughly half the residential burden. Table X-2

presents the number of new residents and employees (weighted by 50 percent of the forecasted increase) that will share in the total costs of new mental and public health facilities.

TABLE X - 2

COUNTY-WIDE GROWTH IMPACTING PUBLIC HEALTH FACILITIES  
(1990 - 2010)

	<u>Growth</u>	<u>Percent</u>
Residents	256,511	82.6%
Employment <sup>1</sup> (weighted at 50%)	<u>53,950</u>	<u>17.4%</u>
<b>TOTAL PERSONS SERVED</b>	310,461	100.0%

<sup>1</sup> Because employment, the indicator of non-residential use of public and mental health facilities, is assumed to have only half the impact of residential population, only half the growth is shown.

Source: Recht Hausrath & Associates

The residential growth calculated above (Table X-2) constitutes the growth over which the cost of new facilities will be spread. The percentages given in the second column indicates the approximate shares each type of development will contribute to the cost of building space and computer equipment to serve the next 20 years of new development. These costs total \$8,846,640 and are then divided by the 310,461 new residents and employees. The allocation of these costs results in approximately \$29 per resident and one-half that amount per employee.

#### Calculation of Fees

Table X-3 presents the allocation of the total costs for new mental and public health facilities over the eligible county-wide population. The second column shows the fee per dwelling unit.

TABLE X - 3

## CALCULATION OF PUBLIC &amp; MENTAL HEALTH FEES

<u>Land Use Category</u>	<u>Fee Calculation</u>	<u>Fee Per Unit</u>
Single Family Unit	\$29 x 3.20 residents	\$93 per dwelling unit
Multi-Family Unit	\$29 x 2.07 residents	\$60 per dwelling unit
Office Space (weighted 50%) <sup>1</sup>	\$15 x $\frac{1 \text{ employee}}{300 \text{ square foot}}$	\$48 per 1,000 sq.ft
Retail Space (weighted 50%) <sup>1</sup>	\$15 x $\frac{1 \text{ employee}}{500 \text{ square foot}}$	\$29 per 1,000 sq.ft
High Density Industry <sup>1</sup> (wtd 50%)	\$15 x $\frac{1 \text{ employee}}{700 \text{ square foot}}$	\$21 per 1,000 sq.ft
Low Density Industry <sup>1</sup> (wtd 50%)	\$15 x $\frac{1 \text{ employee}}{2,100 \text{ square foot}}$	\$7 per 1,000 sq.ft

<sup>1</sup> Non-residential growth, as measured by the forecasted increase of employment county-wide, is weighted by only one half the number new employment forecasted over the next 20 years.

Source: Recht Hausrath & Associates

#### Cost of Existing Deficiencies

The department must remedy only one existing deficiency: the existing population's share of the new computer system, costing 59 percent of the total cost of approximately \$900,000, or about \$530,000 (1989 dollars).

## XI. OUT-PATIENT CARE

### Description of Department

The Scenic General Hospital is the only source of public medical care for county residents. It currently has 84 staffed, acute care, non-psychiatric beds and operates as an acute care, full service hospital with the exception of labor and delivery (OB). These specialties are contracted to a for-profit hospital in Stanislaus county. In-patient traffic currently runs at 64 patients per day, while the emergency room provides care to 25,000 to 30,000 patients annually.

Scenic Hospital has experienced two trends that have reduced the demand for in-patient care provided by its facilities over the past five years: 1) the increase of alternative private care offered by for-profit hospitals in the county, and 2) a nation-wide shift from in-patient care at hospitals to out-patient care at satellite clinics due to improved medical technology which allows for more complete exams and treatment outside the hospital. These two downward trends have been roughly offset by the rapid aging of the county's population which requires the largest proportion of in-patient care. The forecast by QED Research Inc. projects a 90 percent increase in the number of people over 65 years of age from 1986 to 2010. Scenic Hospital administrators believe the net result of these counter balancing trends will produce a flat demand for the hospital's in-patient care facilities over the next twenty years, and therefore no additional in-patient care capacity is needed to serve growth.

Scenic Hospital operates four out-patient care clinics with the hospital complex totalling 29,000 square feet and one 4,000 square foot out-patient clinic in Hughson occupying leased space. This shift has required out-patient clinics to make more intensive use of lab testing and radiology support than they required in the past. The hospital's five

clinics currently use 8,000 square feet of lab and radiology space to support their treatment of patients. Out-patient traffic has averages 80,000 to 90,000 patients annually, or approximately 300 average daily census. The historic trend show increased demand for these services over the past five years.

#### County Standards

Excluding the leased space, total out-patient clinic space equals 33,000 square feet (including lab and radiology facilities supporting the four out-patient care clinics). This space serves approximately 300 out-patients daily, which can be expressed as a level-of-service of approximately 11 square feet per patient.

#### Existing Deficiencies

The lack of OB and heart cath do not bear upon the official sanction of Scenic Hospital by state and federal sources. Therefore, its present services and 84 beds are adequate to meet present demand of 64 average daily census.

Its five out-patient clinics are currently operating at capacity. The Hughson clinic and its average daily patient census which occupies leased space has not been included for the purpose of establishing a level-of-service standard because the lease is a highly favorable arrangement .

#### Facilities Needed to Accommodate New Development and Their Cost

The current 33,000 square feet of clinic, lab and radiology facilities serve approximately 87,000 out-patients, or an average of roughly 300 daily. The hospital administrators project the ratio of out-patients to total population (approximately 24 percent) remaining constant over the next twenty years. By 2010, therefore, twenty-four percent of the

310,461 new residents and workers will require out-patient care facilities: an estimated 74,511 patients annually. If approximately 87,000 currently have access to 33,000 square feet of out-patient clinic and ancillary support facilities, then the 74,511 new patients seeking care in 2010 will require 28,263 additional square feet.

An absolute minimum construction cost for community hospitals is approximately \$200 square foot for site preparation, shell, furnishings and equipment, but excluding land (HCA Management Company, Nashville TN). The cost of suburban land (the most likely location for new out-patient care clinics) is based on \$90,000 per acre (1989 dollars) or approximately \$8.00 per square foot assuming a floor area ratio (F.A.R.) of 0.25. Thus, the total cost for out-patient clinic space and ancillary facilities is currently around \$208 per square foot. The total 28,263 square feet required to serve growth will therefore cost approximately \$5,878,704.

#### Allocation of Total Costs for Out-Patient Clinics

The Stanislaus County's Scenic Hospital serves all county population and employment living and working in both urban and unincorporated areas. Therefore, the total costs for future system-wide expansion are allocated over development county-wide, including any development in cities. Since new workers, as well as new residents, have access to the county's out-patient clinics, the cost of new facilities must be borne by all five types of land use: single family, multi-family, office, retail, and industrial. Table XI-1 presents the amount of each category of future development over which the cost of new facilities will be spread.

TABLE XI - 2

## CALCULATION OF OUT-PATIENT CLINIC FEES

<u>Land Use Categories</u>	<u>Fee Calculation</u>	<u>Fee</u>
Single Family Dwelling Unit	\$19 x 3.20 residents	\$61 per dwelling unit
Multi-Family Dwelling Unit	\$19 x 2.07 residents	\$39 per dwelling unit
Office Space (weighted 50%) <sup>1</sup>	\$10 x $\frac{1 \text{ employee}}{300 \text{ square feet}}$	\$33 per 1,000 sq.ft.
Retail Space (weighted 50%) <sup>1</sup>	\$10 x $\frac{1 \text{ employee}}{500 \text{ square feet}}$	\$20 per 1,000 sq.ft.
High Density Industry <sup>1</sup> (wtd 50%)	\$10 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$14 per 1,000 sq.ft.
Low Density Industry <sup>1</sup> (wtd 50%)	\$10 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$ 5 per 1,000 sq.ft.

<sup>1</sup> Non-residential growth, as measured by the forecasted increase of employment county-wide, is weighted by only one half the number new employment forecasted over the next 20 years.

Source: Recht Hausrath & Associates

The third column shows the fee per dwelling unit or per square foot of office, retail, or industrial space.

#### Cost of Existing Deficiencies

The hospital's outpatient care clinics are currently operating at capacity and would not require additional space were it not for future growth. The leased space for the Hughson clinic has not been included in the level-of-service currently provided, therefore this clinic's space is not counted as part of the existing facilities and thus not a deficiency.

## XII. OTHER COUNTY FACILITIES

### Description of Departments

The remaining departments have been grouped together because their future facilities needs consist solely of office space and vehicles at a common standard of square feet per employee and employees per vehicle. Furthermore, the rate at which these departments' needs will increase matches the forecasted population growth during the next 20 years.

There are some county departments that are not included here or dealt with in earlier chapters that receive substantial assistance, if not complete funding, from federal, state, or user fee sources. These departments, such as environmental services, school superintendent, family support, and cooperative extension, are not included in the impact fee program because the county general fund will not be required to fund additional facilities.

The remaining county departments provide direct services to residents and employees or support services to other county departments such as general overhead and vehicles. The office space requirement of the Public Works Department has been accounted for in the fee for other county facilities rather than the fee for roads (Chapter VI).

Table XII-1 lists all county services and their respective inventory of existing office space. The current inventory has been divided into owned and leased square footage because leased space is considered a deficiency if it is counted for purposes of projecting future needs.

TABLE XII - 1

## Other County Departments' Space Inventory

<u>Building / Function</u>	<u>Existing Space</u>	<u>Leased Space</u>	<u>Current Work Force<sup>1</sup></u>	
			<u>Unincorp.</u>	<u>County</u>
<b>County Center I</b>				
Assessor	9,722	-0-	-0-	67
Data Processing	6,442	1,300	18	37
Communications	2,501	-0-	-0-	54
Public Works	3,330	-0-	128	-0-
Auditor	4,797	734	15	31
County Counsel	3,264	-0-	16	-0-
Purchasing	5,987	-0-	13	-0-
Garage	16,700	-0-	14	-0-
Area Agency on Aging	-0-	907	-0-	3
Treasurer	7,845	-0-	-0-	39
<b>County Center II</b>				
Central Services	21,820	-0-	16	-0-
Veterans Services	804	-0-	-0-	2
<b>County Center III</b>				
Social Services	56,129	15,664	-0-	573
Agricultural Comm.	12,739	-0-	25	-0-
Cooperative Extension	9,375	-0-	5	-0-
<b>County Center IV</b>				
Employment & Training	<u>5,112</u>	<u>6,412</u>	<u>-0-</u>	<u>43</u>
<b>TOTALS</b>	<b>166,567</b>	<b>25,017</b>	<b>250</b>	<b>806</b>

<sup>1</sup> Approximate distribution of department staff between provision of services to unincorporated areas and services county-wide

Sources: County Assessor's Office and Recht Hausrath & Associates

County facilities requirements grouped into Other County Facilities may either provide direct services to all county residents and employees or only those living in the unincorporated areas of the county. Therefore, other county facilities required to serve new development have been divided into those serving new development in unincorporated areas and those services benefiting all new development county-wide. A further refinement would involve allocating the facility costs to the land use categories (i.e., residential, retail, commercial, and two types of industrial) that use a departments services. This refinement was tested and the results indicated that most departments grouped into the other county facilities fee provide service to all land use categories.

County Standards

The office space standard is 156 square feet per employee based only on space owned by the county. The vehicle standard is one passenger car for every 2.6 employees.

Existing Deficiencies

The county's existing office space deficiency is no less than its current inventory of leased square footage. Table XII shows the current total of leased space equals 51,681 square feet. This amount is not included in the determination that the county currently has 156 square feet per employee. The county's current motor pool of 412 passenger cars is adequate for its current 1,056 employees group into other county services. Therefore, the county has no current deficiency.

Facilities Needed to Accommodate New Development and Their Cost

The projection of additional office space is derived from the increase of county employees required to serve new development. This increase is based on the county-wide residential and employment population growth. The county's facilities listed in Table XII-1 will all need to expand at roughly the same rate at the forecasted

population growth during the next twenty years. Thus, the existing 166,567 square feet should be increased by 69 percent to approximately 281,498 square feet, or a net increase of 114,931 square feet. At a cost of approximately \$100 per square foot, the new space will cost \$11.5 million.

The county's motor pool will have to increase the size of its passenger car fleet 65 percent over the next 20 years. This increase amounts to 268 new cars. At \$12,000 per passenger car, the total cost of new vehicles equals approximately \$3,216,000.

#### Allocation of Costs

All the departments grouped into the Other County Facilities fee provide services both to the county as a whole and to unincorporated areas exclusively. Therefore, the other county facilities fee should also have two parts: an unincorporated fee that funds new facilities to serve growth in only the unincorporated areas, and a county-wide fee covering the cost of facilities for all county residents and employment.

The allocation of the total cost of additional facilities is based on a ratio of employment in county departments providing services to mostly unincorporated areas versus departments serving the county-wide population. The relative shares are 250 employees providing unincorporated services (23 percent) and 821 employees serving the county-wide population (77 percent).

When this ratio is applied to the estimated \$11.5 million total cost of other county facilities, the share going to the unincorporated Other County Facilities fee equals \$2.6 million and the county-wide share is \$8.9 million. These shares will be allocated to all five categories of land use in proportion to the number of new residents and employment in each. Table XII-3 shows the projected growth of county-wide and unincorporated development and the shares that each category of land use will fund.

TABLE XII - 3

**COUNTY-WIDE & UNINCORPORATED GROWTH  
(1990 - 2010)**

<u>Land Use Category</u>	<u>County-Wide Growth</u>		<u>Unincorporated Growth</u>	
	<u>Population</u>	<u>Percent</u>	<u>Population</u>	<u>Percent</u>
Single Family	203,600	65.6%	21,056	67.4%
Multi-Family	52,911	17.0	5,154	16.5
Office <sup>1</sup>	17,400	5.6	1,946	6.2
Retail <sup>1</sup>	12,950	4.2	918	2.9
High Density Industrial <sup>1</sup>	21,240	6.8	1,971	6.3
Low Density Industrial <sup>1</sup>	<u>2,360</u>	<u>0.8</u>	<u>219</u>	<u>0.7</u>
<b>TOTAL</b>	<b>310,461</b>	<b>100.0%</b>	<b>31,264</b>	<b>100.0</b>

<sup>1</sup> Non-residential growth, as measured by employment, is weighted by one half the number of new employees forecasted over the next 20 years.

Source: Recht Hausrath & Associates

The new county-wide and unincorporated residents and employees calculated above (Table XII-3) constitute the adjusted population base over which the respective costs for new county facilities will be spread. The percentages given in the second and fourth columns indicates the approximate shares each type of development will contribute to the cost of facilities to serve the next 20 years of new development.

When the \$8.9 million total cost of Other County facilities for county-wide growth is spread over the county-wide population of 310,461, the cost per residents equals \$28 and cost per employee equals approximately \$14. The allocation of \$2.6 million cost for new unincorporated facilities over the expected growth of 31,264 unincorporated residents

and workers results in an average per capita cost of \$83 per resident and approximately \$42 per employee.

Calculation of Fees

Tables XII-4 and 5 show how the cost of additional county facilities are allocated to new development. The third column shows the fee per dwelling unit or per square foot of office, retail, or industrial space.

TABLE XII - 4

CALCULATION OF COUNTY-WIDE FEES

<u>Land Use Categories</u>	<u>Fee Calculation</u>	<u>Fee</u>
Single Family	\$28 x 3.20 residents	\$90 per dwelling unit
Multi-Family	\$28 x 2.07 residents	\$58 per dwelling unit
Office Space (weighted 50%) <sup>1</sup>	\$14 x $\frac{1 \text{ employee}}{300 \text{ square feet}}$	\$47 per 1,000 sq.ft.
Retail Space (weighted 50%) <sup>1</sup>	\$14 x $\frac{1 \text{ employee}}{500 \text{ square feet}}$	\$28 per 1,000 sq.ft.
High Density Industry <sup>1</sup> (wtd 50%)	\$14 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$20 per 1,000 sq.ft.
Low Density Industry <sup>1</sup> (wtd 50%)	\$14 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$7 per 1,000 sq.ft.

<sup>1</sup> Non-residential growth, as measured by the forecasted increase of employment county-wide, is weighted by only one half the number new employment forecasted over the next 20 years.

Source: Recht Hausrath & Associates

TABLE XII - 5

## CALCULATION OF UNINCORPORATED FEES

<u>Land Use Categories</u>	<u>Fee Calculation</u>	<u>Fee</u>
Single Family Units	\$83 x 3.20 residents	\$266 per dwelling unit
Multi-Family	\$83 x 2.07 residents	\$172 per dwelling unit
Office Space (weighted 50%) <sup>1</sup>	\$42 x $\frac{1 \text{ employee}}{300 \text{ square feet}}$	\$140 per 1,000 sq.ft.
Retail Space (weighted 50%) <sup>1</sup>	\$42 x $\frac{1 \text{ employee}}{500 \text{ square feet}}$	\$83 per 1,000 sq.ft.
High Density Industry <sup>1</sup> (wtd 50%)	\$42 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$60 per 1,000 sq.ft.
Low Density Industry <sup>1</sup> (wtd 50%)	\$42 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$20 per 1,000 sq.ft.

<sup>1</sup> Non-residential growth, as measured by the forecasted increase of employment county-wide, is weighted by only one half the number new employment forecasted over the next 20 years.

Source: Recht Hausrath & Associates

### Cost of Existing Deficiencies

The county has no existing deficiencies for Other County Departments. The 51,681 square feet of leased office space do not constitute a deficiency, since the space standard of 235 square feet per employee was calculated excluding this space.

APPENDIX A

**COUNTY ROAD PROJECTS**  
*Projects included in the City/County Fee*

<u>City/County Roads</u>	<u>Project Boundaries</u>	<u>Cost of Construction</u>	<u>Cost of Right of Way</u>	<u>Estimated Total Cost</u>
Hatch Rd.	Faith Home Rd. to Santa Fe	\$1,355,198	\$286,350	\$1,641,548
Monte Vista Ave.	Golden State to Turlock City Limits	342,842	584,500	927,342
Hatch Rd.	Boothe to Faith Home Rd.	421,641	90,426	512,067
Zeering Rd.	Olive to Berkeley Ave.	600,000	0	600,000
Keyes Rd.	Faith Home to Foote Rd.	175,000	21,200	196,200
Golden State Blvd	Monte Vista to Taylor Ave.	538,855	0	538,855
Golden State Blvd	Taylor to Keyes Rd.	922,989	250,000	1,172,989
East Ave.	Daubenberger to Gratton Rd.	902,419	473,436	1,375,855
Monte Vista Ave.	State Route 99 to Golden State Blvd.	218,568	186,600	405,168
Whitmore Ave.	Crows Landing Ave. to Morgan Rd.	767,056	264,720	1,031,776
Faith Home/Garner Rd.	Hatch to Redwood Rd.	2,174,936	435,998	2,610,934
Las Palmas Ave.	Patterson City Limits to Lateral C	135,975	28,563	164,538
Claus Rd.	Claribel to Townsend Ave.	741,149	470,256	1,211,405
West Main Ave.	Washington to Kilroy Ave.	829,228	398,210	1,227,438
Roselle Ave.	Claribel to Riverbank C.L.	1,167,712	186,600	1,354,312

Oakdale Rd.	Claribel to Morrill Rd.	512,936	140,320	653,256
Geer Rd.	Zeering to Taylor Rd.	359,176	23,957	383,133
Route 99	Pelandale Interchange <i>Reconstruct</i>	2,238,500	0	2,238,500
Route 99	Hatch Overcrossing <i>Widen structure</i>	2,667,000	0	2,667,000
Route 99	Keyes Interchange <i>Widen structures &amp; ramps and modify traffic signals</i>	6,000,000	0	6,000,000
Route 99	Taylor Interchange <i>Widen structures &amp; ramps</i>	2,491,000	0	2,491,000
Route 99	Monte Vista Interchange <i>Modify south bound ramp geometrics &amp; install traffic signals</i>	274,000	0	274,000
Route 99	Fulkerth Interchange <i>Modify ramp geometrics</i>	246,000	0	246,000
Route 99	Lander Interchange <i>Modify ramp geometrics</i>	307,000	0	307,000
Route 108	Crane to Willowood <i>Widen roadway</i>	375,000	0	375,000
Route 108	Route 219 to Crane <i>Widen Roadway</i>	1,895,000	0	1,895,000
Route 108	Crane to Willowood <i>Channelize to 4 lanes</i>	1,000,000	0	1,000,000
State Highway	Oakdale Bypass <i>(Stages 1 &amp; 2)</i>	5,000,000	0	5,000,000
CITY/COUNTY TOTALS		<u>\$34,659,180</u>	<u>\$3,841,136</u>	<u>\$38,500,316</u>

(continued)  
**INTER-CITY COUNTY ROAD PROJECTS**  
*Projects not receiving Caltrans Assistance*

<u>Inter-City Routes</u>	<u>Project Boundaries</u>	<u>Construction</u>	<u>Right of Way</u>	<u>Total Cost</u>
McHenry Rd.	Ladd to San Joaquin County Line (bridge)	\$8,059,140	\$193,600	\$8,252,740
West Main Ave.	Faith Home to Washington Rd.	702,736	172,768	875,504
Geer-Albers	Taylor to Warnerville Rd.	15,264,123	1,318,367	16,582,490
West Main Ave.	Poplar to Jennings Rd. (bridge)	3,614,399	264,456	3,878,855
Santa Fe Ave.	Geer Rd. to Tuolumne River (bridge)	6,374,173	949,070	7,323,243
Carpenter Rd.	Service Rd. to Whitmore Ave.	864,049	156,118	1,020,167
Crows Landing Rd.	River Rd. to Carpenter Rd. (bridge)	4,993,761	80,100	5,073,861
Claus Rd.	Terminal to Claribel Rd. (6 Lane)	1,566,560	322,997	1,889,557
Santa Fe Ave.	Geer to Keyes Rd.	1,709,539	239,852	1,949,391
Faith Home Rd.	Keyes Rd. to Redwood Rd.	1,278,493	1,140,651	2,419,144
Crows Landing Rd.	West Main to Whitmore Ave.	5,067,486	660,023	5,727,509
West Main Ave.	Jennings to Faith Home Rd.	5,829,934	264,456	6,094,390
Crows Landing Rd.	State Route 33 to River Rd.	2,528,038	365,930	2,893,968
Las Palmas Ave.	Lateral C to Poplar Ave.	1,154,749	304,677	1,459,426
Crows Landing Rd.	Carpenter to West Main Ave.	2,937,003	407,806	3,344,809
Carpenter Rd.	West Main Ave. to Service Rd.	<u>4,879,739</u>	<u>570,144</u>	<u>5,449,883</u>
<b>INTER-CITY COUNTY TOTALS</b>		<b>\$66,823,922</b>	<b>\$7,411,015</b>	<b>\$74,234,937</b>

## APPENDIX A

(continued)

**INTER-CITY STATE HIGHWAY PROJECTS**  
*Estimated Caltrans assistance levels are project specific<sup>1</sup>*

<u>Inter-City Routes</u>	<u>Project Boundaries/Description</u>	<u>Inter-City Fee Cost<sup>3</sup></u>	<u>Caltrans Assistance</u>	<u>Other<sup>2</sup> Assistance</u>	<u>Total Cost</u>
State Highway	Oakdale Bypass (Stages 1 & 2)	\$5,000,000	\$40,000,000	\$5,000,000 <sup>4</sup>	\$50,000,000
Route 99	Kiernan Interchange Ramp improvement	143,000	0	57,000 <sup>5</sup>	200,000
Route 99	Faith Home Overcrossing Widen structure	3,500,000	0	0	3,500,000
Route 108	Route 219 to Crane Widen Roadway	3,730,000	5,625,000	0	9,355,000
Route 108	Modesto-Riverbank-Oakdale Expressway New Construction	55,000,000	33,000,000 <sup>6</sup>	0	88,000,000
Route 120	San Joaquin County to Valley Home Upgrade 2 lane expressway to 4 lanes	1,500,000	6,000,000	0	7,500,000
Route 132	Empire Railroad Crossing Grade separation	4,800,000	2,400,000	4,800,000 <sup>7</sup>	12,000,000
Route 132	Root Road to Geer/Albers Widen to 4 lanes with left turn pockets	1,750,000	1,750,000	0	3,500,000
Route 132	Geer/Albers to Reinway Widen pavement and add turn pockets	1,400,000	1,400,000	0	2,800,000
Route 132	Nebraska to San Joaquin County River Four lane freeway on new alignment	38,500,000	16,500,000	0	55,000,000
Route 132	Nebraska to Route 99 Widen route within Modesto sphere	0	16,000,000	24,000,000 <sup>8</sup>	40,000,000
Route 219	Route 99 to Dale Widen roadway to 4 lane expressway	3,650,000	1,210,000	0	4,860,000
<b>INTER-CITY TOTALS</b>		<b>\$114,473,000</b>	<b>\$123,885,000</b>	<b>\$33,857,000</b>	<b>\$276,715,000</b>

Endnotes for State Highway (Inter-City Fee) Projects

1. Expected levels of Caltrans matching funds are based on the proposed increase of the state gas tax. If this measure fails voter approval, most funding assumptions would be reviewed.
2. Additional assistance includes City/County fees, Modesto sphere fees, and Salida sphere fees.
3. Costs itemized here are allocated to all new development county-wide.
4. The *city/county fee* will fund an equal share depending on which alternative routing is selected. The Route 108 (*Crane to Willowood*) project could be altered as well.
5. The Salida Sphere fee will provide \$57,000 for the remaining share of the project cost. No Caltrans funding is expected.
6. Project costs are expected to increase to \$88,000,000 if state standards are applied to the projects.
7. Modesto's sphere fee will collect half (\$4.8 million) of the total \$9.6 million needed for the local match.
8. Entire local share funded from Modesto sphere fee.

(continued)

**INTER-CITY TRAFFIC SIGNALS**  
*No Caltrans assistance*

<u>Signal Location</u>	<u>Estimated Cost</u>
Albers at Claribel Rd.	\$120,000
Albers at Milnes Rd.	120,000
Albers at Oakdale/Waterford Hwy.	120,000
Albers at Patterson Rd.	120,000
Albers at State Route 132	120,000
Atlas at State Route 108/120	120,000
Carpenter at West Main Ave.	120,000
Carpenter at Crows Landing Rd.	120,000
Carpenter at Grayson Rd.	120,000
Carpenter at Keyes Rd.	120,000
Central at West Main Ave.	120,000
Coffee Rd. at State Rout 108	120,000
Crows Landing Rd. at grayson Rd.	120,000
Crows Landing Rd. at Keyes Rd.	120,000
Crows Landing Rd. at Service Rd.	120,000
Crows Landing Rd. at West Main Ave.	120,000
Dillwood at State Route 108/120	120,000
Faith Home Rd. at West Main Ave.	120,000
Faith Home Rd. at Keyes Rd.	120,000
Geer at Hatch Rd.	120,000
Geer at Keyes Rd.	120,000
Geer at Santa Fe Ave.	120,000
Geer at Service Rd.	120,000
Geer at Whitmore Ave.	120,000
Hatch/Morgan/Herndon	360,000
McHenry at Ladd Ave.	120,000
McHenry at Stewart Ave.	120,000
Orange Blossom Rd. at State Route 108/120	120,000
River Rd. at State Rout 120	120,000
Santa Fe at East Ave.	120,000
Santa Fe at Hatch Rd.	120,000
Santa Fe at Keyes Rd.	120,000
Santa Fe at Service Rd.	120,000
Stoddard at Kiernan Ave.	120,000
State Route 33 at Crows Landing Rd.	120,000
State Route 33 at River Rd.	120,000
State Route 99 at Broadway (2 xings)	240,000
State Route 99 at Keyes Rd. ramps (2 xings)	<u>240,000</u>
 INTER-CITY TOTAL	 \$5,040,000

(continued)

**CITY/COUNTY TRAFFIC SIGNALS**  
*No Caltrans assistance*

<u>Signal Location</u>	<u>Estimated Cost</u>
Geer Rd. at Taylor Rd. (Turlock Sphere)	\$125,000
Golden State at Keyes Rd.	120,000
Lester at Monte Vista/Maint.	120,000
Crows Landing at Service Rd. (Ceres Sphere)	120,000
Morgan Rd. at Whitmore Ave. (Ceres Sphere)	120,000
Claus at Claribel Rd. (Riverbank Sphere)	120,000
Stearns Rd. at State Route 108/120	250,000
Santa Fe at Main	<u>120,000</u>
<b>CITY/COUNTY TOTAL</b>	<b>\$5,225,000+</b>

MODESTO CITY COUNCIL INTERIM URGENCY RESOLUTION NO. 90-351

An Interim Urgency Resolution adopting County of Stanislaus Public Facility Fees for the City of Modesto.

WHEREAS, the Board of Supervisors of the County of Stanislaus has adopted Resolution No. 89-1724 on December 19, 1989, establishing Public Facilities Fees throughout the County of Stanislaus; and,

WHEREAS, the Board of Supervisors adopted Resolution No. 90-126 on January 23, 1990, after reviewing road improvements listed in the County's Capital improvement program and determined that they were capable of accommodating development beyond 20 years and reduced the road fees to accommodate a 30 year time period; and,

WHEREAS, a detailed Fiscal and Public Facilities study of the impacts of contemplated future development on existing public facilities in Stanislaus County through the year 2010, along with an analysis of the need of new public facilities and improvements required by future developments, has been prepared by Recht Hausrath & Associates entitled "Stanislaus County Public Facilities Fee Program" dated December, 1989. It is attached to Stanislaus County Resolution No. 89-1724 and is incorporated herein as Exhibit A; and

original  
"EXHIBIT A"  
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VII-6  
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WHEREAS, said study also sets forth the relationship between contemplated future development, the needed facilities, and the estimated costs of those improvements; and

WHEREAS, these studies were available for public inspection and review for more than ten (10) days prior to this public hearing; and

WHEREAS, the City Council finds as follows:

A. The purpose of this fee is to finance County public facilities to reduce the impact caused by future development in Stanislaus County. Such improvements include the expansion and construction of public improvements, public services and community amenities.

B. The fees collected pursuant to this resolution shall be used to finance the public facilities identified in Exhibit A attached hereto and incorporated by reference.

C. After considering the studies and analysis prepared by Recht Hausrath & Associates, and the testimony received at this public hearing, the City Council approves and adopts said studies, and incorporates such herein, and further finds that the future development within the City of Modesto will generate additional demands on County public facilities.

D. As development occurs within the City of Modesto there will be a need for expanded, improved or newly constructed County public facilities. The Board of Supervisors have found that said facilities have been called for in, or are consistent with, the County's General Plan.

E. The facilities called for in the County Capital Improvement Plan are consistent with the City's General Plan.

F. The studies and the testimony establish:

(1) That there is a reasonable relationship between the need for the public facilities designated in Exhibit A and the impacts of the types of development for which the corresponding fee is charged.

(2) That there is a reasonable relationship between the fee's use and the type of development for which the fee is charged.

(3) That there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

(4) That the cost estimates set forth in Exhibit A are reasonable cost estimates for constructing these facilities, and the fees expected to be generated by future developments will not exceed the total costs of constructing the public facilities identified in Exhibit A.

G. The Recht Hausrath Stanislaus County Public Facilities Fee Program dated December, 1989, is a detailed analysis of how public services will be affected by development within Stanislaus County including the City of Modesto, the existing deficiencies, and the public facilities required to accommodate that development and those deficiencies.

H. The method of allocation of the public facilities fee

to a particular development bears a fair and reasonable relationship to each development's burden on, and benefit from, the facilities to be funded by the fee.

WHEREAS, this study finds that Public Facilities Fees are necessary to mitigate impacts caused by new development within the County and that the fees are needed to finance Public Facilities and to assure that new development pays its fair share for these improvements;

WHEREAS, the California Government Code provides that Public Facilities Fees may be enacted and imposed on development projects;

WHEREAS, the City Council finds that the public health, safety, peace, morals, convenience, comfort, prosperity and general welfare will be promoted by the adoption of Public Facilities Fees for construction, expansion or improvement of Public Facilities; and

WHEREAS, failure to enact the County's Public Facilities Fees will subject County residents to conditions perilous to their health and/or safety.

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

1. Definitions.

(a) "Development" shall mean the construction, alteration, addition, occupancy or use of any building or structure within Stanislaus County.

(b) "Dwelling Unit" shall mean a structure as defined in the Uniform Building Code (UBC) as adopted by Stanislaus County.

(c) "Residential"

(1) "Senior Housing" includes retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.

(2) "Single Family" is typically single family detached homes on individual lots, such as in residential subdivisions, but could also be in planned developments. Density of development may vary, but is typically ten (10) dwellings per acre or less.

(3) "Multiple" includes multiple family dwelling units of several types, including high and low rise apartments, high and low rise condominium, and multi-family residential planned unit developments, This category also applies to mobile homes.

(d) "Industrial" means the manufacture, fabrication, reduction or destruction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form or character thereof, but excluding mini-warehouses which are treated separately.

(e) "Office"

(1) "Medical" means buildings and clinics devoted to the practice of medical and dental professions or providing medical or dental services, including pseudo-medical services, but excluding hospitals and nursing homes, which are treated separately.

(2) "General" is all other types of general and professional offices, including but not limited to business parks,

corporate headquarters, insurance sales, and research centers, and excluding government and United States Postal Service.

(f) "Commercial"

(1) "Convenience Market" is retail grocery sales, off-site sale of beer and wine, often with on-site gasoline pumps, and usually open 24-hours or extended hours.

(2) "Restaurants"

(i) "Fast Foods" are eating establishments with or without sit-down facilities and with or without drive-up windows; generally food is ordered and taken to be consumed outside the building, although some on-site seating is usually provided.

(ii) "High Turnover" is sit-down eating establishments where food is ordered and consumed on the premises, and customers generally stay less than one hour; frequently belong to chains and typically serve breakfast, lunch and dinner.

(iii) "Quality" is sit-down eating establishments which generally have turnover rates of one hour or longer, typically do not serve breakfast, and may or may not serve lunch.

(3) "Retail" includes a wide range of retail and service uses, both free-standing and in shopping centers, including but not limited to supermarkets, drug stores, department stores, general merchandise, building materials or lumber stores, specialty retail stores, discount stores, hardware/paint stores, garden centers or nurseries, wholesale markets, apparel stores, furniture stores, video arcades, and new car sales. Does not include the

following uses which shall be considered separately: restaurants, convenience markets, banks, savings and loans, movie theaters, and other specifically defined as a separate category for streets fee purposes.

(g) "Financial"

(1) "Banks" are full service financial institutions with or without drive-up windows.

(2) "Savings and Loans" are financial institutions, with or without drive-up windows, which typically offer fewer financial services than banks and are typically smaller in gross floor area than banks. If a given Savings and Loan is 5,000 gross square feet or more, or provides full banking services, it should be treated as a bank.

(h) "Miscellaneous"

The uses in this category are generally self-explanatory. Service station uses are uses which sell automotive fuels and possibly also provide automotive repair service, but do not have small retail shops (such as convenience markets). For fee calculation, a pump is defined as a fuel dispensing station, regardless of the number of pump machines or nozzles provided. The number of "pumps" using this definition will be the maximum number of standard passenger cars which can be served at the fuel dispensing islands on the site at one time.

(i) "Recreational"

The uses in this category are generally self-explanatory. Golf courses do not include miniature golf uses.

(j) For purposes of fees set forth in subparagraphs 1(a) through 1(i), the following definitions shall apply:

(1) "Low Density Residential Use" shall mean a detached building designed for occupancy by one family.

(2) "Medium Density Residential Use" shall mean a mobile home or an attached building designed for occupancy by two families or two detached buildings designed for occupancy on a single lot.

(3) "Medium High Density Residential Use" shall mean one or more buildings on a single lot designed for occupancy by three or more families.

(4) "Care Home Use" shall mean structures designed for use as a convalescent hospital, or a retirement home, or a twenty-four hour care center for seven or more persons in addition to members of the family, or a child day care center.

(5) "Church Use" shall mean structures primarily designed as a place for public worship.

(6) "School Use" shall include those uses offering educational services and/or vocational training to students aged five years or older but excluding child care facilities.

(7) "Professional Office Use" shall mean structures designed for use in which business, clerical, or professional activities are conducted, including medical or dental offices and laboratories (excluding retail or wholesale sales and banking institutions), and pharmacies (excluding manufacture and

distribution of pharmaceuticals).

(8) "Commercial Use" shall mean those uses designated as permitted or conditional uses in the C-1 and C-2 Zones of Title 21 of the Stanislaus County Code.

(9) "Fast Food Restaurant Use" shall mean those restaurant structures frequently designed with drive-in or drive-through facilities with menus to accommodate fast ordering and receipt of food with no, or a limited number of, sit down facilities.

(10) "Convenience Mart Use" shall include those structures of approximately one to five thousand square feet in size which are designed to be open for retail use between fifteen and twenty-four hours a day and which commonly sell fuel for motorized vehicles.

(11) "Industrial Use" shall mean those uses designated as permitted or conditional uses in the M, LM, and PI Zones of Title 21 of the Stanislaus County Code, excluding all those uses which are permitted in any of the other zones as set forth in Title 21 excepting mini-warehouses.

(12) "Capital Improvement" shall mean the following:

(i) Any structure or other improvement constructed or renovated by the County upon property owned by or under its control.

(ii) Any initial equipment or piece of equipment necessary to service new growth or new development.

for health services, both in-patient and out-patient, that includes surgical care of the sick or injured or the physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, out-patient departments, training facilities, central service facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered "professional offices" if located off-site, unless a multi-site campus is covered by a P-D Zone for hospital uses. A separate set of offices on the same site for physicians is considered "professional offices."

2. Fee Imposed.

A Public Facilities Fee shall be charged and paid at the time of issuance of a building permit for development. The fee shall be determined by the fee schedule in effect on the date the vesting tentative map or vesting parcel map is approved, or the date a permit is issued. The fee shall not be levied upon any building permit application, deemed complete, if submitted on or before December 29, 1989.

3. Amount of County Public Facilities Fee for the City of Modesto.

(a) The fee for the County-wide development fee within Modesto shall be the following:

**SUMMARY OF COUNTY-WIDE IMPACT FEES**

LAND USE	INTER-CITY ROADS	JAILS	JUSTICE	LIBRARY	PARKS	PUBLIC HEALTH	OUT- PATIENT	OTHER FACILITY	FEE ADMIN.	TOTAL FEE
<b>RESIDENTIAL (Unit Cost)</b>										
Single-Family	1,457	1,066	128	314	138	93	61	90	84	3,431
Multi-Family	976	689	83	203	89	60	39	58	55	2,252
LAND USE	INTER-CITY ROADS	JAILS	JUSTICE	LIBRARY	PARKS	PUBLIC HEALTH	OUT- PATIENT	OTHER FACILITY	FEE ADMIN.	TOTAL FEE
Senior Housing	583	689	83	203	89	60	39	58	45	1,849
<b>NON-RESIDENTIAL (per 1,000 sq. ft.)</b>										
<b>OFFICE</b>										
General Office/ Office Park	1,599	533	67	163	0	48	32	47	62	2,551
Medical Office	2,879	533	67	163	0	48	32	47	94	3,863
<b>INDUSTRIAL</b>										
Industrial (<20,000 sq. ft.) each 1,000 sq. ft. over 20,000 sq. ft.	800	237	29	70	0	21	14	20	30	1,221
	160	47	6	14	0	4	3	4	6	244
<b>COMMERCIAL/RETAIL</b>										
Convenience Market	13,030	332	40	98	0	29	20	28	339	13,916
Retail (<50,000 sq. ft.)	3,089	332	40	98	0	29	20	28	91	3,727
Retail (50-100,000 sq. ft.)	1,877	332	40	98	0	29	20	28	61	2,485
Retail (100-300,000 sq. ft.)	1,042	332	40	98	0	29	20	28	40	1,629
Shopping Mall	860	332	40	98	0	29	20	28	35	1,442
<b>RESTAURANTS</b>										
Fast Food	8,657	332	40	98	0	29	20	28	230	9,434
High Turnover	4,980	332	40	98	0	29	20	28	138	5,665
Sit Down	2,416	332	40	98	0	29	20	28	74	3,037
<b>FINANCIAL</b>										
Bank	4,798	332	40	98	0	29	20	28	134	5,479
Savings & Loan	1,829	332	40	98	0	29	20	28	59	2,435
<b>MISC. LAND USES</b>										
Manual Car Wash (stall)	1,200	332	40	98	0	29	20	28	44	1,791
Church	213	332	40	98	0	29	20	28	19	779
Day Care Center	1,230	332	40	98	0	29	20	28	44	1,821
Hospital	526	332	40	98	0	29	20	28	27	1,100
Mini-Warehouse	87	332	40	98	0	29	20	28	16	650
Nursing Home	90	332	40	98	0	29	20	28	16	653
Gas Station-per pump	605	332	40	98	0	29	20	28	29	1,181
Motel/Hotel-per room	213	332	40	98	0	29	20	28	16	779
<b>RECREATIONAL</b>										
Golf Course (per acre)	371	332	40	98	0	29	20	28	23	941
Movie Theater	5,845	332	40	98	0	29	20	28	160	6,552
Racquet Club (per court)	3,751	332	40	98	0	29	20	28	107	4,405
Tennis Courts (per court)	3,265	332	40	98	0	29	20	28	95	3,907

(b) Uses included in each land use type are specified in Section 1. Definitions.

(c) Uses not specified in Section 1. Definitions shall be charged at rates determined by the Director of Public Works, using trip generation estimates found in the most recent edition of Trip Generation Factors prepared by the Institute of Transportation Engineers (ITE) as used by Recht Hausrath during the preparation of the Public Facilities Fee Program or from other data sources acceptable to the Director. The formula used to derive the road fee portion of each category is the following:

SOURCES FOR FORMULA DATA

Peak Hour Trip End Generation: Applicant Traffic Studies

Diverted Trip Factor: Institute of Transportation Engineers (ITE)

Trip Length Factor: Choice by category

Residential	1.23
Non-residential	
Office and Industrial	.88
Commercial/Retail, Restaurants, Financial, and Miscellaneous	.77
Recreational	1.00

Composite Technical Factor: Diverted Trip Factor x Trip Length Factor

(i) Peak Hour Trip Rate is expressed in trip ends per unit of development (i.e., per DU, per 1,000 sf, etc.).

(ii) Adjustment Factor includes adjustment for trip length pass-by trips, and linkage to residential uses as estimated by the Director of Public Works.

4. Exemptions from Fee.

(a) The public facilities fees shall not be imposed on any of the following:

(1) Any alteration or addition to a residential structure, except to the extent that additional units are created;

(2) Any alteration or addition to a non-residential structure if the square footage is increased less than ten percent, unless the alteration or addition changes the use of the structure to a higher density category or will result in the generation of additional peak hour trip ends;

(3) Any replacement or reconstruction of any residential, commercial, or industrial development project that is damaged or destroyed as a result of a natural disaster as declared by the Governor.

(b) Whenever the alteration, addition, replacement, or reconstruction is not exempt, the fee shall be imposed only on the additional units or guest rooms, change in use, or additional trips generated.

5. Payment of Other Fees Required.

(a) Notwithstanding any other provision of this resolution, every development within the incorporated area of Modesto is responsible for the payment of all other applicable fees adopted by the City.

(b) Nothing in this resolution affects the obligation of any person to pay area of benefit fees established pursuant to the City Ordinance Code so long as this fee shall not result in a

duplicate fee for any development or portion thereof included in an area of benefit listed in Exhibit A.

6. Collection of Fee Reserves.

(a) The public facility fees which are adopted by this resolution shall be collected by the County of Stanislaus pursuant to a collection agreement which has been executed on the 13th day of March, 1990, between the City of Modesto and the County of Stanislaus.

7. Expenditure and Accounting for the Fees.

(a) The County of Stanislaus is responsible for expending and accounting for the fees adopted by this resolution pursuant to agreement and the requirement of California Government Code section 66000, et seq.

8. Exemption from California Environmental Quality Act (CEQA). In addition to the other findings made by this resolution, the City Council further finds that CEQA does not apply to the adoption of this resolution. Pursuant to the provisions of sections 15061 and 15273 of the State CEQA guidelines because:

(a) The fees established by this resolution will be collected, in part, for the purposes of obtaining funds to be used for development projects and improvements which are necessary to maintain the current level of service in terms of street capacity within the County as well as the purchase of certain items of capital equipment;

(b) To a limited extent, the fees established by this resolution will be used to fund some new facilities, such as

traffic signals, park and ride lots, bike paths, and pedestrian foot paths in new neighborhoods outside existing service areas. However, the addition of public facilities to new neighborhoods will not take place until there has been CEQA review of the development projects which will pay for said public facilities via the public facilities fee mechanism established by the Board of Supervisors Resolution No. 89-1724. The construction of each public facility will be subject to CEQA review. It is, therefore, reasonably certain that this resolution which established public facilities fees will not, by itself, have any possibility of causing a significant effect on the environment.

9. Subsequent Analysis of Fee.

The Fee established herein is adopted and implemented by the City Council in reliance on the comprehensive studies that have been prepared by the County. When additional information is available, the City Council shall review this fee to determine that the fee amounts are reasonably related to the impacts of developments, and to consider whether the fee should be more specifically refined. The City may revise the fees to incorporate the findings and conclusions of further studies and revisions that may be adopted by the Stanislaus County Board of Supervisors.

10. Effective Date of Public Facilities Fee.

The County Public Facility Fees need to go into effect immediately in order to protect the public health, safety and welfare of citizens throughout the County. It is necessary that the County Public Facility Fees go into effect immediately so that

comprehensive County Public Facility Fees which have been imposed throughout the County can begin at the same time. Failure to adopt the fees immediately may create deficiencies that may have an adverse effect on the County's ability to provide necessary public facilities; thereby, causing a threat to the public health, safety and welfare; therefor, this Resolution is effective immediately after adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Council Member Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Council Members: None

ABSENT: Council Members: None

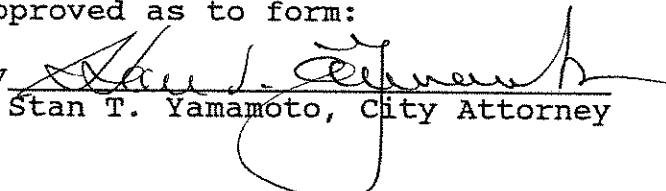
ATTEST:

  
Norrine Coyle, City Clerk

(SEAL)

Approved as to form:

BY

  
Stan T. Yamamoto, City Attorney

Date: December 19, 1989

No. 89-1724

On motion of Supervisor ..... Blom ..... , Seconded by Supervisor Paul .....

and approved by the following vote,

Ayes: Supervisors: ..... Paul, Blom, Simon, Cannella and Chairman Starn .....

Noes: Supervisors: ..... None .....

Excused or Absent: Supervisors: ..... None .....

Abstaining: Supervisor: ..... None .....

9:45 a.m.

THE FOLLOWING RESOLUTION WAS ADOPTED:

IN RE: ESTABLISHING A PUBLIC FACILITIES FEE FOR DEVELOPMENT WITHIN STANISLAUS COUNTY

WHEREAS, the Board of Supervisors of the County of Stanislaus has adopted Ordinance No. CS-360 to add Title 23 to the Stanislaus County Ordinance Code creating and establishing the authority for imposing and charging a Public Facilities Fee;

WHEREAS, pursuant to a public hearing, at which oral or written presentations can be made, as part of a regularly scheduled meeting;

WHEREAS, notice of the public meeting and a general explanation of the matter to be considered was published two times within 10 days according to California Government Code Section 6062a; and,

WHEREAS, a detailed Fiscal and Public Facilities study of the impacts of contemplated future development on existing public facilities in Stanislaus County through the year 2010, along with an analysis of the need of new public facilities and improvements required by future developments, has been prepared by Recht Hausrath & Associates entitled "Stanislaus County Public Facilities Fee Program" dated December, 1989. It is attached and labeled Exhibit A.

ATTEST: CLAUDIA LEONG, Clerk  
Stanislaus County Board of Supervisors,  
State of California,

EXHIBIT "A"

By: PATRICIA A. MINTON, Assistant Clerk

File No. S-18-00-3

WHEREAS, said study also sets forth the relationship between contemplated future development, the needed facilities, and the estimated costs of those improvements;

WHEREAS, these studies were available for public inspection and review for more than ten (10) days prior to this public hearing; and,

WHEREAS, the Board of Supervisors finds as follows:

A. The purpose of this fee is to finance public facilities to reduce the impact caused by future developments in Stanislaus County. Such improvements includes the expansion and construction of public improvements, public services and community amenities.

B. The fees collected pursuant to this resolution shall be used to finance the public facilities identified in Exhibit A attached hereto and incorporated by reference.

C. After considering the studies and analysis prepared by Recht Hausrath & Associates, and the testimony received at this public hearing, the Board of Supervisors approves and adopts said studies, and incorporates such herein, and further finds that the future development in Stanislaus County will generate additional demands on public facilities;

D. As development occurs there will be a need in Stanislaus County for expanded, improved or newly constructed public facilities. Said facilities have been called for in, or are consistent with, the County's General Plan;

E. The studies and the testimony establish:

(1) that there is a reasonable relationship between the need for the public facilities designated in Exhibit A and the impacts of the types of development for which the corresponding fee is charged,

(2) that there is a reasonable relationship between the fee's use and the type of development for which the fee is charged,

(3) that there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed, and

(4) that the cost estimates set forth in Exhibit A are reasonable cost estimates for constructing these facilities, and the fees expected to be generated by future developments will not exceed the total costs of constructing the public facilities identified in Exhibit A.

F. The Recht Hausrath Stanislaus County Public Facilities Fee Program dated December, 1989 is a detailed analysis of how public services will be affected by development within Stanislaus County, the existing deficiencies, and the public facilities required to accommodate that development and those deficiencies.

G. The method of allocation of the public facilities fee to a particular development bears a fair and reasonable relationship to each development's burden on, and benefit from, the facilities to be funded by the fee.

WHEREAS, this study finds that Public Facilities Fees are necessary to mitigate impacts caused by new development within the County and that the fees are needed to finance Public Facilities and to assure that new development pays its fair share for these improvements;

WHEREAS, the California Government Code provides that Public Facilities Fees may be enacted and imposed on development projects;

WHEREAS, the Board of Supervisors finds that the public health, safety, peace, morals, convenience, comfort, prosperity and general welfare will be promoted by the adoption of Public Facilities Fees for construction expansion or improvement of Public Facilities; and,

WHEREAS, failure to enact Public facility Fees will subject County residents to conditions perilous to their health and/or safety.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Stanislaus County that:

1. Definitions.

(a) "Development" shall mean the construction, alteration, addition, occupancy or use of any building or structure within Stanislaus County.

(b) "Dwelling Unit" shall mean a structure as defined in the Uniform Building Code (UBC) as adopted by Stanislaus County.

(c) "Residential"

(1) "Senior Housing" includes retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.

(2) "Single Family" is typically single family detached homes on individual lots, such as in residential subdivisions, but could also be in planned developments. Density of development may vary, but is typically ten (10) dwellings per acre or less.

(3) "Multiple" includes multiple family dwelling units of several types, including high and low rise apartments, high and low rise condominium, and multi-family residential planned unit developments. This category also applies to mobile homes.

(d) "Industrial" means the manufacture, fabrication, reduction or destruction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form or character thereof, but excluding mini-warehouses which are treated separately.

(e) "Office"

(1) "Medical" means buildings and clinics devoted to the practice of medical and dental professions or providing medical or dental services, including pseudo-medical services, but excluding hospitals and nursing homes, which are treated separately.

(2) "General" is all other types of general and professional offices, including but not limited to business parks, corporate headquarters, insurance sales, and research centers, and excluding government and US Postal Service.

(f) "Commercial"

(1) "Convenience Market" is retail grocery sales, off-site sale of beer and wine, often with on-site gasoline pumps, and usually open 24-hours or extended hours.

(2) "Restaurants"

(i) "Fast Foods" are eating establishments with or without sit-down facilities and with or without drive-up windows; generally food is ordered and taken to be consumed outside the building, although some on-site seating is usually provided.

(ii) "High Turnover" is sit-down eating establishments where food is ordered and consumed on the premises, and customers generally stay less than one hour; frequently belong to chains and typically serve breakfast, lunch and dinner.

(iii) "Quality" is sit-down eating establishments which generally have turnover rates of one hour or longer, typically do not serve breakfast, and may or may not serve lunch.

(3) "Retail" includes a wide range of retail and service uses, both free-standing and in shopping centers, including but not limited to supermarkets, drug stores, department stores, general merchandise, building materials or lumber stores, specialty retail stores, discount stores, hardware/paint stores, garden centers or nurseries, wholesale markets, apparel stores, furniture stores, video arcades, and new car sales. Does not include the following uses which shall be considered separately:

restaurants, convenience markets, banks, savings and loans, movie theaters, and other uses specifically defined as a separate category for streets fee purposes.

(g) "Financial"

(1) "Banks" are full service financial institutions with or without drive-up windows.

(2) "Savings and Loans" are financial institutions, with or without drive-up windows, which typically offer fewer financial services than banks and are typically smaller in gross floor area than banks. If a given Savings and Loan is 5,000 gross square feet or more, or provides full banking services, it should be treated as a bank.

(h) "Miscellaneous": the uses in this category are generally self-explanatory. Service station uses are uses which sell automotive fuels and possibly also provide automotive repair service, but do not have small retail shops (such as convenience markets). For fee calculation, a pump is defined as a fuel dispensing station, regardless of the number of pump machines or nozzles provided. The number of "pumps" using this definition will be the maximum number of standard passenger cars which can be served at the fuel dispensing islands on the site at one time.

(i) "Recreational": The uses in this category are generally self-explanatory. Golf courses do not include miniature golf uses.

(j) For purposes of fees set forth in subparagraphs 1(a) through 1(i), the following definitions shall apply:

(1) "Low Density Residential Use" shall mean a detached building designed for occupancy by one family.

(2) "Medium Density Residential Use" shall mean a mobile home or an attached building designed for occupancy by two families or two detached buildings designed for occupancy on a single lot.

(3) "Medium High Density Residential Use" shall mean one or more buildings on a single lot designed for occupancy by three or more families.

(4) "Care Home Use" shall mean structures designed for use as a convalescent hospital, or a retirement home, or a twenty-four hour care center for seven or more persons in addition to members of the family, or a child day care center.

(5) "Church Use" shall mean structures primarily designed as a place for public worship.

(6) "School Use" shall include those uses offering educational services and/or vocational training to students aged five years or older but excluding child care facilities.

(7) "Professional Office Use" shall mean structures designed for use in which business, clerical or professional activities are conducted, including medical or dental offices and laboratories, (excluding retail or wholesale sales and banking institutions), and pharmacies (excluding manufacture and distribution of pharmaceuticals).

(8) "Commercial Use" shall mean those uses designated as permitted or conditional uses in the C-1 and C-2 Zones of Title 21 of the Stanislaus County Ordinance.

(9) "Fast Food Restaurant Use" shall mean those restaurant structures frequently designed with drive-in or drive-through facilities with menus to accommodate fast ordering and receipt of food with no, or a limited number of, sit down facilities.

(10) "Convenience Mart Use" shall include those structures of approximately one to five thousand square feet in size which are designed to be open for retail use between fifteen and twenty-four hours a day and which commonly sell fuel for motorized vehicles.

(11) "Industrial Use" shall mean those uses designated as permitted or conditional uses in the M, LM and PI Zones of Title 21 of the Stanislaus County Ordinance Code, excluding all those uses which are permitted in any of the other zones as set forth in Title 21 excepting mini-warehouses.

(12) "Capital Improvement" shall mean the following:

(i) Any structure of other improvement constructed or renovated by the County upon property owned by or under its control.

(ii) Any initial equipment or piece of equipment necessary to service new growth or new development.

(13) "Hospital" shall mean a structure designed for health services, both in-patient and out-patient; that includes surgical care of the sick or injured or the physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, out-patient departments, training facilities, central service facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered "professional offices" if located off-site, unless a multi-site campus is covered by a P-D Zone for hospital uses. A separate set of offices on the same site for physicians is considered "professional offices".

(k) Capital Facilities Fees Administrative Fee

2.5% of the sum of the fees specified in subparagraphs 3(a) and 3(b).

2. Fee Imposed.

A Public Facilities Fee shall be charged and paid at the time of issuance of a building permit for development. The fee shall be determined by the fee schedule in effect on the date the vesting tentative map or vesting parcel map

is approved, or the date a permit is issued. The fee shall not be levied upon any building permit application, deemed complete, if submitted on or before December 29, 1989.

3. Amount of Public Facilities Fee.

(a) The fee for county-wide development shall be the following:

<u>LAND USE</u>	<u>TOTAL FEE</u>
<b>RESIDENTIAL</b>	
Single-family	\$ 4,957 per unit
Multi-family	3,275 per unit
Senior Housing	2,459 per unit
<u>LAND USE</u>	<u>TOTAL FEE</u>
<b>NON-RESIDENTIAL</b>	
Office	
General Office/office Park	5,232 per 1,000 sq. ft.
Medical Offices	8,687 per 1,000 sq. ft.
Industrial	
High Density Industrial	2,560 per 1,000 sq. ft.
Low Density Industrial	1,754 per 1,000 sq. ft.
Commercial/Retail	
Convenience Market	74,169 per 1,000 sq. ft.
Retail ( 50,000 sq. ft.)	18,141 per 1,000 sq. ft.
Retail (50-100,000 sq. ft.)	11,243 per 1,000 sq. ft.
Retail (100-300,000 sq. ft.)	6,492 per 1,000 sq. ft.
Shopping Mall	5,454 per 1,000 sq. ft.
Restaurants	
Fast Food	49,239 per 1,000 sq. ft.
High Turnover	28,909 per 1,000 sq. ft.
Sit Down	14,275 per 1,000 sq. ft.
Financial	
Bank	27,730 per 1,000 sq. ft.
Savings and Loan	10,919 per 1,000 sq. ft.
Miscellaneous Land Uses	
Manual Car Wash (stall)	7,388 per 1,000 sq. ft.
Church	1,771 per 1,000 sq. ft.
Day Care Center	7,523 per 1,000 sq. ft.
Hospital	3,549 per 1,000 sq. ft.
Mini-Warehouse	1,053 per 1,000 sq. ft.
Nursing Home	1,071 per 1,000 sq. ft.
Gas Station	4,021 per pump
Motel/Hotel	1,771 per room

Recreational

Golf Course	1,518 per acre
Movie Theater	15,637 per 1,000 sq. ft.
Racquet Club	10,235 per court
Tennis Courts	8,983 per court

Notes:

(i) If the development is within any sphere of a city or town which has established a road fee, then the City/County Road fee of the County-wide Fee shall be replaced by the city or town road fee.

(ii) Uses included in each land use type are specified in Section 1. Definitions.

(iii) Uses not specified in Section 1. Definitions shall be charged at rates determined by the Director of Public Works, using trip generation estimates found in the most recent edition of Trip Generation Factors prepared by the Institute of Transportation Engineers (ITE) as used by Recht Hausrath during the preparation of the Public Facilities Fee Program or from other data sources acceptable to the Director. The formula used to derive the road fee portion of each category is the following:

INTER CITY ROAD FEE

Peak Hour Trip End Generation x Diverted Trip Factor x Trip Length Factor x Single Family Residential Adjusted Fee (\$1,428) = Technical Adjustment Fee.

CITY/COUNTY ROAD FEE

Trip Hour Trip End Generation x Diverted Trip Factor x Trip Length Factor x Single Family Residential Adjusted Fee (\$967) = Technical Adjustment Fee.

SOURCES FOR FORMULA DATA

Peak Hour Trip End Generation: Applicant Traffic Studies

Diverted Trip Factor: Institute of Transportation Engineers (ITE)

Trip Length Factor: Choice by category

Residential 1.23

Non-residential

Office and Industrial .88

Commercial/Retail, Restaurants .77

Financial and Miscellaneous

Recreational 1.00

Composite Technical Factor: Diverted Trip Factor x Trip Length Factor

(iv) Peak Hour Trip Rate is expressed in trip ends per unit of development (i.e., per DU, per 1,000 sf, etc.).

(v) Adjustment Factor includes adjustment for trip length pass-by trips, and linkage to residential uses as estimated by the Director of Public Works.

(b) The fee for unincorporated development shall be the following:

<u>LAND USE</u>	<u>UNINCORP SERVICES</u>
<b>RESIDENTIAL</b>	
Single-family	\$607 per unit
Multi-family	393 per unit
Senior Housing	393 per unit
<b>LAND USE</b>	
<b>UNINCORP SERVICES</b>	
<b>NON-RESIDENTIAL</b>	
<b>Office</b>	
General Office/office Park	318 per 1,000 sq. ft.
Medical Offices	318 per 1,000 sq. ft.
<b>Industrial</b>	
High Density Industrial	136 per 1,000 sq. ft.
Low Density Industrial	45 per 1,000 sq. ft.
<b>Commercial/Retail</b>	
Convenience Market	191 per 1,000 sq. ft.
Retail ( 50,000 sq. ft.)	191 per 1,000 sq. ft.
Retail (50-100,000 sq. ft.)	191 per 1,000 sq. ft.
Retail (100-300,000 sq. ft.)	191 per 1,000 sq. ft.
Shopping Mall	191 per 1,000 sq. ft.
<b>Restaurants</b>	
Fast Food	191 per 1,000 sq. ft.
High Turnover	191 per 1,000 sq. ft.
Sit Down	191 per 1,000 sq. ft.
<b>Financial</b>	
Bank	191 per 1,000 sq. ft.
Savings and Loan	191 per 1,000 sq. ft.
<b>Miscellaneous Land Uses</b>	
Manual Car Wash (stall)	191 per 1,000 sq. ft.
Church	191 per 1,000 sq. ft.
Day Care Center	191 per 1,000 sq. ft.
Hospital	191 per 1,000 sq. ft.
Mini-Warehouse	191 per 1,000 sq. ft.
Nursing Home	191 per 1,000 sq. ft.
Gas Station	191 per pump
Motel/Hotel	191 per room
<b>Recreational</b>	
Golf Course	191 per acre
Movie Theater	191 per 1,000 sq. ft.
Racquet Club	191 per court
Tennis Courts	191 per court

4. Exemptions from Fee.

(a) The public facilities fees shall not be imposed on any of the following:

(1) any alteration or addition to a residential structure, except to the extent that additional units are created;

(2) any alteration or addition to a non-residential structure if the square footage of the structure is increased less than ten percent, unless the alteration or addition changes the use of the structure to a higher density category or will result in the generation of additional peak hour trip ends;

(3) any replacement or reconstruction of any residential, commercial or industrial development project that is damaged or destroyed as a result of a natural disaster as declared by the Governor.

(b) Whenever the alteration, addition, replacement or reconstruction is not exempt, the fee shall be imposed only on the additional units or guestrooms, change in use, or additional trips generated.

5. Payment of Other Fees Required.

(a) Notwithstanding any other provision of this resolution, every development within the unincorporated area of Stanislaus County is responsible for the payment of all other applicable fees adopted by the County.

(b) Nothing in this resolution affects the obligation of any person to pay area of benefit fees established pursuant to Stanislaus County Ordinance Code so long as this fee shall not result in a duplicate fee for any development or portion thereof included in an area of benefit listed in Exhibit A.

6. Use of Fee Revenues.

(a) The revenues collected by payment of the public facilities fee shall be placed in the Public Facilities Fund and shall be segregated in separate and special accounts as provided herein and such revenues, along with any interest earnings on each account, shall be used for the following purposes:

(1) to pay for design and construction of designated public facilities and reasonable costs of outside consultant studies related thereto;

(2) to reimburse developers who have designed and constructed designated public facilities which are oversized with supplemental size, length, or capacity; and

(3) to pay for and/or reimburse costs of program development and ongoing administration of the Public Facilities Fee program.

7. Expenditure of the Fees.

(a) Fees in the Public Facilities Accounts shall be expended only for those facilities listed in Exhibit A and only for the purpose for which the fee was collected.

(b) The standards upon which the needs for facilities are based are the standards of the County. The County has undertaken an extensive capital improvement program to implement these standards and the County will remedy existing deficiencies without using proceeds of the public facilities fee.

8. Administrative Regulations. The Chief Administration Office shall develop rules and regulations for the effective implementation and administration of the public facilities fee and to annually review and update the Fee Schedule.

9. Annual Review.

(a) No later than June 30 of each year, the Auditor-Controller shall prepare a report for the Board of Supervisors identifying the balance of fees in the public facilities accounts, the facilities constructed and the capital facilities to be constructed. In preparing the report, the Auditor-Controller shall adjust the estimated costs of the public improvements in accordance with the Engineering Construction Cost Index as published by Engineering News Record for the elapsed time period from the previous July 1 or the date that the cost estimate was developed. The annual report shall also include a review of the administrative charge.

(b) The Board shall review the report at a noticed public hearing and shall make findings identifying the purpose to which the existing fee balances are to be put and demonstrating a reasonable relationship between the fee and the purpose for which it is charged. The Board may revise the public facilities fee to include increased construction costs.

10. Exemption from California Environmental Quality Act (CEQA). In addition to the other findings made by this resolution, the Board of Supervisors further finds that CEQA does not apply to the adoption of this resolution. Pursuant to the provisions of Sections 15061 and 15273 of the State CEQA guidelines because:

(a) the fees established by this resolution will be collected, in part, for the purposes of obtaining funds to be used for development projects and improvements which are necessary to maintain the current level of service in terms of street capacity within the County as well as the purchase of certain items of capital equipment;

(b) to a limited extent, the fees established by this resolution will be used to fund some new facilities, such as traffic signals, park and ride lots, bike paths and pedestrian foot paths in new neighborhoods outside existing service areas. However, the addition of public facilities to new neighborhoods will not take place until there has been CEQA review of the development projects which will pay for said public facilities via the public facilities fee mechanism established by this resolution. The construction of each public facility will be subject to CEQA review. It is, therefore, reasonably certain that this resolution which establishes public facilities fees will not, by itself, have any possibility of causing a significant effect on the environment.

11. Subsequent Analysis of Fee. The Fee established herein is adopted and implemented by the Board in reliance on the comprehensive studies that have

been prepared by the County. When additional information is available, the Board shall review this fee to determine that the fee amounts are reasonably related to the impacts of developments, and to consider whether the fee should be more specifically refined. The Board may revise the fee to incorporate the findings and conclusions of further studies and any revised standards in the County's General Plan.

12. Effective Date of Public Facilities Fee. This resolution is effective sixty (60) days after passage.

**STANISLAUS COUNTY  
PUBLIC FACILITIES FEE  
PROGRAM**

*Prepared for:*  
**THE COUNTY OF STANISLAUS**

*Prepared by:*  
**RECHT HAUSRATH & ASSOCIATES  
URBAN ECONOMISTS**

1212 Broadway, Suite 1700  
Oakland, California 94612

December 19, 1989

## I. INTRODUCTION AND SUMMARY

### Reason For Fees

Several events during the past ten years have undercut the financial capacity of local governments to build infrastructure: passage of Proposition 13, difficulty passing bond initiatives, and severe reductions in federal and state assistance. As an immediate response to their funding crisis, cities and counties throughout California cut back services, deferred maintenance, and slashed capital investment.

As a longer-term response, most cities and counties are shifting the burden of financing the capital costs of additional infrastructure from tax revenues and general obligation bonds to new development. This shift has primarily been accomplished through the imposition of development impact fees, within city boundaries. Some fee programs address only a few specific facilities, such as sewer, fire, or storm drainage, while other municipal fee programs are comprehensive, requiring developers to pay for all additions to municipal facilities needed to accommodate new development.

As a result of wide-spread imposition of development fees, the State Legislature passed AB 1600 which spells out some ground rules for imposition and on-going administration of impact fees. The law, which became effective in January 1989, requires local governments to document the *nexus* between the amount new development and the facilities that will be built to it. The legal requirements restrict how local governments may impose and use impact fees. But it has also made local governments less vulnerable to litigation and has given developers a more predictable environment in which to build.

In contrast to most cities in the State, California counties have been far less aggressive imposing comprehensive fees that will fund the full costs of all additional infrastructure

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serving new growth. As will be explained below, a comprehensive county-wide program for development fees is more complex than an equivalent municipal program. In order to give the reader a clear understanding of this complexity, the first chapter discusses the following topics before presenting the detailed analysis used to calculate the fees for each type of facility.

- Process of Fee Determination
- Fee Schedules (Tables)
- Implementation and Administration
- Existing Deficiencies
- County Fees in Urban Spheres and City Annexation Policies

The introduction is intended to provide the reader with a general understanding of the concepts and methodology used to design the specific fees. The succeeding chapters each contain a detailed analysis of the specific costs, benefits, and assumptions involved in the calculation of each group of facility fees.

#### Process of Fee Determination

The design of a development fee program follows a five step process: (1) Selecting a time period (or area of development, e.g., city limits); (2) Projecting new development; (3) Identifying the facilities to accommodate new development; (4) Estimating their cost; (5) Selecting an appropriate and equitable means to allocate costs among new development (and, if applicable, existing deficiencies).

- (1) Time Period - The determination of development fees begins with the selection of the time period over which population growth and development will be measured. The county's capital improvements plan and the official population and economic forecasts are central to the impact fee study. Therefore, it is convenient to have the

time period aligned with these documents. The county's recently adopted forecasts are projected to the year 2010. Since the capital improvement plan was based on the population forecast, it also forecasts facility requirements out to 2010. This data is therefore used for fee determination purposes.

- (2) Growth Projection - The requirements for new facilities are based on a forecast by QED Research, Inc. (*A Strategic Planning Approach for a County in Change, Population and Economic Forecasts 1988-2010*, June 1988) which forecasts county-wide population and employment reaching approximately 610,000 and 207,600 by the year 2010, respectively. The unincorporated population and employment, based on a synthesis of forecasts from the Planning Department, State Department of Finance (DOF), and SAAG, will reach about 119,300 residents and approximately 20,200 workers by 2010.
  
- (3) Facilities to Accommodate Growth - The determination of the quantity of new facilities required to serve the forecasted population growth requires the adoption of standards. These standards establish the level of service (L.O.S.) for existing and future county infrastructure. Standards are often stated in terms of a departments staff per capita or some amount of facilities per capita (e.g., acres of park land). The amount of new facilities that new development must fund is calculated according to the projected population growth.

In most cases, the county can adopt its own standards that reduce, maintain, or increase the present level of service being provided to the existing population. In some cases, however, the standards are mandated by state or federal regulations (e.g. minimum number of jail cells with single bunks). New development cannot be held accountable for higher standards than the current population provides for itself; thus, if present facilities are not up to a chosen standard, the county may establish a

higher standard only if the county funds the necessary improvements to its existing facilities.

The standards and type of facilities required to serve existing population and new development were established through a two part process. Initial standards were recommended during extensive consultations with each county department. These standards were then reviewed by a policy group composed of elected policy-makers and key county staff. The final determination is the responsibility of the County Board of Supervisors.

- (4) Estimating Cost of Facilities - Each department provided cost estimates for the new facilities it will require to serve new growth and, if necessary, to remedy existing deficiencies. Additional sources for cost estimates include the Capital Improvements Plan (CIP) and the departments of planning, purchasing, auditor/controller, and Chief Administrative Officer (CAO). Careful review was given to the determination as to which facilities, and their costs, were appropriately included as part of the development fee program.
- (5) Allocating Total Facility Costs - There are three steps required to formulate an equitable allocation of the capital costs for county infrastructure: (a) the cost of remedying existing deficiencies must be separated from the financing of facilities to accommodate new growth; (b) costs for county-wide services (e.g., criminal justice system) must be distinguished from county services provided only in the unincorporated areas (e.g., sheriff's patrol); and finally, (c) costs for new facilities must be distributed among different types of development (e.g., residential, retail, etc.).

The first step separates the cost of (1) bringing existing infrastructure up to standard and (2) the amount calculated to fund improvements to accommodate new growth

## Introduction

out to the end of the forecast period. The amount required to cure existing deficiencies cannot be included in development fees. Thus the capital investment for a single facility that both remedies an existing deficiency and provides additional capacity to accommodate growth must be allocated according to the shares that benefit each group. For example, a county might build a new 20,000 square foot jail for \$10 million. In order to reduce the current overcrowding, a county might need to construct 5,000 square feet, leaving 15,000 square feet to jail the forecasted increase in inmates through 2010. Development fees could provide \$7.5 million and the remaining \$2.5 million would come from other sources, perhaps the county's general fund or a one-time federal grant. If the entire project were being financed with bonds, new development could not be made responsible for more than three-quarters of the debt service.

The second allocation divides the cost for new facilities that will benefit growth county-wide versus growth exclusively in unincorporated areas (e.g., sheriff's patrols in unincorporated areas versus county-wide jails for all inmates). A county service delivered exclusively to unincorporated areas will be charged in a separate fee to development specifically in those areas. In the case of traffic fees, for example, three divisions will be necessary. These are the road construction necessary for secondary county roads to serve remote developments, the improvements to major county arteries that benefit growth county-wide and, where arranged with cities, roads within the cities' urban spheres.

The final allocation distributes the cost of new facilities that will serve growth among five land use categories (i.e., single-family residential; multi-family residential; office; retail; and low and high density industrial). For most types of facilities, development fees for residential projects are based upon an average number of residents per dwelling unit for each land use type, and non-residential projects are charged on the average number of employees per 1,000 square feet.

Traffic impact fees are based on trips generated and thus differentiated even more finely among land uses.

Summary of Facility Costs and Proposed Fee Schedules (Tables I-2 and I-3)

The three tables below summarize the facilities cost and fees necessary for the next twenty years of new development. Tables I-1 presents the cost of facilities that will serve forecasted growth out to 2010.

TABLE I - 1

**COST OF FACILITIES TO ACCOMMODATE GROWTH**  
(Millions of 1989 Dollars)

<u>County Facilities</u>	<u>County-Wide</u>	<u>Unincorporated</u>	<u>Total</u>
Inter-City Roads	\$267.3	0	\$267.3
City/County Roads <sup>1</sup>	53.1	0	\$53.1
Criminal Justice System	12.5	0	12.5
Jails & County-Wide Sheriff Services	103.4	0	103.4
Sheriff's Patrol & Investigation	0	1.3	1.3
County Fire Warden	0	2.2	2.2
Parks & Recreation	11.0	0	11.0
Out-Patient Care	5.9	0	5.9
Libraries	30.7	0	30.7
Public & Mental Health	8.8	0	8.8
Other County Facilities	8.9	2.6	11.5
Fee Administration (2.5 percent)	<u>12.5</u>	<u>1.5</u>	<u>14.0</u>
<b>TOTAL</b>	<b>\$514.1</b>	<b>\$7.6</b>	<b>\$521.7</b>

<sup>1</sup>The distribution of the cost for *City/County* road projects (\$53.1 million) includes new development in all unincorporated areas and eight cities, excluding Modesto and its urban sphere and the Salida Planned Development (see page VI-4).

Source: Stanislaus County and Recht Hausrath & Associates

## Introduction

Table I-2 on the following page presents the proposed *county-wide* fees that would be charged to each type of land use. These fees apply to all new development that will occur county-wide including development with the nine cities. The one exception is the city/county road fee, which would not be imposed on new development that occurs within a city's sphere of influence that has implemented a *sphere* fee. A *sphere* fee includes the cost of street improvements throughout the city and its sphere (e.g., Modesto). Thus when a city imposes its own sphere fee, the county would collect the sphere fee for the city instead of the county's city/county fee. The two fees are mutually exclusive. Table I-3 presents the proposed fees paid by new development that will occur in the unincorporated areas of the county. The following examples presents typical applications of the county's two fee schedules plus a city's own fee program:

New development located inside the city limits of any city except Modesto would pay the county-wide fees listed in Table I-2 plus any city fees that the particular city requires.

New development outside the city limits of the eight cities (exclusive of Modesto and its sphere of influence) would pay both the county-wide fees show in Table I-2 plus the unincorporated fees shown in Table I-3.

New development within Modesto's sphere of influence (and outside Modesto's city limits) will pay both the county-wide fees (Table I-2) plus the unincorporated fees (Table I-3) except that the *city/county* road fee will be replaced with Modesto's own streets fee.

- New development within the City of Modesto would pay all Modesto's city fees and all of the county-wide fees (Table I-2).

The two county road fees, *inter-city* and *city county*, are presented in Table I-2 as approximate averages of the land-use specific fees, shown at the conclusion of Chapter VI in Tables VI-10 and VI-11. The actual fees listed in Tables VI-10 and VI-11 are determined by the number of trips generated by specific types of land-use.

TABLE I - 2

## COUNTY-WIDE CAPITAL FACILITIES FEES

*(Fees apply to all new development county-wide)*

FACILITIES	LAND USE CATEGORIES					
	RESIDENTIAL		NON - RESIDENTIAL			
	Single Family <sup>1</sup>	Multi-Family <sup>1</sup>	Office <sup>2</sup>	Retail <sup>2</sup>	Industrial <sup>2</sup> (high density) <sup>3</sup>	Indu (low c
Inter-City Roads <sup>4</sup>	\$1,757	\$1,177	\$2,513	\$6,220	\$1,257	
City/County Roads <sup>5</sup>	1,189	797	1,702	4,212	851	
Criminal Justice	128	83	67	40	29	
Jails	1,066	689	533	332	237	
Libraries	314	203	163	98	70	
Parks	138	89	n/a	n/a	n/a	
Out-Patient Care	61	39	32	20	14	
Public & Mental Health	93	60	48	29	21	
Other County Facilities	90	58	47	28	20	
Fee Administration (2.5 percent)	<u>120</u>	<u>80</u>	<u>128</u>	<u>274</u>	<u>64</u>	
<b>TOTAL</b>	<b>\$4,956</b>	<b>\$3,275</b>	<b>\$5,233</b>	<b>\$11,253</b>	<b>\$2,563</b>	

1 Fees per dwelling unit

2 Fee charge per gross thousand usable square feet.

3 High density industrial is defined as building under 100,000 square feet with employment densities of 700 square feet per employee. Low density building are over square feet and are assumed to have employment density of 2,100 square feet.

4 Actual fees for specific types of non-residential land use categories depends upon specific trip generation and technical adjustments for each type of development. They have all been calculated using a technically adjusted cost per peak hour tripend of \$1,428 (see page VI-13).

5 This fee is calculated using an adjusted cost per peak hour tripend of \$967. This fee is replaced by a city's own sphere fee that includes traffic planning in the city's urban sphere.

Source: Recht Hausrath & Associates

TABLE I - 3

UNINCORPORATED AREA CAPITAL FACILITIES FEES

(Development in unincorporated areas is subject to both county-wide and unincorporated fees)

FACILITIES	LAND USE CATEGORIES					
	RESIDENTIAL		NON - RESIDENTIAL			
	Single Family <sup>1</sup>	Multi-Family <sup>1</sup>	Office <sup>2</sup>	Retail <sup>2</sup>	Industrial <sup>2</sup> (high density) <sup>3</sup>	Industrial <sup>2</sup> (low density) <sup>3</sup>
Sheriff's Patrol	\$134	\$87	\$70	\$42	\$30	
Fire	192	124	100	60	43	
Other County Facilities	266	172	140	84	60	
Fee Administration (2.5 percent)	<u>15</u>	<u>10</u>	<u>8</u>	<u>5</u>	<u>3</u>	
TOTAL	\$607	\$393	\$318	\$191	\$136	

1 Fees per dwelling unit

2 Fee charge per gross usable thousand square feet

3 High density industrial is defined as building under 100,000 square feet with employment densities of 700 square feet per employee. Low density building are over 100,000 square feet and are assumed to have employment density of 2,100 square feet.

### Implementation and Administration

A small part of the cost of supplying the facilities to accommodate development consists of the documentation, administration and implementation expenses of the fee program. An estimate of 2.5 percent of all fees collected appears to be a reasonable estimate for these costs. The county is therefore justified in adding a 2.5 percent surcharge on all fees collected to cover these overhead costs. The actual expenses incurred will be monitored and compared with this estimate; the fee will be adjusted as necessary to insure that excess funds are not collected. Experience shows administrative costs decline over time as the Public Works Department becomes more proficient at processing permits and annual fee updates become more automatic.

The county will undertake annual and longer-term (perhaps five-year) reviews of its facilities fee program. The annual review will verify that the assumptions on which the fees are based remain generally applicable; it will also involve adjustments for inflation. The longer-term reviews will allow for re-examination of previous assumptions with regard to growth forecasts, development trends, facilities needs, annexation, inflation, land costs, etc. Such reviews will help attune long-range infrastructure planning to the county's changing needs and ensure that the county is proceeding with remedying its current deficiencies.

### Administrative Guidelines

The actual implementation and administration of an impact fee program will involve adopting a host of new procedures, training personnel, tracking facility costs and accounting for fee revenues. In addition, county staff will be frequently confronted with particular situations in which they must interpret the program's criteria and render special judgements. Just a few examples include determining what type of building permits do or do not require fee payment (e.g., residential remodeling), fees for

temporary uses (e.g. model homes), conversions of property from one type of land use to another (e.g., retail to office space), and the timing and method of updating the cost assumptions and inventory of additional infrastructure needed to serve growth.

Furthermore, the accounting involved in the program is likely to require more attention than a municipal fee program does because of the added complexity of the county-wide fee program compared to fees collected by cities.

Many cities implementing comprehensive fee programs (as well as specific traffic, park, and public safety fees) have adopted administrative guidelines that provide staff and the development community with guidance during the initial implementation and on-going operation of the program. The guidelines are intended to maintain consistent standards regardless of city personnel turnover or updates to the fee program. While the preparation of administrative guidelines is outside the scope of this report, we recommend the county begin to consider what steps must be taken to implement and administer the fee program once adopted by the Board of Supervisors.

#### Existing Deficiencies

The law establishing the right of local governments to collect development fees (Government Code 66000 *et. seq.*) states that funds collected can only be used for facilities to accommodate new development. Furthermore, existing deficiencies must be brought up to the same level of service required for facilities serving new development. If facilities do not currently meet the established level of service, the county should document how it plans to remedy the existing deficiencies with funding sources independent of development fees in order to be able to impose development fees based on the higher level of service. This is usually done through the capital improvements program (CIP). The CIP may include projects that both remedy existing deficiencies and build additional capacity to accommodate new development. Some projects are jointly funded by (1) fees on new development and (2) other county sources.

Table I-4 summarizes the existing deficiencies in each fee category. The amounts listed are all net costs; in other words they are derived by reducing the total cost of each department's projects by the amount benefiting growth. In some cases, existing facilities have capacity to accommodate new growth. In some cases, the county may estimate the original cost of constructing such additional capacity and charge new development a "buy-in" fee.

TABLE I - 4  
SUMMARY OF COUNTY FACILITY DEFICIENCIES

<u>FACILITY TYPE</u>	<u>Estimated Cost (1989 Dollars)</u>
Jail & County-Wide Sheriff's Services	\$25.8 <sup>1</sup>
Justice System	6.3
Sheriff Patrol & Investigation	3.9 <sup>1</sup>
Fire	3.2 <sup>1</sup>
Parks	0.6
Public & Mental Health	0.5
Libraries	0
Out Patient Care	0
Traffic and Roads	0
Other County Facilities	<u>0</u>
<b>TOTAL</b>	<b>\$40.3</b>

<sup>1</sup> These services involve significant replacement of the existing facilities with new construction. The cost estimate of these deficiencies does not include any deductions for the salvage value of the existing facilities.

Source: Recht Hausrath & Associates

The total cost of the county's deficiencies, approximately \$40.3 million (1989 dollars), must be remedied if the county chooses to impose the fees as structured in this report.

While there is no legal requirements dictating how quickly the county must remedy its deficiencies, the "rule-of-thumb" commonly applied suggests 5 percent of the deficiency, or about \$2 million, be remedied each year over the 20 year planning horizon.

County Fees in Each of the Urban Spheres and Cities' Annexation Policies

Future county infrastructure constructed to accommodate development in one of the nine cities' spheres of influence requires special consideration, because there is a probability that these areas will be annexed into the city eventually. At the time of annexation, the facility capacity developed by the county to provide unincorporated area services (e.g., sheriff's office space) is no longer needed while the annexing city needs facilities (e.g., police station space) to provide its services. The county and the cities will have to negotiate a procedure to accommodate such transactions.

## II. NEW DEVELOPMENT

### Introduction

This chapter describes how the officially adopted forecasts of county population and employment growth are used to calculate the amount of new development in each of five land use categories: single family residential, multi-family residential, office, retail and industrial. These net additions to residential and non-residential development are then weighted to adjust each category's utilization of the new infrastructure necessary to serve the next 20 years of future growth.

We assume demand for most facilities will increase at the same rate as the population served. The notable exceptions are criminal justice facilities. Historically, demands on the county's criminal justice system have increased more rapidly than the growth in population. This phenomenon will be discussed in greater detail in the section on criminal justice fees. With the exception of criminal justice fees, however, we will assume that demand for all other county infrastructure will increase at the same rate as the number of persons served.

Fees are based on the forecasted population and employment growth over a twenty year time period: 1990 to 2010. We selected this period for this study because it corresponds to the latest forecast adopted by the county. This principal demographic/economic forecast served as a basis for projecting the need for additional facilities to serve new growth. The latter part of this chapter explains how we applied the principal forecast to our specific growth projections for each type of land use.

This chapter will explain how the official county-wide forecast of population and employment growth will be used to measure the demand for county services from five

types of land use: single family residential, multi-family residential, office, retail, and industrial. The chapter is organized into the following four sections.

- Forecasted Population Growth
- Forecasted Employment Growth
- County Land Use Trends and Policies
- Allocation of Growth to Land Use Categories

The first two of four sections present the official county forecast of population and employment in more detail. The third section discusses county land use trends and policies and their effects of future development. The fourth section describes (1) how forecasted population and employment are used to calculate the amount of new development in each of the five land use categories and (2) how these amounts are weighted according to their burden on county facilities.

#### Forecasted Population Growth

Three forecasts of county population growth have been completed since 1985 and differ substantially in their estimates of population. The county has officially adopted the third and latest set of forecasts, the QED Research Inc., Population and Economic Forecasts: 1988-2010. This study has developed two growth forecasts that form lower and upper bounds given the uncertainties of economic cycles, public policies, and commuting patterns. The primary differences between the two scenarios are assumptions about the increase of Bay Area commuters and the growth of county employment. The lower growth scenario assumes commuting will peak at 20,000 in the year 2000 and then remain constant, while an estimated 80,000 new residents moving into the county between 2000 and 2010 will find local employment. The higher growth scenario forecasts Bay Area commuters will peak at 30,000 in the year 2000 and then decline to 27,000 as some county residents switch to jobs in the local economy. This

scenario also forecasts 108,000 new residents will move into the county between 2000 and 2010, with all of the growth being accommodated by the growing local employment base.

In order to develop an impact fee for services provided only to specific areas (e.g., unincorporated areas) or particular types of land use (e.g., residential), more specialized forecasts were needed than provided by the QED county-wide demographic projections. Demographic and economic data from a variety of sources (e.g., SAAG, Department of Finance, County of Stanislaus, City of Modesto, Caltrans, etc.) were used to derive these specialized forecasts. During the preparation of this report subsequent updates to the forecasts from SAAG and Department of Finance have projected population exceeding the county's current projections. To the degree possible, the forecast currently adopted by the county was made consistent with the projections for specific areas. However, some inconsistencies were unavoidable and therefore tolerated. Table II-1 shows the QED Research forecast for county-wide population and employment.

TABLE II - 1

DEMOGRAPHIC & ECONOMIC TRENDS  
(County-wide population in thousands)

	<u>1990</u>	<u>2000</u>	<u>2010</u>	<u>Compound Annual Growth</u>
Population	370	502	610	2.53%
Employment	154	221	282	3.07%
Resident Commuters	16	30	27	2.65%

Source: *A Strategic Planning Approach for Change: Population and Economic Forecasts 1988-2010*, Kreines & Kreines and Q.E.D. Research Inc., June 1988

Recent growth patterns in the county indicate new development will be most rapid in communities near major commute corridors (e.g. Patterson/Interstate 5 and Salida/Highway 99). The county's forecast assumes commuters to the Bay Area will continue to expand until the year 2000, and then decline slightly to around 27,000 by 2010. From 2000 to 2010, the forecast projects county-wide population increases by an additional 108,000, all presumably employed in the local economy. Thus, the county expects its own regional economy will offer employment opportunities at a rate slightly faster than population growth.

The county's Economic Strategic Plan disaggregated the QED county-wide projections into estimated populations for the nine cities and the unincorporated area. However, this disaggregation was based upon the QED more conservative forecast which projected county-wide population reaching 535,000 by 2010, while the newly adopted forecast predicts 610,000 residents county-wide. In order to revise the county's forecast so that it aligned with the higher growth forecast, we distributed the larger population between cities according to the basic distribution of population used in the county's Economic Strategic Plan. Modesto and its urban sphere was the exception, where the city's own forecast was used for traffic planning and the calculation of impact fees.

This process generated twenty year population projections for the following three areas within the county that are relevant to the calculation of impact fees: (1) The City and urban sphere of Modesto, (2) the unincorporated area of the county, (3) the other eight cities. The rapid development occurring throughout the county, especially in areas such as Salida Planned Development, indicates these forecasts already understate growth over the next twenty years.

Despite the uncertainties, a forecasted 26,210 additional residents in unincorporated areas seems reasonable given the expected annexation policies of most cities. Some critical assumptions underlying the projection of unincorporated residential development

are explained in the County Land Use and Policies section, below. This residential and non-residential growth in the unincorporated areas, will fund the additional facilities (e.g., sheriff patrol and investigation, rural roads) that will be necessary to serve its needs. In the following section we examine employment growth county-wide and in the unincorporated areas.

#### Forecasted Employment Growth

The next twenty years of non-residential growth will also impact county infrastructure. Thus, future non-residential development should pay impact fees that reflect its share of the benefits derived from new facilities. As noted above, the county's forecast predicts Bay Area commuters will play a significant role as a driver of county-wide population growth for the next ten years and that local employment will increase more rapidly after the year 2000. Two forces will help improve local employment opportunities and lessen the significance of residents commuting to work outside the county. The first consists of increasing demand for local goods and services from a growing county population (known as the "multiplier effect").

The second force is a longer-term out-migration of Bay Area businesses and their relocation to Stanislaus and other Central Valley counties. The underlying logic of this second force postulates that Bay Area employers will relocate to Stanislaus County as skyrocketing housing prices and congested freeways inflate their wage costs and retard the efficiency of northern California and state-wide distribution operations. These firms will hire county residents (including some wage-earners who are presently commuters) that are willing to work for lower wages in exchange for local employment. These two forces, the multiplier effect and out-migration from the Bay Area, will generate more development of office space and industrial land use than in the more conservative forecast. Table II - 2 presents the county's projection of employment growth by industry.

TABLE II - 2

COUNTY-WIDE EMPLOYMENT GROWTH  
(1990 - 2010, in thousands)

<u>Selected Industries<sup>1</sup></u>	<u>1990</u>	<u>2010</u>	<u>Annual Growth</u>
Retail Trade	31.8	57.7	3.02%
Manufacturing	25.9	64.0	4.63%
Services	24.1	54.9	4.20%
Construction	7.3	12.0	2.52%
Transportation & Utilities	5.4	9.8	3.02%
F.I.R.E. <sup>2</sup>	5.2	9.2	2.89%

<sup>1</sup> These are reported as the six fastest growing industries and do not constitute total employment county-wide.

<sup>2</sup> Financial, Insurance, and Real Estate

Source: QED Research, SAAG and Recht Hausrath & Associates

Forecasts of employment growth in the unincorporated areas of the county are not as reliable as those projecting growth county-wide. The County Planning Department has prepared projections of unincorporated employment growth by disaggregating QED county-wide forecasts. Table II-3 presents a summary of unincorporated employment growth by type of activity.

TABLE II - 3

EMPLOYMENT GROWTH IN UNINCORPORATED AREAS  
(1990 - 2010)

<u>Selected Industries<sup>1</sup></u>	<u>1990</u>	<u>2010</u>	<u>Annual Growth</u>
Manufacturing	3,189	6,724	3.80%
Services	2,580	6,020	4.33%
Retail Trade	2,243	4,078	3.02%
Construction	899	1,478	2.52%
Transportation & Utilities	664	929	1.69%
F.I.R.E.	557	1,009	2.89%

<sup>1</sup> These are reported as the six fastest growing industries and do not constitute total employment county-wide.

Source: Q.E.D. Research, SAAG and Recht Hausrath & Associates

The QED forecast assumes agricultural employment will decline slightly and retail trade and service sectors will increase the most, both in absolute terms and growth rate. Over the next 20 years, the fastest growing employment will be in manufacturing (specifically durables) and services (especially data processing and other business support functions).

### County Land Use Trends and Policies

The growth management procedures in effect in Modesto have helped to shift residential development to those smaller cities and unincorporated areas with easier access to Interstate 5. Until recently, smaller cities such as Patterson have shown less resistance to growth, but are now controlling additional residential development. Resistance on their part will put more pressure on the more rural, unincorporated areas of the county. This growth could take the form of large mixed-use projects proposed for the Interstate 5 or Highway 99 corridors (e.g. Salida Planned Development).

One such proposal before the county is the Lake Borough development located on I-5 in the southwest corner of the county. The proposal includes 25,000 residential units, 228 acres of retail building and 657 acres of industrial parks. Lake Borough, and other mixed-use developments likely to be proposed if this first proposal is approved, have the potential to generate more employment than projected by the county's forecast. This type of large scale development will construct its own local infrastructure (e.g., collector and access roads, fire stations, schools), but will pay impact fees for county-wide services such as libraries, criminal justice and general county administration.

At the present time, the likelihood of large-scale development in the unincorporated areas of the county remains uncertain, while there is reasonable certainty that the cities

will continue to annex land presently in their urban spheres. The growth forecast used here assumes that urban spheres will continue to dominate population growth and land use intensity within the county. If projects such as Lake Borough become the norm, these forecasts of growth in unincorporated areas, as well as county-wide population growth, will have to be revised.

#### Allocation of New Growth to Land Use Categories

New development's demand for additional infrastructure to serve new development varies by its type of land use (i.e., residential, retail, office and industrial) and density (i.e., single versus multi-family dwellings). Therefore, new development's impact is calculated on a per capita basis than converted into a fee on a unit of development (e.g., a dwelling unit or a thousand square feet of industrial, office or retail) according to an average resident or employment densities per unit. The following two sections show how we calculate the amount of growth *residential* and *non-residential* development.

#### **New Residential Development**

The two types of residential fees are calculated from the average household size for single family and multi-family dwelling units. The average number of residents occupying single- and multi-family dwelling units is based on estimates from SAAG, the Stanislaus County Planning Department, and the Modesto City Planning Department which have made the following assumptions: (1) Currently, 55 to 70 percent of dwelling units county-wide are single family units that average six dwelling units per acre. (2) Multi-family dwelling units constitute the remaining share and average 10 to 15 units per acre. (3) SAAG estimates 3.20 residents per single family dwelling and 2.07 residents per multi-family dwelling. The county-wide averages are, therefore, 2.75

residents per dwelling unit and 8.20 occupied dwelling units per acre (this includes neighborhood parks, elementary and junior high schools, 20 to 25 percent street coverage, and a five percent vacancy rate).

Table II-4 presents the net additions of new residential units to the unincorporated areas and county-wide and the weighted residential growth during the next 20 years. The number of new residents given in the fourth column of Table II-4 are the product of the additional units built between 1990 and 2010 multiplied by the average number of residents per household.

TABLE II - 4  
RESIDENTIAL DWELLING UNIT GROWTH  
(1990 - 2010)

	Total Units 1990	Total Units 2010	1990-2010 Additional Units	1990-2010 Additional Residents
<b>County-Wide</b>				
<i>Single Family</i>	76,926	140,551	63,625	203,600
<i>Multi-Family</i>	<u>36,047</u>	<u>61,608</u>	<u>25,561</u>	<u>52,911</u>
<b>TOTAL</b>	112,973	202,159	89,186	256,511
<b>Unincorporated Areas</b>				
<i>Single Family</i>	9,520	16,100	6,580	21,056
<i>Multi-Family</i>	<u>2,980</u>	<u>5,470</u>	<u>2,490</u>	<u>5,154</u>
<b>TOTAL</b>	12,500	21,570	9,070	26,210

Source: SAAG and Recht Hausrath & Associates

### New Non-Residential Development

In order to calculate impact fees for non-residential development, we consolidated the employment forecasted for the six industries listed in Table II-3 into the four non-residential land use categories (i.e. office, industrial, and retail). For example, new industrial development is the sum of the net increase of employment in the manufacturing, construction, transportation and public utilities sectors over the next twenty years; office development is the total of services and financial/insurance/real estate (F.I.R.E.); and retail development is the forecasted employment growth of the trade sector. Table II-5 presents the results.

TABLE II - 5

#### EMPLOYMENT GROWTH (1990 - 2010)

	Employment <u>1990</u>	Employment <u>2010</u>	Growth <u>1990-2010</u>
<b>County-Wide</b>			
<i>Office</i>	29,300	64,100	34,800
<i>Retail</i>	31,800	57,700	25,900
<i>Industrial</i>	<u>38,600</u>	<u>85,800</u>	<u>47,200</u>
<b>TOTAL</b>	99,700	207,600	107,900
<b>Unincorporated</b>			
<i>Office</i>	3,137	7,029	3,892
<i>Retail</i>	2,243	4,078	1,835
<i>Industrial</i>	<u>4,752</u>	<u>9,131</u>	<u>4,379</u>
<b>TOTAL</b>	10,132	20,238	10,106

Source: County Planning Department, SAAG and Recht Hausrath & Associates

In order to calculate a fee on each type of new development, the forecasted employment in each land use category must be converted into a projection of building space (usually measured as usable square feet). For this conversion, there are four separate employment density factors for the four non-residential land use categories. We have combined estimates from the Stanislaus County Planning Department, City of Modesto, and SAAG to arrive at the following ratios of square feet per employee. Office space is considered the most dense at an average of 300 square feet per employee. Retail development averages 500 square feet per employees.

Industrial space under 100,000 square feet will be considered high density employment averaging 700 square feet per employee. We assume industrial buildings in excess of 100,000 square feet will average employment densities of 21,000 square feet per employee (e.g., warehousing, agricultural industrial). These industrial employment densities are based on both national averages and comparisons with counties that resemble Stanislaus County as it may look in ten or twenty years (e.g., Placer County, northern San Diego County). These estimates may be verified by surveying industrial development trends over the next few years.

We assume approximately 90 percent of the forecasted, industrial employment county-wide will work in buildings under 100,000 square feet. The remaining 10 percent will be employed in buildings over 100,000 square feet. The ratio allocating employment between the two types of new industrial development is not critical, since it is the total employment that determines the revenues collected.

The final step involves weighting the four different types of new non-residential development, as measured by employment, according to new development's demand for new facilities. This weighting requires an assumption with regard to the relative demand for county services from the population while at work versus while at home. The City of Modesto assumes that on average a resident requires twice the amount of

services than an employee. This assumption is used in the analysis here. Therefore, each new employee is weighted by one half the amount of each new resident.

The total cost of new facilities will be distributed across these weighted measures of growth county-wide and in the unincorporated areas. Two distributions (i.e., residential and business) provide the basis for fees per residential dwelling unit and thousand square feet of non-residential development during the next 20 years. Tables II-6 and II-7 summarize the final results for all five categories of new development.

TABLE II - 6

COUNTY-WIDE GROWTH  
(1990 - 2010)

<u>Residential Population</u>	<u>Growth</u>	<u>Percent</u>
Single Family	203,600	65.6%
Multi-Family	<u>52,911</u>	<u>17.0</u>
Residential Subtotal	256,511	82.6%
<u>Employment</u>		
Office <sup>1</sup> (weighted 50%)	17,400	5.6
Retail <sup>1</sup> (weighted 50%)	12,950	4.2
High Density Industrial <sup>1</sup> (wtd 50%)	21,240	6.8
Low Density Industrial <sup>1</sup> (wtd 50%)	<u>2,360</u>	<u>0.8</u>
Non-Residential Subtotal	53,950	17.4%
<b>TOTAL</b>	<b>310,461</b>	<b>100.0%</b>

Source: Recht Hausrath & Associates

<sup>1</sup> All four categories of forecasted employment growth have been weighted by 50 percent

The county-wide total distribution for residents and employment shown in Table II-7 apply to fees for county-wide services, such as libraries and criminal justice. Fees that apply to new development in unincorporated areas (e.g., sheriff's patrol) must be based on only those new residents and employees within the unincorporated areas of the county. Table II-7 presents the similar weighting as used in Table II-6, but only for those residents and employees in the unincorporated areas.

TABLE II - 7

UNINCORPORATED AREA GROWTH  
(1990 - 2010)

<u>Residential Population</u>	<u>Growth</u>	<u>Percent</u>
Single Family	21,056	67.4%
Multi-Family	<u>5,154</u>	<u>16.5</u>
Residential Subtotal	26,210	83.9%
<u>Employment</u>		
Office <sup>1</sup> (weighted 50%)	1,946	6.2
Retail <sup>1</sup> (weighted 50%)	918	2.9
High Density Industrial <sup>1</sup> (wtd 50%)	1,971	6.3
Low Density Industrial <sup>1</sup> (wtd 50%)	<u>219</u>	<u>0.7</u>
Non-Residential Subtotal	5,054	16.1%
<b>TOTAL</b>	<b>31,264</b>	<b>100.0%</b>

Source: Recht Hausrath & Associates

<sup>1</sup> All four categories of forecasted employment growth have been weighted by 50 percent

The growth projections presented above (Table II-7) are based upon the current land use policies applied by the county regarding residential and non-residential development in unincorporated areas. These policies may change and would therefore change the

absolute amount of new development and very possibly the relative distribution across different categories of land use. Policy changes as well as revisions to population and employment forecasts are expected. Thus, the fee program should be updated annually and major reviews planned about every five years.

### III. SHERIFF PATROL AND INVESTIGATION

#### Description of Department

The Sheriff's Department operates two types of services. The first type is police services to residents living in the unincorporated areas of the county. The department provides Sheriff's deputies to patrol these unincorporated areas and detectives to investigate crimes. The second involves services provided county-wide. These county-wide services include the coroner's office, public administrators, civil division, bailiff duty, and jails. The county-wide services will be dealt with as a separate fee and will be discussed in the following chapter.

This chapter (Chapter III) covers only those fees for police services to unincorporated areas. Since these services are similar to municipal police services, only the new development in unincorporated areas should pay a Sheriff's patrol and investigation impact fee. New development's demand for sheriff's protection will require the same ratio of facilities to population as existing development. Generally, new development within cities will not participate in the Sheriff's patrol and investigation fee. However, cities that contract with the Sheriff's department for police services will pay the same fee charged to development in the unincorporated areas.

The department currently employs 66 sworn deputies and 22 detectives designated as field law enforcement staff. While the department employs additional sworn deputies as staff for other functions (e.g. administration, laboratory work), the department can field a maximum of 88 sworn officers given its current staffing level and responsibilities. The department employs reserve deputies to cover field officers vacation, illness, training, and other absences. The 88 sworn officers serve an estimated 97,120 county residents and 14,300 workers over 698,444 unincorporated acres. Stated another way, the departments level of service equals a ratio of roughly 0.91 officers (deputies and detectives) per thousand population, or 0.68 deputies and 0.23 detectives per thousand

population. This current level of service ratio is then used to measure the existing space and vehicle ratios.

Currently, the Sheriff's department has 19,890 square feet of headquarters space located at its central facility in downtown Modesto. The Department does not operate any satellite or branch offices. At its current staffing level, the departments space ratio is 226 building gross square feet (BGSF) per sworn field officer. The central dispatch facility serves all county and municipal emergency response agencies and therefore is not included in the Sheriff's patrol and investigation fee.

The department currently operates 26 patrol cars, and has requested the county to purchase two additional patrol cars in order to obtain an acceptable, although short-term, operating standard of 2.36 deputies per patrol car. At any given time, 20 percent of the vehicle fleet is undergoing repairs or scheduled maintenance. Therefore the effective standard is actually 2.95. The Department currently owns 18 standard passenger cars for its 22 detectives. Detectives can respond to emergency calls with deputy back-up. If all available vehicles are allocated among all officers (deputies and detectives), the vehicle ratio equals 1.91 officers per vehicle.

#### County Standards

The Stanislaus County Sheriff's department currently applies an average staffing ratio of 0.91 sworn officers (deputies and detectives) per thousand capita served to determine its long-term facility requirements. This level of manpower is used to determine the Department's existing deficiencies and the amount of building space and vehicles that new development must purchase to serve future growth.

The building space standard for the Sheriff's department is measured as a ratio of a specified amount of building gross square footage (BGSF) per sworn officer. The

existing facility gives the department a ratio of 226 BGSF per officer. When the new Public Safety Center is completed and projected 20 year staffing levels are reached in 2010, the space ratio would exceed the existing 226 BGSF per officer if all the eventual space were allocated to the projected field force of 112 sworn officers. However, at least while present funding limitations are a constraint, the Sheriff's Department is using the existing 226 BGSF per sworn officer as its official space standard and will apply the additional capacity remaining after the next 20 years to future growth beyond 2010.

Assuming a patrol car can theoretically run 24 hours a day and 7 days a week, one patrol car can be allocated to the 4.2 deputies required for around-the-clock staffing (this ratio includes using reserve deputies to cover vacation, illness and training time of the full-time field officers). However, current practices affect this ratio. For instance, two deputies usually respond to dangerous calls. Detectives can respond to routine calls and will do so in their issued vehicles. As mentioned above, 20 percent of the vehicle fleet is undergoing repairs or scheduled maintenance at any given time. When these considerations are taken into account, the current operational standard of 1.91 sheriff deputies per vehicle is a reasonable ratio. The standard for detectives is one car per officer.

#### Existing Deficiencies

The county is using its current ratio of 0.91 sworn officers per thousand population, including the 22 detectives with the current 66 sworn deputies. Broken out into separate ratios for deputies and detectives, the Department fields 0.68 deputies per thousand population and 0.23 detectives per thousand population. The current ratio of 0.91 sworn deputies and detectives per thousand population is sufficient; thus there is no existing deficiency in the Departments.

The existing ratio of 1.91 deputies per patrol vehicle is also used as a standard adopted by the department. The present force of 22 detectives shares 18 cars and is considered acceptable for the present time. Thus, the department currently has no existing deficiency for its patrol vehicles or detective's cars.

The department's existing 19,890 square feet of space in the county courthouse gives it a standard of 226 square feet per sworn officer. When the department moves to its new headquarters in the proposed Public Safety Center, 19,890 square feet of the new space will go to replacing the existing headquarters in the county courthouse. The cost of correcting this *replacement* deficiency may be reduced if the salvage value of existing headquarters is captured by selling or using the space for another purpose.

The original design of the new Public Safety Center sized the facility according to a projected staff level of 152 sworn field officers each of whom was allocated 300 square feet. The current county standards will produce a 2010 staffing level of 112 officers (see below) requiring only 226 square feet each. Therefore, the Center, as planned, will have significant capacity to accommodate new growth after 2010. This capacity cannot be financed by the proposed impact fees, over the next twenty years of growth. However, impact fees levied on new development after the year 2010 can be used to continue to reimburse the county for its cost of providing future capacity in the Center at this time.

#### Facilities Needed to Accommodate New Development and Their Cost

The Master Plan calls for a new Public Safety Center to be constructed between 1989 and 1995 to house the new jail and the Sheriff's Operations Facility. The Master Plan allocates 65,752 BGSF for "non-custody facilities" out of a total of 648,232 BGSF for the new Public Safety Center (*Stanislaus County Public Safety Center*, page B3-5). A strict allocation of common area space (e.g., lobby, reception, hallways) between those services provided to only unincorporated areas versus county-wide services depends on the

relative staffing levels. For the sake of simplicity, this common area space that serves both unincorporated and county-wide sheriff services is divided equally between the two. Table III-2 presents a breakdown of new development's fair share of the building space allocated to Sheriff's patrol and investigation services.

TABLE III - 2

NEW SPACE FOR SHERIFF'S PATROL & INVESTIGATION

	Space (BGSF)
<u>Planned Public Safety Center Facilities</u>	
Public Lobby/Common Spaces <sup>1</sup>	1,631
Administrative Division	6,419
Operations Division	
<i>Crime Analysis Bureau</i>	1,647
<i>Crime Prevention Bureau</i>	1,260
<i>Patrol Bureau</i>	6,086
<i>Investigations Bureau</i>	9,018
Services Division	
<i>Records Bureau</i>	5,346
<i>Technical Services Bureau</i>	7,472
Circulation & Mechanical <sup>2</sup>	<u>5,015</u>
 TOTAL	 43,894

<sup>1</sup>Common space is half the total amount

<sup>2</sup>The cost of the central dispatch facility, which serves all county and municipal emergency response agencies, is not included here.

Source: Public Safety Center Master Plan

Table III-2 indicates that Sheriff's patrol and investigation operations will utilize 43,894 BGSF of the new Public Safety Center. By the year 2007, the Master Plan projects full staffing levels for the Sheriff's patrol and investigation operations will reach approximately 380 employees of which 150 will be sworn field officers (deputies and detectives).

The current staffing plan calls for maintaining a 0.91 sworn field officers per thousand population. The official forecast adopted by the county projects the unincorporated county population increasing by approximately 26,210 residents. This forecasted increase produces a requirement for 24 additional sworn officers over the next twenty years, or a total force of 90 sworn officers by 2010. The 24 additional officers times the department's space standard of 226 square feet per sworn officer equals approximately 5,500 square feet of the new Public Safety Center to serve growth in the unincorporated areas. Table III-3 presents a breakdown of construction costs for the Sheriff's operations facilities contained within the new public safety center.

TABLE III - 3

NEW SHERIFF PATROL & INVESTIGATION FACILITY

<u>Itemized Facilities</u>	<u>Basic Cost<sup>1</sup></u>
Sheriff's Operations Facility <sup>2</sup>	\$8,253,800
Site Acquisition	206,923
Off-Site Roadway Improvements	51,032
Site Preparation & Off-Site Utilities	156,008
On-Site Development & Landscaping	<u>830,945</u>
 FACILITY TOTAL (1988 Dollars)	 \$9,498,708

1. All costs (e.g., site preparation, land acquisition) are allocated between Sheriff's operations center and jails according to a ratio of 1:9 respectively (i.e., ratio of square footage between the two core facilities).
2. The estimated \$3,025,200 cost of the central dispatch and communications facility that will serve all county emergency agencies has been subtracted from the Master Plan total of \$11,279,000.

Sources: Stanislaus County Public Safety Center Master Plan, Stone Marraccini Patterson/The Design Partnership, page A12-8.

The Master Plan estimates the Department's construction costs for building functional area at \$120 per square foot (1988 dollars) for the Sheriff's Operations facilities (*Public Safety Center Master Plan*, page A12-3). However, when site acquisition, site preparation, and other items are included, the approximate cost per square foot reaches \$195. The total cost of the facility that may be allocated to new development in the unincorporated areas of the county during the next twenty years equals approximately \$1,072,500, which covers the 5,500 square feet necessary to accommodate the 24 additional officers. The proportion of the cost allocated to existing deficiencies will be discussed in more detail below.

Based on 1.91 deputies per patrol vehicle and one detective per car, the Department would purchase 12 additional patrol vehicles and one new detective car to serve new development. These vehicles currently cost \$18,500 for patrol vehicles and \$12,000 for standard detective cars. Therefore the total cost for new vehicles over the next 20 years will be \$234,000. This total is then added to the \$1,072,500 for building space and equipment, yielding a grand total of approximately \$1,306,500 million for new facilities over the next 20 years.

#### Allocation of Costs

The Stanislaus County's Sheriff patrol and investigation operations provide services to only those county residents living in unincorporated areas. Therefore, the total cost of future system-wide expansion (exclusive of existing deficiencies) is allocated over new development outside the city limits of the nine municipalities. The demand for police services in the unincorporated areas is distributed among residents and business establishments. Therefore the entire cost for additional patrol and investigation infrastructure must be borne by all five types of land use: single family, multi-family, office, retail, and industrial.

Table III-4 presents the amount of each category of future development over which the cost of new facilities will be spread.

TABLE III - 4

UNINCORPORATED GROWTH  
(1990 - 2010)

<u>Land Use Categories</u>	<u>Growth</u>	<u>Percent</u>
Single Family Residents	21,056	67.4%
Multi-Family Residents	5,154	16.5
Office Employment (Weighted at 50%) <sup>1</sup>	1,946	6.2
Retail Employment (Weighted at 50%) <sup>1</sup>	918	2.9
High Density Industrial (Weighted at 50%) <sup>1</sup>	1,971	6.3
Low Density Industrial (Weighted at 50%) <sup>1</sup>	<u>219</u>	<u>0.7</u>
<b>TOTAL</b>	<b>31,264</b>	<b>100.0%</b>

<sup>1</sup> Non-residential development is weighted at 50 percent of its forecasted employment.

Source: Recht Hausrath & Associates

The 31,264 new residents and employees, the latter counted as one half the service need of a resident, calculated above (Table III-4) constitutes the adjusted base over which the \$1.3 million cost for new Sheriff's facilities (exclusive of costs for existing deficiencies) will be spread. Therefore, the total amount required to accommodate the next twenty years of new demand for Sheriff's facilities equals \$42 per resident and \$21 per worker in the unincorporated areas of the county. The percentages given in the second column indicated the approximate shares each type of development will contribute to the cost of facilities to serve the next 20 years of new development.

Calculation of Fees

Table III-5 shows how the fee per resident or worker is allocated to new development. The third column shows the fee per dwelling unit or per thousand square foot of office, retail, or industrial space.

TABLE III - 5

## SHERIFF'S PATROL &amp; INVESTIGATION FEES

<u>Land Use Category</u>	<u>Fee Calculation</u>	<u>Fee</u>
Single Family	\$42 x 3.20 residents	\$134 per dwelling unit
Multi-Family	\$42 x 2.07 residents	\$87 per dwelling unit
Office Space <sup>1</sup>	\$21 x $\frac{1 \text{ employee}}{300 \text{ square feet}}$	\$70 per 1,000 sq.ft.
Retail Space <sup>1</sup>	\$21 x $\frac{1 \text{ employee}}{500 \text{ square feet}}$	\$42 per 1,000 sq.ft.
High Density Industrial <sup>1</sup>	\$21 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$30 per 1,000 sq.ft.
Low Density Industrial <sup>1</sup>	\$21 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$10 per 1,000 sq.ft.

<sup>1</sup>The cost per employee is set at one-half the cost per resident (see page II-13).

Source: Recht Hausrath & Associates

Cost of Existing Deficiencies

The department's current staffing ratio of 0.91 sworn field officers per thousand population will be used for the time being as the level of service that new development will fund with impact fees. The 0.91 ratio may be improved as additional capital and

operating revenues become available. Until such time as such funding is used to improve the department's existing level-of-service, however, its existing deficiency consists of replacing the 19,890 square feet of headquarters space located in the county courthouse in downtown Modesto with 19,890 square feet of new space in the proposed public safety center. The new Public Safety Center will include this existing space as well as the additional space required to serve growth.

The new Public Safety Center will cost approximately \$195 per BGSF, therefore 19,890 square feet will cost about \$3.9 million. The "salvage value" of the Sheriff's current space in the courthouse may be deducted from the gross deficiency of \$3.9 million. An estimate of the salvage value is difficult to calculate unless the space were somehow sold on the open market. One alternative would be to "sell" the space to one of the five criminal justice departments that need to expand and should remain located in the courthouse. These five departments have access to the "Temporary Courthouse Construction Fund" (see page V-7) which is restricted to capital acquisitions of courthouse space only.

If the county builds the Public Safety Center as planned, it will be providing additional capacity beyond that required to serve the next twenty years of growth. Under the departments current standards, it will require 226 square feet for each of its 112 sworn field officers, or a total of 25,312 square feet in the new Public Safety Center. The total space of 43,894 BGSF planned for Sheriff's patrol and investigation operations will exceed the required capacity by 18,582 BGSF.

At an estimated cost of \$195 per BGSF (1988 dollars, including land, site preparation, furnishings, etc.), the likely cost to the county of the extra capacity equals \$3.6 million (1989 dollars). While this cost does not constitute an existing deficiency that must be remedied, the funds are not projected to be provided by impact fees until beginning in 2010. At which time, new development may be assessed the cost of this available

capacity to service its needs.

#### IV. JAILS AND OTHER COUNTY-WIDE SHERIFF SERVICES

##### Description of Department

The Sheriff's Department operates two types of services. The first, discussed in Chapter III, are police services to residents living in the unincorporated areas of the county. The second involves services provided county-wide. These services include the coroner's office, public administrators, civil division, bailiff duty, and jails. The county will assess this fee on all new development county-wide for facilities to provide these services at the same level-of-service provided to the existing population. Historical trends and forecasted trends show new development will increase demand for these facilities at the same rate as the existing population and employment.

The Sheriff's Department currently operates three jails and four other county-wide services. All three jails are in desperate need of repair or outright replacement. The total designed capacity for all three jails is 721 inmates; the daily population, however, often exceeds a thousand inmates. Table IV-1 compares each facility's current inmate population to its design capacity.

TABLE IV - 1

##### CURRENT INMATE CAPACITY & POPULATIONS

<u>Jail Facility</u>	<u>Average Population</u>	<u>Design Capacity</u>	<u>Inmate Space</u>	<u>Sq.Ft./Inmate Existing/Design</u>
Women's Detention	140	82	11,500	82 vs. 140
Downtown Jail	448	333	36,411	81 " 109
Honor Farm	<u>328</u>	<u>306</u>	<u>33,100</u>	<u>101 " 108</u>
<b>TOTAL/AVERAGE</b>	<b>916</b>	<b>721</b>	<b>81,011</b>	<b>88 vs.112</b>

1 Approximate daily population based on the 1988-89 fiscal year.

Sources: Sheriff's Department, Public Safety Master Plan, and Recht Hausrath & Associates

The recently completed Public Safety Master Plan forecasts facilities requirements for jails and sheriff's operations and documents the condition and service levels for all three jails. The Master Plan concludes that the men's honor farm is in the best condition of the three and may be kept in service, with some renovation, for the next twenty years. The downtown jail has critical design flaws, deferred maintenance problems and constant, severe overcrowding. The Master Plan recommends minimal investment in the structure until 1997. At that time all bed capacity will be shifted to the jail facilities at the new Public Safety Center and the existing men's jail will be either abandoned or converted to a court holding facility. The women's jail has occasionally held twice its designed capacity. It is in such dire need of repair that restoration may be uneconomical and the Master Plan recommends the facility be abandoned as soon as replacement capacity becomes available.

#### County Standards

The county's proposed jail facilities have qualified for State revenues from Propositions 52 and 86. Qualification includes compliance with design requirements set forth in California Code of Regulations (Titles 15 and 24) and review, approval and cost reporting requirements by the Board of Corrections and State Fire Marshal.

The county policies and State standards for sentencing are difficult to quantify. The district attorney's policies and State legislation have changed certain crimes from misdemeanors to felonies and therefore increased the number of felons serving jail terms. While some felonies can be turned over directly to probation, many will serve time in county jails. For example, new tougher sentencing for drug offenders, drunk-driving, and gang activity has already increased overcrowding in the county's jail dramatically. While the long-term impacts on county jail population remains uncertain, county officials expect continued enforcement of stricter sentencing guidelines to require

all justice system departments to expand the capacity of their facilities at a rate roughly half again as fast as population growth.

The county's standards for sizing its custody operations assume one inmate per bed. As of 1988, California State codes require either one third of all beds be in single cells or that there be single cells sufficient for 60 percent of the pre-trial inmate population. The average cost of a jail bed is based upon a mix of cell types using these standards.

#### Existing Deficiencies

The county jail system has two types of deficiencies: 1) a *replacement* deficiency consisting of the 415 beds that are currently in the men's and women's jails but will be abandoned when replacement capacity becomes available; and, 2) an *immediate* deficiency consisting of the 195 beds that are needed just to handle the existing demand.

*Replacement Deficiency:* The Master Plan calls for abandoning the men's and women's jail as the new jail has space available. This replacement of its existing 415 beds must be funded from other sources than impact fees.

*Immediate Deficiency:* The current and severe overcrowding in all three jail facilities has been well documented and must be remedied in addition to building new capacity for future growth. The present average daily population of 916 inmates exceeds the 721 available beds by an average of 195 beds. Therefore, the county must allocate 195 beds in its new jail facilities to remedy the existing deficiency.

In addition to the jails, the Sheriff's department provides four other county-wide services. The coroner's office has no backlog, although a considerable amount of overtime is required to process the workload. The civil division currently serves documents in 60 to 90 days as opposed to the 30 day maximum required by state regulations. The backlog in both operations indicates a manpower problem. The existing office space for these operations is considered adequate for three additional staff positions. These additional

staff would be able to process the backlog and therefore remedy the deficiency. The bailiff and the public administrator have no existing deficiencies.

#### Facilities Needed to Accommodate New Development and Their Cost

The new Public Safety Center was initially designed to provide sufficient capacity for forecasted jails needs through the year 2007 and to, "...have the capacity to accommodate undefined growth beyond this time" (*Public Safety Master Plan*, page 3). When the facilities are fully constructed by 2010, the new jail will have 1,768 beds giving the county a system-wide capacity of 2,106 beds, broken down as follows:

- 936 medium/maximum security, special custody, and medical/mental health beds.
- 576 minimum security beds
- 256 work furlough beds
- 338 existing Honor Farm beds
- 32 additional Honor Farm beds in a modular dormitory

When the *Public Safety Master Plan* was originally drafted, the jail was designed to accommodate an inmate population of 2,077 as forecasted under the county's more conservative forecast. However, an updated forecast projects inmate population reaching 2,685 in 2010. This projection, a forecast for male and female bookings and jail populations, is presented below in Table IV-2.

TABLE IV - 2

## FORECASTED BOOKINGS AND JAIL POPULATIONS

	<u>1990</u>	<u>1995</u>	<u>2000</u>	<u>2005</u>	<u>2010</u>
Bookings - Male	30,457	33,917	37,770	42,061	46,939
Bookings - Female	7,738	9,249	11,055	13,213	15,733
<b>TOTAL</b>	38,195	43,166	48,825	55,274	62,632
Jail Pop.- Male	1,375	1,357	1,620	1,879	2,178
Jail Pop.- Female	206	323	375	436	507
<b>TOTAL</b>	1,581	1,680	1,995	2,315	2,685

Sources: QED Research and the *Public Safety Center Master Plan*

Table IV-2 shows inmate population as a percentage of bookings increasing slightly from 4.14 percent to 4.29 percent. Inmate population is forecasted to grow at 2.68 percent compounded annually or a total increase of 69.8 percent, slightly more than the 65 percent increase in county-wide population. Table IV-3 compares the forecasted inmate population with the capacities of the planned jail facilities. The table shows interim deficiencies throughout the twenty year period because the construction of new bed capacity will occur in phases that will be lagged behind the forecasted steady growth of inmates. These interim deficiencies will create severe overcrowding while increments of new jail capacity are constructed. It is the final deficiency occurring in 2010, however, that must be remedied by including additional beds to the new jail as configured in the *Master Plan*.

TABLE IV - 3

PLANNED BED CAPACITY & PROJECTED INMATE POPULATION  
(1990 - 2010)

	<u>1990</u>	<u>1995</u>	<u>2000</u>	<u>2005</u>	<u>2010</u>
Bed Capacity	721	1,559	1,559	1,559	2,106
Inmate Population	1,581	1,680	1,995	2,315	2,685
Interim Deficiencies <sup>1</sup>	(860)	(121)	(436)	(756)	(579)

<sup>1</sup>The interim and final deficiencies shown are due to the phased construction of bed capacity "catching-up" to the forecasted steady increase of inmate population. The 907 bed shortfall in 2010 indicates the ultimate *future* deficiency that must be remedied.

Sources: Sheriff's Department and the Public Safety Master Plan

Table IV-3 shows that the forecasted inmate population will exceed the maximum capacity of the new jail facilities by 579 inmates in 2010. In order to adapt the new jail as originally planned, the 579 bed short fall is added to the 2,106 beds planned system-wide for a total of 2,685 beds. This adjustment is presented in Table IV-4 below.

The new custody facilities, as proposed in the Master Plan, will occupy 582,479 building gross square feet (BGSF) or approximately 90 percent of the new Public Safety Center's total of 647,700. The Master Plan estimates the total cost of the entire Public Safety Center at \$121.2 million. The new jail facilities account for approximately 89 percent of the total cost, or approximately \$108 million, with the remainder consisting of the new Sheriff headquarters. This amount covers the full cost of land acquisition, site preparation, and the construction of 1,768 beds (as originally proposed). The Department calculated its average cost per bed by dividing the estimated cost of \$108 million (without the Coroner or Public Administrator) by the 1,768 beds planned for in the original proposal. The average cost per bed, therefore, is approximately \$61,086 (1988 dollars). When the new jail is configured with the minimum number of single bunks allowed, the average cost per bed drops to \$58,409.

The county has qualified for State funding assistance for jail construction under Propositions 52 and 86. The maximum construction cost that the State will fund is \$52,300 per bed (indexed to the Lee Saylor subcontractor index). The State's average cost per bed does not include land purchase cost, utility hookups, and EIR mitigation measures. The county's share of Proposition 52 and 86 funding assistance totals \$9.8 million and will be applied to the cost of remedying the 195 bed existing deficiency.

Table IV-4 presents a cost estimate of new development's share for new jail facilities and its share of the Sheriff's four county-wide services. This share does not include the cost of the *replacement* and *immediate* deficiencies which are subtracted from the total bed capacity.

TABLE IV - 4

NEW JAIL SPACE TO SERVE GROWTH  
(1990 - 2010)

	<u>Estimated Cost</u>
New Jail Construction (1,768 beds)	\$103,267,112
Additional Capacity (579 beds) <sup>1</sup>	33,818,811
Coroner & Public Administrator	<u>1,920,000</u>
Construction Subtotal	139,005,923
<i>Replacement</i> Deficiency (415 beds) <sup>2</sup>	(24,239,735)
<i>Immediate</i> Deficiency (195 beds) <sup>3</sup>	<u>(11,389,755)</u>
TOTAL (1989 Dollars)	\$103,376,433

1 The 1,768 bed capacity projected in the Master Plan is 579 beds below the O.E.D. Research forecasts. The average cost per bed equals approximately \$58,409 (1989 dollars).

2 The *replacement* deficiency of 415 beds times an average cost per bed of \$58,409 equals a total cost of \$24.2 million.

3 The *immediate* deficiency of 195 beds times an average cost per bed equals a total cost of \$11.4 million. However, the \$9.8 million in State aid will be used to off-set this deficiency, yielding a net *immediate* deficiency of \$1.6 million.

Sources: *Public Safety Master Plan* and Recht Hausrath & Associates

Allocation of Costs

The Stanislaus County's jail system and sheriff operations that are county-wide services provide benefits to all county residents living in both urban and unincorporated areas. Therefore, the total costs for future system-wide expansion are allocated over development county-wide, including any development in cities. While the causes of crime are complex, authorities have found that both the residents and business activity (measured by employment) will contribute to additional burden on the jail system. Therefore, the cost of new jail facilities must be borne by all five types of land use: single family, multi-family, office, retail, and industrial. Table IV-5 presents the amount of each category of future development over which the cost of new facilities will be spread.

TABLE IV - 5  
 COUNTY-WIDE GROWTH OF RESIDENTS & EMPLOYEES  
 (1990 - 2010)

<u>Land Use Categories</u>	<u>Growth</u>	<u>Percent</u>
Single Family Residents	203,600	65.6%
Multi-Family Residents	52,911	17.1
Office Employment (weighted 50%) <sup>1</sup>	17,400	5.6
Retail Employment (weighted 50%) <sup>1</sup>	12,950	4.2
High Density Industrial (weighted 50%) <sup>1</sup>	21,240	6.8
Low Density Industrial (weighted 50%) <sup>1</sup>	<u>2,306</u>	<u>0.7</u>
<b>TOTAL</b>	<b>310,407</b>	<b>100.0%</b>

<sup>1</sup> Employment growth is weighted at 50 percent (see page II-13)

Source: Recht Hansrath & Associates

The new residents and employees calculated above (Table IV-5) constitute the adjusted base over which the \$103.4 million cost for new jail facilities (calculated above in Table IV-4) will be spread. The percentages given in the second column indicated the approximate shares each type of development will contribute to the cost of facilities to serve the next 20 years of new development. The other sheriff operations that are county-wide services (i.e., coroner and public administrator) will require a total of \$1.9 million and have been included as part of the \$103.4 million total. Therefore, it will cost approximately \$333 per resident and \$166 per employee to accommodate the next 20 years of demand for all county-wide Sheriff facilities.

#### Calculation of Fees

Table IV-6 shows how the jail fee per resident and per worker is allocated to new development. The third column shows the fee per dwelling unit or per square foot of office, retail, or industrial space.

TABLE IV - 6  
CALCULATION OF JAIL FEES

<u>Land Use Category</u>	<u>Fee Calculation</u>	<u>Fee</u>
Single Family Dwelling Unit	\$333 x 3.20 residents	\$1,066 per dwelling unit
Multi-Family Dwelling Unit	\$333 x 2.07 residents	\$689 per dwelling unit
Office Space (weighted 50%) <sup>1</sup>	\$166 x $\frac{1 \text{ employee}}{300 \text{ square feet}}$	\$553 per 1,000 sq.ft.
Retail Space (weighted 50%) <sup>1</sup>	\$166 x $\frac{1 \text{ employee}}{500 \text{ square feet}}$	\$332 per 1,000 sq.ft.
High Density Industrial <sup>1</sup> (wtd 50%)	\$166 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$237 per 1,000 sq.ft.
Low Density Industrial <sup>1</sup> (wtd 50%)	\$166 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$79 per 1,000 sq.ft.

<sup>1</sup> The cost per employee is set at one half the cost per resident (see page II-13)

Source: Recht Hausrath & Associates

Cost of Existing Deficiencies

As discussed above, the county must remedy both a *replacement* and an *immediate* deficiency. The replacement deficiency consists of the 415 beds the county currently has but will be replaced with new beds in the new facilities. The *immediate* deficiency involves the 195 beds required to alleviate the present overcrowding. As stated above, each bed in the new facility will cost \$58,409. Thus the total cost of 610 beds will equal approximately \$35.6 million. The county will use the \$9.8 million available in state aid (Propositions 52 and 86) to reduce the local share of this cost to \$25.8 million.

The new Public Safety Center proposal includes approximately \$1,093,500 for renovation of all three jails and the court's holding facility. Since 415 beds currently located in the existing jails will be replaced by the new jail, the cost of these improvements is not considered an existing deficiency. On the contrary, the salvage value of the abandoned jail may be considered an asset and its value can be credited to the county's \$34.4 million cost. The actual calculation of the existing jail's salvage value depends on how the county uses the facility; however, the existing jail space may be considered extremely valuable to those overcrowded departments that will remain in the courthouse.

## V. CRIMINAL JUSTICE SYSTEM

Five county departments comprise the county's justice system: Municipal Court, Superior Court (and clerk), Probation and Juvenile Hall, District Attorney, and Public Defender. Collectively, the departments provide criminal justice services to all county residents and workers; thus their collective facility needs to serve future growth may be consolidated into a single *criminal justice impact fee*. The departments comprising the criminal justice system have documented recent evidence showing the impacts of new residential and business development on their facilities. This evidence shows that new development demands both the services (i.e., actual involvement with the civil and criminal justice) and benefits (i.e., well functioning law enforcement) of a justice system expanded proportionately to its existing capacity.

The approach used to arrive at this single fee must account for each department's individual level of service standards, existing deficiencies, and growth-induced facility requirements. Therefore, the needs for each of the five departments are derived separately below and then consolidated into an estimate of the total cost for all of the county's criminal justice facilities. This total cost is then allocated across the county-wide employment and population growth forecasted over the next twenty years.

Building space and vehicles are the only type of capital facilities required by the five departments. The cost per square foot of building space varies somewhat depending on the department's function. We estimate general office space costs \$100 per square foot, while we estimate courtrooms, primarily because of their security measures, will cost \$144 per square foot.

Historically, the burden on criminal justice has grown faster than the county population. Recent changes in California's penal policies will accelerate this trend. Therefore, unlike other county departments, the county projects the demand for criminal justice services over the next twenty years will double while the county-wide population will

increase about 65 percent. It appears likely that the majority of the increase in the need per resident will occur in the next few years. The following formula shows how the cost of doubling the county's justice facilities may be allocated between new and existing development:

Given:

- 200% = Total increase of justice facilities over the next 20 years
- 165% = Amount of new population after 20 years of growth
- 65% = Forecasted increase of county-wide population

Therefore:

- 200% =  $1.21 * 65\% = 79\%$ , the share attributed to new development
- 165%

Since the burden will be doubled over the next twenty years, it means that 21 percent of this increased burden will be due to the needs of the present population and that the remaining 79 percent due to the needs of new development.

Table V-1 presents a summary of the existing building space for each of the departments and the additional square feet that the departments have determined they will need to serve new growth *plus* the additional burden imposed by penal policy changes.

TABLE V - 1

CRIMINAL JUSTICE: EXISTING SPACE INVENTORY  
(1989/90 fiscal year)

<u>Building/Function</u>	<u>Existing (Sq.Ft.)</u>	<u>Leased (Sq.Ft.)</u>
Municipal Court	28,925	5,345
Superior Court	27,100	-0-
Clerk	13,280	-0-
Public Defender	400	6,376
District Attorney	14,098	-0-
Probation	<u>45,036</u>	<u>5,000</u>
<b>TOTALS</b>	128,839	16,721

Sources: Stanislaus County Assessors Office and Superior Court

The rate of growth for criminal justice facilities has two components that must be separated in order to allocate a fair share to new development. The first involves changes to penal policies that are increasing the burden on criminal justice facilities independent of any county-wide population growth. The increased burden that this new law places on the criminal justice system, regardless of growth, must be accommodated by existing residents and businesses. Our estimate of the existing population's share of this burden equals 21 percent of the total amount of new criminal justice facilities that must be constructed over the next twenty years. We have called this a *future* deficiency. We have also calculated each department's *immediate* deficiency if its existing facilities, according to its adopted level-of-service standards, are inadequate. The *future* deficiency is added to the department's *immediate* deficiency to obtain the total existing deficiency that must be remedied from funding sources other than impact fees.

The second component is the increased burden placed on criminal justice by future population growth. This burden will require more than the forecasted 65 percent increase in county-wide population growth because this new development, like the existing population, will be exposed to the same penal policy trends. We estimate new development's share of the doubling of criminal justice facilities will equal 79 percent.

The following presentation is divided into two parts: The first part presents: a brief description of each department's existing facilities; a discussion of the department's adopted level of service; an inventory of its existing deficiencies as measured against its level of service standards; and the facilities needed to accommodate new development and their cost. In the second part, we calculate a single criminal justice impact fee and total each department's existing deficiencies.

## SUPERIOR COURT/CLERK SERVICES

### Description of Service

The Superior Court has recently incorporated the County Clerk's functions under its authority. We will discuss the clerk's future facility requirements first and then those of the superior court. The clerk provides administrative services to the ten Superior courts including two commissioners for juvenile hearings. As an example of the escalating demands on the department, growth in case load was 19 percent from 1987 to 1988 and over 20 percent the year before. The Clerk currently employs 38 full time staff and occupies 13,280 square feet in the county court house.

The clerk is in the process of automating many of its administrative functions on the county's mainframe computer. The automation will be funded entirely from the "Temporary Construction Fund" (Government Code 76004 *et. seq.*) and will not require development fees to add additional capacity for future growth.

### County Standards

The clerk's 38 employees are part of the ten superior courts. This allocation works out to a staffing ratio of four clerks per court. However, the department's space standard should be based on a ratio of clerk space to the number of courtrooms rather than the number of employees because the employee to space ratio does not represent future space requirements. The clerk's current plans to automate some functions will reduce the need to increase staff, however the record keeping will continue to require additional space. Therefore, the 13,280 square feet for the ten courtrooms (about 1,328 square feet per courtroom) may serve as the appropriate standard.

### Existing Deficiencies

The pending automation of many of the Clerk's functions will allow the existing ratio of staff per court to handle a rapidly increasing workload. However, 21 percent of the future expansion of the clerk's facilities will be due to the impact of changing penal policies on the existing population. Since its space needs are directly related to the doubling of the case load and therefore number of courtrooms, the superior court estimates it will need to double its space, adding 13,280 square feet over the next 20 years; 21 percent of this total, the *future deficiency*, equals 2,789 square feet.

### Facilities Needed to Accommodate New Development and Their Cost

The forecasted caseload for superior courts is expected to double during the next 20 years; the Clerk will thus require twice the amount of the existing 13,280 square feet for future storage and staff work space. However, only 79 percent of this increase is due to population growth, while the remaining 21 percent may be attributed to the existing population. Therefore, the cost of only 10,491 square feet (79 percent) of the new space may be charged to new development. At \$100 per square foot, the cost equals \$1,049,120 for land, site preparation, construction, furnishings, and equipment.

## SUPERIOR COURT/COURT OPERATIONS

### Description of Department

The Superior court consists of ten departments (courts) including two juvenile commissioners. This includes a court being added this year that will remedy an existing deficiency. The ten courts occupy 27,100 square feet, or an average of 2,710 square feet per courtroom, including all ancillary judges chambers, office and administrative space, law library (2,784 square feet which is shared with other departments), and other general purpose areas.

### County Standards

In 1988, the ten courts handled 12,118 filings, or 1,250 per court. California Judicial Council has developed a formula to calculate the number of judges needed based on the number and type of filings received. Each type of filing is given a minute value which is divided by the number of minutes (63,300) that are available for each judge for per year. Therefore, the formula for calculating the number of judicial positions for each type of filing is:

$$\frac{\text{Number of Filings} * \text{Weight (minutes)}}{63,300 \text{ minutes available}} = \text{Number of judges for each type of filing}$$

The number of judges needed for each type of filing are summed together to give the total number of judicial positions and therefore the number of courtrooms. The actual results of this weighting scheme indicate that the ten superior courts should be able to handle over 12,000 filings annually, composed of the same mix of case types currently filed. The existing number of courts are thus adequate for the present load under the state standard.

### Existing Deficiencies

The court maintains a construction fund (Government Code 76005) that currently holds about \$1.7 million. The department plans to use these funds to build the tenth court required to remedy its existing deficiency. The addition of a tenth courtroom in 1990 will remedy the court's existing (1989) deficiency. The municipal court must also expand in the future to serve the increasing burden due to the impacts of changing penal policies on the existing population. As discussed above, our estimate of the existing

population's share of this *future* deficiency is 21 percent of the 27,100 square feet, or 5,691 square feet of new courtrooms and ancillary facilities over the next twenty years.

#### Facilities Needed to Accommodate New Development

The forecasted annual caseload is expected to double over the next twenty years. This growth will require the court to double its existing 27,100 square feet, however only 79 percent of these new facilities, or 21,409 square feet, may be allocated to new development. The new space, using \$144 per square foot for court house construction costs, will cost approximately \$3,082,900 for land, site preparation, construction, furnishings, security and other types of equipment.

The county has established two funds: 1) the Criminal Justice Facility Temporary Construction Fund (Government Code Section 76004) and 2) the County Courtroom Facilities Fund (Government Code Section 76005). This county treasurer directs fines, penalties and other court related assessments to these funds to be used for:

"...construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and the improvement of criminal justice automated information systems..."  
[Government Code Section 76004(b)]

"For the purposes of this section, 'county criminal justice facilities' includes, but not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms." [Government Code Section 76004(d)]

"...to assist the county...in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, may establish in the county treasury a courthouse Temporary Construction Fund." [Government Code Section 76005(a)]

The court's two construction funds collect approximately \$425 thousand each year, roughly split evenly between them. This amount is projected to grow at four percent

annually. The Board of Supervisors has the discretion to use these funds for various courthouse projects. These projects include remedying existing deficiencies and automation. The total cost of existing deficiencies will be discussed in the last section of this chapter. In addition, the county may choose to allocate some of the construction fund towards the cost of the proposed reconstruction of the office space made available through recent reorganization of courthouse operations.

## **MUNICIPAL COURT**

### Description of Department

The five municipal courts occupy 18,430 square feet in the county courthouse and seven branch courts account for 15,840 square feet in sites distributed throughout the county (see Table V-2 below). A sixth court (division) at the courthouse located in downtown Modesto will begin to operate this year with the appointment of a new judge. The six municipal courts in Modesto handle both criminal and civil cases. The branch in Ceres hears only civil and traffic cases. Each courtroom, on average, occupies 3,870 square feet. Table V-2 presents the space in all facilities.

TABLE V - 2

## EXISTING MUNICIPAL COURT FACILITIES

<u>Existing Facilities</u>	<u>Owned Space</u>	<u>Leased Space</u>
Modesto Courthouse (5 divisions)	18,430	-0-
Modesto Traffic Court (1 division)	-0-	4,955
Ceres Branch	4,200	-0-
Oakdale Branch	1,015	-0-
Turlock Branch	3,461	-0-
Riverbank Branch	0	390
Newman Branch	720	-0-
Patterson Branch	<u>1,099</u>	<u>-0-</u>
<b>TOTAL</b>	<b>28,925</b>	<b>5,345</b>

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Source: Stanislaus Municipal Court

County Standards

The municipal court applies the same formula developed by California Judicial Council that was used by the superior court to calculate the number of judges needed based on the number and type of filings received. The current average of 2,710 square feet per courtroom will remain the county standard for future development. Table V-3 shows the results of this standard when applied to the cases filed in municipal court during 1988 and the number of cases projected for 1989.

TABLE V - 3

**EXISTING MUNICIPAL COURT DEFICIENCIES**  
(1988 - 1989)

Types of Filings	Minute Value Weights	1988		1989	
		Recorded Number of Filings <sup>1</sup>	Number of Courts Needed	Projected Number of Filings	Number of Courts Needed
Felonies	55	3,362	2.92	3,597	3.13
Group A	19	4,336	1.30	4,466	1.34
Group B	7	836	0.09	844	0.09
Group C	34	3,251	1.75	3,283	1.76
Group D	3	12,381	0.59	13,000	0.62
Infractions	2	479	0.02	484	0.02
Traffic	0.7	64,441	0.71	66,374	0.73
Parking	0.04	1,528	0.00	1,543	0.00
Civil	10	8,823	1.39	9,175	1.45
Small Claims	7	<u>5,330</u>	<u>0.59</u>	<u>5,543</u>	<u>0.61</u>
<b>TOTAL</b>		104,767	9.36	108,309	9.75

<sup>1</sup> The case statistics collected by Municipal Court vary from those collected by the District Attorney's office due to the differences between the responsibilities the two departments' have for processing cases.

Source: Stanislaus County Municipal Courts

### Existing Deficiencies

As shown in Table V-3, the county's standard requires approximately nine municipal courtrooms in 1988 and ten courtrooms by the end of 1989. Therefore, the department will be deficient one courtroom at the end of 1989. This *immediate* deficiency may also be expressed as the space required for one courtroom: 2,710 square feet.

In addition to the *immediate* deficiency, the municipal court must expand to serve the increasing burden due to the impacts of changes in the state and local penal policies on the existing population. As discussed above, our estimate of the existing population's

share of this *future* deficiency will be 21 percent of the 35,230 square feet of new courtrooms and ancillary space, or 7,398 square feet. When we add these two deficiencies, the department's total existing deficiency equals 10,108 square feet. At a cost of \$144 per square foot, these facilities will require approximately \$1.4 million to remedy.

#### Facilities Needed to Accommodate New Development

The formula used above is also applied to the forecasted number of filings to calculate the number of additional judicial positions required to serve new development over the next twenty years. Table V-4 shows the results of applying the level-of-service standard given above to the number and mix of future filings projected in 2000 and 2010. The county's standard will require approximately five additional municipal courtrooms by the year 2000 and a total of thirteen courtrooms by the end of 2010. At the existing standard of 2,710 square feet per courtroom plus all other ancillary space, the thirteen additional courtrooms will amount to 35,230 square feet.

TABLE V - 4

## FORECASTED NUMBER OF MUNICIPAL COURTS

<u>Types of Filings</u>	Minute Value Weights	<u>2000</u>		<u>2010</u>	
		Forecasted Number of Filings	Number of Courts Needed	Forecasted Number of Filings	Number of Courts Needed
Felonies	55	7,011	6.09	12,777	11.10
Group A	19	6,081	1.83	8,041	2.41
Group B	7	938	0.10	1,033	0.11
Group C	34	3,655	1.96	4,028	2.16
Group D	3	21,327	1.01	33,322	1.58
Infractions	2	542	0.02	597	0.02
Traffic	0.7	92,166	1.02	121,889	1.35
Parking	0.04	1,716	0.00	1,891	0.00
Civil	10	13,740	2.17	19,785	3.13
Small Claims	7	<u>8,299</u>	<u>0.92</u>	<u>11,949</u>	<u>1.32</u>
TOTAL		155,475	15.12	215,312	23.18

Source: Stanislaus Municipal Courts

Table V-4 shows the total increase necessary over the next twenty years. New development, however, will be responsible for only 79 percent, or 27,832 square feet, of the total increase. At \$144 per square foot, cost equals \$4,007,808 for land, site preparation, construction, furnishings, and equipment.

## DISTRICT ATTORNEY

### Description of Department

The district attorney (DA) occupies 14,098 square feet at the county courthouse and currently employs 33 attorneys. The DA also includes family support services; however, family support services are funded entirely from state and federal grants and are therefore not included in the calculation of development impact fees. The DA's principal task is prosecuting both misdemeanors and felonies.

### County Standards

The DA has applied a level-of-service standard of one attorney per 95 felonies. This level-of-service was based on a ratio of annual felony filings averaging 1.14 percent of the current county-wide population. However, recent trends indicate a constant 1.14 felony ratio is no longer a valid measure because of new state penal policies and the policies of the county's current district attorney. Assuming these policies remain in force during the next twenty years, the department expects the number of filings to more than double while population will increase approximately 65 percent. If the department's level-of-service is to remain constant, its personnel, and therefore its facilities, must be doubled over the next twenty years to keep pace with the projected increase in the number of felonies.

The current office space allotted to each attorney is 673 square feet. This space standard includes all support functions as recommended by the Department of Public Works (i.e., 195.5 square feet for professional employees; 161 square feet for clerical employees; and 316.5 square feet for investigative staff, conference rooms, law library, lobby, etc.)

Existing Deficiencies

The past level-of-service standard requires one attorney for 95 felonies. This standard, when applied to the 3,936 felonies filings recorded during fiscal year 1988/89, require the department have approximately 42 attorneys. The department is expecting felonies to increase at least 7 percent in fiscal year 1989/90 to over 4,200 felonies. This amount would require 44 attorneys and therefore leaves the department with an existing deficiency of 11 attorneys. The 673 square foot space standard applied to the 44 attorneys equals 29,612 square feet. Given the department currently occupies 14,098 square feet, the *immediate* deficiency for space is 15,514 square feet.

As with the other departments, the requisite increase in the DA facilities is due in part to a *future* deficiency that occurs from changes in the penal policies. The *future* deficiency may not be funded from impact fees. The department will add a total of 35 new attorneys of which seven (approximately 21 percent of the 44 new attorneys) are due to this *future* deficiency. This share equals the 6,219 square feet required over the next 20 years (see future space calculations below). When we add the *future* deficiency of 6,219 square feet to the immediate deficiency of 15,514 square feet, the department's total deficiency equals 21,733 square feet.

Facilities Needed to Accommodate New Development and Their Cost

The DA has determined that it will have to double the amount of office space to maintain its current level-of-service standards during the next twenty years. Over the same period, the county expects the total population to increase by approximately 240,000 people or 65 percent. As demonstrated above, this population increase plus similar trends in the employment growth will require a 79 percent increase in the DA's service capacity. The remaining 21 percent will be the additional burden from the existing population. Therefore, the department must double its existing staff of 44 attorneys or 29,612 square feet and may allocate 23,393 square feet (79 percent) to serve

new development. The remaining 6,219 square feet are the responsibility of existing residents. At \$100 per square foot, new development's share of the additional space will cost \$2,339,300 (1989 dollars).

## **PUBLIC DEFENDER**

### Description of Department

The Public Defenders (PD) department currently operates out of three offices: 7,000 square feet of leased space in downtown Modesto, 100 square feet located at the courthouse and another 300 square feet of office space at the Juvenile Office. The leasing of downtown space was intended as a temporary measure until space is made available in the courthouse building. The current lease is being paid out of the courthouse construction fund.

The 1987/88 fiscal year caseload of 3,589 felonies and 5,655 misdemeanors was handled by the department's public defender and 18 deputies. The workload necessary to process a felony is on average three times the amount of that for a misdemeanor. In addition, the department handled 240 conservatorship and 2,600 juvenile cases. The department allocates its 18 deputy PD's as follows: eleven attorneys to felonies and conservator cases, five to misdemeanors, and two to juvenile cases. This workload is increasing. For example, felonies increased 20 percent in the county in 1988.

### County Standards

The mix of case filings forecasted for the district attorney is an indication of the likely workload to be handled by the public defender. The two vary because some cases investigated by the DA are dropped or settled before the public defender becomes involved. Furthermore, the public defender makes use of private counsel as do some

defendants. Traditionally, the two departments have adopted a ratio of two deputy public defenders for three deputy district attorneys.

The current office space standard employed by the public defender recommends 400 square feet per attorney. This ratio includes reception area, hallways, secretarial space, law library, and investigative staff offices. By comparison, the DA's space standards is 673 square feet per attorney. The DA must conduct an initial investigation prior to filing a case (i.e., question potential witnesses) and this requires a larger number of investigators than the PD's follow-up investigation.

Existing Deficiencies

There are no mandated California standards for the number of cases per attorney; thus each county must set its own caseload standards. The PD has determined, however, that his deputy's caseload should be brought into line with the state-wide average. Table V-5 indicates the current workload handled by the public defender versus the corresponding state-wide average.

TABLE V - 5

COUNTY VS. STATE WORKLOAD AVERAGES  
(1987/88 Fiscal Year)

<u>Types of Cases</u>	<u>County Average</u>	<u>State-wide Average</u>
Felonies	350	250
Misdemeanors	1,165	600 - 800
Juvenile	1,308	800
Weighted Averages	650	612

Sources: *Judicial Council of California, 1988 Annual Report* and Stanislaus County Public Defender's Office

In order to bring the department's caseload into line with the state average of 250 felonies per attorney, the PD must hire approximately ten additional deputy public defenders. The total of 29 PD attorneys, when compared to the 44 attorneys required for the current DA staff, conforms to the two to three attorney ratio between the PD and DA, respectively. This additional 10 PD staff translates into 4,000 square feet of additional office space. In addition to this staff deficiency, the department currently leases 6,376 square feet for its main offices. This leased space must be counted as a deficiency in the public defender's current facilities. Thus, the *immediate* deficiency for this department amounts to 10,376 square feet.

In addition to the *immediate* deficiency calculated above, the PD will have to increase its size 21 percent, regardless of growth, in order to handle the changes in penal policy. Twenty-one percent of additional 12,000 square feet the public defender projects he will need by 2010 (see calculations below) equals 2,520 square feet. When this *future* deficiency is added to the *immediate* deficiency of approximately 10,376 square feet, the total deficiency equals 12,896 square feet.

#### Facilities Needed to Accommodate New Development

The public defender's office has forecasted case filings out to the year 2010. The department's forecast assumes that the district attorney's current rate of case filings policies remain the same. The forecasted caseload by 2010 will reach well over 10,000 felonies and the same number of misdemeanors. Table V-6 shows the total office space requirement by 2010.

TABLE V - 6

PUBLIC DEFENDER  
 FORECASTED CASELOAD & REQUISITE FACILITIES  
 (1990 - 2010)

<u>Case Type</u>	<u>Cases per Attorney</u>	<u>Total Number of Attorneys</u>	<u>Total Office Space (Sq.Ft.)</u>
Felonies	250	43	17,200
Misdemeanors	800	10	4,000
Conservatorship	300	2	800
Juvenile	<u>800</u>	<u>5</u>	<u>2,000</u>
<b>TOTAL</b>	<b>2,150</b>	<b>60</b>	<b>24,000</b>

Source: Public Defender's Office

The amount of space needed to serve the existing population must be subtracted from the total space required in 2010 in order to calculate the net amount of new facilities that will serve future growth. The county's current standards require 30 attorneys to handle the 12,000 cases. At 400 square feet per attorney, current facilities should total 12,000 square feet. The space necessary for 30 additional attorneys will total 12,000 square feet of office space over the next 20 years. However, new development's share equals 79 percent of this total, or 9,480 square feet. At \$100 per square foot, new development's share of the additional space will cost \$948,000 (1989 dollars) for the cost of land, site preparation, construction, furnishings, and equipment.

## PROBATION

### Description of Department

The Probation Department occupies 45,036 square feet of relatively new office space. In the near future the department will lose an additional 3,633 square feet in the county courthouse and will instead rent between 4,000 to 5,800 square feet; however, the space standard for the department has been adjusted for these changes. As is the case with the other six criminal justice departments, probation constitutes a county-wide service. The department's responsibilities consist of pre-sentence investigation (preparation of court reports) and the supervision of probationers. The department projects its workload (pre-sentence report referrals) based on a historical average of 10 percent of the number of criminal bookings. The department has assumed this ratio will remain constant of the next 20 years. The department's facility needs consist of office space, furnishings, clerical equipment, and radio equipped passenger cars. There are no special facilities needs beyond the type used for general administrative duties.

### County Standards

The department has studied the average time necessary to perform each of its two functions: investigation and supervision. The preparation and filing of a typical pre-sentence court report averages eight hours. The average amount of time required to perform the second function, supervision of probationers, is based on a case classification system developed by the National Institute of Corrections. This system determines the probation officer hours required to supervise a particular type of case.

The space standard used by the department is approximately 150 square feet per officer. This standard includes space required for support staff and other ancillary activities. The standard for vehicles is 2.68 officers per car. The cars are equipped with prisoner cages and two-way radios.

Existing Deficiencies

The probation department is currently operating at its space capacity. The current workforce of 60 probation officers uses 9,060 square feet, giving the department 150 square feet per officer. Its current vehicle fleet is adequate according to the department's vehicle standard. However, the department's projection of 10,050 square feet and 25 additional vehicles (see calculations below) includes the 21 percent share that will serve the existing population over the next 20 years. This *future* deficiency equals 2,110 square feet and 5 vehicles that must be funded from sources other than impact fees.

Facilities Needed to Accommodate New Development

The county forecasted that the number of criminal bookings will increase from 30,821 in 1990 to 59,658 by 2010. During the same time, the Probation Department workload will raise from 3,000 pre-sentence report referrals to 5,806. The supervision of active cases will increase from 4,000 in 1990 to 7,742 in 2010. These increases will require 67 additional probation officers who would require 10,050 square feet of office space and 25 additional vehicles. Seventy-nine percent of the additional space, or 7,940 square feet, and 20 of the new vehicles can be allocated to new development. At \$100 per square foot, the new building space, including all land, site preparation, construction, furnishings, and equipment, costs \$794,000. The cost of 20 vehicles (\$12,000 each) equals \$240,000 (1989 dollars).

## ALL CRIMINAL JUSTICE DEPARTMENTS

Total Costs for All Criminal Justice Facilities Required to Serve New Development

In the remainder of this chapter, we will discuss the needs of the six criminal justice departments in terms of a single system. Thus we will sum all the space requirements calculated above for each department and calculate the total number of square feet required to serve new development. Table V-7 presents the total cost based upon an average price for land, site preparation, construction, furnishings and equipment of either \$144 (for courtrooms) or \$100 per square foot (office space).

TABLE V - 7

CRIMINAL JUSTICE:  
NEW DEVELOPMENT'S SHARE OF ADDITIONAL FACILITIES  
(1990 - 2010)

<u>Department</u>	<u>Facilities (Sq.Ft., Cars)</u>	<u>Cost<sup>1</sup> (1989 dollars)</u>
Superior Court	21,409	3,082,896
Municipal Court	27,832	4,007,808
Superior Court Clerk	10,491	1,049,100
Public Defender	9,480	948,000
District Attorney	23,393	2,339,300
Probation (Space)	7,940	794,000
Probation (Vehicles)	<u>20</u>	<u>240,000</u>
<b>TOTALS</b>	<b>100,565</b>	<b>\$12,461,104</b>

<sup>1</sup> Estimated construction costs are based on \$100 per square foot except for the cost of municipal and superior courtrooms; courtrooms are estimated at \$144 per square foot (1989 dollars)

Source: Recht Hausrath & Associates

The total cost for new courthouse space plus the office space and vehicle requirements for probation brings the total cost to approximately \$12.5 million (1989 dollars). This cost will change as each department prepares more precise estimates of their capital facility needs.

Allocation of Total Costs for All Departments

The Stanislaus County's criminal justice system serves all county population and employment living and working in both urban and unincorporated areas. Therefore, the total costs for future system-wide expansion are allocated over development county-wide, including any development in cities. While the causes of crime are too complex to allow a concise allocation of cost between all categories of new development, population and employment growth will both contribute additional burdens to the criminal justice system. Therefore, the entire cost of new criminal justice facilities must be borne by all five types of land use: single family, multi-family, office, retail, and industrial. It is assumed here that employment is a reasonable indicator of service needs for non-residential development and that an employee will generate one-half the service needs of a resident. Table V-8 presents the amount of each category of future development over which the cost of new facilities will be spread.

TABLE V - 8

COUNTY-WIDE GROWTH: POPULATION AND EMPLOYMENT  
(1990 - 2010)

<u>Land Use Categories</u>	<u>Growth</u>	<u>Percent</u>
Single Family Residents	203,600	65.6%
Multi-Family Residents	52,911	17.0
Office Employees (Weighted 50%) <sup>1</sup>	17,400	5.6
Retail Employees (Weighted 50%) <sup>1</sup>	12,950	4.2
High Density Industrial (Weighted 50%) <sup>1</sup>	21,240	6.8
Low Density Industrial (Weighted 50%) <sup>1</sup>	<u>2,360</u>	<u>0.8</u>
<b>TOTAL</b>	<b>310,461</b>	<b>100.0%</b>

<sup>1</sup> Non-residential growth, as measured by employment, is weighted by one half the number of new employees forecasted over the next 20 years.

Sources: Recht Hausrath & Associates

The new population and employment presented above (Table V-8) constitute the adjusted base that will fund the \$12.5 million cost for criminal justice facilities (shown above in Table V-7). The percentages given in the second column indicates the approximate shares each type of development will contribute to the cost of facilities to serve the next 20 years of new development. Therefore, the total amount required to accommodate the next 20 years of demand for all county-wide criminal justice facilities equals approximately \$40 per county resident and \$20 per employee.

#### Calculation of Fees

Table V-9 shows how the criminal justice fee per resident or worker is allocated across new development. The third column shows the fee per dwelling unit or per square foot of office, retail, or industrial space.

TABLE V - 9

## CALCULATION OF JUSTICE FEES

<u>Land Use Categories</u>	<u>Fee Calculation</u>	<u>Fee</u>
Single Family Units	\$40 x 3.20 residents	\$128 per dwelling unit
Multi-Family Units	\$40 x 2.07 residents	\$83 per dwelling unit
Office Space <sup>1</sup> (weighted 50%)	\$20 x $\frac{1 \text{ employee}}{300 \text{ square feet}}$	\$67 per 1,000 sq.ft.
Retail Space <sup>1</sup> (weighted 50%)	\$20 x $\frac{1 \text{ employee}}{500 \text{ square feet}}$	\$40 per 1,000 sq.ft.
High Density Industrial <sup>1</sup> (wtd 50%)	\$20 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$29 per 1,000 sq.ft.
Low Density Industrial <sup>1</sup> (wtd 50%)	\$20 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$10 per 1,000 sq.ft.

<sup>1</sup> Non-residential growth, as measured by employment, is weighted by one half the number of new employees forecasted over the next 20 years.

Source: Recht Hausrath & Associates

### Cost of Existing Deficiencies

As is the calculation of future needs due to growth, the total cost of existing deficiencies will be the sum of the departments with existing space deficiencies calculated above. Table V-10 presents this summation and calculated the total cost based upon an average price for land, site preparation, construction, furnishings and equipment of \$100 per square foot for general types of office space and \$144 per square foot for courtrooms.

TABLE V - 10

JUSTICE FACILITIES:  
IMMEDIATE & FUTURE DEFICIENCIES  
(1989 - 2010)

<u>Department</u>	<u>Additional Space (Sq.Ft.)</u>	<u>Total Cost<sup>1</sup> (1989 dollars)</u>
District Attorney	21,733	\$2,173,300
Municipal Court	10,108	1,455,552
Public Defender	12,896	1,289,600
Superior Court	5,691	819,504
Superior Court Clerk	2,789	278,900
Probation (space)	2,110	211,000
Probation (Vehicles)	<u>5</u>	<u>60,000</u>
<b>TOTALS</b>	<b>55,332</b>	<b>\$6,287,856</b>

<sup>1</sup> Estimated construction costs are based on \$100 per square foot except for the cost of municipal and superior courtrooms, estimated at \$144 per square foot (1989 dollars)

Source: Stanislaus County and Recht Hausrath & Associates

The results of Table V-10 indicate that the total space deficiency for the criminal justice system equals \$6.3 million (in 1989 dollars).

## VI. ROAD FACILITIES

The impact fee for county roads and other associated traffic facilities is complex because different types of new development will impact different parts of the county-wide road system. In order to satisfy the "nexus" requirement (discussed in Chapter I), the county's road fee is composed of three separate fees, each fee designed to mitigate the impacts on three different types of county roads. Generally defined, these types of roads are:

- 1) *inter-city routes* that serve all new county residents and employees;
- 2) *urban sphere roads* that have been incorporated into the long range traffic planning of a city (or an unincorporated area, such as Salida).
- 3) *city/county roads* that serve the remaining unincorporated areas of the county and cities that have not yet studied traffic improvements in their sphere of influence.

In this chapter, we will present a detailed description of the three types of roads and the methodology used to allocate project costs to the appropriate development. The chapter is composed of six sections following the same format used in the other chapters. In two of the sections, Cost of Facilities Needed to Accommodate New Development and Cost Allocation and Fee Determination, each fee is discussed separately.

### Description of Department

The Roads and Bridges division of the Public Works Department performs all construction and maintenance on county roads and traffic signals. This chapter will cover only those fees paid for road construction and new traffic signals. The department's future needs for additional office space will be covered in the general administration fee. The county does not construct or maintain roads within the nine cities but works jointly with some cities to plan future road improvements with the cities'

urban spheres. The department has a traffic model used for forecasting future needs out to 2010.

#### County Standards

At present, the county road system is generally operating at a level of service "C". The rapid urbanization within some spheres of influence has increased congestion at peak hours such that levels of service "D" are occasionally experienced in these areas. The county has reached an understanding with the City of Modesto with regard to traffic planning and level of service standards. The basic agreement, explained in more detail below, will allow the City to plan road improvements within its sphere of influence according to a comprehensive traffic plan prepared by an independent consultant. The Modesto traffic plan has as its goal level of service "C" at peak hours throughout the city and urban sphere. The county plans to implement similar agreements with other cities if and when they institute traffic planning for their urban spheres. The county will continue seeking to maintain a level of service standard "C" for all county roads outside urban spheres. The level-of-service for county roads within urban spheres are determined through joint county and municipal traffic planning.

#### Existing Deficiencies

The public works officials believe that all county roads outside Modesto's urban sphere generally operate at a service level "C" or better during peak hours. There are, therefore, no existing deficiencies.

### Facilities Needed to Accommodate New Development and Their Cost

The following discussion identifies the cost of road and traffic projects that are necessary to accommodate the next 20 years of growth. For the purposes of this study, the Public Works department has organized these construction projects into three groups: *Inter-City*, *Urban Sphere*, and *City/County*. The projects in each group benefit a different geographic segment of the county's future population. The following definitions have been used to allocate road projects to one of three groups.

**Inter-City Projects:** This first category consists of all major intercity road improvements that will serve county-wide traffic circulation. The *inter-city fee* will be based on the construction cost for such improvements. For projects that serve both inter-city travel and sphere circulation, the county and appropriate city will split the cost of these projects. The fee will include the county's expected share of construction costs for all major interstate and limited access routes. It will be charged to all new development county-wide, regardless of where the new development takes place.

**Urban Sphere Projects:** The second category is intended to extend a city's traffic impact fees to cover road improvements within its urban sphere. The county will impose a city's traffic impact fee only when a city has completed long-term traffic planning throughout its sphere of influence and has developed traffic impact fees that account for road improvements within its urban sphere. Thus, where cities have developed their own development fees for road improvements within their sphere of influence, the county adopts the city's fee as its own. The county may then carry out the road and traffic improvements according to the city's intentions or turn the collected fees over to the city when the area is annexed. At the present time, Modesto is the only one of nine cities that has completed such sphere-wide traffic planning. In the future, the urban sphere fee will become more applicable as other cities undertake sphere-wide traffic planning and implement traffic impact fees. Also, to the extent that urban communities (e.g., Salida) are developed in unincorporated areas, street improvements may be planned and a fee imposed in place of the city/county fee similar to the arrangement in the sphere of a city.

**City/County Projects:** The third category includes all county roads and traffic improvements outside city boundaries that have not been either

accounted for as major inter-city routes (*inter-city fee*) or as urban sphere road improvements financed through a city's traffic fee program (*urban sphere fee*). The county will charge this fee to all development in all areas of the county except where development is assessed a sphere fee. It is expected that cities will complete sphere-wide planning and impose fees that will fund road improvements throughout their spheres. As such fees are implemented, the county will charge new development occurring in the city's urban sphere the city's new *sphere fee* instead of the *city/county fee*.

New development, therefore, will pay a two-part traffic fee. All new development will pay the inter-city fee regardless of where it is located in the county. In addition, new development will also pay either a sphere fee or a city/county fee. For example, the new development within the Modesto urban sphere would pay the Modesto *urban sphere fee* plus the county's *inter-city fee*. New development in or near the city limits of Oakdale, until it prepares a city sphere street fee program, would pay the county *city/county fee* and *inter-city fee*. The details of each of the three fees is discussed separately below.

It is important to note that all of these fees are independent of any on-site road improvements required as part of a city's or county's subdivision ordinance. Only in rare circumstances would a developer be given credit towards her/his county road fees for on-site, project-specific road construction. However, if a developer constructs city/county improvements that are part of the county's master list of inter-city, sphere, or rural road projects, then the county or city should give credit towards the appropriate fee.

### Inter-City Traffic Projects

The county Public Works Department, Caltrans, the City of Modesto and SAAG have prepared a list of all road projects appropriate for inclusion in the inter-city fee program. The projects are organized into two groups. The first group contains all

interstate and major state projects that are eligible for state or federal funding assistance. The second group consists of the remaining inter-city routes that will be funded locally.

The first group of inter-city projects consists of road, bridge and signal improvements to Interstate 5, State Highway 99, and routes 120, 219, 132, and 108. These projects are eligible for state and federal assistance. Caltrans and county transportation analysts have reviewed all the intercity projects and, on a case-by-case basis, estimated the percentage of Caltrans and other outside assistance that can be expected. In some cases the share of state assistance can be estimated quite accurately, while for other projects the estimate is only an approximation. It should be noted that all these estimates assume the state gas tax is increased as proposed. If the gas tax increase is not approved, the expected levels of funding assistance must be reconsidered.

The local share of partially state-funded projects along with the entire cost of those inter-city projects not eligible for state assistance are allocated to new development. Table VI-1 presents a summary of the cost estimates, net of the estimated state and federal funding, for all inter-city road and highway construction.

Appendix A lists all inter-city road projects currently allocated to the *inter-city fee*. The county will update this list as new projects are deemed necessary, as the cost of projects change due to inflation, and as adjustments to the expected level of state and federal assistance become appropriate.

TABLE VI - 1

**PROJECTED INTER-CITY ROAD IMPROVEMENTS**  
(Net of State & Federal Assistance)

<u>Projects Scheduled From 1990-2010</u>	<u>Estimated Cost<sup>1</sup></u>
State Highway Projects (Caltrans Assisted)	\$118,973,000
County Road Projects	74,234,937
Contingency <sup>2</sup> (20 percent)	39,529,587
Engineering <sup>3</sup> (15 percent)	29,647,191
County Traffic Signals	<u>4,920,000</u>
<b>TOTALS</b>	<b>\$267,304,715</b>

<sup>1</sup> Costs are in 1989 dollars and estimate the county's share of the cost for projects scheduled from 1990 to 2010

<sup>2</sup> The historic data demonstrate consistent bias between estimated construction costs and contractor bids.

<sup>3</sup> Engineering costs are typically 15 percent of the basic construction and right-of-way costs.

Source: Department of Public Works, Caltrans, SAAG and Recht Hausrath & Associates.

### Urban Sphere Traffic Projects

Modesto has recently completed an extensive traffic study with the assistance of Dowling Transportation Engineering. The study forecasts traffic flows throughout Modesto's sphere of influence to the year 2010 and then estimates the cost of traffic mitigation. The City of Modesto is using this study to update the city's existing traffic fees. The county will, in turn, levy the same fee as its *sphere fee* for all new development in Modesto's urban sphere. The developers of the Salida planned development have also recently completed a development agreement with the county that includes mitigation of new development's impact on roads throughout the township. The Salida *sphere fee*, designed as a result of the development project's EIR, will replace the county's *city/county fee* in that area.

The county expects other cities and unincorporated communities to develop their own *sphere fees* similar to those now in place in Modesto and Salida. Appendix A does not list sphere roads because these are specific projects planned by each jurisdiction currently imposing a *sphere fee* (i.e., Modesto and Salida).

### City/County Road Projects

This category covers all county roads that have not been classified as inter-city routes or been included in the traffic impact fees levied by one of the nine cities. Although the term "city/county roads" is somewhat of a misnomer, the county's classification of many road projects as "city/county" will be temporary because they are situated in the urban spheres of cities that will implement their own *sphere fees*. As cities and urban communities plan sphere-wide road fees, new development will be charged for local roads only within these jurisdictions. (All new development, regardless where it is situated in the county, will still pay the county's *inter-city fee*.)

Modesto is the only city and Salida is the only unincorporated community that are currently charging traffic impact fees for future traffic improvements to roads within their spheres. Therefore, all of the county's road projects not included in the *inter-city* group or within these two communities are currently part of the *city/county roads fee*. The projects in this group are unlikely to receive any state or federal assistance, and therefore the total cost of these projects is allocated to new development (see Appendix A for a detailed list). Table VI-2 presents a summary of the cost estimates for county city/county road and highway construction over the next 20 years.

TABLE VI - 2

PROJECTED CITY/COUNTY ROAD IMPROVEMENTS  
(1990 - 2010)

<u>Projects Scheduled From 1990-2010</u>	<u>Estimated Cost<sup>1</sup></u>
City/County Road Projects (Federal or State Assisted)	\$22,493,500
County Road Projects	16,006,816
Contingency <sup>2</sup> (20 percent)	7,869,063
Engineering <sup>3</sup> (15 percent)	5,901,797
County Traffic Signals	<u>845,000</u>
<b>TOTALS</b>	<b>\$53,116,176</b>

- <sup>1</sup> Costs are in 1989 dollars and are net of state or federal assistance for projects scheduled from 1990 through 2010
- <sup>2</sup> The historic data demonstrate consistent bias between estimated construction costs and contractor bids.
- <sup>3</sup> Engineering costs are typically 15 percent of the basic construction and right-of-way costs.

Source: Department of Public Works, Caltrans, SAAG and Recht Hausrath & Associates.

Appendix A lists all city/county road projects currently allocated to the *city/county fee*. The county should update this list as cities and urban communities implement their own sphere-wide fee programs and take over responsibility for certain projects. At the same time, the total amount of new development among which the cost of the *city/county* roads must be shared and therefore reduced accordingly.

#### Cost Summary of County-Wide Traffic Projects

Table VI-3 presents the total cost estimates calculated for each group of county road construction projects. The department allocates the amortized cost of all construction equipment to each specific project. These figures serve as the revenue requirements that will be funded by new development over the next 20 years.

TABLE VI - 3

**PROJECTED ROAD IMPROVEMENTS**  
(1990 - 2010)

<u>Projects Scheduled From 1990 - 2010</u>	<u>Totals<sup>1</sup></u>
Inter-City	\$267,824,715
City/county	<u>53,116,176</u>
<b>TOTALS</b>	<b>\$320,940,891</b>

<sup>1</sup> Costs are in 1989 dollars and estimate the county's share for projects scheduled from 1990 through 2010

Sources: Public Works, Caltrans, SAAG, and Recht Hausrath & Associates

### Forecast of Peak Hour Tripend Generation

In this section, the total number of peak hour trips are projected by using the forecast of the five types of land use (i.e., single family, multi-family, office, retail, and industrial). Different types of development generate different amounts of traffic. The demand for future traffic improvements will be determined by the amount of driving or "trips" generated by each type of future development growth. Specifically, each type of development generates an average number of peak hour trips, and this peak hour tripend generation factor may be used to allocate the cost of traffic mitigation to new growth in each of the five types of land use categories.

As is common in traffic analysis, tripend, rather than trip, is used as the actual measure of traffic. Tripend is defined here as either a departure or a destination; in other words, each trip has two tripends. Tripend generation rates are typically described in terms of peak hour trips (PHT) per dwelling unit for residential land use, and per acre or per thousand square feet for retail, office and industrial uses.

The peak hour trip estimates for five categories of land used in this report are based on the Caltrans' *Trip Ends Generation Research Counts* (1986) and analysis from SAAG and the Department of Public Works. Table VI-4 presents the peak hour trip factor estimates applied to the forecasted growth for each of the five land use categories.

TABLE VI - 4

## APPROXIMATE PEAK HOUR TRIPENDS

<u>Land Use Category</u>	<u>Peak Hour Tripends per Unit</u>
Single Family dwelling unit	1.00
Multi-Family dwelling unit	0.67
Retail per thousand square feet <sup>1</sup>	5.14
Office per thousand square feet <sup>1</sup>	2.00
High Density Industry per thousand square feet <sup>1</sup>	1.00
Low Density Industry per thousand square feet <sup>1</sup>	0.75

<sup>1</sup>The peak hour tripends show in this table are averages for purposes of calculating the total number of peak hour trips. For purposes of project-specific road fees, non-residential land use is broken out into more detailed business types in Tables VI-7 and VI-8.

Source: Caltrans and Institute of Traffic Engineers (ITE)

The estimated peak hour trips in Table VI-4 are used to calculate the total peak hour trips over the next 20 years generated from the forecasted growth. Because of the different fee categories, peak hour trips are forecast for county-wide growth and, separately, for growth in unincorporated areas.

Table VI-5 presents the conversion of new development by type of land use to peak hour tripends throughout the county. The first of the three fees, the *inter-city fee*, is

calculated by allocating the total local share (total cost minus the expected Caltrans assistance) of inter-city road projects among these tripends.

TABLE VI - 5

CONVERSION OF LAND USE TO TRIPENDS - COUNTY-WIDE  
(1990 - 2010)

<u>Land Use Categories<sup>1</sup></u>	<u>Growth<sup>2</sup></u>	<u>Estimated PHT/Unit</u>	<u>Total PHT</u>
Single Family Dwelling Units	63,635	1.00	63,635
Multi-Family Dwelling Units	25,561	0.67	17,126
Office <sup>3</sup> (1,000s of sq.ft.)	10,440	2.00	20,880
Retail <sup>3</sup> (1,000s of sq.ft.)	12,950	5.40	69,930
High Density Industry <sup>3</sup> (1,000s of sq.ft.)	30,500	1.00	30,500
Low Density Industry <sup>3</sup> (1,000s of sq.ft.)	3,387	0.75	2,540
<b>TOTAL</b>			<b>204,611</b>

1 Actual fees are based on ITE average trip generation statistics for specific types of businesses.

2 Forecasted land use growth county-wide, 1990-2010. Land use growth is based on forecasted employment converted to building space using 300 office, 500 retail, and 700 high density industrial, and 2,100 low density industrial square feet per employee.

3 Inter-city impact fees for *non-residential development only* will vary by the specific type of business activity and its corresponding tripend generation.

Sources: O.E.D. Research, SAAG, and Recht Hausrath & Associates

The *city/county fee* is based on the total peak hour trips generated over the next 20 years except within the Modesto sphere of influence and the Salida Planned Development (accounted for in their respective sphere fees). The peak hour trips generated by this unincorporated growth is calculated below in Table VI-6.

TABLE VI - 6

CONVERSION OF LAND USE CONVERT TRIPENDS FOR  
NON-SPHERE FEE AREAS  
(1990 - 2010)

Land Use Categories <sup>1</sup>	Growth <sup>2</sup>	Approximate PHT's/Unit	Total PHT's
Single Family Dwelling Units	20,595	1.00	20,595
Multi-Family Dwelling Units	5,725	0.67	3,836
Retail (1,000s of sq.ft.) <sup>3</sup>	3,828	5.40	20,671
Office (1,000s of sq.ft.) <sup>3</sup>	4,476	2.00	8,952
High Density Industry (1,000s of sq.ft.) <sup>3</sup>	5,550	1.00	5,550
High Density Industry (1,000s of sq.ft.) <sup>3</sup>	648	0.75	486
<b>TOTAL</b>			<b>60,090</b>

1 Actual fees are based on ITE average trip generation statistics for specific types of businesses.

2 The forecasted growth includes all cities and county except new development projected in the city and sphere of Modesto and the Salida Planned Development over the next 20 years. Land use growth is based on forecasted employment converted to building space using 300 office, 500 retail, and 700 high density industrial, and 2,100 low density industrial square feet per employee. Actual fees are based on ITE average trip generation statistics for specific types of businesses.

3 City/county impact fees for non-residential development only will vary by the specific type of business activity and its corresponding tripend generation.

Sources: QED Research, SAAG, County Planning Department and Recht Hausrath & Associates

The projected peak hour tripends above have been forecasted from county-wide land use patterns and based on research conducted by the Institute of Traffic Engineers (ITE). Peak hour tripend projections derived from a traffic model may be considered an alternative and equally valid approach. A comparison of the model's peak hour tripend generation was within 12 percent of the projections shown above (Tables VI-5 and VI-6). The next step involves calculating an average cost per peak hour tripend for the *inter-city* and *city/county* roads. Table VI - 7 divides the total cost for each group of road projects by the corresponding number of peak hour tripends.

TABLE VI - 7

## COST PER PEAK HOUR TRIPEND

<u>Type of Peak Hour Tripend</u>	<u>Total Cost of Road Projects</u>	<u>Number of Peak Hour Tripends</u>	<u>Cost per Peak Hour Tripend</u>
<i>Inter-city</i>	\$267,304,715	204,611	\$1,306
<i>City/county</i>	53,116,176	60,090	\$884

Source: Recht Hausrath & Associates

#### Technical Adjustments to Tripends

Impact fees for roads are often based on tripends as described above, however, tripends generated by each type of land use are not equivalent. There are significant differences between the tripends generated by residential, retail and office/industrial land uses that may be factored into the final calculation of tripends generated over the next twenty years. Without some adjustments, imposing the same cost per trip on retail as the cost for commute trips may appear inequitable. Some adjustments to non-residential land uses are calculated here to demonstrate the options available.

For example, retail trips (44 percent of all tripends), particularly those for convenience stores and fast food restaurants, are shorter than average and often interrupted or pass-by (stop-on-the-way) or diverted (a few blocks out-of-the-way) trips. These types of tripends are intermediate tripends and should be subtracted from the total unadjusted tripend total (see Tables VI-8 and VI-9).

A second adjustment is necessary to account for shorter trips for retail shopping than a typical commute to work. These adjustment factors are not subtracted from the

unadjusted tripends as are the interrupted trips because the tripends still occur. However, the shorter trips reduce the amount of additional road capacity that must be built to accommodate new development. Therefore, the adjustments are made directly to the fees a specific type of land use would otherwise pay. Tables VI-10 and V-11 show the interrupted trip and trip length adjustments for specific types of land use. The following factors are used to adjust the general land use categories:

<u>Land Use Categories</u>	<u>Trip Length Adjustment Factor</u>	<u>Interrupted Adjustment Factor</u>	<u>Composite Adjustment Factor</u>
Residential	1.23	1.00	1.23
Office	0.88	1.00	0.88
Retail	0.77	0.75	0.58
Industrial	0.88	1.00	0.88

Source: Recht Hausrath & Associates

A third adjustment involves the county's policy that links retail tripends back to the residential development. While economic logic may justify attributing the cause of a trip to a resident rather than the shopping mall or office building, there exists no practical method of quantifying the effect. Therefore, the application of a "linkage factor" must be a policy decision and requires both the involvement of the Board and legal advise.

Tables VI-8 and VI-9 show how the interrupted trip adjustments are applied to the total tripends (Tables VI-5 and VI-6). The second column shows these original tripends calculated above. The conversion factors are shown in the second column and the fully adjusted tripends are shown in the third column.

TABLE VI - 8

## Interrupted Trip Adjustment: Inter-City Fee

<u>Land Use Categories</u>	<u>Unadjusted Tripend</u>	<u>Interrupted Adjustment Factor</u>	<u>Adjusted Tripend</u>
Single Family	63,635	100%	63,635
Multi-Family	17,126	100%	17,126
Office	20,880	100%	20,880
Retail	69,930	75%	52,448
High Density Industry	30,500	100%	30,500
Low Density Industry	<u>2,540</u>	100%	<u>2,540</u>
<b>TOTAL</b>	<b>204,611</b>		<b>187,129</b>

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Source: Recht Hausrath & Associates

TABLE VI - 9

## INTERRUPTED TRIP ADJUSTMENT: CITY/COUNTY FEE

<u>Land Use Categories</u>	<u>Unadjusted Tripend</u>	<u>Interrupted Adjustment Factor</u>	<u>Adjusted Tripend</u>
Single Family	20,595	100%	20,595
Multi-Family	3,836	100%	3,836
Office	8,952	100%	8,952
Retail	20,671	75%	15,503
High Density Industry	5,550	100%	5,550
Low Density Industry	<u>486</u>	100%	<u>486</u>
<b>TOTAL</b>	<b>60,090</b>		<b>54,922</b>

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Source: Recht Hausrath & Associates

All of the adjustment taken together reduce the total tripends sharing the cost burden about 8.5 percent for *inter-city* peak hour tripends and 8.6 percent for *city/county*.

Calculation of the Cost Per Peak Hour Tripend

The next step involves calculating an average cost per peak hour tripend for the *inter-city* and *city/county* roads. Table VI-10 shows the calculation of the cost per peak hour trip end on an adjusted basis.

TABLE VI - 10

## ADJUSTED COST PER PEAK HOUR TRIPEND

<u>Type of Peak Hour Tripend</u>	<u>Total Cost of Road Projects</u>	<u>Number of Peak Hour Tripends</u>	<u>Cost per Peak Hour Tripend</u>
<i>Inter-city</i>	\$267,304,715	187,129	\$1,428
<i>City/county</i>	\$53,116,176	54,922	\$967

Source: Recht Hausrat., & Associates

If the adjustments described above as an example are applied, the fee per *inter-city* tripend would be increased from \$1,306 to \$1,428. When the adjustments are applied to *city/county* tripends, the cost per *city/county* peak hour tripend increases from \$884 to \$967. These average costs are then multiplied by the estimated peak hour trip factors for each land use category to determine the fee for each type of new development. Table VI-11 and VI-12 present the *inter-city* and *city/county* fees, respectively.

The fee, as it appears to the developer pulling a building permit, is a total of either the *inter-city* fee and the *city/county* fee or the *inter-city* fee and the *urban sphere* fee. As is evident from the combinations, the *inter-city* fee will be charged to all new development anywhere in the county. For development within the sphere of influence of Modesto, the developer will pay the *inter-city* fee and the *urban sphere* fee. For all development

outside the sphere of influence of Modesto and the Planned Development of Salida, the developer will pay the *inter-city fee* and the *city/county fee*. As other cities and unincorporated urban communities undertake comprehensive traffic planning and fee programs that include their spheres, the county will substitute the city's traffic fee for its *city/county fee*.

Cost of Existing Deficiencies

Engineers at the Department of Public Works conclude that existing traffic counts on county roads rarely exceed those for level of service "C". The exceptions are within certain spheres of influence where a level of service "D" is acceptable. Therefore, the county has no existing deficiency at the present time and the entire cost of future road construction will be allocated to new development.

TABLE VI-11  
ALTERNATIVE INTER-CITY ROADS FEE SCHEDULES

<u>Land Use</u>	<u>Peak Hour Trip Ends</u>	<u>Unadjusted Fee</u>	<u>Technical Adjustment Factor<sup>1</sup></u>	<u>Technically Adjusted Fee</u>
<b>RESIDENTIAL - Per Dwelling Unit</b>				
Single-family	1.00	\$1,306	1.23	\$1,756
Multi-family	0.67	875	1.23	1,177
Senior Housing	0.40	522	1.23	703
<b>NON-RESIDENTIAL - per 1,000 Sq. Ft. (unless otherwise noted)</b>				
<b>Office</b>				
<i>General Office/Office Park</i>	2.00	2,612	0.88	2,513
<i>Medical Offices</i>	3.60	4,702	0.88	4,524
<b>Industrial</b>				
<i>High Density Industrial</i>	1.00	1,306	0.88	1,257
<i>Low Density Industrial</i>	0.75	980	0.88	942
<b>Commercial</b>				
<i>Convenience Market</i>	71.10	92,857	0.42	42,643
<i>Small Retail (&lt;50,000 sq.ft.)</i>	12.36	16,142	0.58	10,237
<i>Medium Retail (50-100,000 sq.ft.)</i>	7.51	9,808	0.58	6,220
<i>Shopping Center (100-300,000 sq.ft.)</i>	4.17	5,446	0.58	3,454
<i>Shopping Mall (&gt;300,000 sq.ft.)</i>	3.44	4,493	0.58	2,849
<b>Restaurants</b>				
<i>Fast Food</i>	43.30	56,550	0.46	28,443
<i>High Turnover</i>	19.93	26,029	0.58	16,507
<i>Sit Down</i>	7.25	9,469	0.77	7,972
<b>Financial</b>				
<i>Bank</i>	24.00	31,344	0.46	15,765
<i>Savings &amp; Loan</i>	6.10	7,967	0.69	6,010
Manual Car Wash (per stall)	4.80	6,269	0.58	3,976
Church	0.64	836	0.77	704
Day Care Center	12.30	16,064	0.23	4,040
Hospital	1.58	2,063	0.77	1,737
Mini-Warehouse	0.26	340	0.77	286
Nursing Home	0.27	353	0.77	297
Gas Station-per pump	3.63	4,741	0.39	2,022
Motel/Hotel-per room	0.64	836	0.77	704
Golf Course (per acre)	0.39	509	1.00	557
Movie Theater	6.14	8,019	1.00	8,768
Racquet Club (per court)	3.94	5,146	1.00	5,626
Tennis Courts (per court)	3.43	4,480	1.00	4,898

<sup>1</sup> Adjustment factors are based on statistical analysis of interrupted trips and trip lengths for each of the six major types of land use.

ALTERNATIVE CITY/COUNTY ROADS FEE SCHEDULE

<u>Land Use</u>	<u>Peak Hour Trip Ends</u>	<u>Unadjusted Fee</u>	<u>Technical Adjustment Factor<sup>1</sup></u>	<u>Technically Adjusted Fee</u>
<b>RESIDENTIAL - Per Dwelling Unit</b>				
Single-family	1.00	\$844	1.23	1,189
Multi-family	0.67	565	1.23	797
Senior Housing	0.40	338	1.23	476
<b>NON-RESIDENTIAL - per 1,000 Sq. Ft. (unless otherwise noted)</b>				
<b>Office</b>				
General Office/Office Park	2.00	1,688	0.88	1,702
Medical Offices	3.60	3,038	0.88	3,063
<b>Industrial</b>				
High Density Industrial	1.00	844	0.88	851
Low Density Industrial	0.75	633	0.88	638
<b>Commercial</b>				
Convenience Market	71.10	60,008	0.42	28,877
Small Retail (<50,000 sq.ft.)	12.36	10,432	0.58	6,932
Medium Retail (50-100,000 sq.ft.)	7.51	6,338	0.58	4,212
Shopping Center (100-300,000 sq.ft.)	4.17	3,519	0.58	2,339
Shopping Mall (>300,000 sq.ft.)	3.44	2,903	0.58	1,929
<b>Restaurants</b>				
Fast Food	43.30	36,545	0.46	19,261
High Turnover	19.93	16,821	0.58	11,178
Sit Down	7.25	6,119	0.77	5,398
<b>Financial</b>				
Bank	24.00	20,256	0.46	10,676
Savings & Loan	6.10	5,148	0.69	4,070
Manual Car Wash (per stall)	4.80	4,051	0.58	2,692
Church	0.64	540	0.77	477
Day Care Center	12.30	10,381	0.23	2,736
Hospital	1.58	1,334	0.77	1,176
Mini-Warehouse	0.26	219	0.77	194
Nursing Home	0.27	228	0.77	201
Gas Station-per pump	3.63	3,064	0.39	1,369
Motel/Hotel-per room	0.64	540	0.77	477
Golf Course (per acre)	0.39	329	1.00	377
Movie Theater	6.14	5,182	1.00	5,937
Racquet Club (per court)	3.94	3,325	1.00	3,810
Tennis Courts (per court)	3.43	2,895	1.00	3,317

<sup>1</sup> Adjustment factors are based on the statistical analysis of interrupted trips and trip lengths for each of the six types of land use.

Source: Recht Hausrath & Associates

## VII. LIBRARIES

### Description of Department

The county library system currently operates a 62,000 square foot main library in downtown Modesto and 13 branch facilities totalling almost 100,000 square feet. Two of the branch facilities occupy leased space totaling 2,440 square feet. Currently, one third of all county residents have library cards.

While the county manages all the facilities, some cities (e.g. Modesto) have provided some maintenance and support, including limited purchase of materials. Oakdale has been the only city that has expressed any desire to own their library out-right. Historically, the libraries have received 75 percent of their total operating budget from the county and 25 percent from the cities. The specific terms of support and funding proportions vary by municipality. Table VII-1 presents a summary of the county's existing libraries and volumes.

The county's recent expansion plans included a 10,000 square foot mezzanine addition to the main library in Modesto and an adjacent three-deck parking structure costing \$3 million. These plans have been abandoned in favor of expanding the branch facility system where larger expected growth will create a greater need. In the next two years, the department will add two branch libraries to be constructed as part of two new secondary schools. The Modesto City School District has requested that these adjacent libraries be operated as a county library. With these additions, the department will have remedied all existing deficiencies. The immediate construction of the two school libraries (21,000 square feet) will bring the total system size to approximately 121,000 square feet.

TABLE VII - 1

## EXISTING LIBRARY FACILITIES

<u>Existing Facilities</u>	<u>Owned Space (square feet)</u>	<u>Leased Space (square feet)</u>	<u>Volumes<sup>1</sup></u>
Modesto Library	62,000	-0-	384,915
Modesto School Branches <sup>2</sup>	21,000	-0-	-0-
Oakdale Branch	6,500	-0-	41,086
Ceres Branch	4,500	-0-	24,461
Denair Branch	2,000	-0-	12,318
Turlock Branch	10,000	-0-	82,574
Empire Branch	670	-0-	6,061
Newman Branch	2,613	-0-	11,533
Patterson Branch	4,070	-0-	30,719
Riverbank Branch	3,594	-0-	20,089
Waterford Branch	2,170	-0-	17,663
Keyes Branch	1,200	-0-	12,522
Salida Branch <sup>3</sup>	-0-	1,400	6,256
Valley Home Branch	500	-0-	4,216
Hughson Branch	-0-	1,040	6,675
<b>TOTAL</b>	<b>120,817</b>	<b>2,440</b>	<b>661,088</b>

1 Volumes are defined to include documents, magazine titles, pamphlets, and audio-visual materials.

2 The Modesto School District plans to incorporate two library branches totaling 21,000 square feet into two new schools scheduled for completion sometime during 1990.

3 The Salida Planned Development will include a new 12,000 square foot branch library. The facility is considered part of the new system capacity to serve growth and is therefore not counted as an existing facility.

Source: Stanislaus Public Libraries

### County Standards

The American Library Association recommends 2.5 volumes per capita and the California State Library recommends from 0.4 to 0.5 square feet per resident as minimum standards for library capacity. The department will apply its current ratio of 2.1 volumes per resident as the future county standard.

The county currently owns approximately 121,000 square feet to serve the existing population of 360,000. This produces a 0.34 ratio of space to population, which the department has adopted as its space standard. The ratio does not include the currently leased space.

#### Existing Deficiencies

Currently, the library department owns over 661,000 volumes or 2.1 volumes per resident (Volumes are defined to include documents, magazine titles, pamphlets, and audio-visual materials). The space standard has been determined from the current ratio of 0.34 square feet to residential population. Therefore, the department has no existing space or volume deficiency.

#### Facilities Needed to Accommodate New Development and Their Cost

The county librarian and her staff have identified the facilities required for future population growth, the estimated construction cost of the building shell, shelving, furnishings, and equipment is \$138.75 (1989 dollars) per square foot. The amount of land needed is 2.75 times the amount of library floor space, or a floor area ratio (F.A.R.) of 0.36. Current land prices average between \$70,000 to \$85,000 per acre, or \$5.37 per building square foot adjusted for a 0.36 F.A.R. The results presented in Table VII-2 assume land costs of \$5.37 per square foot, or a total cost of \$144.12 per square foot (1989 dollars) for new library facilities.

The department's future needs are directly linked to the increase of residential and employment (used as a proxy for businesses expansion) population. According to the department's standard of 0.34 square feet per capita served, the forecasted residential population increase of 256,511 will require approximately 90,000 square feet of new

space. The specific branch facilities to be expanded or constructed are listed below in Table VII-2.

TABLE VII - 2  
COST SUMMARY OF FUTURE LIBRARY EXPANSION  
(1990 - 2010)

<u>New Facilities</u>	<u>New Space (Square Feet)</u>	<u>Construction Cost<sup>1</sup></u>	<u>Land Costs<sup>2</sup></u>
Northeast Modesto	15,000	\$2,081,250	\$ 80,550
Turlock Addition	38,000	5,272,500	204,060
Salida Addition	12,000	1,665,000	64,440
Ceres Addition	8,000	1,110,000	42,960
Oakdale Addition	6,000	832,500	32,220
Denair Addition	4,000	555,000	21,480
Hughson Library	3,000	416,250	16,110
Waterford Addition	<u>4,000</u>	<u>555,000</u>	<u>21,480</u>
<b>TOTAL</b>	<b>90,000</b>	<b>\$12,487,500</b>	<b>\$483,300</b>

<sup>1</sup> Construction costs (1989 dollars) are estimated at \$138.75 per square foot for the building shell, shelving, furnishings and equipment.

<sup>2</sup> Land costs (1989 dollars) are based on \$85,000 per acre or \$5.37 per square foot assuming a F.A.R. of 0.36.

Source: Stanislaus Public Libraries and Recht Hausrath & Associates

The forecasted county-wide population of 610,000 in the year 2010 will require 1.28 million volumes. This future need represents 620,000 additional volumes above the county's current collection of 661,000 volumes. The purchase cost of new volumes is based on average prices quoted from the March (1989) issue of Publishers Weekly. The average price per volume for general reading was \$28.00 in 1989. Therefore, the cost of purchasing reading material for future growth is approximately \$17.4 million (in 1989 dollars) over the next 20 years.

In addition to furnished space and volumes, the department's needs include an automated catalog that will help reduce future hiring of additional staff and provide better service. Since this capital expense will benefit existing as well as new library users, we have allocated 48 percent (the percentage of total usage represented by growth) of the \$700,000 total cost to new development; thus, \$340,000 will be included in the cost of new facilities to accommodate growth. This amount is added to \$13.0 million per Table VII-2 for expansion of the physical facilities and \$17.4 million for additional volumes, equaling a total of \$30.7 million (1989 dollars) required to accommodate new growth in the county through the year 2010.

#### Allocation of Costs

The Stanislaus County library system is a county-wide service. There are no parallel municipal facilities serving city residents. Therefore, the total costs for future system-wide expansion are allocated over development county-wide, including all development that will take place inside city limits. Furthermore, the libraries do not receive any mandated or probable state or federal funding. Therefore, the entire cost of new facilities can be borne by impact fees.

The county has included one half of the projected square footage of new non-residential development in the calculation of the library impact fee. The library department considers business use of library resources to be significant, but less than residential use. It is assumed here that employment is a reasonable indicator of non-residential library use and that an employee generates only about half the library use as a resident. Table VII-3 presents the number of new single and multi-family home residents and all types of employment that will share in the total costs of new library facilities and volumes. It can be seen that these assumptions result in non-residential development being responsible for 17.4 percent of the cost.

TABLE VII - 3

COUNTY-WIDE GROWTH IMPACTING LIBRARY FACILITIES  
(1990 - 2010)

	<u>Growth</u>	<u>Percent</u>
Residents	256,511	82.6%
Employment <sup>1</sup> (weighted at 50%)	<u>53,950</u>	<u>17.4%</u>
<b>TOTAL PERSONS SERVED</b>	<b>310,461</b>	<b>100.0%</b>

<sup>1</sup> Because employment, the indicator of non-residential use of libraries, is assumed to have only half the impact of residential population, only half the growth is shown.

Source: Recht Hausrath & Associates

The new residents and employees calculated above (Table VII-3) constitute the adjusted base over which the cost of new library buildings and volumes will be spread. The percentages given in the second column indicates the approximate shares each type of development will contribute to the cost of facilities to serve the next 20 years of new development. These costs total \$30.7 million and are then divided by the 310,461 new residents and employees that will use library facilities. Thus, the amount required to accommodate the next 20 years of new growth is \$98 per residents and \$49 per employee according to the standards currently enjoyed by the existing county-wide residents.

Calculation of Fees

Table VII-4 presents the allocation of the total costs for new library space and volumes over the eligible county-wide population. The second column shows the fee per dwelling unit or thousand square feet of office space.

TABLE VII - 4  
CALCULATION OF FEES

<u>Land Use Category</u>	<u>Fee Calculation</u>	<u>Fee Per Unit</u>
Single Family Unit	\$98 x 3.20 residents	\$314 per dwelling unit
Multi-Family Unit	\$98 x 2.07 residents	\$203 per dwelling unit
Office Space (weighted 50%)	\$49 x $\frac{1 \text{ employee}}{300 \text{ square foot}}$	\$163 per 1,000 sq.ft
Retail Space (weighted 50%)	\$49 x $\frac{1 \text{ employee}}{500 \text{ square foot}}$	\$98 per 1,000 sq.ft
High Density Industry <sup>1</sup> (wtd 50%)	\$49 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$70 per 1,000 sq.ft.
Low Density Industry <sup>1</sup> (wtd 50%)	\$49 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$23 per 1,000 sq.ft.

Source: Recht Hausrath & Associates

Cost of Existing Deficiencies

At present, the library must complete 21,000 square that the Modesto School District has offered to incorporate into two new schools in order to attain its standard of approximately 0.34 square feet per resident. The departments current collection of 661,008 volumes equals 2.1 volumes per population, thus there is no current deficiency.

## VIII. FIRE DEPARTMENT

### Description of Department

County-wide, some twenty-seven agencies have overlapping fire responsibilities. The county's agencies are organized into a central facility commanded by the county fire warden and 18 fire districts of which half have elected commissioners and the commissioners of the other half are appointed. The 18 fire districts carry out primary fire suppression and other emergency response duties in the unincorporated areas of the county, while the nine city departments (or contracted urban services) provide these services to the cities. The districts operate as semi-autonomous jurisdictions and therefore provide a range of service levels: from all-volunteer personnel with minimal equipment to full-time professional forces with fully-equipped stations. Given this range of service levels, each district would have to formulate its own impact fees. The lack of planning for long-term facilities requirements by most districts made the design and implementation of district-specific impact fees at the present time impossible.

One exception is the Salida Fire District which has participated in a Mello-Roos district to construct additional facilities required to serve new development. The Salida fee incorporates both the cost of a new station, which is necessary to serve new development and the "buy-in" cost that covers the service new development will receive from an existing station. This arrangement may serve as a model fee program for other fire districts as each completes long-term facility planning and some degree of standardization of their level-of-service.

The fire warden has completed most of his facility planning for the next twenty years with the exception of the training facility. Although preliminary cost estimates for the training facilities are included as part of the fire warden's fee, the cost sharing arrangements between the county and participating cities has yet to be finalized.

The county fire warden provides five types of services that primarily benefit unincorporated areas. Those activities that the fire warden provides to city agencies are mostly backup support that city agencies reciprocate for the county. Therefore, the department considers its primary responsibilities are directed to unincorporated residents and employment. These responsibilities are:

1. Fire prevention to unincorporated areas
2. Back-up fire suppression for both districts and cities upon request
3. Training for district and city personnel upon request
4. Arson investigation in all unincorporated parts of the county and for cities upon request
5. Administration assistance for fire districts

The county fire warden provides all of these services listed above, except some training activities, out of a 6,382 square foot headquarters and fire station at County Center III. This facility is scheduled to be relocated to a new adjacent site in 1991 or 1992. The department's periodic training activities are provided out of 961 square feet of leased space. The department is planning to move all training activities to a new facility that will be shared by all city and district fire departments county-wide. Table VIII-1 shows the current allocation of space by function.

The department employs 18 full-time professionals ( does not include support personnel) to provide all five services. Their salaries are funded from the county's general fund and a county-wide fire tax (Fire Service Tax) that all county residents pay except residents in the cities of Turlock and Modesto. These tax revenues are not adequate to support capital investment.

TABLE VIII - 1

DISTRIBUTION OF EXISTING SPACE BY FUNCTION  
(1988/89 Fiscal Year)

<u>Type of Service</u>	<u>Leased Square Feet</u>	<u>County-Owned Square Feet</u>
Fire Suppression	0	4,736
Administration of Fire Districts	0	949
Training for Fire District Personnel	961	147
Fire Prevention	0	265
Arson Investigation	<u>0</u>	<u>285</u>
<b>TOTAL</b>	<b>961</b>	<b>6,382</b>

Sources: Stanislaus County Fire Warden

### County Standards

The level-of-service standards for the county Fire Warden are difficult to state in quantitative terms because many of the department's functions involve support of fire districts and back-up services to city fire departments. The fire warden regards his current force of 18 full-time personnel and his existing facilities and equipment as adequate for his current workload. He projects, however, that the department will have to hire employees at the same rate as forecasted population growth. The current ratio of personnel to headquarters/fire station space may serve as the department's standard for level-of-service. This ratio is approximately 360 square feet per professional (does not include training). The existing inventory of fire fighting equipment is also adequate to serve the current unincorporated population and therefore will be expanded at the same rate as the growth of unincorporated population (residents plus employment).

Existing Deficiencies

The department's pending move will exchange the current headquarters space for the same amount of new space at its new headquarters plus 25 percent more space to accommodate growth. The cost of constructing the new headquarters must therefore be allocated according to the ratio of existing to new population in the unincorporated area. This ratio is roughly 75 percent existing population to 25 percent new. The actual cost of the existing population share will be calculated below.

The fire warden's lack of training capacity constitutes an existing deficiency. The 961 square feet of leased space for periodic training should be replaced with adequate amount of county-owned space. The planned, joint-training center will remedy this deficiency, and its cost must be allocated according to the ratio of existing to new unincorporated population used above for the new headquarters.

Facilities Needed to Accommodate New Development and Their Cost

The CIP calls for the relocation of the County fire warden to a site adjacent to the new county jail site. The estimate for construction and additional equipment equals \$2.2 million. The cost will include a communications center, replacing a service currently provided by the county's central communication facility. The new headquarters and attached fire station, including its autonomous communications capability, will serve both the existing population and the next 20 years of new development. Its cost, therefore, should be shared between existing and new population in the unincorporated area. Table VIII-2 presents a detailed breakdown of the new station cost.

TABLE VIII - 2

## PROPOSED BUDGET FOR NEW COUNTY FAIRE HEADQUARTERS

	Estimated Cost (1989 Dollars)
<u>New Facility</u>	
Land (2 acres @ \$85,000/acre)	\$ 170,000
Headquarters Building & Fire Station <sup>1</sup>	1,000,000
Office Equipment	68,150
Furnishings	<u>20,000</u>
Headquarters and Station Subtotal	\$1,258,150
<u>Additional Equipment</u>	
Major Suppression Equipment	\$ 144,500
Type I Engine Fully Equipped	310,000
Type I Tender Fully Equipped	200,000
Type I Rescue/Air/Light Fully Equipped	220,000
Arson Truck	20,000
Sedans Fully Equipped (3 @ \$17,000)	<u>51,000</u>
Equipment Subtotal	\$ 945,500
TOTAL	\$2,203,650

<sup>1</sup> Includes site preparation and construction

Source: Stanislaus County Fire Department

Thus, the new facility's construction cost of approximately \$1.3 million is thus allocated between existing and new unincorporated population (residents and employment). The allocation of the facility's total construction cost (\$1,258,150 in 1989 dollars) is approximately 75 percent to existing population and 25 percent to new development. Therefore, the cost of the existing deficiency equals approximately \$943,612 and new development should pay the remaining \$314,538. The new equipment cost of \$801,000 will be charged entirely to new development as the department's current inventory of fire fighting equipment is adequate for existing needs. The share of the new

headquarters space paid for by new development, therefore, equals approximately \$1,115,538.

In a joint effort, the County, Modesto Junior College (MJC), and some city fire departments have cooperated to construct two training centers for all professional and volunteer fire personnel county-wide. The City of Modesto estimates the cost of the first training center at approximately \$5.5 million. The cost estimate for the second site has not been finalized. The sites are already owned by county and Modesto Junior College and the cost of the land is not included in the estimates. All agencies participating in the project are sharing in the cost, however the exact percentages are as yet unspecified.

MJC is contributing \$4 million and the City of Modesto plans to fund the remaining costs of building at the first site. The county has not yet determined the final cost of developing on the second site, however the fire warden estimates the county will need about \$3.0 million to develop the second site. The estimate will be refined as plans are completed over the next year and the county will make appropriate revisions in next years fire impact fees.

The fire warden currently trains small groups in his existing facilities and all large scale training in borrowed or leased space. The current lack of a permanent training facility means the new training facility will remedy an existing deficiency as well as provide service to new development. The relative shares may be determined by the ratio of existing to new population in the unincorporated areas. This ratio, 75 percent existing population to 25 percent for new development, allocates \$750,000 for the training center to new development in the unincorporated areas. The total cost to be allocated to new development is therefore the sum of new development's share of the new headquarters (\$1,115,538) plus the training center cost (\$750,000), or a total of \$1,865,538.

### Allocation of Costs

The fire warden provides services primarily to those county residents living in unincorporated areas. Therefore, the total cost of future system-wide expansion (exclusive of existing deficiencies) is allocated over new development outside the city limits of the nine municipalities. Specifically, new development's share of the total cost is borne by all five types of land use: single family, multi-family, office, retail, and industrial. Table VIII-3 presents the amount of each category of future development over which the cost of new facilities will be spread.

TABLE VIII - 3

#### UNINCORPORATED GROWTH OF RESIDENTS & EMPLOYEES (1990 - 2010)

<u>Land Use Categories</u>	<u>Growth</u>	<u>Percent</u>
Single Family Residents	21,056	67.4%
Multi-Family Residents	5,154	16.5
Office Employment (weighted 50%) <sup>1</sup>	1,946	6.2
Retail Employment (weighted 50%) <sup>1</sup>	918	2.9
High Density Industrial <sup>1</sup> (weighted 50%)	1,971	6.3
Low Density Industrial <sup>1</sup> (weighted 50%)	219	0.7
<b>TOTAL</b>	<b>31,264</b>	<b>100.0%</b>

<sup>1</sup> Non-residential growth, as measured by the forecasted increase of employment working in the unincorporated area of the county, is weighted by one half the number of new employees forecasted over the next 20 years.

Source: Recht Hausrath & Associates

The 31,264 new residents and employees (after 50 percent weighting) calculated above (Table VIII-3) constitutes the base over which the \$1.9 million cost for new county fire facilities (exclusive of costs for existing deficiencies) will be spread. The percentages given in the second column indicates the approximate shares each type of development

will contribute to the cost of facilities to serve the next 20 years of new development. Therefore, the total amount required to accommodate the next 20 years of new demand for the Fire Warden's facilities equals approximately \$60 per resident and \$30 per worker in the unincorporated areas of the county.

Calculation of Fees

Table VIII-4 shows how the fee per resident or worker is calculated for each type of new development. The third column shows the fee per dwelling unit or per square foot of office, retail, or industrial space.

TABLE VIII - 4

CALCULATION OF FIRE WARDEN FEES

<u>Land Use Categories</u>	<u>Fee Calculation</u>	<u>Fee Per Unit</u>
Single Family Unit	\$60 x 3.20 residents	\$192 per dwelling unit
Multi-Family Unit	\$60 x 2.07 residents	\$124 per dwelling unit
Office Space (weighted 50%) <sup>1</sup>	\$30 x $\frac{1 \text{ employee}}{300 \text{ square feet}}$	\$100 per 1,000 sq.ft.
Retail Space (weighted 50%) <sup>1</sup>	\$30 x $\frac{1 \text{ employee}}{500 \text{ square feet}}$	\$60 per 1,000 sq.ft.
High Density Industry <sup>1</sup> (wtd 50%)	\$30 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$43 per 1,000 sq.ft.
Low Density Industry <sup>1</sup> (wtd 50%)	\$30 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$14 per 1,000 sq.ft.

<sup>1</sup> Non-residential growth, as measured by the forecasted increase of employment working in the unincorporated area of the county, is weighted by one half the number of new employees forecasted over the next 20 years.

Source: Recht Hausrath & Associates

Cost of Existing Deficiencies

The Fire Warden must remedy two deficiencies: the unincorporated population's 75 percent share of the new headquarters and adjoining fire station (approximately \$950,000) and the county's share of the new training facility (approximately \$2,250,000). The total cost to remedy all existing deficiencies equals approximately \$3.2 million.

## IX. PARKS AND FACILITIES DEPARTMENT

### Description of Department

The county currently owns and operates 8,000 acres of park land in eight regional parks and constructs and maintains neighborhood parks in unincorporated areas. In addition to park lands and facilities, the department is responsible for off-road vehicle (ORV) recreation areas, fishing access, historical sites, and a recreation center. The department's administrative offices are located at County Center IV and occupy 2,000 square feet. The present fleet of vehicles is shown in Table IX-2.

A construction program was begun in 1957 to expand the county's regional parks to accommodate the next 20 years of new demand. State-wide bond initiatives have funded at least 95 percent of the land acquisition and construction costs for the county's regional park system. The department also receives funding assistance from federal revenue sharing, the State Wildlife Fund, the Department of Fish and Game, and monies allocated from the state under AB 145 (1989). The current inventory of land will be adequate for the existing population and new development through 2010. The current external funding sources will pay for the cost of park development through the year 2010.

After a needs assessment completed in 1974, the Stanislaus County Regional Park Study prepared by EDAW Inc., the Parks Commission and the Board of Supervisors approved expansion and improvements to four county parks. Many of the proposed projects have now been completed using the State bonds and primary grant funds. The facilities still to be constructed consist of road systems, rest rooms, showers, and campsites. Table IX-1 summarizes the past and future expenditures necessary to complete the county's park system.

TABLE IX - 1

SCHEDULE OF PARK EXPENDITURES  
(thousands of 1987 dollars)

<u>Regional Park</u>	<u>1987<sup>1</sup></u>	<u>1990</u>	<u>2000</u>	<u>2010</u>
Woodward Reservoir	\$ 842	\$ 845	\$ 835	\$1,110
Modesto Reservoir <sup>2</sup>	759	880	930	800
Frank Rains Park	330	465	125	0
La Grange Park	760	330	75	125
<b>TOTAL</b>	<b>\$2,691</b>	<b>\$2,520.0</b>	<b>\$1,965</b>	<b>\$2,035</b>

1 Projects completed as of 1989

2 The Parks Department must still acquire 655 acres of remaining land around Modesto Reservoir in order to own all the property surrounding the reservoir. The estimated cost for the land is \$1,000 per acre or \$ 55,000 total cost will be funded through the State bond initiative and will not require any significant funding from the county's general funds.

Source: Stanislaus County Parks Department

The current demand for regional parks includes a large percentage of non-county residents. This non-county usage, however, has been more than offset by the State bonds that have financed almost the entire cost of the county's current development program.

### County Standards

The department has determined its future equipment needs based upon the scheduled opening of new acreage in its eight regional parks. Therefore, there is no direct standard between population growth and equipment, but rather a derived demand determined by the expansion of the county's regional parks. Table IX-3 shows the expected vehicle needs.

In addition to the regional park system discussed above, the county constructs neighborhood and community parks in the urban spheres of cities and urban communities such as Salida. Since neighborhood parks have more direct benefits to adjacent development but less utility to residents located further away, a neighborhood park system cannot be considered a truly county-wide facility. Therefore, the county would need to design an impact fee for each neighborhood park and its adjacent population. Neighborhood park projects usually involve large planned developments that require the developers to construct facilities as determined either by the subdivision ordinance or an EIR. Requisite subdivision ordinance improvements, the Quimby Act, or CEQA mitigation are more suitable methods for funding local-serving facilities.

In the case of dispersed development in the urban sphere, CEQA, subdivision ordinance, or Quimby Act methods may not generate sufficient revenues in a timely manner for neighborhood park development. The department expects the cities will annex these unincorporated areas and incorporate the neighborhood park into their own park systems. Therefore, the neighborhood parks in the urban spheres could be incorporated into a city's fee program.

#### Existing Deficiencies

As described above, the current county regional park system is more than adequate for the existing population. The Department's current amount of office space is also sufficient for existing and future requirements through 2010. Equipment is the only area in which the department is deficient. The deficiencies are shown in Table IX-2 below.

TABLE IX - 2

Existing Equipment Inventory  
(1989 Dollars)

<u>Type of Vehicle</u>	<u>Unit Cost</u> (1989 Dollars)	<u>Current</u> <u>Inventory</u>	<u>Existing</u> <u>Deficiency</u>	<u>Total Cost</u>
Pickup Truck	\$18,000	18	1	\$18,000
Crew Cab Truck	20,000	2	0	
Dump Pickup	23,000	1	1	23,000
Cube Van	21,000	2	0	
Personnel Van	20,000	3	0	
Passenger Car	15,000	2	0	
Flatbed Truck	33,000	3	0	
Garbage Truck	60,000	2	0	
Water Truck	42,000	2	0	
Patrol Boat	30,000	5	0	
Maintenance Boat	15,000	2	0	
Tractor	33,000	4	0	
Riding Mower	21,000	4	0	
Air Compressor	14,000	1	0	
Turf Sweeper	20,000	0	1	<u>20,000</u>
<b>TOTAL</b>				<b>\$61,000</b>

Source: Stanislaus County Parks Department

Facilities Needed to Accommodate New Development and Their Cost

The present facilities, when fully developed, will be adequate to serve the population through the year 2010. Therefore, no additional park facilities are needed.

The City of Modesto, through a joint powers agreement (JPA) with the county and the City of Ceres, is developing the Tuolumne Regional Park. The park currently has 100 acres already developed and another 290 acres of raw, undeveloped land. The agreement between the three agencies call for acquiring an additional 200 acres of land and full development of the 590 acre site. The JPA states that each participant

contribute one half of one percent of their gross assessments. The actual amount will vary as the value of gross assessments fluctuates for the three participating agencies. Given current assessment, this formula has required the county to contribute around 67 percent, Modesto provides 29 percent, and Ceres covers the remaining 4 percent. Modesto, under the authority of the JPA, has spent \$8.5 million, of which the county has contributed approximately \$6 million. The estimated cost of finishing the project is about \$35 million. The county's 67 percent share for the remaining land acquisition and park development amounts to \$23.5 million. Given the forecasted 65 percent increase in population county-wide over the next twenty years, new development's share of the outstanding costs comes to approximately \$10.2 million. The development of the county's inventory of raw land into regional park land will require additional equipment and vehicles. These cannot be funded through outside sources.

TABLE IX - 3

Future Equipment Needs  
(1989 Dollars)

<u>Type of Vehicle</u>	<u>Unit Cost</u> (1989 Dollars)	<u>Projected</u> <u>Need</u>	<u>Vehicles</u> <u>Total Cost</u>
Pickup Truck	\$18,000	13	\$234,000
Crew Cab Truck	20,000	2	40,000
Cube Van	21,000	1	21,000
Personnel Van	20,000	1	20,000
Passenger Car	15,000	1	15,000
Garbage Truck	60,000	2	120,000
Water Truck	42,000	2	84,000
Riding Mower	21,000	1	21,000
Backhoe	65,000	1	65,000
Aerial Tower Truck	85,000	1	85,000
Chipper	15,000	1	15,000
Chipper Truck	30,000	1	<u>30,000</u>
<b>TOTAL</b>			<b>\$750,000</b>

Source: Stanislaus County Parks Department

The equipment itemized above will be used exclusively for the county's regional park system. The cost of new neighborhood parks, borne entirely by future planned developments, will include the costs for site-specific vehicles and equipment. These requirements are shown in Table IX-3.

Allocation of Costs to County-Wide Residential Growth

The Stanislaus County Regional Parks, taken as a system, is a county-wide service. There are no parallel municipal parks providing the same type of facility to city residents. Therefore, the total costs for future equipment needs may be allocated over projected new development county-wide, including all development that will take place inside city limits. The department's future equipment needs will not be funded from the state or federal assistance given to regional parks development. Therefore, the entire cost of new equipment required to serve the county's additional regional parks can be borne by county-wide impact fees.

The county has included only new residential growth in the calculation of park fees. Industrial, commercial and retail employees are not considered significant users of regional parks. Table IX-4 presents the number of new single and multi-family residents that will share in the total cost of new regional park equipment.

TABLE IX - 4

County-Wide Growth Impacting Regional Parks  
(1990 - 2010)

<u>Land Use Categories</u>	<u>Growth</u>	<u>Percent</u>
Single Family Residents	203,600	79.4%
Multi-Family Residents	52,911	20.6%
<b>TOTAL</b>	<b>256,511</b>	<b>100.0%</b>

Source: Recht Hausrath & Associates

The new residents calculated above (Table IX-4) constitute the adjusted base over which the cost of new vehicles will be spread. The percentages given in the second column indicates the approximate shares each type of development will contribute to the cost of vehicles to serve the next 20 years of new development. These costs total \$750,000 for equipment plus \$10.2 million for the county's share of Tuolumne Regional Park. The total, \$11.0 million, may be spread over the 256,511 new residents that will use regional parks, producing a per resident cost of \$43.

#### Calculation of Fees

Table IX-5 presents the allocation of the total costs for the county's share of Tuolumne Regional Park and park equipment and vehicles over the eligible county-wide population. The second column shows the fee per dwelling unit.

TABLE IX - 5

#### CALCULATION OF PARK FEES

<u>Land Use Category</u>	<u>Fee Calculation</u>	<u>Fee</u>
Single Family Dwelling Unit	\$43 x 3.20 residents	\$138 per dwelling unit
Multi-Family Dwelling Unit	\$43 x 2.07 residents	\$ 89 per dwelling unit

Source: Recht Hausrath & Associates

#### Cost of Existing Deficiencies

The department's only existing deficiencies involve vehicles. Table IX-2 indicates the Department requires three additional vehicles: a pickup truck (\$18,000), a dump pickup (\$23,000), and a turf sweeper (\$20,000). The county is three years in arrears on its payment for Tuolumne Regional Park. Although the county must continue to fund the existing residents' share of the park through the half percent formula discussed above (roughly estimated at \$13.3 million), this on-going obligation does not constitute a deficiency. An estimate of the total deficiency equals \$61,000 (1989 dollars).

## X. PUBLIC AND MENTAL HEALTH SERVICES

### Description of Department

This department provides four types of programs: 1) mental health, 2) public health, 3) alcohol and drug abuse, and 4) public guardian. All of its programs are provided county-wide and none of the municipalities operate parallel programs to supplement or replace county activities within their city limits. User fees collected for some services go entirely to the operating costs of the respective programs. The facilities serve all income levels and no indigence requirement restrict access to the department's programs. Historical trends show more or less direct correlation between population growth and demand for additional facilities.

The department occupies almost 89,000 square feet at County Center II and leases 44,350 square feet of space in branch or "regional" centers where certain outpatient programs are delivered. Mental health occupies 60,000 square feet and leases 31,000 square feet of additional space. Public health occupies 28,942 square feet and leases an additional 13,350. It owns and operates three types of specialized vehicles: mobile clinics, mental health vans, and public guardian vehicles. These vehicles are purchased with 90 percent state and 10 percent county funds and maintained by the county motor pool.

### County Standards

State mandated programs either require or recommend minimum levels of service. Even where these standards are not binding they still serve as a useful resource for measuring program adequacy. The primary measure for a sufficient level-of-service recommends inpatient bed capacity be approximately 30 percent more than the average

daily census of patients in order to serve the erratic levels demand and involuntary care requirements. If all support services are included, each bed requires approximately 480 square feet. From an overall perspective, the county owns 240 square feet of clinic space per thousand population.

#### Existing Deficiencies

Existing mental and public health facilities are for the most part sufficient for present needs. However, the department leases 44,350 square feet for its regional or branch centers. This space would have to be counted as an existing deficiency if the county were to impose a fee to fund branch facilities.

The Mental Health Inpatient Care unit operates 24 beds to serve an average daily census of 20 patients. With 24 beds, the Department currently operates at the upper limit of this standard and therefore retain its current level-of-service without expanding its facilities. The California State oversight board has requested the number of beds be increased to 26 in order to serve the erratic levels demand and involuntary care requirements, giving the department a two bed deficiency. The department currently has adequate space required to accommodate two additional beds and maintain its standard of 240 square feet per thousand residents.

#### Facilities Needed to Accommodate New Development and Their Cost

The consensus among the departments senior management is that the current population receives adequate service but that new facilities will be essential to serve new growth. The regional centers are operating at capacity and cannot accommodate additional growth. The department has identified the west side of Modesto as particularly in need of a satellite clinic if current levels of service are to be maintained over the next twenty years.

The department staff has recently completed their future facilities plan. The plan calls for a new 56,459 square foot structure, giving the department a total of 145,000 square feet of space. The addition will maintain the department's current standard of 240 square feet per thousand residents.

The new building is estimated to cost \$8,495,640. This project has the following component costs.

TABLE X - 1  
COST SUMMARY FOR NEW FACILITIES  
(1990 - 2010)

<u>Type of Service</u>	<u>Required New Space</u>	<u>Cost per Square Ft.</u>	<u>Total Cost</u>
Mental Health			
<i>In-patient</i>	11,563	\$200	\$2,312,600
<i>Out-patient</i>	9,996	115	1,149,540
Public Health			
<i>Clinical</i>	12,000	\$200	2,400,000
<i>Out-patient</i>	<u>22,900</u>	115	<u>2,633,500</u>
TOTAL	56,459		\$8,495,640

Source: Department of Mental Health

The mental health inpatient care capacity would be increased from its current desired level of service of 26 beds to 48 beds in 2010. This net addition of 22 beds is equivalent to 11,563 square feet or approximately 482 square feet per bed, for a total cost of almost \$8.5 million (1989 dollars). The entire cost of this facility will be allocated to new residential development.

The department has decided to purchase its own mini-computer to replace and augment the data processing services it currently receives from the county. This purchase will serve existing needs as well as future growth and will cost roughly \$900,000 to complete. The total cost of this system must be allocated in proportion to the existing versus new residential population it will serve.

This ratio is based on the forecasted 65 percent increase of the county's 370,000 current residents (1990) to 610,000 residents (2010), or 61 percent existing to 39 percent new. The cost of the new computer system that may be paid for by impact fees is approximately \$351,000. When this amount is added to the \$8,495,640 for additional space, the total cost for new facilities (space and equipment) equals \$8,846,640 (1989 dollars).

#### Allocation of Costs to County-Wide Residential Growth

All county residents have access to the public and mental health services. There are no municipal facilities providing the same type of services to city residents. Therefore, the total costs for future needs may be allocated over projected residential development county-wide, including all development that will take place inside city limits. The department's future needs that have been calculated above are in excess of any the state or federal assistance already received for specific programs or facilities. Therefore, the cost of new building space and computer systems can be borne by county-wide impact fees.

Only new residential growth is included in the calculation of public and mental health fees. Employment, as well as residents, generates a significant demand for mental and public health programs and therefore should share in the cost of providing new facilities. The department assumes this share is roughly half the residential burden. Table X-2

presents the number of new residents and employees (weighted by 50 percent of the forecasted increase) that will share in the total costs of new mental and public health facilities.

TABLE X - 2

COUNTY-WIDE GROWTH IMPACTING PUBLIC HEALTH FACILITIES  
(1990 - 2010)

	<u>Growth</u>	<u>Percent</u>
Residents	256,511	82.6%
Employment <sup>1</sup> (weighted at 50%)	<u>53,950</u>	<u>17.4%</u>
<b>TOTAL PERSONS SERVED</b>	310,461	100.0%

<sup>1</sup> Because employment, the indicator of non-residential use of public and mental health facilities, is assumed to have only half the impact of residential population, only half the growth is shown.

Source: Recht Hausrath & Associates

The residential growth calculated above (Table X-2) constitutes the growth over which the cost of new facilities will be spread. The percentages given in the second column indicates the approximate shares each type of development will contribute to the cost of building space and computer equipment to serve the next 20 years of new development. These costs total \$8,846,640 and are then divided by the 310,461 new residents and employees. The allocation of these costs results in approximately \$29 per resident and one-half that amount per employee.

#### Calculation of Fees

Table X-3 presents the allocation of the total costs for new mental and public health facilities over the eligible county-wide population. The second column shows the fee per dwelling unit.

TABLE X - 3

## CALCULATION OF PUBLIC &amp; MENTAL HEALTH FEES

<u>Land Use Category</u>	<u>Fee Calculation</u>	<u>Fee Per Unit</u>
Single Family Unit	\$29 x 3.20 residents	\$93 per dwelling unit
Multi-Family Unit	\$29 x 2.07 residents	\$60 per dwelling unit
Office Space (weighted 50%) <sup>1</sup>	\$15 x $\frac{1 \text{ employee}}{300 \text{ square foot}}$	\$48 per 1,000 sq.ft
Retail Space (weighted 50%) <sup>1</sup>	\$15 x $\frac{1 \text{ employee}}{500 \text{ square foot}}$	\$29 per 1,000 sq.ft
High Density Industry <sup>1</sup> (wtd 50%)	\$15 x $\frac{1 \text{ employee}}{700 \text{ square foot}}$	\$21 per 1,000 sq.ft
Low Density Industry <sup>1</sup> (wtd 50%)	\$15 x $\frac{1 \text{ employee}}{2,100 \text{ square foot}}$	\$7 per 1,000 sq.ft

<sup>1</sup> Non-residential growth, as measured by the forecasted increase of employment county-wide, is weighted by only one half the number new employment forecasted over the next 20 years.

Source: Recht Hausrath & Associates

#### Cost of Existing Deficiencies

The department must remedy only one existing deficiency: the existing population's share of the new computer system, costing 59 percent of the total cost of approximately \$900,000, or about \$530,000 (1989 dollars).

## XI. OUT-PATIENT CARE

### Description of Department

The Scenic General Hospital is the only source of public medical care for county residents. It currently has 84 staffed, acute care, non-psychiatric beds and operates as an acute care, full service hospital with the exception of labor and delivery (OB). These specialties are contracted to a for-profit hospital in Stanislaus county. In-patient traffic currently runs at 64 patients per day, while the emergency room provides care to 25,000 to 30,000 patients annually.

Scenic Hospital has experienced two trends that have reduced the demand for in-patient care provided by its facilities over the past five years: 1) the increase of alternative private care offered by for-profit hospitals in the county, and 2) a nation-wide shift from in-patient care at hospitals to out-patient care at satellite clinics due to improved medical technology which allows for more complete exams and treatment outside the hospital. These two downward trends have been roughly offset by the rapid aging of the county's population which requires the largest proportion of in-patient care. The forecast by QED Research Inc. projects a 90 percent increase in the number of people over 65 years of age from 1986 to 2010. Scenic Hospital administrators believe the net result of these counter balancing trends will produce a flat demand for the hospital's in-patient care facilities over the next twenty years, and therefore no additional in-patient care capacity is needed to serve growth.

Scenic Hospital operates four out-patient care clinics with the hospital complex totalling 29,000 square feet and one 4,000 square foot out-patient clinic in Hughson occupying leased space. This shift has required out-patient clinics to make more intensive use of lab testing and radiology support than they required in the past. The hospital's five

clinics currently use 8,000 square feet of lab and radiology space to support their treatment of patients. Out-patient traffic has averages 80,000 to 90,000 patients annually, or approximately 300 average daily census. The historic trend show increased demand for these services over the past five years.

#### County Standards

Excluding the leased space, total out-patient clinic space equals 33,000 square feet (including lab and radiology facilities supporting the four out-patient care clinics). This space serves approximately 300 out-patients daily, which can be expressed as a level-of-service of approximately 11 square feet per patient.

#### Existing Deficiencies

The lack of OB and heart cath do not bear upon the official sanction of Scenic Hospital by state and federal sources. Therefore, its present services and 84 beds are adequate to meet present demand of 64 average daily census.

Its five out-patient clinics are currently operating at capacity. The Hughson clinic and its average daily patient census which occupies leased space has not been included for the purpose of establishing a level-of-service standard because the lease is a highly favorable arrangement .

#### Facilities Needed to Accommodate New Development and Their Cost

The current 33,000 square feet of clinic, lab and radiology facilities serve approximately 87,000 out-patients, or an average of roughly 300 daily. The hospital administrators project the ratio of out-patients to total population (approximately 24 percent) remaining constant over the next twenty years. By 2010, therefore, twenty-four percent of the

310,461 new residents and workers will require out-patient care facilities: an estimated 74,511 patients annually. If approximately 87,000 currently have access to 33,000 square feet of out-patient clinic and ancillary support facilities, then the 74,511 new patients seeking care in 2010 will require 28,263 additional square feet.

An absolute minimum construction cost for community hospitals is approximately \$200 square foot for site preparation, shell, furnishings and equipment, but excluding land (HCA Management Company, Nashville TN). The cost of suburban land (the most likely location for new out-patient care clinics) is based on \$90,000 per acre (1989 dollars) or approximately \$8.00 per square foot assuming a floor area ratio (F.A.R.) of 0.25. Thus, the total cost for out-patient clinic space and ancillary facilities is currently around \$208 per square foot. The total 28,263 square feet required to serve growth will therefore cost approximately \$5,878,704.

#### Allocation of Total Costs for Out-Patient Clinics

The Stanislaus County's Scenic Hospital serves all county population and employment living and working in both urban and unincorporated areas. Therefore, the total costs for future system-wide expansion are allocated over development county-wide, including any development in cities. Since new workers, as well as new residents, have access to the county's out-patient clinics, the cost of new facilities must be borne by all five types of land use: single family, multi-family, office, retail, and industrial. Table XI-1 presents the amount of each category of future development over which the cost of new facilities will be spread.

TABLE XI - 2

## CALCULATION OF OUT-PATIENT CLINIC FEES

<u>Land Use Categories</u>	<u>Fee Calculation</u>	<u>Fee</u>
Single Family Dwelling Unit	\$19 x 3.20 residents	\$61 per dwelling unit
Multi-Family Dwelling Unit	\$19 x 2.07 residents	\$39 per dwelling unit
Office Space (weighted 50%) <sup>1</sup>	\$10 x $\frac{1 \text{ employee}}{300 \text{ square feet}}$	\$33 per 1,000 sq.ft.
Retail Space (weighted 50%) <sup>1</sup>	\$10 x $\frac{1 \text{ employee}}{500 \text{ square feet}}$	\$20 per 1,000 sq.ft.
High Density Industry <sup>1</sup> (wtd 50%)	\$10 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$14 per 1,000 sq.ft.
Low Density Industry <sup>1</sup> (wtd 50%)	\$10 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$ 5 per 1,000 sq.ft.

<sup>1</sup> Non-residential growth, as measured by the forecasted increase of employment county-wide, is weighted by only one half the number new employment forecasted over the next 20 years.

Source: Recht Hausrath & Associates

The third column shows the fee per dwelling unit or per square foot of office, retail, or industrial space.

#### Cost of Existing Deficiencies

The hospital's outpatient care clinics are currently operating at capacity and would not require additional space were it not for future growth. The leased space for the Hughson clinic has not been included in the level-of-service currently provided, therefore this clinic's space is not counted as part of the existing facilities and thus not a deficiency.

## XII. OTHER COUNTY FACILITIES

### Description of Departments

The remaining departments have been grouped together because their future facilities needs consist solely of office space and vehicles at a common standard of square feet per employee and employees per vehicle. Furthermore, the rate at which these departments' needs will increase matches the forecasted population growth during the next 20 years.

There are some county departments that are not included here or dealt with in earlier chapters that receive substantial assistance, if not complete funding, from federal, state, or user fee sources. These departments, such as environmental services, school superintendent, family support, and cooperative extension, are not included in the impact fee program because the county general fund will not be required to fund additional facilities.

The remaining county departments provide direct services to residents and employees or support services to other county departments such as general overhead and vehicles. The office space requirement of the Public Works Department has been accounted for in the fee for other county facilities rather than the fee for roads (Chapter VI).

Table XII-1 lists all county services and their respective inventory of existing office space. The current inventory has been divided into owned and leased square footage because leased space is considered a deficiency if it is counted for purposes of projecting future needs.

TABLE XII - 1

## Other County Departments' Space Inventory

<u>Building / Function</u>	<u>Existing Space</u>	<u>Leased Space</u>	<u>Current Work Force<sup>1</sup></u>	
			<u>Unincorp.</u>	<u>County</u>
<b>County Center I</b>				
Assessor	9,722	-0-	-0-	67
Data Processing	6,442	1,300	18	37
Communications	2,501	-0-	-0-	54
Public Works	3,330	-0-	128	-0-
Auditor	4,797	734	15	31
County Counsel	3,264	-0-	16	-0-
Purchasing	5,987	-0-	13	-0-
Garage	16,700	-0-	14	-0-
Area Agency on Aging	-0-	907	-0-	3
Treasurer	7,845	-0-	-0-	39
<b>County Center II</b>				
Central Services	21,820	-0-	16	-0-
Veterans Services	804	-0-	-0-	2
<b>County Center III</b>				
Social Services	56,129	15,664	-0-	573
Agricultural Comm.	12,739	-0-	25	-0-
Cooperative Extension	9,375	-0-	5	-0-
<b>County Center IV</b>				
Employment & Training	<u>5,112</u>	<u>6,412</u>	<u>-0-</u>	<u>43</u>
<b>TOTALS</b>	<b>166,567</b>	<b>25,017</b>	<b>250</b>	<b>806</b>

<sup>1</sup> Approximate distribution of department staff between provision of services to unincorporated areas and services county-wide

Sources: County Assessor's Office and Recht Hausrath & Associates

County facilities requirements grouped into Other County Facilities may either provide direct services to all county residents and employees or only those living in the unincorporated areas of the county. Therefore, other county facilities required to serve new development have been divided into those serving new development in unincorporated areas and those services benefiting all new development county-wide. A further refinement would involve allocating the facility costs to the land use categories (i.e., residential, retail, commercial, and two types of industrial) that use a departments services. This refinement was tested and the results indicated that most departments grouped into the other county facilities fee provide service to all land use categories.

County Standards

The office space standard is 156 square feet per employee based only on space owned by the county. The vehicle standard is one passenger car for every 2.6 employees.

Existing Deficiencies

The county's existing office space deficiency is no less than its current inventory of leased square footage. Table XII shows the current total of leased space equals 51,681 square feet. This amount is not included in the determination that the county currently has 156 square feet per employee. The county's current motor pool of 412 passenger cars is adequate for its current 1,056 employees group into other county services. Therefore, the county has no current deficiency.

Facilities Needed to Accommodate New Development and Their Cost

The projection of additional office space is derived from the increase of county employees required to serve new development. This increase is based on the county-wide residential and employment population growth. The county's facilities listed in Table XII-1 will all need to expand at roughly the same rate at the forecasted

population growth during the next twenty years. Thus, the existing 166,567 square feet should be increased by 69 percent to approximately 281,498 square feet, or a net increase of 114,931 square feet. At a cost of approximately \$100 per square foot, the new space will cost \$11.5 million.

The county's motor pool will have to increase the size of its passenger car fleet 65 percent over the next 20 years. This increase amounts to 268 new cars. At \$12,000 per passenger car, the total cost of new vehicles equals approximately \$3,216,000.

#### Allocation of Costs

All the departments grouped into the Other County Facilities fee provide services both to the county as a whole and to unincorporated areas exclusively. Therefore, the other county facilities fee should also have two parts: an unincorporated fee that funds new facilities to serve growth in only the unincorporated areas, and a county-wide fee covering the cost of facilities for all county residents and employment.

The allocation of the total cost of additional facilities is based on a ratio of employment in county departments providing services to mostly unincorporated areas versus departments serving the county-wide population. The relative shares are 250 employees providing unincorporated services (23 percent) and 821 employees serving the county-wide population (77 percent).

When this ratio is applied to the estimated \$11.5 million total cost of other county facilities, the share going to the unincorporated Other County Facilities fee equals \$2.6 million and the county-wide share is \$8.9 million. These shares will be allocated to all five categories of land use in proportion to the number of new residents and employment in each. Table XII-3 shows the projected growth of county-wide and unincorporated development and the shares that each category of land use will fund.

TABLE XII - 3

**COUNTY-WIDE & UNINCORPORATED GROWTH**  
(1990 - 2010)

<u>Land Use Category</u>	<u>County-Wide Growth</u>		<u>Unincorporated Growth</u>	
	<u>Population</u>	<u>Percent</u>	<u>Population</u>	<u>Percent</u>
Single Family	203,600	65.6%	21,056	67.4%
Multi-Family	52,911	17.0	5,154	16.5
Office <sup>1</sup>	17,400	5.6	1,946	6.2
Retail <sup>1</sup>	12,950	4.2	918	2.9
High Density Industrial <sup>1</sup>	21,240	6.8	1,971	6.3
Low Density Industrial <sup>1</sup>	<u>2,360</u>	<u>0.8</u>	<u>219</u>	<u>0.7</u>
<b>TOTAL</b>	<b>310,461</b>	<b>100.0%</b>	<b>31,264</b>	<b>100.0</b>

<sup>1</sup> Non-residential growth, as measured by employment, is weighted by one half the number of new employees forecasted over the next 20 years.

Source: Recht Hausrath & Associates

The new county-wide and unincorporated residents and employees calculated above (Table XII-3) constitute the adjusted population base over which the respective costs for new county facilities will be spread. The percentages given in the second and fourth columns indicates the approximate shares each type of development will contribute to the cost of facilities to serve the next 20 years of new development.

When the \$8.9 million total cost of Other County facilities for county-wide growth is spread over the county-wide population of 310,461, the cost per residents equals \$28 and cost per employee equals approximately \$14. The allocation of \$2.6 million cost for new unincorporated facilities over the expected growth of 31,264 unincorporated residents

and workers results in an average per capita cost of \$83 per resident and approximately \$42 per employee.

Calculation of Fees

Tables XII-4 and 5 show how the cost of additional county facilities are allocated to new development. The third column shows the fee per dwelling unit or per square foot of office, retail, or industrial space.

TABLE XII - 4

CALCULATION OF COUNTY-WIDE FEES

<u>Land Use Categories</u>	<u>Fee Calculation</u>	<u>Fee</u>
Single Family	\$28 x 3.20 residents	\$90 per dwelling unit
Multi-Family	\$28 x 2.07 residents	\$58 per dwelling unit
Office Space (weighted 50%) <sup>1</sup>	\$14 x $\frac{1 \text{ employee}}{300 \text{ square feet}}$	\$47 per 1,000 sq.ft.
Retail Space (weighted 50%) <sup>1</sup>	\$14 x $\frac{1 \text{ employee}}{500 \text{ square feet}}$	\$28 per 1,000 sq.ft.
High Density Industry <sup>1</sup> (wtd 50%)	\$14 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$20 per 1,000 sq.ft.
Low Density Industry <sup>1</sup> (wtd 50%)	\$14 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$7 per 1,000 sq.ft.

<sup>1</sup> Non-residential growth, as measured by the forecasted increase of employment county-wide, is weighted by only one half the number new employment forecasted over the next 20 years.

Source: Recht Hausrath & Associates

TABLE XII - 5

## CALCULATION OF UNINCORPORATED FEES

<u>Land Use Categories</u>	<u>Fee Calculation</u>	<u>Fee</u>
Single Family Units	\$83 x 3.20 residents	\$266 per dwelling unit
Multi-Family	\$83 x 2.07 residents	\$172 per dwelling unit
Office Space (weighted 50%) <sup>1</sup>	\$42 x $\frac{1 \text{ employee}}{300 \text{ square feet}}$	\$140 per 1,000 sq.ft.
Retail Space (weighted 50%) <sup>1</sup>	\$42 x $\frac{1 \text{ employee}}{500 \text{ square feet}}$	\$83 per 1,000 sq.ft.
High Density Industry <sup>1</sup> (wtd 50%)	\$42 x $\frac{1 \text{ employee}}{700 \text{ square feet}}$	\$60 per 1,000 sq.ft.
Low Density Industry <sup>1</sup> (wtd 50%)	\$42 x $\frac{1 \text{ employee}}{2,100 \text{ square feet}}$	\$20 per 1,000 sq.ft.

<sup>1</sup> Non-residential growth, as measured by the forecasted increase of employment county-wide, is weighted by only one half the number new employment forecasted over the next 20 years.

Source: Recht Hausrath & Associates

### Cost of Existing Deficiencies

The county has no existing deficiencies for Other County Departments. The 51,681 square feet of leased office space do not constitute a deficiency, since the space standard of 235 square feet per employee was calculated excluding this space.

APPENDIX A

**COUNTY ROAD PROJECTS**  
*Projects included in the City/County Fee*

<u>City/County Roads</u>	<u>Project Boundaries</u>	<u>Cost of Construction</u>	<u>Cost of Right of Way</u>	<u>Estimated Total Cost</u>
Hatch Rd.	Faith Home Rd. to Santa Fe	\$1,355,198	\$286,350	\$1,641,548
Monte Vista Ave.	Golden State to Turlock City Limits	342,842	584,500	927,342
Hatch Rd.	Boothe to Faith Home Rd.	421,641	90,426	512,067
Zeering Rd.	Olive to Berkeley Ave.	600,000	0	600,000
Keyes Rd.	Faith Home to Foote Rd.	175,000	21,200	196,200
Golden State Blvd	Monte Vista to Taylor Ave.	538,855	0	538,855
Golden State Blvd	Taylor to Keyes Rd.	922,989	250,000	1,172,989
East Ave.	Daubenberger to Gratton Rd.	902,419	473,436	1,375,855
Monte Vista Ave.	State Route 99 to Golden State Blvd.	218,568	186,600	405,168
Whitmore Ave.	Crows Landing Ave. to Morgan Rd.	767,056	264,720	1,031,776
Faith Home/Garner Rd.	Hatch to Redwood Rd.	2,174,936	435,998	2,610,934
Las Palmas Ave.	Patterson City Limits to Lateral C	135,975	28,563	164,538
Claus Rd.	Claribel to Townsend Ave.	741,149	470,256	1,211,405
West Main Ave.	Washington to Kilroy Ave.	829,228	398,210	1,227,438
Roselle Ave.	Claribel to Riverbank C.L.	1,167,712	186,600	1,354,312

Oakdale Rd.	Claribel to Morrill Rd.	512,936	140,320	653,256
Geer Rd.	Zeering to Taylor Rd.	359,176	23,957	383,133
Route 99	Pelandale Interchange <i>Reconstruct</i>	2,238,500	0	2,238,500
Route 99	Hatch Overcrossing <i>Widen structure</i>	2,667,000	0	2,667,000
Route 99	Keyes Interchange <i>Widen structures &amp; ramps and modify traffic signals</i>	6,000,000	0	6,000,000
Route 99	Taylor Interchange <i>Widen structures &amp; ramps</i>	2,491,000	0	2,491,000
Route 99	Monte Vista Interchange <i>Modify south bound ramp geometrics &amp; install traffic signals</i>	274,000	0	274,000
Route 99	Fulkerth Interchange <i>Modify ramp geometrics</i>	246,000	0	246,000
Route 99	Lander Interchange <i>Modify ramp geometrics</i>	307,000	0	307,000
Route 108	Crane to Willowood <i>Widen roadway</i>	375,000	0	375,000
Route 108	Route 219 to Crane <i>Widen Roadway</i>	1,895,000	0	1,895,000
Route 108	Crane to Willowood <i>Channelize to 4 lanes</i>	1,000,000	0	1,000,000
State Highway	Oakdale Bypass <i>(Stages 1 &amp; 2)</i>	5,000,000	0	5,000,000
<b>CITY/COUNTY TOTALS</b>		<u>\$34,659,180</u>	<u>\$3,841,136</u>	<u>\$38,500,316</u>

(continued)  
**INTER-CITY COUNTY ROAD PROJECTS**  
*Projects not receiving Caltrans Assistance*

<u>Inter-City Routes</u>	<u>Project Boundaries</u>	<u>Construction</u>	<u>Right of Way</u>	<u>Total Cost</u>
McHenry Rd.	Ladd to San Joaquin County Line (bridge)	\$8,059,140	\$193,600	\$8,252,740
West Main Ave.	Faith Home to Washington Rd.	702,736	172,768	875,504
Geer-Albers	Taylor to Warnerville Rd.	15,264,123	1,318,367	16,582,490
West Main Ave.	Poplar to Jennings Rd. (bridge)	3,614,399	264,456	3,878,855
Santa Fe Ave.	Geer Rd. to Tuolumne River (bridge)	6,374,173	949,070	7,323,243
Carpenter Rd.	Service Rd. to Whitmore Ave.	864,049	156,118	1,020,167
Crows Landing Rd.	River Rd. to Carpenter Rd. (bridge)	4,993,761	80,100	5,073,861
Claus Rd.	Terminal to Claribel Rd. (6 Lane)	1,566,560	322,997	1,889,557
Santa Fe Ave.	Geer to Keyes Rd.	1,709,539	239,852	1,949,391
Faith Home Rd.	Keyes Rd. to Redwood Rd.	1,278,493	1,140,651	2,419,144
Crows Landing Rd.	West Main to Whitmore Ave.	5,067,486	660,023	5,727,509
West Main Ave.	Jennings to Faith Home Rd.	5,829,934	264,456	6,094,390
Crows Landing Rd.	State Route 33 to River Rd.	2,528,038	365,930	2,893,968
Las Palmas Ave.	Lateral C to Poplar Ave.	1,154,749	304,677	1,459,426
Crows Landing Rd.	Carpenter to West Main Ave.	2,937,003	407,806	3,344,809
Carpenter Rd.	West Main Ave. to Service Rd.	<u>4,879,739</u>	<u>570,144</u>	<u>5,449,883</u>
<b>INTER-CITY COUNTY TOTALS</b>		<b>\$66,823,922</b>	<b>\$7,411,015</b>	<b>\$74,234,937</b>

APPENDIX A

(continued)

INTER-CITY STATE HIGHWAY PROJECTS  
*Estimated Caltrans assistance levels are project specific<sup>1</sup>*

<u>Inter-City Routes</u>	<u>Project Boundaries/Description</u>	<u>Inter-City Fee Cost<sup>3</sup></u>	<u>Caltrans Assistance</u>	<u>Other<sup>2</sup> Assistance</u>	<u>Total Cost</u>
State Highway	Oakdale Bypass <i>(Stages 1 &amp; 2)</i>	\$5,000,000	\$40,000,000	\$5,000,000 <sup>4</sup>	\$50,000,000
Route 99	Kiernan Interchange <i>Ramp improvement</i>	143,000	0	57,000 <sup>5</sup>	200,000
Route 99	Faith Home Overcrossing <i>Widen structure</i>	3,500,000	0	0	3,500,000
Route 108	Route 219 to Crane <i>Widen Roadway</i>	3,730,000	5,625,000	0	9,355,000
Route 108	Modesto-Riverbank-Oakdale Expressway <i>New Construction</i>	55,000,000	33,000,000 <sup>6</sup>	0	88,000,000
Route 120	San Joaquin County to Valley Home <i>Upgrade 2 lane expressway to 4 lanes</i>	1,500,000	6,000,000	0	7,500,000
Route 132	Empire Railroad Crossing <i>Grade separation</i>	4,800,000	2,400,000	4,800,000 <sup>7</sup>	12,000,000
Route 132	Root Road to Geer/Albers <i>Widen to 4 lanes with left turn pockets</i>	1,750,000	1,750,000	0	3,500,000
Route 132	Geer/Albers to Reinway <i>Widen pavement and add turn pockets</i>	1,400,000	1,400,000	0	2,800,000
Route 132	Nebraska to San Joaquin County River <i>Four lane freeway on new alignment</i>	38,500,000	16,500,000	0	55,000,000
Route 132	Nebraska to Route 99 <i>Widen route within Modesto sphere</i>	0	16,000,000	24,000,000 <sup>8</sup>	40,000,000
Route 219	Route 99 to Dale <i>Widen roadway to 4 lane expressway</i>	3,650,000	1,210,000	0	4,860,000
<b>INTER-CITY TOTALS</b>		<b>\$114,473,000</b>	<b>\$123,885,000</b>	<b>\$33,857,000</b>	<b>\$276,715,000</b>

Endnotes for State Highway (Inter-City Fee) Projects

1. Expected levels of Caltrans matching funds are based on the proposed increase of the state gas tax. If this measure fails voter approval, most funding assumptions would be reviewed.
2. Additional assistance includes City/County fees, Modesto sphere fees, and Salida sphere fees.
3. Costs itemized here are allocated to all new development county-wide.
4. The *city/county fee* will fund an equal share depending on which alternative routing is selected. The Route 108 (*Crane to Willowood*) project could be altered as well.
5. The Salida Sphere fee will provide \$57,000 for the remaining share of the project cost. No Caltrans funding is expected.
6. Project costs are expected to increase to \$88,000,000 if state standards are applied to the projects.
7. Modesto's sphere fee will collect half (\$4.8 million) of the total \$9.6 million needed for the local match.
8. Entire local share funded from Modesto sphere fee.

(continued)

**INTER-CITY TRAFFIC SIGNALS**  
*No Caltrans assistance*

<u>Signal Location</u>	<u>Estimated Cost</u>
Albers at Claribel Rd.	\$120,000
Albers at Milnes Rd.	120,000
Albers at Oakdale/Waterford Hwy.	120,000
Albers at Patterson Rd.	120,000
Albers at State Route 132	120,000
Atlas at State Route 108/120	120,000
Carpenter at West Main Ave.	120,000
Carpenter at Crows Landing Rd.	120,000
Carpenter at Grayson Rd.	120,000
Carpenter at Keyes Rd.	120,000
Central at West Main Ave.	120,000
Coffee Rd. at State Rout 108	120,000
Crows Landing Rd. at grayson Rd.	120,000
Crows Landing Rd. at Keyes Rd.	120,000
Crows Landing Rd. at Service Rd.	120,000
Crows Landing Rd. at West Main Ave.	120,000
Dillwood at State Route 108/120	120,000
Faith Home Rd. at West Main Ave.	120,000
Faith Home Rd. at Keyes Rd.	120,000
Geer at Hatch Rd.	120,000
Geer at Keyes Rd.	120,000
Geer at Santa Fe Ave.	120,000
Geer at Service Rd.	120,000
Geer at Whitmore Ave.	120,000
Hatch/Morgan/Herndon	360,000
McHenry at Ladd Ave.	120,000
McHenry at Stewart Ave.	120,000
Orange Blossom Rd. at State Route 108/120	120,000
River Rd. at State Rout 120	120,000
Santa Fe at East Ave.	120,000
Santa Fe at Hatch Rd.	120,000
Santa Fe at Keyes Rd.	120,000
Santa Fe at Service Rd.	120,000
Stoddard at Kiernan Ave.	120,000
State Route 33 at Crows Landing Rd.	120,000
State Route 33 at River Rd.	120,000
State Route 99 at Broadway (2 xings)	240,000
State Route 99 at Keyes Rd. ramps (2 xings)	<u>240,000</u>
 INTER-CITY TOTAL	 \$5,040,000

(continued)

**CITY/COUNTY TRAFFIC SIGNALS**  
*No Caltrans assistance*

<u>Signal Location</u>	<u>Estimated Cost</u>
Geer Rd. at Taylor Rd. (Turlock Sphere)	\$125,000
Golden State at Keyes Rd.	120,000
Lester at Monte Vista/Maint.	120,000
Crows Landing at Service Rd. (Ceres Sphere)	120,000
Morgan Rd. at Whitmore Ave. (Ceres Sphere)	120,000
Claus at Claribel Rd. (Riverbank Sphere)	120,000
Stearns Rd. at State Route 108/120	250,000
Santa Fe at Main	<u>120,000</u>
<b>CITY/COUNTY TOTAL</b>	<b>\$5,225,000+</b>

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-352

A RESOLUTION SETTING TIME AND PLACE FOR HEARINGS TO CONSIDER EXTENSIONS OF THE INTERIM RESOLUTION IN CONNECTION WITH THE ADOPTION OF THE COUNTY OF STANISLAUS' PUBLIC FACILITIES FEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that April 3, 1990, and May 1, 1990 in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of extensions of the interim resolution in connection with the adoption of the County of Stanislaus' Public Facilities Fees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-353

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ONE DIESEL TRIPLEX GREENS MOWER AND  
ONE DIESEL 3-GANG MOWER

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

SECTION 1. The plans and specifications for furnishing one diesel triplex greens mower and one diesel 3-gang mower 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 9, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-354

A RESOLUTION ACCEPTING THE BID OF F.B. HART COMPANY INC. FOR FURNISHING ONE NEW CURRENT MODEL YEAR PACKER TRUCK

WHEREAS, Resolution No. 90-44 , adopted by the Council of the City of Modesto on January 23, 1990 , approved the plans and specifications for the purchase of one new current model year packer truck

and authorized the calling for bids; and

WHEREAS, the bids received for the new current model year packer truck were opened at 11:05 a.m. on February 12, 1990 , 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 F.B. Hart Company Inc. in the amount of \$108,186.93 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of F.B. Hart Company Inc. in the amount of \$108,186.93 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 13th day of March , 1990 , 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-355

A RESOLUTION ACCEPTING THE PICNIC AREA AND SHADE STRUCTURE AT MELLIS PARK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the picnic area and shade structure at Mellis Park

has been completed by Ireland's in accordance with the contract agreement dated October 17, 1989.

NOW, THEREFORE, BE IT RESOLVED that the picnic area and shade structure at Mellis Park

be accepted from said contractor, Ireland's; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$60,895.26 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 March, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-356

A RESOLUTION ACCEPTING THE CULPEPPER WATERLINE EXTENSION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the Culpepper waterline extension

has been completed by Joe Martin Pipeline, Inc.  
in accordance with the contract agreement dated December 12, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the Culpepper waterline  
extension

be accepted from said contractor, Joe Martin Pipeline, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$17,754.00 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 March ,  
19<sup>90</sup>, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-357

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND E & J GALLO WINERY FOR THE LEASE OF HANGAR NO. 6 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 E & J Gallo Winery for the lease of Hangar No. 6 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 13th day of March , 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \_\_\_\_\_

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-358

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FEDERAL EXPRESS CORPORATION FOR A DROP BOX 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 Federal Express Corporation for a drop box 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 13th day of March , 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

Handwritten notes at the top of the page, including the word "Finance" and some illegible scribbles.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-359

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CLS INVESTMENTS CONCERNING RIGHT-OF-WAY FOR PUBLIC FACILITIES DISTRICT NO. 6

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and CLS Investments concerning right-of-way for Public Facilities District No.6

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 March , 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-360

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND AMERICAN EMPIRE SURPLUS LINES FOR RENEWAL OF TUOLUMNE RIVER REGIONAL PARK ERRORS AND OMISSIONS INSURANCE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and American Empire Surplus Lines for renewal of Tuolumne River Regional Park Errors and Omissions insurance

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 March , 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Horrieh Coyle*  
HORRIE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-361

A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION COMMISSION  
"CITY ANNEXATION QUESTIONNAIRE" FOR CHICAGO-BRIGGS GOVERNMENTAL  
REORGANIZATION

BE IT RESOLVED by the Council of the City of Modesto that  
the attached Local Agency Formation Commission "City Annexation  
Questionnaire" for Chicago-Briggs Governmental Reorganization  
Annexation 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 March, 19 90, 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:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

1. Name of City Modesto

2. Name of Proposed Reorganization Chicago-Briggs Governmental Reorganization

3. Can the City provide complete City Services to the reorganization area if the proposal is approved?

Yes

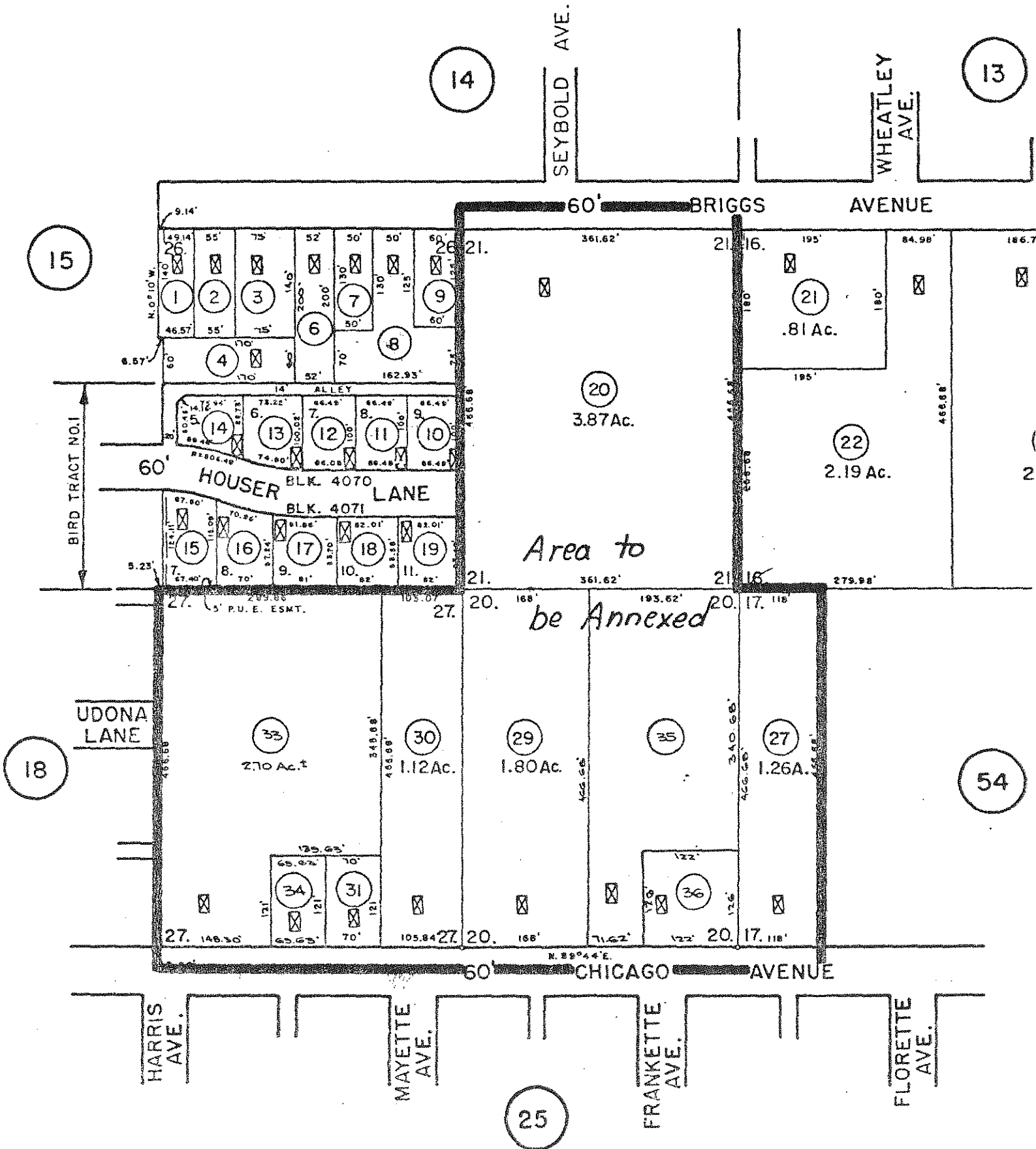
4. If the proposal is approved, are there any conditions the City would like LAFCO to impose?

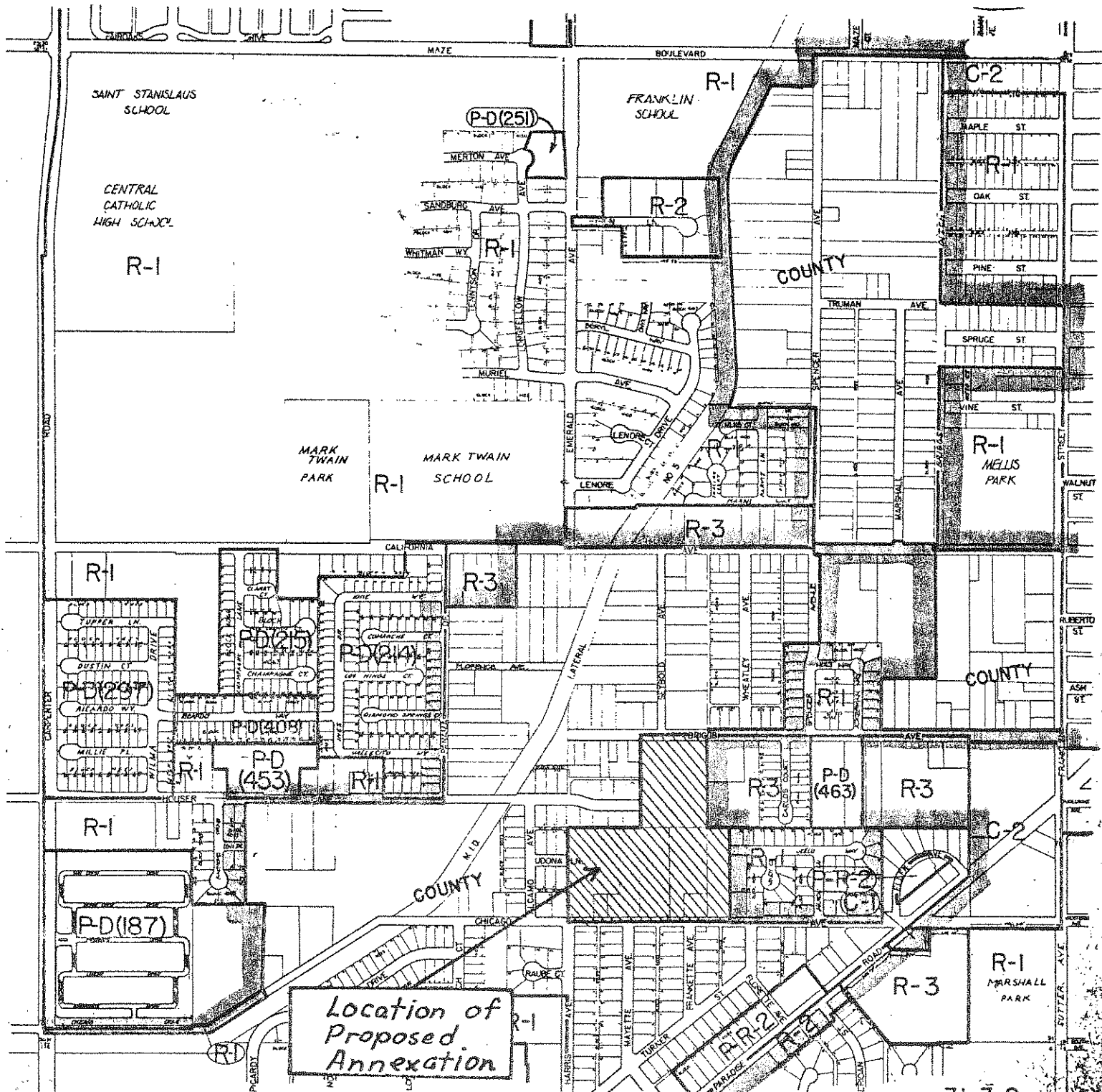
No

5. Other comments the City would like to make.

No

PORTION BRIGHMANS ADDITION - LOTS 11, 16, 17, 20, 21, 26, & 27  
 ALL OF BIRD TRACT NO. 1





ZONING MAP OF THE CITY OF MODESTO

31-3-9

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-362

A RESOLUTION AUTHORIZING ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF \$8,900 TO HOWK SYSTEMS TO REPAIR A PUMP AT WELL 7 AND WELL 45

WHEREAS, the Public Works and Transportation Department is requesting repair work on two well pumps, Well 7 and Well 45 needed for high demand period during the summer.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Director of Finance is hereby authorized to issue a purchase order in the amount of \$8,900 to Howk Systems to repair pump at Well 7 and Well 45.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-363

A RESOLUTION AUTHORIZING ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF \$8,000 TO ANDREWS ELECTRIC TO REBUILD A SUBMERSIBLE PUMP MOTOR FOR WELL 45

WHEREAS, a short in the windings of the Hayward Tyler submersible pump at Well 45 requires the rewinding of the motor; and

WHEREAS, Andrews Electric is the only company in California capable of rewinding a Hayward Tyler motor.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Director of Finance is hereby authorized to issue a purchase order in the amount of \$8,000 to Andrews Electric to rebuild a submersible pump motor for Well 45.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-364

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES W. SMITH FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 4630 MCHENRY AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and James W. Smith for water service to property outside City limits at 4630 McHenry Avenue, located on the east side of McHenry Avenue between Bangs Avenue and Claribel Road

be, and it is hereby approved.

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

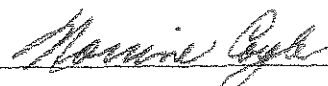
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March , 19 90 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Lang , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-365

A RESOLUTION APPROVING THE FINAL MAP OF THE MOUNTAINVIEW  
TERRACE UNIT NO. 5 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Aquarian Homes, Inc., a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.427 acres, known as the Mountainview Terrace Unit No. 5 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 1st day of February, 1988, 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 Mountainview Terrace Unit No. 5 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 13 day of March, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-366

A RESOLUTION APPROVING THE FINAL MAP OF THE SYLVAN MEADOWS  
EAST NO. 7 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Dimensions, Inc., a California corporation, and Dimensions  
Diversified, a Colorado corporation, is possessed of a tract of land situate  
in the City of Modesto, County of Stanislaus, consisting of 1.826 acres, known  
as the Sylvan Meadows East No. 7 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City  
Planning Commission on the 20th day of November, 1989, 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 Sylvan Meadows East No. 7 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 13 day of March, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-367

A RESOLUTION VACATING AND ABANDONING A PORTION OF THE STORM SEWER EASEMENT IN LOT 6 OF BLOCK 1713 OF THE SPRINGCREEK NO. 2 SUBDIVISION IN THE CITY IN MODESTO.

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate easements, and

WHEREAS, there is an easement on the real property located in Block 1713 in the City of Modesto, described in Exhibit "A" attached hereto, which is a portion of the Storm Sewer Easement in Lot 6 of Block 1713 of the Springcreek No. 2 Subdivision, in the City of Modesto, and

WHEREAS, the subdivider has requested the abandonment of a triangular portion of the Storm Sewer Easement in Lot 6 of Block 1713 approximately 7-feet wide at the front property line and 3.5 feet at the rear property line, and

WHEREAS, the Council finds and declares that:

1. The vacation is made pursuant to Chapter 4 (Sections 8330 et seq.) 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 portion of the storm sewer easement in Lot 6 of Block 1713 of the Springcreek No. 2 Subdivision in the City of Modesto, is no longer necessary for storm sewer easement purposes. This portion of the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the vacation.

3. That from and after the date this resolution is recorded, a portion of the storm sewer easement vacated will no longer constitute a storm sewer easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a portion of the storm sewer easement located in Lot 6 of Block 1713 of the Springcreek No. 2 Subdivision in the City of Modesto which is described in Exhibit "A", which is attached hereto and incorporated by reference herein, be and it is hereby vacated and abandoned, such vacation and abandonment to be 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 13 day of March, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

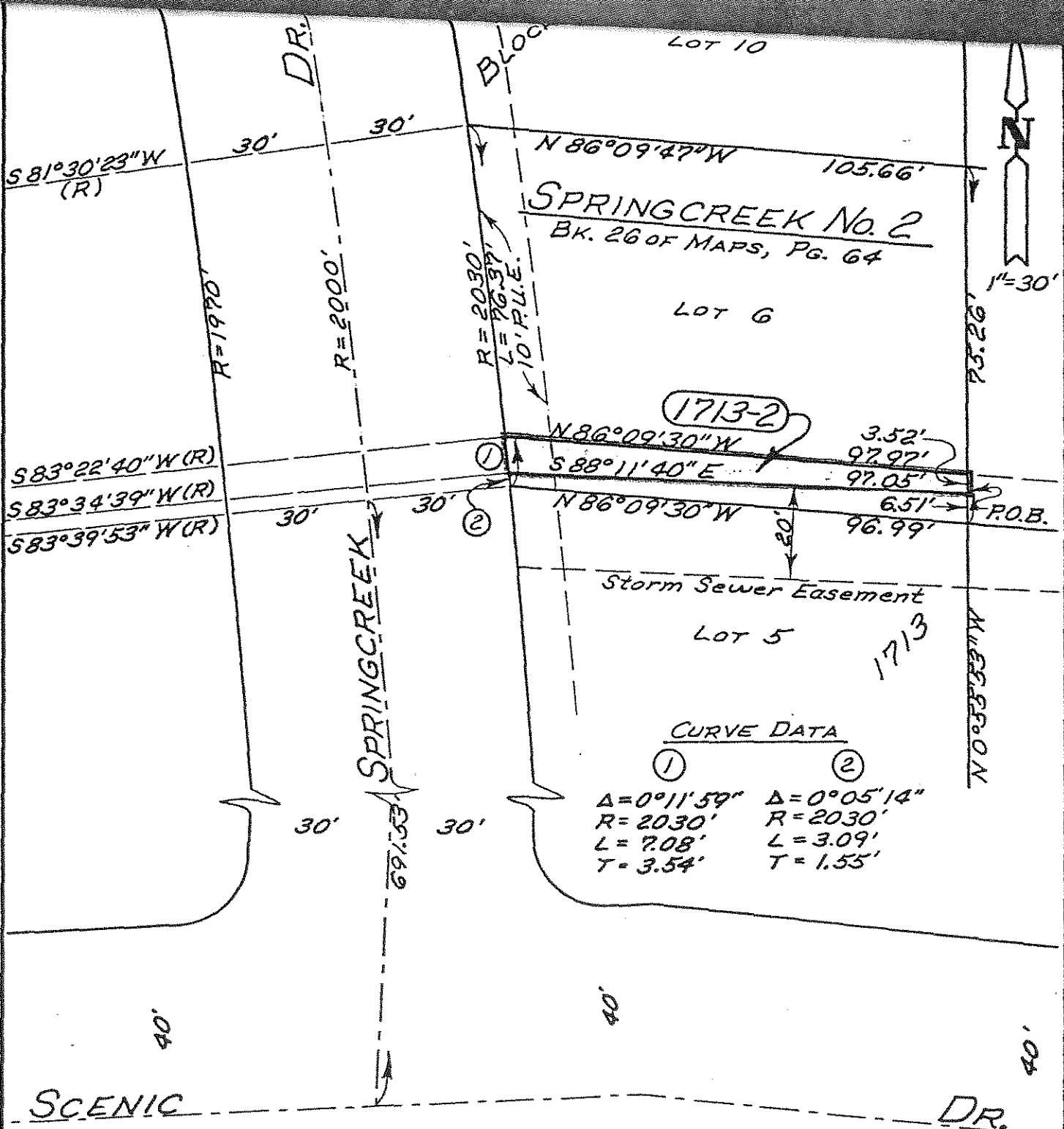
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By John L. Christensen  
Public Works and Transportation  
Department, Engineering



RECOMMENDED BY:		DATE	BY
CITY OF MODESTO PUBLIC WORKS - TRANSPORTATION		FLD. BK. & PG.	
EDWARD J. WALKER, DIRECTOR R.E. 13836		W. O. NO.	
By <i>Jerry H. Butler</i> JERRY H. BUTLER, Deputy		FILE NUMBER	
DATE Jan. 16, 1990	DRAWN J. Christiansen	4-A-735	
VACATE AND ABANDON A PORTION OF STORM SEWER EASEMENT IN BLOCK 1713~LD 90-A			

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-368

A RESOLUTION OF INTENTION TO VACATE AND ABANDON SPANOS COURT IN THE CITY OF MODESTO (MEMORIAL HOSPITAL ASSOCIATION).

WHEREAS, the City Council received and referred to the Planning Commission a request by Memorial Hospital Association to vacate and abandon Spanos Court, and

WHEREAS, the street abandonment is proposed to convert Spanos Court to a private street that will be maintained and can be altered by the applicant, and

WHEREAS, a title report was submitted with the abandonment request which indicates the street right-of-way was deeded to the City of Modesto in 1971 with the recordation of a parcel map, and

WHEREAS, in 1971, parcel maps were required to execute grant deeds for street dedication and the City should execute a grant deed to return the right-of-way back to Memorial Hospital Association, and

WHEREAS, the proposed street abandonment has been referred to affected City departments and local utility companies, and subject to certain conditions of approval, no objection to the abandonment has been received, and

WHEREAS, notices of a public hearing to consider the requested street abandonment were posted in the area and said hearing was held by the Planning Commission on September 18, 1989, and

WHEREAS, the Planning Commission by Resolution No. 89-114, adopted on September 18, 1989, found and determined as follows:

1. That the proposed abandonment of Spanos Court is in conformance with all provisions of the Modesto General Plan.

2. That Spanos Court is not necessary for present or future public vehicular and pedestrian use.
3. That the abandonment will allow the consolidation of land on both sides on Spanos Court owned by Memorial Hospital Association and Memorial Hospital Foundation, and will allow the re-design of the private drive.
4. That a negative declaration recommended by the Environmental Assessment Committee, and initial study dated August 23, 1989, should be certified as adopted.

and

WHEREAS, the Planning Commission by said Resolution No. 89-114 recommended to the City Council that the vacation and abandonment of Spanos Court be approved, subject to the following conditions:

1. That an access easement agreement for vehicular, pedestrian, and utilities that apply to the property and future successors, shall be provided as approved by the City Attorney's Office. This agreement shall also cover maintenance of the easement.
2. That existing public utility easements shall remain.
3. That Modesto Irrigation District easements shall be provided across Spanos Court as approved by the Modesto Irrigation District.
4. That existing city utilities such as; street lights, fire hydrants, and water main, shall be privately owned and maintained by the applicant. The two westerly fire hydrants shall remain as approved by the City Fire Chief. Street lights and fire hydrants that will be removed shall be delivered to the City of Modesto Corporation Yard.
5. That a new water meter and backflow preventer shall be provided in the Coffee Road public right-of-way as approved by the Public Works and Transportation Director.
6. That relocation of any utilities shall be at the expense of the applicant.
7. That the existing drop curb approach shall remain at the Coffee Road/Spanos Court intersection.
8. That existing parking controls such as handicapped parking and no parking zones shall be removed.

9. That a street sign indicating that Spanos Court is a private road shall be installed at the intersection of Coffee Road and Spanos Court.
10. That the abandoned right-of-way shall be deeded to adjacent parcels as approved by City staff.
11. That prior to vacation and abandonment of the street by the City Council, the applicant shall provide an agreement to comply with conditions of abandonment imposed by the City Council. The agreement shall specify that these conditions will be met within ninety (90) days of City Council approval and the agreement shall be in a form approved by the City Attorney.
12. That the City Council authorizes the City Manager and the City Clerk to execute a grant deed returning the underlying title back to the applicant.

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 Spanos Court, 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 which is attached hereto marked Exhibit "A".

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 Division 9, Part 3, of the Streets and Highways Code of the State of California.

SECTION 3: Notice is hereby given that April 10, 1990 at the hour of 7:30 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 at least three (3) notices of the proposed vacation and abandonment of Spanos Court to be posted conspicuously along Spanos Court at 300 foot intervals 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 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 13th day of March, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



MODESTO CITY COUNCIL  
RESOLUTION NO. 90-369

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND WINGS WEST AIRLINES, dba AMERICAN EAGLE, FOR THEIR OPERATION AT THE AIRPORT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Wings West Airlines, dba American Eagle, for their operation 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.

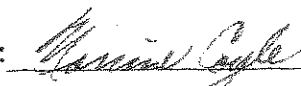
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-370

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE SYLVAN UNION SCHOOL DISTRICT FOR PROVISION OF MODESTO POLICE DEPARTMENT SERVICES

WHEREAS, the Sylvan Union School District is participating in the Comprehensive Alcohol Drug Prevention Education Program, sponsored through the County of Stanislaus; and

WHEREAS, in order to be eligible for funds under this State Program, the school district must have a memorandum of understanding for service with its local law enforcement agency.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding to be entered in effective October 1, 1989 through September 30, 1990 with the Sylvan Union School District for provision of Modesto Police Department services, a copy of which is attached hereto, be and it is hereby approved.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding 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 March, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

## MEMORANDUM OF UNDERSTANDING

This memorandum of understanding is entered into by the City of Modesto (the "CITY") and the Sylvan Union School District (the "DISTRICT") for the purpose of jointly sponsoring the Comprehensive Alcohol Drug Prevention Education (CADPE) program.

In order to accomplish this goal, the CITY and the DISTRICT agree to the following.

- I. The CITY agrees, through the Modesto Police Department, to:
  1. Provide, upon request, necessary data and statistics related to problems of juvenile drug abuse and other related issues for the CADPE assessment.
  2. Make available local statistics for required/needed reports.
  3. Work with the district to coordinate program services.
  4. Provide necessary information to the school-community Advisory Committee, in order for the committee to advise the school board on policies including, but not limited to, the following law enforcement related issues: (1) roles, responsibilities, and procedures for exchange of information, including confidential juvenile records; (2) definition of mandatory reporting requirements; (3) procedures for cross referral of at-risk-youth for intervention purposes; (4) development of rules prohibiting drug use and sales on school campus, including the role of law enforcement when a student is identified as a user or dealer of alcohol and/or other drugs.
  5. Keep key personnel informed of newly developed CITY and DISTRICT policies, compliance with those policies, and the consequences of non-compliance.
  6. Assign a representative to provide information to the school "Core" team, child study, or student study team, and to attend related "Core" team trainings so long as the team activities and training sessions do not interfere with officers' regular duty hours or necessitate extension of duty hours.
  7. Identify participants of in-service training for law enforcement personnel, so long as these training sessions do not interfere with, or necessitate extension of duty hours.
  8. Provide officer(s) to implement the D.A.R.E. Program.
  9. Respond to requests from school administrators to investigate reports of possession or sales of drugs on a school campus or at school events, and assist in personal searches when in the officer's opinion probable cause exists for such a search.
  10. Return to the school campus any student picked up in the community for truancy, provided no additional charges are pending against the student which would require booking.
  11. Respond in accordance with Modesto Police Department and DISTRICT standard operational procedures of civil disorder reports or riots on a school campus when requested by a school administrator.

12. Contact the school office in person before requesting the questioning or arresting of a student on campus when no emergency exists (i.e. when the offense was observed by the officer or when the escape of the suspect is likely). In an emergency, the officer shall contact the office before leaving the campus, if possible. If contact is not possible due to a duty requirement of the officer, the officer shall contact the school office by telephone as soon as possible.

II. The Sylvan Union School District agrees to:

1. Notify the Modesto Police Department when violations of criminal law related to alcohol and other drugs occur on the school campus.
2. Give full cooperation and access to the school campus and student's records to police officers responding to a request for investigation of a reported possession or sale of drugs on the school campus, or any other violation of law, and any other offense requiring police investigation.
3. Permit access to the school campus for police responding to a civil disorder or riot or for the arrest of a student positively identified to be in violation of laws pertaining to possession or sale of drugs, or any other offense requiring police investigation.
4. Develop a procedure to facilitate input from Modesto law enforcement in the development of board policies related to CADPE requirements.
5. Facilitate distribution of DISTRICT policies to the CITY. Provide the necessary training for successful implementation of those policies.
6. Provide training, upon request, to law enforcement officers in the areas of alcohol as a disease, the nature of addiction, progression of the disease, consequences of drug abuse, and confidentiality of juvenile records.

This agreement shall be effective from October 1, 1989 through September 30, 1990. If modifications are necessary before or at that time, they will be added to this Memorandum of Understanding by mutual agreement of the parties.

CITY OF MODESTO

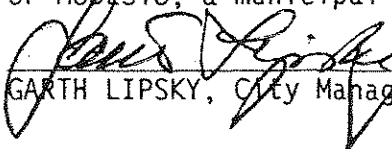
By:

  
Garth Lipsky, City Manager

IN WITNESS WHEREOF, the CITY OF MODESTO has authorized the execution of the Memorandum of Understanding in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution Number 90-\_\_\_\_ adopted by the Council of the City of Modesto on the \_\_\_\_ day of \_\_\_\_\_ 1990.

CITY OF MODESTO, a municipal corporation

By:

  
GARTH LIPSKY, City Manager

ATTEST:

By:

NORINE COYLE, City Clerk

APPROVED AS TO FORM:

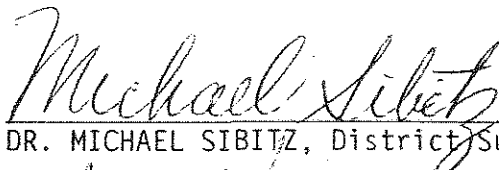
By:

  
STAN YAMAMOTO, City Attorney

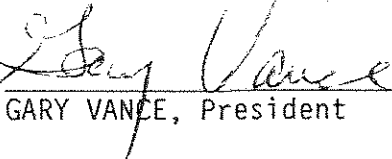
The SYLVAN BOARD OF EDUCATION, the Governing Body of the SYLVAN UNION SCHOOL DISTRICT, at its meeting of February 13, 1990, approved execution of this Memorandum of Understanding and authorized the District Superintendent and the President to execute the Memorandum on behalf of the Board.

SYLVAN UNION SCHOOL DISTRICT OF  
STANISLAUS COUNTY, CALIFORNIA

By:

  
DR. MICHAEL SIBITZ, District Superintendent

By:

  
GARY VANCE, President

APPROVED AS TO FORM AND  
LEGAL PROPRIETY:

By:

MICHAEL E. KRAUSNICK County Counsel

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-371

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM ON BEHALF OF CLAIMANT MANUEL GONZALEZ, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim on behalf of the claimant, Manuel Gonzalez, against the City of Modesto, was received on March 1, 1990, 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, Manuel Gonzalez, against the City of Modesto, received on March 1, 1990, 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 13th day of March, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-372

RE-  
A RESOLUTION /APPOINTING MEMBER OF THE DOWNTOWN IMPROVEMENT DISTRICT  
ADVISORY BOARD (GWENDOLYN BRUTON)

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  
Downtown Improvement District Advisory Board for the respective  
term as indicated:

Gwendolyn Bruton

Term to expire 3/1/94

SECTION 2. The City Clerk is hereby directed to transmit a copy  
re-  
of this resolution to the newly/appointed member of the Downtown  
Improvement District Advisory Board 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 March,  
1990, by Councilmember Patterson, who moved its adoption,  
which motion being duly seconded by Councilmember Irizarry, was  
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-373

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT  
(JAMES VON DOHLEN)

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 for the respective term as indicated:

James Von Dohlen  
1033 Harvard Avenue  
Modesto, Ca. 95350  
Term to expire 1/1/94

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 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-374

A RESOLUTION APPOINTING MEMBER OF THE CULTURE COMMISSION (MICHAEL ROYER)

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 Culture Commission for the respective term as indicated:

Michael Royer  
925 Magnolia Avenue  
Modesto, Ca. 95350  
Term to expire 1/1/94

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Culture 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 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-375

A RESOLUTION APPOINTING MEMBER OF THE HUMAN RELATIONS COMMISSION.  
(PETER PEN)

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:

Peter Pen  
721 Pine Tree Lane  
Modesto, Ca. 95351  
Term to expire 1/1/94

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the 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 March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-376

A RESOLUTION APPOINTING MEMBER OF THE PLANNING COMMISSION (ARTHUR MARTIN)

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 Planning Commission for the respective term as indicated:

Arthur Martin  
2600 Rembrandt Place  
Modesto, Ca. 95356  
Term to expire 1/1/94

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Planning 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 13th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Patterson

NOES: Councilmembers: Irizarry, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-377

A RESOLUTION APPOINTING MEMBER OF THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE, REPRESENTING THE PLANNING COMMISSION (JEFF GROVER)

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

SECTION 1. The following person is hereby appointed to the Citizens Housing and Community Development Committee, representing the Planning Commission:

Jeff Grover  
1204 Romano Way  
Modesto, Ca. 95355

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Housing and Community Development 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 13th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-378

A RESOLUTION APPOINTING MEMBER OF THE HOUSING MAINTENANCE & COUNSELING SUBCOMMITTEE REPRESENTING THE PLANNING COMMISSION (BOB DUNBAR)

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

SECTION 1. The following person is hereby appointed to the Housing Maintenance and Counseling Subcommittee representing the Planning Commission:

Robert Dunbar  
3201 Canterbury Court  
Modesto, Ca. 95350

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Housing Maintenance & Counseling Subcommittee 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 March, 19 90, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrie Coyle*  
NORRIE COYLE, City Clerk

90-17  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-379

A RESOLUTION CONFIRMING EXPENSES INCURRED FOR DEMOLITION  
OF A BUILDING LOCATED AT 303-305 WASHINGTON STREET IN THE  
CITY OF MODESTO.

WHEREAS, the Chief Building Official of the City of Modesto, as authorized by the Uniform Housing Code and Modesto Municipal Code Section 9-9.01, ordered the demolition of the substandard and hazardous structures at 303-305 Washington Street, Modesto, California, and described as Lots 13 and 14, Block 412, County of Stanislaus, State of California, and

WHEREAS, the owners of record of said property is Bennie May Banks, and

WHEREAS, the Chief Building Official, as stated in the Notice and Order to repair or demolish the substandard structures located at 303-305 Washington Street, dated September 16, 1988, incurred expenses in the amount of \$3,603.08 by causing the removal of said substandard structures by failure of the owners of record to comply with the Notice and Order, and

WHEREAS, Chapter 16 of the Uniform Housing Code requires that the City Council shall set a public hearing for the purpose of receiving protests or objections relating to payment of the expenses incurred, and

WHEREAS, to recover expenses incurred by the City of Modesto a special assessment may be placed against the property as a lien, and

WHEREAS, an itemized report relating to the expenses incurred was submitted by the Public Works and Transportation Director, a copy of which report is marked Exhibit A attached hereto and incorporated herein by reference, and

WHEREAS, a public hearing was held by the Council of the City of Modesto at 4:00 p.m. on March 20, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time the Council reviewed and considered said report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the itemized report relating to the expenses incurred by the City of Modesto in the amount of \$3,603.08 as submitted by the Public Works and Transportation Director, a copy of which report is marked Exhibit A attached hereto and incorporated herein by reference, is accepted as being accurate and complete as stated, and said expenses incurred for said demolition are hereby confirmed.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to forward a certified copy of this notice of assessment to the Finance Director who shall cause the amount of this special assessment to be added to the next regular bill of taxes levied against said property for municipal purposes, which said amount shall be collected at the time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedures under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to record a certified copy of this resolution with the Stanislaus County Recorder.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL REPORT OF THE BUILDING OFFICIAL  
AND ITEMIZED ACCOUNT

Itemized account of expenses incurred by the City of Modesto regarding the abatement of the structure located at 303-305 Washington Street, the north 70 feet of lots 13 and 14 in block 412 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, and owned by Bennie May Banks.

HISTORY

September 8, 1988	Police action at the duplex dwelling unit revealed substandard and hazardous conditions, especially regarding the electrical system and comfort heaters. Gas and electrical utilities disconnected.
September 9, 1988	Notice to repair the duplex issued by the County Health Department.
September 9, 1988	Ordered PIRT: to establish ownership of property.
September 15, 1988	Ownership of property reverts to previous owner via quitclaim deed.
September 16, 1988	Notice and Order to Repair issued by Building Inspection Division.
September 19, 1988	Posted duplex with Notice and Order.
October 21, 1988	Duplex "gutted" by fire of suspicious origin.
November 1, 1988	Ordered PIRT update to establish change of ownership.
December 13, 1988	Certificate of Existence of Substandard and Dangerous Building recorded with County Recorder.
December 20, 1988	File referred to Office of City Attorney due to lack of progress and/or repairs.
December 23, 1988	Modesto Fire Prevention orders owner to secure and maintain the structure.
December 24, 1988	Additional Notice and Order to repair sent to original owner.
June 5, 1989	Attorney's Office updates status of repairs, due to possible involvement of owner with the Modesto Housing Program Office.
July 14, 1989	Citizen complaint regarding the structure being unsecured and open to the public.
August 1, 1989	Structure re-posted with "Do Not Occupy" signs.

EXHIBIT "A"

August 14, 1989                    Structure again heavily damaged by fire.

September 28, 1989                Structure re-posted "Do Not Occupy."

September 29, 1989                Contract for demolition awarded to Modesto Sand and Gravel.

November 16, 1989                 Final inspection on demolition permit.

The following is an itemized and total list of expenses incurred by the City of Modesto regarding the property located at 303-305 Washington Street.

1. Demolition of structures, debris removal, and lot grading	\$3,200.00
2. Total staff time: report preparation, photo documentation, preparation of bid documents for demolition. 8 man hours (including overhead)	179.00
3. Recordation of Certificate of Compliance	9.00
4. Film: one roll	4.21
5. Film processing	10.43
6. PIRT and update	200.00
TOTAL	\$3,602.64

Staff recommends that the City Council make the following findings:

1. A special lien of assessment be made against the property as a lien to recover the costs incurred by the City of Modesto, and cause the same to be recorded on the assessment bill against the property.
2. That the costs incurred by the City of Modesto are accurate and complete as stated.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-380

A RESOLUTION CONFIRMING EXPENSES INCURRED FOR DEMOLITION  
OF A BUILDING LOCATED AT 408 COOLIDGE AVENUE IN THE CITY  
OF MODESTO.

WHEREAS, the Chief Building Official of the City of Modesto, as authorized by the Uniform Housing Code and Modesto Municipal Code Section 9-9.01, ordered the demolition of the substandard and hazardous structures at 408 Coolidge Avenue, Modesto, California, and described as the north 150 feet of the east 46 feet of the west  $\frac{1}{4}$  acres of the north  $\frac{1}{2}$  of lot 12 of Coolidge Colony in the City of Modesto, County of Stanislaus, State of California, and

WHEREAS, the owners of record of said property are Edward and Ruth Trapp and Glenn and Elizabeth Moffitt, and

WHEREAS, the Chief Building Official, as stated in the Notice and Order to repair or demolish the substandard structures located at 408 Coolidge Avenue, dated September 22, 1988, incurred expenses in the amount of \$4,612.99 by causing the removal of said substandard structures by failure of the owners of record to comply with the Notice and Order, and

WHEREAS, Chapter 16 of the Uniform Housing Code requires that the City Council shall set a public hearing for the purpose of receiving protests or objections relating to payment of the expenses incurred, and

WHEREAS, to recover expenses incurred by the City of Modesto a special assessment may be placed against the property as a lien, and

WHEREAS, an itemized report relating to the expenses incurred was submitted by the Public Works and Transportation Director, a copy of which report is marked Exhibit A attached hereto and incorporated herein by reference, and

WHEREAS, a public hearing was held by the Council of the City of Modesto at 4:00 p.m. on March 20, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time the Council reviewed and considered said report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the itemized report relating to the expenses incurred by the City of Modesto in the amount of \$4,612.99 as submitted by the Public Works and Transportation Director, a copy of which report is marked Exhibit A attached hereto and incorporated herein by reference, is accepted as being accurate and complete as stated, and said expenses incurred for said demolition are hereby confirmed.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to forward a certified copy of this notice of assessment to the Finance Director who shall cause the amount of this special assessment to be added to the next regular bill of taxes levied against said property for municipal purposes, which said amount shall be collected at the time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedures under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to record a certified copy of this resolution with the Stanislaus County Recorder.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL REPORT OF THE BUILDING OFFICIAL AND ITEMIZED ACCOUNT

Itemized account of expenses incurred by the City of Modesto regarding the abatement of the structures located at 408 East Coolidge Avenue, the north 150 feet of the east 46 feet of the west 3/4 acres of the north 1/2 of lot 12 of Coolidge Colony in the City of Modesto, County of Stanislaus, according to the official-map filed in the office of the County Recorder, on November 15, 1910 in volume 5 of maps at page 17, and owned by Edward and Ruth Trapp, and Glenn and Elizabeth Moffitt, husband and wife as joint tenants.

History

February 19, 1988	Single-family dwelling destroyed by fire.
May 6, 1988	Ordered P.I.R.T. to establish ownership.
June 7, 1988	Notice to repair and secure the fire-damaged dwelling issued by the County Health Department.
June 30, 1988	Follow up letter of noncompliance issued by County Health Department.
September 22, 1988	Notice and Order to repair issued by City of Modesto Building Inspection Division.
October 31, 1988	File referred to the office of the City Attorney due to lack of progress and/or repairs.
November 29, 1988	Letter sent by the office of the City Attorney reminding owners of their obligation to repair or demolish the dwelling.
December 2, 1988	Office of the City Attorney received a call from the owners. The owners stated that they would secure the structures from public access.
April 18, 1989	Owners notified to clean and maintain the property by the City of Modesto Fire Prevention Bureau.
April 27, 1989	Second notice to clean and maintain property is sent by the Fire Prevention Bureau.
June 21, 1989	Letter sent by the County Health Department informing the owners that the structures are open to the public and are an attractive nuisance.
July 26, 1989	Letter sent by the County Health Department informing the owners of their obligation to repair or demolish the fire-damaged structures.
August 17, 1989	Letter sent to the City of Modesto, Division of Building Inspection by the County Health Department soliciting help to abate and/or repair the fire damaged structures.

August 25, 1989	Ordered update of P.I.R.T. to re-establish ownership of the property before abatement action is taken.
August 28, 1989	Reposted property with "Do Not Occupy" signs.
September 25, 1989	Owner ordered to secure fire-damaged structures by Modesto Fire Prevention Bureau.
October 17, 1989	Owner ordered to demolish the damaged structures by the Modesto Fire Prevention Bureau.
November 16, 1989	Dwelling demolished by Modesto Sand and Gravel, Inc. as per contract.
January 17, 1990	Final inspection of demolition permit (#61432).

The following is an itemized and total list of expenses incurred by the City of Modesto regarding the property located at 408 East Coolidge Avenue.

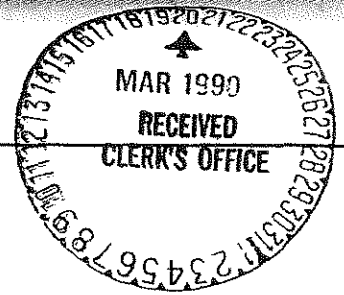
1. Demolition of structures, debris removal and lot grading	\$4,200.00
2. Total staff time: report preparation, photo documentation, preparation of bid documents for demolition, 8 man hours (including overhead)	179.00
3. Film, two rolls	10.77
4. Film processing	23.22
5. P.I.R.T. and update	<u>200.00</u>
TOTAL	\$4,612.99

Staff recommends that the City Council make the following findings:

1. A special lien of assessment be made against the property as a lien to recover the costs incurred by the City of Modesto, and cause the same to be recorded on the assessment bill against the property.
2. That the costs incurred by the City of Modesto are accurate and complete as stated.

# Robert Ford & Assoc., Inc.

Real Estate Appraisers and Consultants



## M E M O

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**DATE:** March 14, 1990  
**TO:** Members of the Modesto City Council  
**FROM:** Robert W. Ford, MAI, CRE  
**SUBJECT:** *Transportation and Growth*

---

Enclosed is a copy of a recent publication of the Urban Land Institute regarding *Transportation and Growth*. I hope it is helpful in your deliberations.

*Copy Circulated to:*  
*City Manager*  
*City Attorney*  
*Deputy City Manager*  
*P. M. & J.*

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-381

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE CONSTRUCTION OF FIRE STATION NO. 9

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

SECTION 1. The plans and specifications for the construction of  
Fire Station No. 9  
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 19, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 20th day of March, 1990,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Bird, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-382

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR MCHENRY MANSION RESTORATION PHASE III - INSTALLATION  
OF ELECTRICAL AND HVAC SYSTEMS

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

SECTION 1. The plans and specifications for McHenry Mansion Restoration  
Phase III - Installation of electrical and HVAC Systems  
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 5, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 20th day of March, 1990,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Bird, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-383

A RESOLUTION ACCEPTING THE TRAFFIC SIGNALS AT STANDIFORD AND SISK AND AT STANDIFORD AND DALE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the traffic signals at Standiford and Sisk and at Standiford and Dale has been completed by Collins Electric in accordance with the contract agreement dated October 3, 1989.

NOW, THEREFORE, BE IT RESOLVED that the traffic signals at Standiford and Sisk and at Standiford and Dale

be accepted from said contractor, Collins Electric; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$108,576.66 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 20th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-384

A RESOLUTION ACCEPTING THE CARVER ROAD AT M.I.D. LATERAL NO. 6 BRIDGE REPLACEMENT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the Carver Road at M.I.D. Lateral No. 6 bridge replacement

has been completed by Gentz Construction in accordance with the contract agreement dated November 22, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the Carver Road at M.I.D. Lateral No. 6 bridge replacement

be accepted from said contractor, Gentz Construction ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$159,891.79 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 20th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-385

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF  
MODESTO FOR FISCAL YEAR 1989-90 TO INCREASE ESTIMATED  
REVENUE AND APPROPRIATIONS.

WHEREAS, it has been determined that the full cost of project  
070-430-G746-6000, the Carver Road Bridge replacement at Modesto Lateral  
Number 6 project was not budgeted. Engineering and inspections costs for the  
project were not included in the original budget amount, and

WHEREAS, funding for this project is being provided by Federal and  
City funds based on an 80/20 split, and

WHEREAS, this project was adopted by Council Resolution No. 88-891.  
It provided a \$162,767 appropriation, with estimated federal revenue of  
\$130,167, and

WHEREAS, the anticipated cost to complete this project is \$201,300.  
Of this amount \$188,700 is eligible for federal funding, and

WHEREAS, it is necessary to increase revenue and appropriations by  
the additional amount of federal funds this project is eligible for,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the following adjustments be made to the Annual Budget of the City of  
Modesto, Fiscal Year 1989-90.

Special Gas Tax Fund (070)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase</u>
Revenue 070-510-9510-3504	Federal Share of Project	\$20,793
Expenditures 070-430-G746-6000	Carver Road Bridge	\$20,793

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 March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-386

A RESOLUTION ACCEPTING THE CONTRACT FOR WATER SUPPLY FOR THE SLUDGE THICKENERS AT THE WATER QUALITY CONTROL PLANT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the contract for water supply for the sludge thickeners at the Water Quality Control Plant has been completed by Pacific Engineering Construction in accordance with the contract agreement dated March 7, 1989.

NOW, THEREFORE, BE IT RESOLVED that the water supply for the sludge thickeners at the Water Quality Control Plant

be accepted from said contractor, Pacific Engineering Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$79,607.32 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 20th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL  
RESOLUTION NO. 90-387

A RESOLUTION ADOPTING A WATER CONSERVATION PROGRAM AND  
ESTABLISHING LIMITATIONS ON THE USE OF WATER FROM THE  
MUNICIPAL WATER SYSTEM.

WHEREAS, the City of Modesto obtains its entire supply of domestic  
water from deep well pumping stations, and

WHEREAS, the conservation of groundwater is a prudent and desirable  
goal and is necessary for the public health and safety, and

WHEREAS, it has been determined that peak water demands on the  
municipal water system occur between the hours of 12:01 p.m. and 7:00 p.m., and

WHEREAS, the Modesto Irrigation District has advised that the peak  
electric power demands on the Modesto Irrigation District system occur between  
the hours of 12:00 p.m. and 6:30 p.m., and

WHEREAS, Section 11-1.14, subsection (p), of the Modesto Municipal  
Code authorizes the Council of the City of Modesto to establish rules or  
regulations by resolution concerning the City's municipal water system, and

WHEREAS, it is timely for the City of Modesto to take steps  
necessary to help ensure an adequate local supply of domestic water, and a  
comprehensive approach to water conservation through limitations on usage and  
public education would help to ensure an adequate local supply of domestic  
water,

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

SECTION 1. WATER CONSERVATION PROGRAM. A comprehensive approach to  
water conservation, through limitations on usage and public education, is  
hereby approved.

SECTION 2. ESTABLISHMENT OF LIMITATIONS. Watering restrictions as follows are approved and shall remain in effect until such time as modified by resolution of the City Council.

(a) No outdoor water use is permitted between 12:01 p.m. and 7:00 p.m. on any day.

(b) Addresses ending in an even number may water outdoors on the even-numbered days of the month, but not during the restricted hours.

(c) Addresses ending in an odd number may water outdoors on the odd-numbered days of the month, but not during the restricted hours.

(d) Hosing down driveways, sidewalks, building exteriors, and parking lots are prohibited without the written consent of the Public Works and Transportation Director.

SECTION 3. DEFINITION. Water waste shall include the use of lawn sprinklers when it is raining.

SECTION 4. RESTAURANTS. Restaurants are hereby encouraged to serve water only upon customer request.

BE IT FURTHER RESOLVED by the Council that the Public Works and Transportation Director is hereby directed to implement an evaluation process relating to the water savings process and monitoring program.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit certified copies of this resolution to the cities of Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1990, by Councilmember Patterson, 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: Bird, Dobbs, Irizarry, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-388

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CLYDE O. BRANER AND NORMA R. BRANER FOR THE ACQUISITION OF 1960+ SQUARE FEET OF RIGHT OF WAY FROM THEIR PROPERTY FOR PUBLIC FACILITIES DISTRICT NO. 6 AND RESCINDING RESOLUTION OF NECESSITY NO. 90-176

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Clyde O. Braner and Norma R. Braner for the acquisition of 1960+ square feet of right of way from their property at 3033 Coffee Road, for Public Facilities District No. 6 be, and it is hereby approved.

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

BE IT FURTHER RESOLVED that Resolution No. 90-176, entitled "Resolution of Necessity to Acquire Certain Real Property by Eminent Domain for Municipal purposes for Public Facilities District No. 6" is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-389

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES CARLYLE BYLES AND ARADATH STARLENE BYLES FOR THE ACQUISITION OF 1200 SQUARE FEET OF RIGHT OF WAY FROM THEIR PROPERTY FOR PUBLIC FACILITIES DISTRICT NO. 6 AND RESCINDING RESOLUTION OF NECESSITY NO. 90-175

BE IT HEREBY RESOLVED BY the Council of the City of Modesto that the agreement between the City of Modesto and James Carlyle Byles and Aradath Starlene Byles for the acquisition of 1200 square feet of right of way from their property at 3025 Coffee Road, for Public Facilities District No. 6 be, and it is hereby approved.

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

BE IT FURTHER RESOLVED that Resolution No. 90-175, entitled "Resolution of Necessity to Acquire Certain Real Property by Eminent Domain for Municipal purposes for Public Facilities District No. 6" is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-390

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE G. MARGARITE AND INEZ E. MARGARITE FOR THE ACQUISITION OF 3950+ SQUARE FEET OF RIGHT OF WAY FROM THEIR PROPERTY FOR PUBLIC FACILITIES DISTRICT NO. 6 AND RESCINDING RESOLUTION OF NECESSITY NO. 90-182

BE IT HEREBY RESOLVED BY the Council of the City of Modesto that the agreement between the City of Modesto and George G. Margarite and Inez E. Margarite for the acquisition of 3950+ square feet of right of way from their property at 3409 Coffee Road, for Public Facilities District No. 6 be, and it is hereby approved.

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

BE IT FURTHER RESOLVED that Resolution No. 90-182, entitled "Resolution of Necessity to Acquire Certain Real Property by Eminent Domain for Municipal purposes for Public Facilities District No. 6" is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-391

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF  
MODESTO FOR THE FISCAL YEAR 1989-90.

WHEREAS, it has been determined that certain adjustments are  
required to the Annual Budget of the City of Modesto for the Fiscal Year  
1989-90,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the adjustments listed on Exhibit "A" attached hereto and incorporated  
herein by reference are, hereby approved and shall be made to the Annual  
Budget of the City of Modesto for the Fiscal Year 1989-90.

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 March,  
1990, by Councilmember Muratore, who moved its adoption, which motion  
being duly seconded by Councilmember Irizarry, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MIDYEAR BUDGET REQUIRED ADJUSTMENTS  
 FY 1989-90

EXHIBIT A

Fund	Agency	Orgn	Object	Required Adjustment
-----				
Expenditures - Other Funds				
060	700	7000	7010	350,000
113	140	1454	0309	6,000
113	800	8000	8003	(6,000)
135	310	6875	6000	(491,000)
135	310	6876	6000	(64,000)
139	120	P907	6000	10,000
139	800	8000	8003	(10,000)
140	700	7000	7170	69,000
140	700	7000	7135	(69,000)
150	700	7000	7170	32,000
150	700	7000	7135	(32,000)
170	310	6875	6000	491,000
170	310	6876	6000	64,000
610	480	5012	0330	600
610	480	5012	0120	7,700
610	480	5012	0130	9,000
610	480	5012	0201	6,000
610	480	5012	0223	63,600
610	480	5012	0235	81,000
610	480	P572	6000	30,000
610	700	7000	7720	20,000
610	800	8000	8004	(187,900)
631	480	5412	0110	17,000
631	800	8000	8003	(17,000)

651	160	1672	0232	14,000
670	340	3412	0360	2,820
670	340	3412	0223	13,233
670	340	3412	0210	5,080
670	340	3412	0206	996
670	340	3412	0205	4,982
670	340	3412	0235	27,088

720	480	5812	5433	13,481
720	480	5812	5430	6,519
720	480	5812	0365	1,190

720	800	8000	8003	(1,190)
731	040	0472	0235	35,000
731	040	0472	9990	(35,000)

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468,199

Revenue - Other Funds

170	700	7000	9140	69,000
170	700	7000	9150	32,000

135	700	7000	9150	(32,000)
135	700	7000	9140	(69,000)

720	700	7000	9610	20,000
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610	510	9510	4252	30,000
-----	-----	------	------	--------

651	510	9510	4504	14,000
-----	-----	------	------	--------

060	510	9510	7110	350,000
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670	510	9510	8122	1,488
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670	700	7000	9010	52,711
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468,199

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-392

A RESOLUTION AMENDING RESOLUTION NO. 90-112 APPOINTING MEMBERS TO THE TUOLUMNE RIVER REGIONAL PARK CITIZENS COMMITTEE TO CORRECT THE APPOINTMENT OF CALVIN MOORAD TO READ BILL MOORAD

WHEREAS, at the Modesto City Council meeting of February 13, 1990, by Resolution No. 90-112, members were appointed to the newly created Tuolumne River Regional Park Citizens Committee; and

WHEREAS, Calvin Morrard's name was mistakenly listed as a member of this committee.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 90-112 be amended to read that Bill Moorad be appointed to the Tuolumne River Regional Park Citizens Committee, term to expire on 1/1/94.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-393

A RESOLUTION ACCEPTING THE BID OF CONCO-WEST, INC. FOR THE CONSTRUCTION OF PUMP STATION NO. 48

WHEREAS, Resolution No. 90-97, adopted by the Council of the City of Modesto on February 13, 1990, approved the plans and specifications for the construction of Pump Station No. 48

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of Pump Station No. 48 were opened at 11:00 a.m. on March 8, 1990, and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Conco-West, Inc. in the amount of \$94,666.

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 \$94,666 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 27th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-394

A RESOLUTION ACCEPTING THE BID OF COUNTRY FORD TRUCKS, INC. FOR FURNISHING ONE NEW TRUCK WITH SERVICE CRANE AND UTILITY BODY

WHEREAS, Resolution No. 90-66 , adopted by the Council of the City of Modesto on February 6, 1990 , approved the plans and specifications for the purchase of one new truck with service crane and utility body

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one new truck with service crane and utility body were opened at 11:00 a.m. on March 5, 1990 , 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 \$31,993 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Country Ford Trucks, Inc. in the amount of \$31,993 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 27th day of March , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-395

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC TRANSPORTATION COMPANY FOR THE LEASE OF THE OLD SOUTHERN PACIFIC DEPOT BUILDING

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Southern Pacific Transportation Company for the lease of the old Southern Pacific depot 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 27th day of March , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:

  
NORRIHE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-396

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NORA NARAGHI FOR THE DEDICATION OF 0.211+ ACRES OF RIGHT OF WAY FROM HER PROPERTY FOR PUBLIC FACILITIES DISTRICT NO. 6 AND RESCINDING RESOLUTION OF NECESSITY NO. 90-184

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Nora Naraghi for the dedication of 0.211+ acres of right of way from her property for Public Facilities District No. 6 be, and it is hereby approved.

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

BE IT FURTHER RESOLVED that Resolution No. 90-184, entitled, "Resolution of Necessity to Acquire Certain Real Property by Eminent Domain for Municipal Purposes for Public Facilities District No. 6" is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 1990, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-397

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$110,343 FROM CONTINGENCY RESERVE TO COVER THE COST OF HIRING FIVE ADDITIONAL POLICE OFFICERS FOR TRAFFIC ENFORCEMENT

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

From: Contingency Reserve: \$110,343  
To: Hiring of Police Officers: \$110,343  
(various accounts)

The funds are needed to provide financing for hiring five additional police officers, and cover related equipment and benefits for the 1989-90 Fiscal Year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dobbs

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-398

A RESOLUTION ADVISING THE LOCAL AGENCY FORMATION COMMISSION THAT CITY SERVICES COULD BE MADE AVAILABLE TO THE PROPOSED CLARATINA-COFFEE REORGANIZATION, AND REQUIRING AN ENVIRONMENTAL IMPACT REPORT.

WHEREAS, on December 27, 1989, attorney Steve Herum, representing the owners of the real property of what is known as the Claratina-Coffee Reorganization Area (hereinafter "Applicant"), represented to the City that Applicant was preparing to file an application with the Stanislaus County Local Agency Formation Commission (hereinafter "LAFCO") for annexation to the City of Modesto, and

WHEREAS, Applicant has represented that LAFCO guidelines require that such an application include a resolution of the City Council stating that the City can provide the necessary services, and

WHEREAS, the Applicant has not asked the City Council to approve the proposed annexation, and

WHEREAS, said proposed Claratina-Coffee Reorganization Area is in the urban reserve area of the City of Modesto and is the northerly portion of the Northeast McHenry Neighborhood, and

WHEREAS, said area is bounded on the south by the current sanitary sewer limit and city limits, west by McHenry Avenue, north by Claratina Avenue, and east by Coffee Road, containing 152.5 total acres, and

WHEREAS, on February 13, 1990, the City Council accepted the Public Projects Committee recommendation that portions of five neighborhoods, including the Northeast McHenry Neighborhood (Claratina-Coffee Reorganization Area) be considered on a case-by-case basis, and

WHEREAS, various City departments have been polled as to the degree of impact which would be placed on each department to provide City services to the proposed Claratina-Coffee Reorganization Area, and

WHEREAS, on April 3, 1990, the Council of the City of Modesto considered the City's staff report and whether City services could be provided to the proposed Claratina-Coffee Reorganization Area,

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

1. That in the event of annexation, City services can be provided to the proposed Claratina-Coffee Reorganization Area.

2. That LAFCO require a tiered or phased EIR for the proposed annexation with the understanding, in the event such annexation occurs, that City reserves the right to conduct further environmental review when the Applicant submits specific development proposals for the area to the City.

3. That by this action, the City Council is not approving the proposed annexation.

4. That the City Clerk is hereby directed to transmit a certified copy of this resolution to LAFCO.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich

MICHAEL D. MILICH, Assistant  
City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-399

AN URGENCY RESOLUTION EXTENDING RESOLUTION NO. 90-351  
ENTITLED "MODESTO CITY COUNCIL INTERIM URGENCY RESOLUTION"  
FOR AN ADDITIONAL THIRTY (30) DAY PERIOD.

WHEREAS, on March 13, 1990, the Modesto City Council adopted Resolution No. 90-351 which adopted Stanislaus County's Public Facilities Fees and made them applicable to development projects occurring in the City of Modesto, and

WHEREAS, said resolution is effective only for a period of thirty (30) days, and

WHEREAS, it is appropriate to extend said resolution for an additional thirty (30) day period,

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

1. Pursuant to the authority conferred by Government Code section 65962, Resolution No. 90-351 is hereby extended for an additional thirty (30) day period from and after the effective date of this resolution.

2. The County Public Facilities Fees adopted on an interim urgency basis with the passage of Resolution No. 90-351 need to remain in continuous effect in order to protect the public health, safety, and welfare of citizens throughout the County. It is necessary that the County Public Facilities Fees remain in effect on a continuous basis so that the comprehensive County Public Facilities Fees which have been imposed throughout the County can begin at the same time and thereafter remain in continuous effect. Failure to extend the interim urgency resolution for an additional thirty (30) day period may create deficiencies that may have an adverse effect on the County's ability to

provide necessary public facilities, thereby causing a threat to the public health, safety and welfare; therefore, this resolution is effective immediately after adoption.

3. In addition to any other findings made by this resolution, the City Council further finds that CEQA does not apply to the adoption of this resolution pursuant to the provisions of sections 15061 and 15273 of the State CEQA Guidelines, because:

(a) The fees established by this resolution will be collected, in part, for the purposes of obtaining funds to be used for development projects and improvements which are necessary to maintain the current level of service in terms of street capacity within the County as well as the purchase of certain items of capital equipment;

(b) To a limited extent, the fees established by this resolution will be used to fund some new facilities such as traffic signals, park and ride lots, bike paths, and pedestrian foot paths in new neighborhoods outside existing service areas. However, the addition of public facilities to new neighborhoods will not take place until there has been CEQA review of the development projects which will pay for said public facilities via the public facilities fee mechanism established by the Board of Supervisors Resolution No. 89-1724. The construction of each public facility will be subject to CEQA review. It is, therefore, reasonably certain that this resolution which merely extends Resolution No. 90-351 for an additional thirty (30) day period will not, by itself, have any possibility of causing a significant effect on the environment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Patterson, 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: Bird, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-400

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR SYLVAN AVENUE IMPROVEMENTS AT BEYER HIGH SCHOOL

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

SECTION 1. The plans and specifications for the Sylvan Avenue improvements at Beyer High School

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 26, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-401

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE CLUBHOUSE AT MODESTO MUNICIPAL GOLF COURSE

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

SECTION 1. The plans and specifications for the clubhouse at Modesto  
Municipal Golf Course

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, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 3rd day of April, 1990,  
by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-402

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THREE TRAFFIC SIGNAL CONTROLLERS

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

SECTION 1. The plans and specifications for the purchase of three traffic signal controllers 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 23, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-403

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE SALE OF A 1456+ SQUARE FOOT METAL SERVICE  
STATION BUILDING LOCATED AT 901 NINTH STREET

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

SECTION 1. The plans and specifications for the sale of a 1456+ square foot metal service station building located at 901 Ninth 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 May 15, 1990, at 10:00 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-404

A RESOLUTION ACCEPTING THE BID OF CONCO-WEST, INC. FOR THE CONSTRUCTION OF PUMP STATION NO. 51

WHEREAS, Resolution No. 90-143 , adopted by the Council of the City of Modesto on February 27, 1990 , approved the plans and specifications for the construction of Pump Station No. 51

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of Pump Station No. 51 were opened at 11:05 a.m. on March 22, 1990 , and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Conco-West, Inc. in the amount of \$121,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco-West, Inc. in the amount of \$121,000 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 3rd day of April , 19 90 , by Councilmember Lang , 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-405

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION COMPANY FOR THE 12th STREET SUBTRUNK SEWER BETWEEN B STREET AND MORTON BOULEVARD

WHEREAS, Resolution No. 90-144 , adopted by the Council of the City of Modesto on February 27, 1990 , approved the plans and specifications for the 12th Street subtrunk sewer between B Street and Morton Boulevard

and authorized the calling for bids; and

WHEREAS, the bids received for the 12th Street subtrunk sewer between B Street and Morton Boulevard

were opened at 11:00 a.m. on March 22, 1990 , and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Rolfe Construction Company in the amount of \$91,358

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 Company in the amount of \$91,358 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 3rd day of April , 1990 , by Councilmember Lang , 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-406

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$9,400 FROM SEWER FUND RESERVES TO PROVIDE ADDITIONAL FUNDS FOR THE 12 STREET SUBTRUNK SEWER PROJECT

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

FROM:	Sewer Fund Reserves (621 800 8000 8003)	\$9,400
TO:	12th Street Sewerline Project (621 480 P905 6000)	\$9,400

Additional funds are needed for the 12th Street subtrunk sewer project between B Street and Morton Boulevard because the original Engineer's estimate did not allow enough cost for the depth of the new line.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 19<sup>90</sup>, by Councilmember Lang, 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:	Bird, Dobbs, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Irizarry

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-407

A RESOLUTION ACCEPTING THE BID OF WEST COAST SOUND AND LIGHT FOR FURNISHING LIGHTING AND SOUND SERVICES FOR THE MODESTO CENTRE PLAZA

WHEREAS, Resolution No. 90-142 , adopted by the Council of the City of Modesto on February 27, 1990 , approved the plans and specifications for the purchase of lighting and sound services at the Centre Plaza

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of lighting and sound services for the Centre Plaza were opened at 11:05 a.m. on March 26, 1990 , 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 Coast Sound and Light in the amount of \$28,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of West Coast Sound and Light in the amount of \$28,000 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 3rd day of April , 1990 , by Councilmember Lang , 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-408

A RESOLUTION ACCEPTING THE SISK AND PELANDALE WATERLINE EXTENSION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the Sisk and Pelandale waterline extension

has been completed by Joe Martin Pipeline, Inc.  
in accordance with the contract agreement dated October 24, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the Sisk and Pelandale waterline  
extension

be accepted from said contractor, Joe Martin Pipeline, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$56,766.16 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 3rd day of April ,  
1990, by Councilmember Lang , 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-409

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF BANNERS FROM KELLEY DISPLAY, INC.

WHEREAS, the Downtown Improvement District has requested the purchase of "Welcome to Downtown Modesto" banners; and

WHEREAS, because of the specialty nature of the banners and their compatibility with existing mounting hardware, it is the recommendation of staff that formal bid procedures be waived and the banners purchased from Kelly Display, Inc.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of banners is hereby waived.

BE IT FURTHER RESOLVED that purchase of banners from Kelley Display, Inc., for the total cost of \$5,388 to be paid by the Downtown Improvement District and the Downtown Modesto Association, 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 April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-410

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TRAFFIC SIGNAL CONTROLLERS FROM SIGNAL CONTROL COMPANY

WHEREAS, the Parking and Traffic Division of Public Works has requested the purchase of traffic signal controllers to replace units at intersections that require a six-phase or less capacity cabinet and are used for controlling traffic signals at these locations; and

WHEREAS, Signal Control Company is the sole source manufacturer of these units.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of traffic signal controllers is hereby waived.

BE IT FURTHER RESOLVED that purchase of traffic signal controllers from Signal Control Company for the total cost of \$18,998, 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 April, 1990, by Councilmember Lang , 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-411

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 27 TRUCKS THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING CONTRACT

WHEREAS, the Public Works and Transportation Department has requested the purchase of 27 trucks to replace trucks currently in operation that have high mileage and unacceptable downtime for repairs which may impact the City's ability to serve the community; and

WHEREAS, the City has used the State's Cooperative Purchasing Program because the State purchases in such large numbers they can extend the savings to public agencies.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of 27 trucks is hereby waived.

BE IT FURTHER RESOLVED that purchase of 27 trucks through the State of California cooperative purchasing contract for a total price of \$335,199.21 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 April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-412

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF  
SEWERLINE CLEANING SERVICES FROM SIMON SEWER MAINTENANCE

WHEREAS, the Wastewater Collection Division of Public Works has requested sewerline cleaning services for the Jefferson Street sewerline; and

WHEREAS, informal bids were sought from companies that can provide this service with Simon Sewer Maintenance Company submitting the low bid.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of sewerline cleaning services is hereby waived.

BE IT FURTHER RESOLVED that purchase of sewerline cleaning services from Simon Sewer Maintenance for the total cost of \$6,563 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 April, 1990, by Councilmember \_\_\_\_\_, who moved its adoption, which motion being duly seconded by Councilmember \_\_\_\_\_, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-413

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF A TRAINING PROGRAM ENTITLED "CHARTING YOUR COURSE", FROM PACIFIC LEARNING INSTITUTE INC.

WHEREAS, the Training Committee has reviewed a presentation by Pacific Learning Institute, Inc. for the training program "Charting Your Course" which is compatible with other training programs utilized by the City; and

WHEREAS, this specific training program is not available from other vendors, making it necessary to request waiving of formal bid procedures.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of training program "Charting Your Course" is hereby waived.

BE IT FURTHER RESOLVED that purchase of a training program entitled "Charting Your Course", from Pacific Learning Institute, Inc. for an estimated cost of \$9,160, 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 April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-414

A RESOLUTION SETTING TIME AND PLACE FOR HEARING CONCERNING THE CONFLICT OF INTEREST CODE FOR THE OFFICERS AND EMPLOYEES OF THE MODESTO PUBLIC FINANCING AUTHORITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that April 17, 1990, 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 consideration of the Conflict of Interest Code for the officers and employees of the Modesto Public Financing Authority.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-415

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON PROPOSED AMENDMENT  
TO THE GENERAL PLAN TO DELETE A COMMUNITY PARK FROM THE YOSEMITE NEIGHBORHOOD

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that April 24, 1990, at 7:30 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 a proposed amendment  
to the General Plan to delete a community park from the Yosemite Neighborhood.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 3rd day of  
April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

RESOLUTION APPROVING AGREEMENT RESPECTING  
REDUCTION OF ASSESSMENT

PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

As a part of the proceedings for improvements in Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California, this Council approves that certain agreement between the City of Modesto and Prescott Evangelical Free Church dated April 3, 1990, and attached to this resolution.

The City Manager is authorized to sign the agreement and the City Clerk is authorized to attest its execution.

\* \* \*

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: *Marianne Cagle*  
City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Shirley J. Smith*  
City Attorney

AGREEMENT RESPECTING REDUCTION OF ASSESSMENT

PUBLIC FACILITIES DISTRICT NO. 6  
CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

RECITALS

- A. The parties to this Agreement are the City of Modesto, a California charter city (hereafter referred to as the "City") and Prescott Evangelical Free Church, a California non-profit corporation (hereafter referred to as the "Church").
- B. In connection with its special assessment proceedings known as "Public Facilities District No. 6", the City intends to impose a benefit assessment upon certain property of the Church, which property is situated within this proposed assessment district, and is identified as Tax Parcel No. 54-44-01 and is identified in the assessment proceedings as Assessment No. 19.
- C. But for the commitment of the Church embodied in this Agreement, the approximate amount of the assessment which the City would impose in these proceedings is \$77,953.67 in accordance with a preliminary revision of the proposed assessment roll for these proceedings attached hereto as Exhibit A. However, in consideration for the commitment of the Church embodied in this Agreement and the present expectation, supported by said commitment, that the subject property will remain in use for the indefinite future solely for church purposes, the City believes that it is fair and equitable based upon proportionality of benefit among all of the nineteen (19) parcels in this proposed assessment district to reduce the assessment against Assessment No. 19 to \$23,679.15.
- D. In consideration of the mutual commitments and obligations stated below, the parties hereto agree as follows:

AGREEMENT

1. The foregoing recitals are true and correct and the parties so acknowledge.
2. In consideration of the commitment of the Church, for itself and any successor in interest in any portion of the property described as Assessment No. 19, set forth in Section 3 below in this Agreement, the City agrees to reduce the assessment against Assessment No. 19 from the proposed amount of \$77,953.67 to the reduced amount of \$23,679.15. In connection with said reduction, the City hereby finds and determines that said reduction is appropriate and conforms to proportionality of benefit among the nineteen (19) parcels in said assessment district so long as Assessment No. 19 continues to be used solely and exclusively for church purposes.

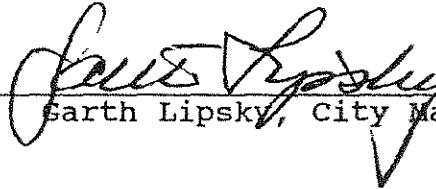
3. The Church hereby agrees, for itself and any successor in interest in any portion of Assessment No. 19 that, in the event that there is any change in use of any portion of the subject property from its present sole and exclusive use for church purposes, then the Church or its successor in interest shall be obligated to pay to the City the amount of \$46,338.00. Without limiting the generality of the foregoing, said obligation to pay said amount shall be imposed as a condition of approval by the City of any map to divide Assessment No. 19 into more than one parcel and shall be imposed as a condition to granting of any other discretionary approval granted by the City upon application of the Church or any successor in interest which represents any form of improvement to any portion of the property represented by Assessment No. 19, provided that such discretionary approval and the related improvements are for uses other than church purposes. Payment of said amount shall be a condition precedent to recording of any final map or to issuance of such discretionary permit. Again, without limiting the generality of the foregoing, construction on any portion of Assessment No. 19 of housing units shall constitute a change of use which obligates the Church or any successor in interest to pay said amount, irrespective of whether said housing is intended to be occupied by senior citizens or any other targeted tenant group.
4. The parties expressly acknowledge that the City will be entitled to retain the proceeds of the cash payment obligation represented in Section 3 above, since the City is paying the difference between what the assessment would be and what is levied on Assessment No. 19 as a result of this Agreement.
5. The obligation of the Church or any successor in interest to pay money to the City of Modesto in the amount of \$46,338.00 shall terminate as of the date upon which the last of the improvement bonds to be issued by the City in these legal proceedings has matured and been paid (including any refunding bonds issued to refund improvement bonds originally issued), provided that in any event the obligation of the Church or its successor or successors in interest to pay money under this Agreement shall terminate fifteen (15) years from the date of issuance of the original issue of improvement bonds.
6. This Agreement shall be binding upon the parties to this Agreement and upon the heirs, successors and assigns of both parties, and the obligation of the Church or its successors in interest for payment of money shall be the obligation which

shall run with the lien until expiration of such obligation pursuant to Paragraph 5 of this Agreement.

DATED: April 3, 1990

CITY OF MODESTO, a municipal corporation  
of the State of California

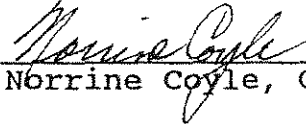
BY



Garth Lipsky, City Manager

ATTEST:

BY



Norraine Coyle, City Clerk

APPROVED AS TO FORM:



Stan T. Yamamoto, City Attorney

PRESCOTT EVANGELICAL FREE CHURCH,  
a California non-profit corporation

BY



President

ATTEST:

BY

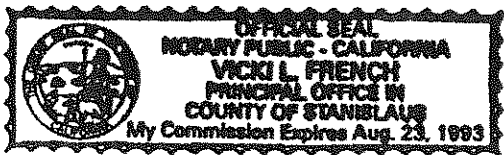


Secretary

STATE OF CALIFORNIA     )  
  ) ss.  
County of Stanislaus    )

On this 6th day of April, in the year 1990, before me the undersigned, a Notary Public in and for said County and State, personally appeared GARY A. LUNSFORD, known to me to be the Secretary of the PRESCOTT EVANGELICAL FREE CHURCH, a California non-profit corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument and acknowledged to me that the corporation executed it.

WITNESS my hand and official seal.

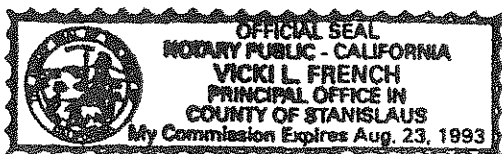


*Vicki L. French*  
Notary Public in and for said County  
and State

STATE OF CALIFORNIA     )  
  ) ss.  
County of Stanislaus    )

On this 5th day of April, in the year 1990, before me the undersigned, a Notary Public in and for said County and State, personally appeared DAVID D. ROBERTSON, known to me to be the President of the PRESCOTT EVANGELICAL FREE CHURCH, a California non-profit corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument and acknowledged to me that the corporation executed it.

WITNESS my hand and official seal.



*Vicki L. French*  
Notary Public in and for said County  
and State

MODESTO CITY COUNCIL  
RESOLUTION NO. 90 - 417

RESOLUTION AMENDING ASSESSMENT FOR PARCEL 13-68-39

WHEREAS, on Tuesday, February 27, 1990, the Council of the City of Modesto, by Resolution 90-139 confirmed and levied an individual assessment on assessor's parcel 13-68-39, identified in these assessment proceedings as Assessment Number 3, as stated in the Amended Engineer's Report for Public Facilities District No. 6, and

WHEREAS, on July 18, 1989, James C. Byles, the property owner of parcel 13-68-39 requested the City of Modesto, Department of Public Works and Transportation extend water service to his parcel, and on July 27, 1989, water service was extended to parcel 13-68-39, and

WHEREAS, the Amended Engineer's Report for Public Facilities District No. 6 assessed the cost to furnish and install a two inch water service to parcel 13-68-39, owned by Mr. Byles,

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

1. Assessor's parcel 13-68-39, owned by James C. Byles, not have water service extended to the property and not be assessed the cost to furnish and install a two inch water service.

2. The individual assessment, confirmed and levied on

Tuesday, February 27, 1990, by the Council of the City of Modesto, by Resolution 90-139, on parcel 13-68-39 as stated in the Amended Engineer's Report for Public Facilities District No. 6, is amended as follows:

<u>Parcel No.</u>	<u>Assessment Levied on 27-Feb-90</u>	<u>Amended Assessment Levied on 3-Apr-90</u>
13-68-39 (Assessment No. 3)	\$ 8,412.07	\$ 7,661.55

This Council action will result in a corresponding construction cost reduction of \$1320.00 (furnish and install two inch water tap - \$1200.00 and 10% contingency - \$120.00).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Irizarry

ATTEST: Messine Cyle  
City Clerk

(SEAL)

APPROVED AS TO FORM:

By Ann J. [Signature]  
City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90 - 418

RESOLUTION AMENDING ASSESSMENT FOR PARCEL 13-82-64

WHEREAS, on Tuesday, February 27, 1990, the Council of the City of Modesto, by Resolution 90-139 confirmed and levied an individual assessment on assessor's parcel 13-82-64, identified in these assessment proceedings as Assessment Number 10, as stated in the Amended Engineer's Report for Public Facilities District No. 6, and

WHEREAS, LTL Investors, the property owners of parcel 13-82-64, on which Merryhill Country School is located, wanted to have the Coffee Road street improvements installed prior to the opening of school in August 1989, the owner's contractor installed all of the required off-site improvements with the exception of a two inch asphalt overlay which the City's contractor would install as part of Public Facilities District No. 6, and,

WHEREAS, the final two inch lift of asphalt concrete was not installed to enable matching of future grades and provide for a smoother driving surface, and the improvements which were installed also included a portion of asphalt concrete and aggregate base which the City would normally install, and,

WHEREAS, A cash payment of \$1000.00 was negotiated by the Department of Public Works and Transportation to pay for

the two inch asphalt overlay, which included a credit to the property owners for construction of additional street section normally installed by the City, and,

WHEREAS, the Developer of the Merryhill Country School deposited \$1,000.00 with the City of Modesto on August 16, 1989, and,

WHEREAS, the Amended Engineer's Report for Public Facilities District No. 6 assessed the cost to furnish a two inch asphalt overlay to parcel 13-82-64, owned by LTL Investors,

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

1. Assessor's parcel 13-82-64, owned by LTL Investors, not be assessed the cost to furnish a two inch asphalt overlay.

2. The individual assessment, confirmed and levied on Tuesday, February 27, 1990, by the Council of the City of Modesto, by Resolution 90-139, on parcel 13-82-64 as stated in the Amended Engineer's Report for Public Facilities District No. 6, is amended as follows:

<u>Parcel No.</u>	<u>Assessment Levied on 27-Feb-90</u>	<u>Amended Assessment Levied on 3-Apr-90</u>
13-82-64 (Assessment No. 10)	\$ 2,389.67	\$ 0.00

This Council action will result in a corresponding increase in the City construction contribution of \$1,040.21;

however, the quantity of asphalt required to complete the two inch overlay in front of parcel 13-82-64 was overestimated by 35.2 tons or \$950.40. The result is a net increase in the City construction contribution of \$89.81.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Irizarry

ATTEST: Morris Cagle  
City Clerk

(SEAL)

APPROVED AS TO FORM:

By David J. [Signature]  
City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-419

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE A. AND IMOGENE NUFER FOR WATER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS LOCATED ON THE SOUTH SIDE OF MERLE AVENUE AND THE EAST SIDE OF ROSELLE FOR THE PROPOSED 16-ACRE SHOPPING CENTER BETWEEN MERLE AVENUE AND BRIGGSMORE AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and George A. and Imogene Nufer for water service to property outside the City limits, located on the south side of Merle Avenue and the east side of Roselle for the proposed 16-acre shopping center between Merle Avenue and Briggsmore 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 3rd day of April , 1990 , by Councilmember Lang , 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Marrine Coyle  
MARRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-420

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BISSELL & KARN, INC. FOR DESIGN ENGINEERING SERVICES FOR A PROJECT TO WIDEN 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 design engineering services for a project to widen the Claus Road bridge over Dry Creek

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 April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrihe Coyle  
NORRIHE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-421

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$240,000 FROM CONTINGENCY RESERVES FOR THE CLAUS ROAD BRIDGE WIDENING PROJECT

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

From:	Contingency Reserve - Expressway Loop (133 800 8000 8003)	\$240,000
To:	Claus Road Bridge widening (133 430 P090 6000)	\$240,000

Funds are needed to hire a consultant for design engineering services for the project to widen the Claus Road bridge over Dry Creek.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-422

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT AND DEL ESTE TO PROVIDE THE ADDITIONAL TIME REQUIRED FOR URS CONSULTANTS TO PREPARE ANSWERS TO COMMENTS TO THE DRAFT EIR AND SITE SPECIFIC BOTANICAL STUDIES FOR THE M.I.D. SURFACE WATER STUDY

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and M.I.D. and Del Este to provide the additional time required for URS Consultants to prepare answers to comments to the draft EIR and site specific botanical studies for the M.I.D. Surface Water Study

be, and it is hereby approved.

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

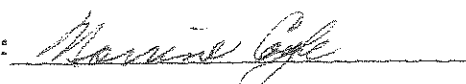
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-423

A RESOLUTION APPROVING THE REQUEST OF POZZO CONSTRUCTION FOR REFUND OF \$1,343.75 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Pozzo Construction for refund of \$1,343.75 for overpayment of Business Improvement Area Tax 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 April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-424

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$12,713 FROM CONTINGENCY RESERVE TO PROVIDE FUNDING FOR TWO CODE ENFORCEMENT OFFICER I POSITIONS IN THE WATER FUND

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

From: Contingency Reserve \$12,713

To: Code Enforcement Officer I \$12,713  
(Various accounts)

On March 20, 1990, the City Council approved the allocation, and immediate recruitment of two new Code Enforcement Officer I positions. This appropriation will fund these positions through June 30, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-425

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 88-490 ENTITLED "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE", AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 88-491 ENTITLED "A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEES ASSOCIATION OF THE CITY OF MODESTO FOR THE FISCAL YEARS 1988-89, 1989-90, AND 1990-91, COMMENCING ON JULY 1, 1988, AND ENDING ON JUNE 30, 1991."

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 88-490. Exhibit "A"

entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-490, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective April 3, 1990", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds the classification of Industrial Waste Inspector I at salary range 122 and designates the current classification of Industrial Waste Inspector as Industrial Waste Inspector II at no change in salary.

SECTION 2. AMENDMENT TO RESOLUTION NO. 88-491. Exhibit "A"

entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-491, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective April 3, 1990", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds the classification of Industrial Waste Inspector I at salary range 122 and designates the current classification of Industrial Waste Inspector as Industrial Waste Inspector II at no change in salary.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after April 3, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT A

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective April 3, 1990

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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 Data Processing Technician
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 Fire Supply Specialist Equipment Service Worker II

EXHIBIT A

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective April 3, 1990

---

RANGE	TITLE
115	Accounting Technician Planning Technician I Police Administrative Technician 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 Parking Meter Worker Traffic Painter Traffic Sign Worker Water Line Worker
117	Electrical Technician II
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
120	Welder/Fabricator Senior Equipment Operator Fire Prevention Technician II Equipment Mechanic Assistant Electrician Traffic Painter Crewleader Accountant I Assistant Lab Technician

EXHIBIT A

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective April 3, 1990

---

RANGE	TITLE
121	
122	Coach Mechanic Fire Equipment Mechanic Nursery Propagator Tree Trimmer Crewleader Housing Program Specialist Programmer Analyst I Industrial Waste Inspector I
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
125	Crime Analyst
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
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Materials Inspector

EXHIBIT A

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective April 3, 1990

---

RANGE

TITLE

---

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. 90-426

A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION COMMISSION  
"CITY ANNEXATION QUESTIONNAIRE" FOR THE REES-TORRID REORGANIZATION

BE IT RESOLVED by the Council of the City of Modesto that  
the attached Local Agency Formation Commission "City Annexation  
Questionnaire" for the Rees-Torrid Reorganization  
Annexation 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 April, 1990, by Councilmember Lang,  
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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

2. Name of Proposed Reorganization Rees-Torrid

3. Can the City provide complete City Services to the reorganization area if the proposal is approved?

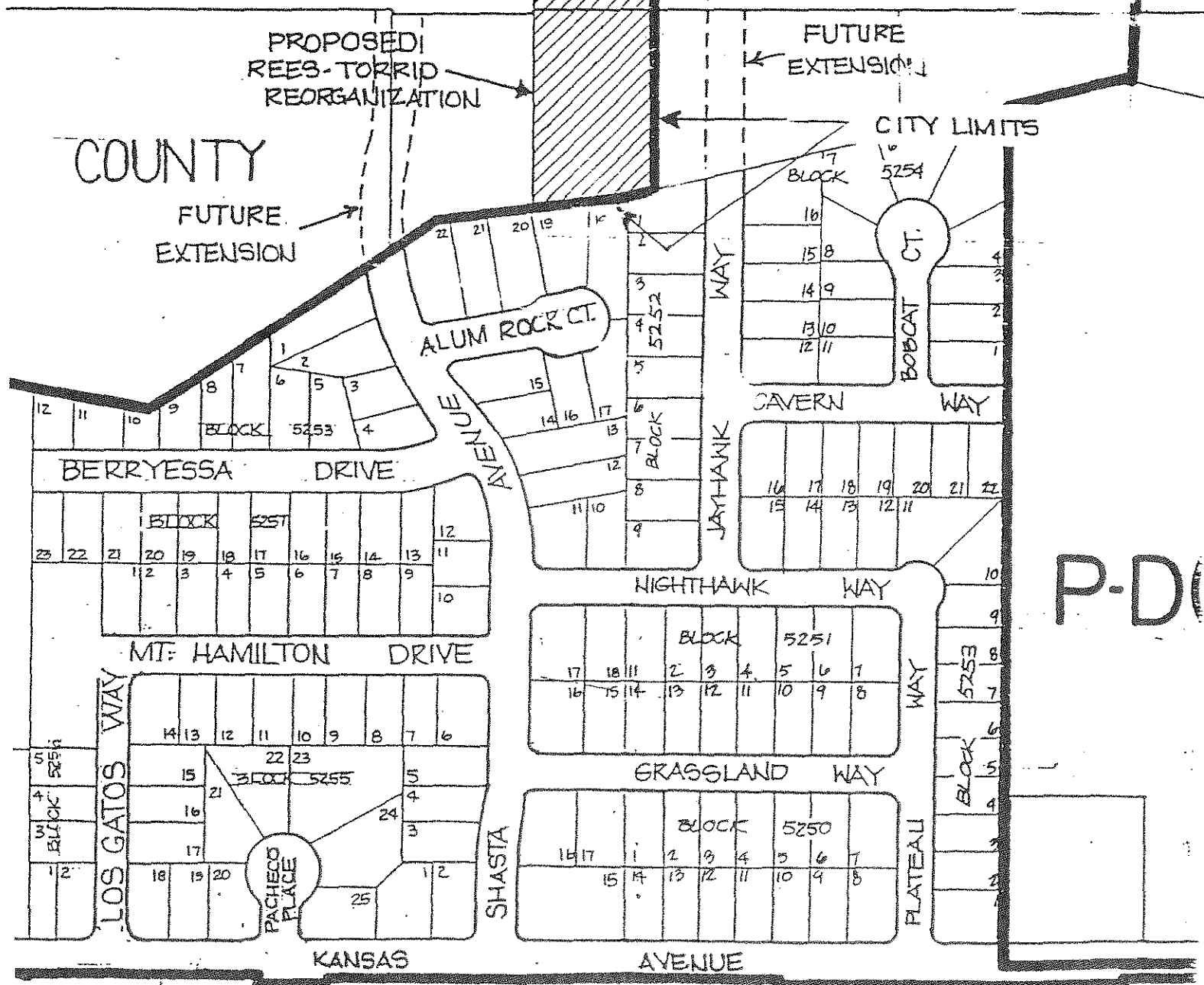
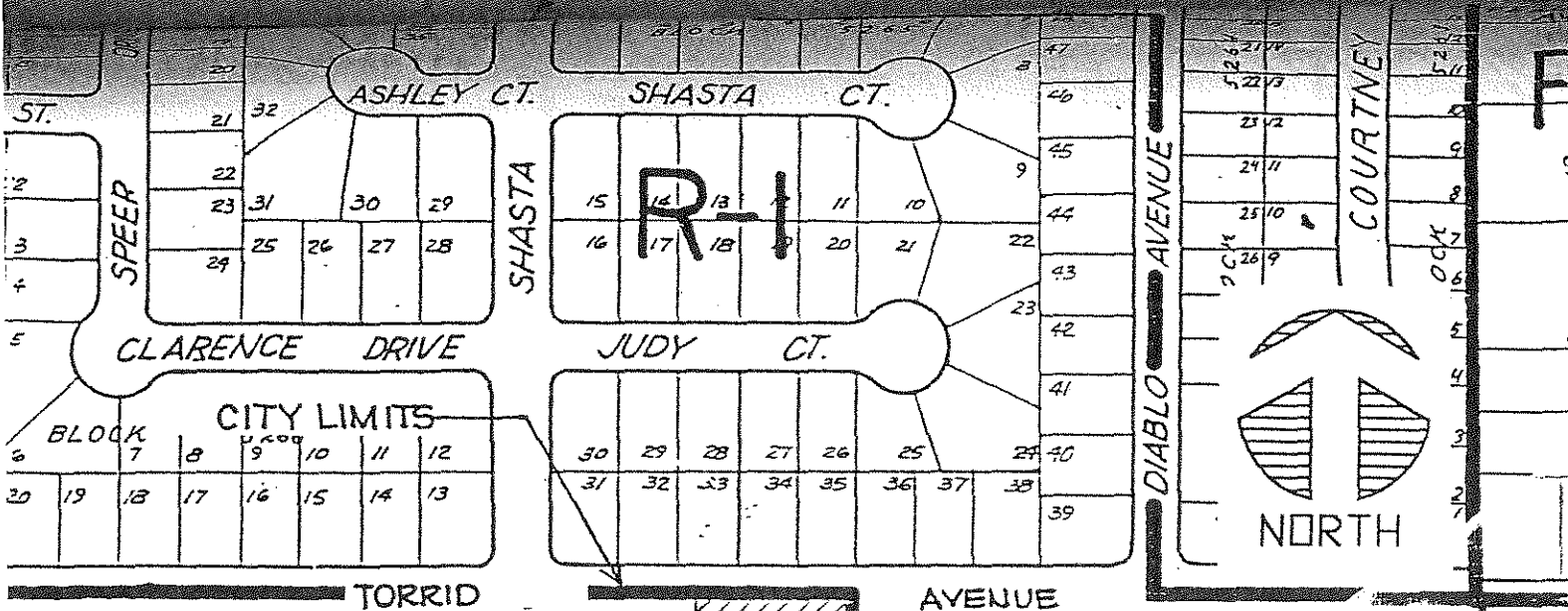
Yes

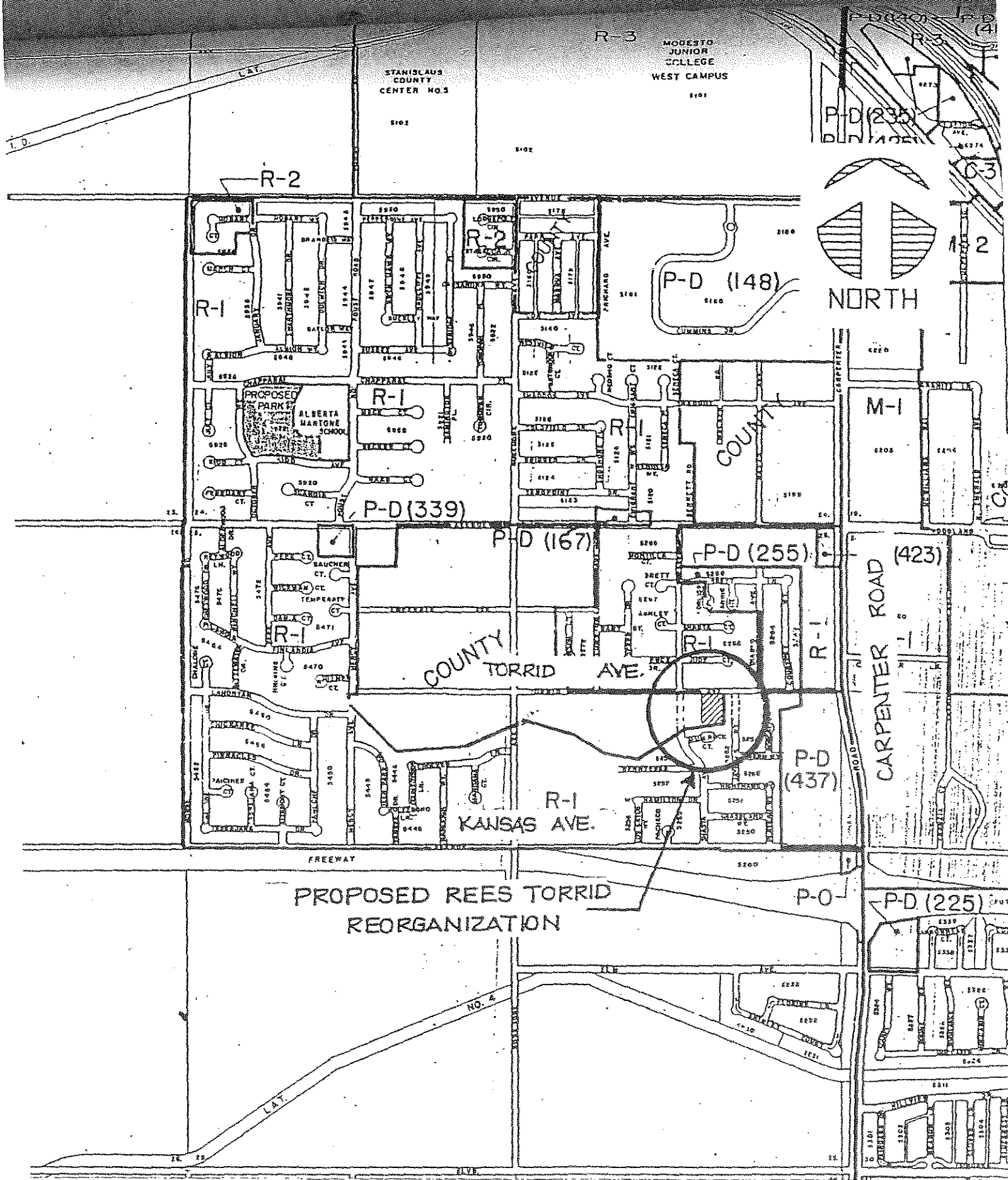
4. If the proposal is approved, are there any conditions the City would like LAFCO to impose?

No

5. Other comments the City would like to make.

The attached letter from the Modesto City School District says that  
School Facilities Developer Fees that will be collected on future  
development of this site but the fees are inadequate to fully mitigate  
the impact on school facilities and programs.





STANISLAUS COUNTY CENTER NO. 3

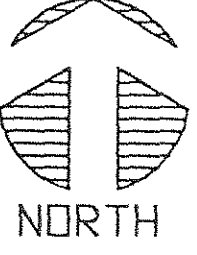
MODESTO JUNIOR COLLEGE WEST CAMPUS

R-2

R-1

R-1

R-1



P-D (339)

P-D (167)

P-D (255)

P-D (437)

P-D (423)

P-D (225)

PROPOSED REES TORRID REORGANIZATION

COUNTY TORRID AVE.

KANSAS AVE.

CARPENTER ROAD

COUNTY

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-427

A RESOLUTION VACATING AND ABANDONING SPANOS COURT IN THE CITY OF MODESTO (MEMORIAL HOSPITAL ASSOCIATION).

WHEREAS, the Council of the City of Modesto adopted Resolution No. 90-368 on March 13, 1990, declaring its intention to vacate and abandon Spanos Court, east of Coffee Road and north of Briggsmore Avenue in the City of Modesto, and

WHEREAS, said Spanos Court is more particularly shown on that certain map entitled "Vacate And Abandon Spanos Court LD89-I" dated September 1989, which is on file in the office of the City Clerk, and

WHEREAS, said Resolution No. 90-368 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, April 10, 1990, at the hour of 7:30 o'clock 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 vacation and abandonment be made subject to the conditions contained in Planning Commission Resolution No. 89-114, 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:

1. The proposed abandonment of Spanos Court is in conformance with all provisions of the Modesto General Plan.

2. Spanos Court is not necessary for present or future public vehicular and pedestrian use.

3. The abandonment will allow the consolidation of land on both sides of Spanos Court owned by Memorial Hospital Association and Memorial Hospital Foundation, and will allow the re-design of the private drive,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby orders and declares the vacation and abandonment of Spanos Court, east of Coffee Road and north of Briggsmore Avenue in the City of Modesto, as shown on the map entitled, "Vacate And Abandon Spanos Court LD89-I", 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 City Council authorizes the City Manager and the City Clerk to execute a grant deed returning the underlying title back to the applicant.

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 10th day of April, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

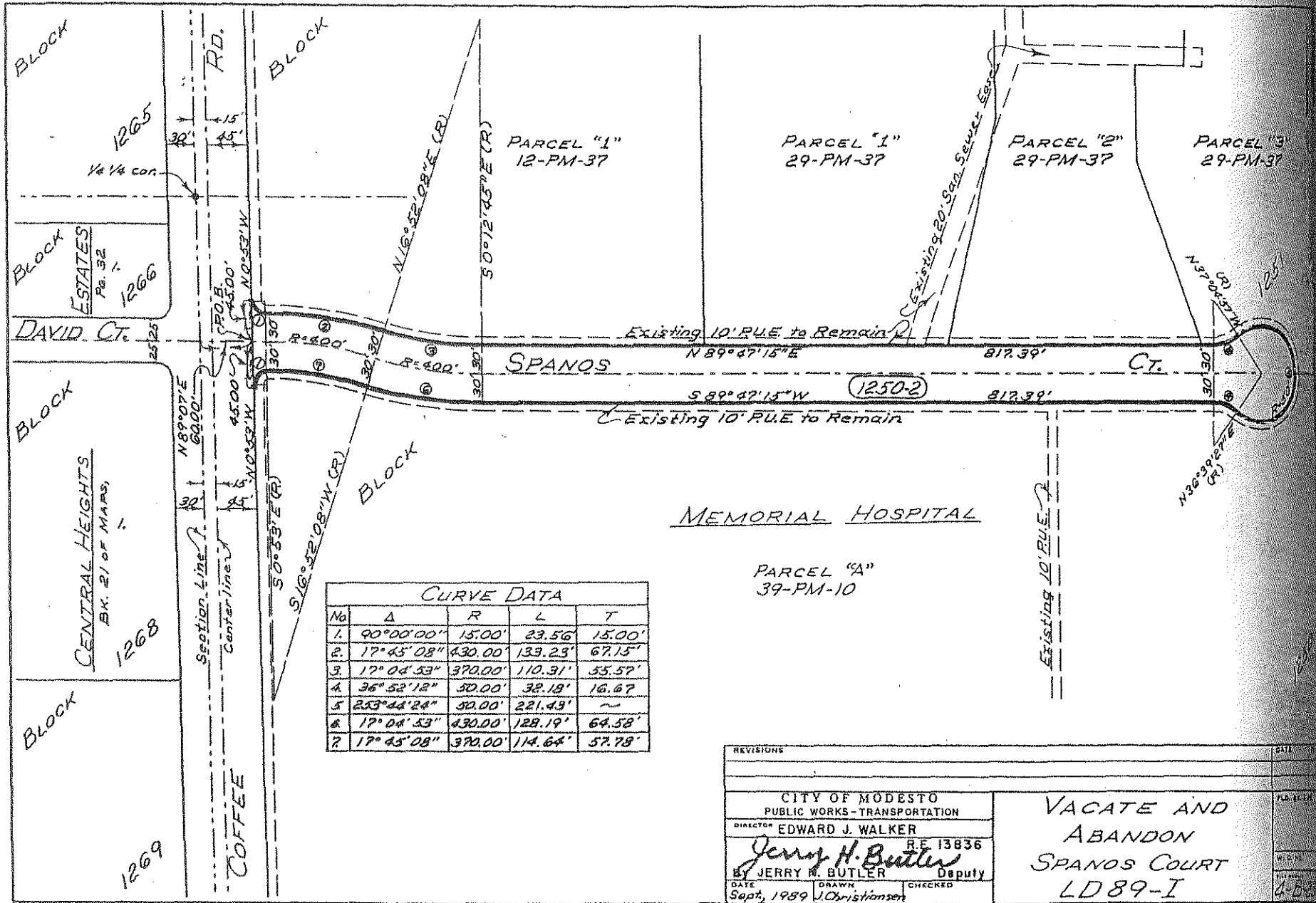
By John R. Christensen  
Public Works and Transportation  
Department, Engineering Division

VACATE AND ABANDON SPANOS COURT

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the intersection of the West line of said Section 15 and the centerline of David Court, as per map of CENTRAL HEIGHTS ESTATES Subdivision, filed November 26, 1965 in Volume 21 of Maps, Page 32, Stanislaus County Records; thence North 89°07' East, 60.00 feet, to the true point of beginning of this description; thence North 00°53' West, 45.00 feet, to a point on the Eastern line of a 90.00 foot public road known as Coffee Road and a point of cusp with a tangent curve concave to the Northeast; thence Southeasterly along said tangent curve, having a Radius of 15.00 feet, a Central Angle of 90°00'00" and an Arc Length of 23.56 feet, to a point of compound curve from which point a radial line bears South 00°53' East; thence Easterly along said compound curve concave to the South, having a Radius of 430.00 feet, a Central Angle of 17°45'08" and an Arc Length of 133.23 feet, to a point of reverse curve from which point a radial line bears North 16°52'08" East; thence along said last mentioned reverse curve concave to the North, having a Radius of 370.00 feet, a Central Angle of 17°04'53" and an Arc Length of 110.31 feet; thence along a tangent line, North 89°47'15" East, 817.39 feet; thence along a tangent curve concave to the Northwest, having a Radius of 50.00 feet, a Central Angle of 36°52'12" and an Arc Length of 32.18 feet, to a point of reverse curve from which point a radial line bears South 37°04'57" East; thence along said last mentioned reverse curve, having a Radius of 50.00 feet, a Central Angle of 253°44'24" and an Arc Length of 221.43 feet, to a point of reverse curve from which point a radial line bears South 36°39'27" West; thence along said last mentioned reverse curve concave to the Southwest, having a Radius of 50.00 feet, a Central Angle of 36°52'12" and an Arc Length of 32.18 feet; thence along a tangent line, South 89°47'15" West, 817.39 feet; thence Westerly along a tangent curve concave to the North, having a Radius of 430.00 feet, a Central Angle of 17°04'53" and an Arc Length of 128.19 feet, to a point of reverse curve from which point a radial line bears South 16°52'08" West; thence Westerly along said last mentioned reverse curve concave to the South, having a Radius of 370.00 feet, a Central Angle of 17°45'08" and an Arc Length of 114.64 feet, to a point of compound curve from which point a radial line bears South 00°53' East; thence Southwesterly along said last mentioned reverse curve concave to the Southeast, having a Radius of 15.00 feet, a Central Angle of 90°00'00" and an Arc Length of 23.56 feet, to its point of tangency on said Eastern line of 90.00 foot Coffee Road; thence along a tangent line and the Northerly extension of the Eastern line of Coffee Road, North 00°53' West, 45.00 feet, to the point of beginning.

Exhibit "A"



CURVE DATA				
No	Δ	R	L	T
1.	90° 00' 00"	15.00'	23.56'	15.00'
2.	17° 45' 08"	430.00'	133.23'	67.15'
3.	17° 04' 53"	370.00'	110.31'	55.59'
4.	36° 53' 12"	30.00'	32.18'	16.67'
5.	253° 44' 24"	30.00'	221.43'	~
6.	17° 04' 53"	430.00'	128.19'	64.58'
7.	17° 45' 08"	370.00'	114.64'	57.78'

REVISIONS		DATE
CITY OF MODESTO PUBLIC WORKS - TRANSPORTATION		FILE NO.
DIRECTOR EDWARD J. WALKER		
<i>Jerry H. Butler</i> BY JERRY H. BUTLER Deputy DATE Sept, 1989 DRAWN J. Christensen CHECKED		
VACATE AND ABANDON SPANOS COURT LD89-I		

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-428

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 VACATING AND ABANDONING SPANOS COURT IN THE CITY OF MODESTO (MEMORIAL HOSPITAL ASSOCIATION).

WHEREAS, the Council of the City of Modesto adopted Resolution No. 90-427 on April 10, 1990, giving approval to a project relating to vacating and abandoning Spanos Court, east of Coffee Road and north of Briggsmore Avenue in the City of Modesto, 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 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 the vacation and abandonment of Spanos Court, east of Coffee Road and north of Briggsmore Avenue in 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 April, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-429

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (IKE YOHANNAN - 1329 DEL VALE AVENUE - \$398.45)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$398.45.

SECTION 2. That the cost of the aforesaid work, being the amount of \$398.45, be assessed in three annual installments as a lien against the parcel(s) of property

(Alleys)

fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 11 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Page 55, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 117-15-01)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-430

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (STEVEN E. FRANKLIN - 1606 ORANGEBURG AVENUE - \$389.11)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of \$389.11, be assessed in three annual installments as a lien against the parcel(s) of property

(Alleys)

fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 10 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Page 55, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 117-15-02)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-431

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (KENNETH L. AYERS - 1610 W. ORANGEBURG AVENUE - \$389.11)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of \$389.11, be assessed in three annual installments as a lien against the parcel(s) of property

(Alleys)

fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 9 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Page 55, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 117-15-03)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-432

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (BERNARD R. PANELLA - 1626 ORANGEBURG AVENUE - \$389.11)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, April 10, 19 90, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of \$389.11, be assessed in three annual installments as a lien against the parcel(s) of property

(Attorneys)

fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 5 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 117-15-07)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-433

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (EDWIN J. WALKER - 1630 ORANGEBURG AVENUE - \$389.11)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of \$389.11, be assessed in three annual installments as a lien against the parcel(s) of property

(Alleys)

fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 4 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 117-15-08)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-434

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ROY A. LORETELLI - 1634 ORANGEBURG AVENUE - \$389.11)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of \$389.11, be assessed in three annual installments as a lien against the parcel(s) of property

(Alleys)

fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 3 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 117-15-09)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-435

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (BARBARA HAVERLAND - 1638 ORANGEBURG AVENUE - \$389.11)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of \$389.11, be assessed in three annual installments as a lien against the parcel(s) of property

(Alleys)

fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 2 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg .55, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 117-15-10)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-436

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WALTER C. SMITH - 1633 OAKWOOD DR. - \$267.65)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$267.65.

SECTION 2. That the cost of the aforesaid work, being the amount of \$267.65, be assessed in three annual installments as a lien against the parcel(s) of property

(Alleys)

fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 20 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 117-15-26)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Margaret Cook  
MARGARET COOK, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-437

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JAMES D. MCGREW - 1625 OAKWOOD DRIVE - \$395.09)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$603.78.

SECTION 2. That the cost of the aforesaid work, being the amount of \$603.78, be assessed in three annual installments as a lien against the parcel(s) of property

(Alleys)

fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 18 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 117-15-28)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-438

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (EDITH S. STRONG - 1621 OAKWOOD DRIVE - \$389.11)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of \$389.11, be assessed in three annual installments as a lien against the parcel(s) of property

fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 17 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 117-15-29)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-439

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (PHYLLIS LABRAKE - 1617 OAKWOOD DRIVE - \$389.11)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of \$389.11, be assessed in three annual installments as a lien against the parcel(s) of property

(Alleys)

fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 16 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 117-15-30)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 19 90, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-440

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (DONALD J. HARPER - 1613 OAKWOOD DRIVE - \$389.11)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of \$389.11, be assessed in three annual installments as a lien against the parcel(s) of property

(Alleys)

fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 15 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 117-15-31)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-441

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CLIFFORD FRANK HELLER - 1609 OAKWOOD DRIVE - \$389.11)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of \$389.11, be assessed in three annual installments as a lien against the parcel(s) of property

(Attys)

fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 14 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 117-15-32)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-442

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WILSON ABRAHAM - 1325 DEL VALE AVENUE - \$382.28)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on February 20, 1990, adopt its Resolution No. 90-126, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, April 10, 1990, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$389.11.

SECTION 2. That the cost of the aforesaid work, being the amount of \$389.11, be assessed in three annual installments as a lien against the parcel(s) of property

(Alleys)

fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 12 of Block 6042 of Westland Manor No. 1 as per map filed 4-28-55 in Vol. 18 of Maps, Pg. 55, Stan. Cty. Records. (Stan. Cty. Assessor's Parcel No. 117-15-34)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-443

A RESOLUTION AMENDING SECTION 2 OF RESOLUTION NO. 89-55 ENTITLED "A RESOLUTION GRANTING THE APPEAL OF JOHN QUARESMA TO REZONE PROPERTY FROM R-1, R-3, C-1 AND A PORTION OF P-D(118) TO P-D(368), PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ROSEBURG AVENUE AND TULLY ROAD AND REVERSING THE DECISION OF THE PLANNING COMMISSION". AS AMENDED BY RESOLUTION NO. 89-1167. (OVERHOLTZER CONSTRUCTION CO.)

WHEREAS, City Council Ordinance No. 2312-C.S., effective on March 28, 1985, granted a Planned Development Zone, P-D(368), to John Quaresma to allow a C-1 commercial/office building and accessory parking area in Phase I, and a business/professional office complex and accessory parking area in Phase II, property located at the southeast corner of Roseburg Avenue and Tully Road, and

WHEREAS, City Council Resolution No. 85-99, adopted on February 19, 1985, approved the development plan and schedule for P-D(368) and also contained the conditions of approval for the development of said uses on the P-D(368) property, and

WHEREAS, P-D(368) was granted a first one-year extension to the development schedule by City staff in 1988, and

WHEREAS, P-D(368) was granted a second one-year extension of Phase II in 1989 by the Planning Commission with start of construction to commence by April 1, 1990, and

WHEREAS, a verified application for review of a revised plot plan and time extension for Phase II of the P-D was filed by Norman E. Wilson/ Associates on behalf of Phillip D. Overholtzer, and

WHEREAS, said application was set for a public hearing before the Planning Commission on October 16, 1989, and

WHEREAS, after a public hearing was held on October 16, 1989, in the City Council Chambers, the Planning Commission was unable to reach a majority vote to approve or deny the request, and a motion was made to continue the public hearing to November 6, 1989, and

WHEREAS, after a public hearing was held on November 6, 1989, in the City Council Chambers, the Planning Commission was again unable to reach a majority vote to approve or deny the request which effected a denial of the application, and

WHEREAS, an appeal of the Planning Commission's denial of the request for approval of a revised plot plan and time extension for Phase II of P-D(368) was filed with the Office of the City Clerk by Phillip D. Overholtzer by letter dated November 7, 1989, and

WHEREAS, City Council Resolution No. 89-1167, adopted December 5, 1990, granted the appeal for a revised plot plan and third one-year extension of Phase II, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(368) was filed by Overholtzer Construction Company on December 30, 1989, to allow condominium development of the approved Phase II portion, and

WHEREAS, after a public hearing held on March 5, 1990, 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. 90-19, that an amendment to P-D(368), to allow condominium development of the approved Phase II portion as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed planned development amendment is for a change in the form of ownership and will allow condominium development of the Phase II portion of P-D(368).
2. The P-D zone and conditions of approval will continue to insure a degree of compatibility consonant with surrounding properties.

and

WHEREAS, after a public hearing held on April 10, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Overholtzer Construction Company to amend P-D(368) to allow condominium development of the approved Phase II portion, should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 90-19 and quoted above, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 2 of Modesto City Council Resolution No. 85-99 entitled "A Resolution Granting the Appeal of John Quaresma to Rezone Property From R-1, R-3, C-1 and a Portion of P-D(118) to P-D(368), Property Located at the Southeast Corner of Roseburg Avenue and Tully Road and Reversing the Decision of the Planning Commission" as amended by Resolution No. 89-1167 is hereby amended to read as follows:

"SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(368), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Professional Office Complex" as amended in red, stamped approved by the Planning Commission on March 5, 1990.
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. Six foot wood fence with decorative masonry pilasters 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. The Tully Road frontage of the subdivision shall be developed to major street standards including the dedication of right-of-way to provide a 50.00-foot width east of the centerline in accordance with City of Modesto Standard Specifications.
6. All curbcuts serving two-way driveways shall be 41 feet in width.
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. Drainage shall be provided as required by the Public Works and Transportation Director.
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. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the north, substantially as shown in red on the plot plan.
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.

13. No signs shall be permitted above eight feet in height on the east face of the buildings.
14. All signs shall comply with the sign requirements of the P-0 Zone.
15. Prior to sale of a condominium unit, a final subdivision map shall be recorded.
16. 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 Property Owners Association to guarantee common facility and private property maintenance in accordance with the approved plans.
17. All conditions of City Council Resolution No. 89-1167 not in conflict with this action shall remain in full force and effect.
18. That the developer shall defend, indemnify, and hold harmless the City of Modesto and its agents, officers, and employees from any claim, action, and proceeding against the City of Modesto and its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City of Modesto and its advisory agency, appeal board, or legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceedings and shall cooperate fully in the defense."

BE IT FURTHER RESOLVED that all of the other provisions of Resolution No. 85-99 as amended by Resolution No. 89-1167 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 10 day of April, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-444

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO P-D(368) PROPERTY LOCATED ON THE SOUTHEAST CORNER OF TULLY ROAD AND WEST ROSEBURG AVENUE. (OVERHOLTZER CONSTRUCTION CO.)

WHEREAS, on April 10,, 1990, the City Council introduced Ordinance No. 2710 -C.S. giving approval to a project relating to an amendment to Planned Development Zone, P-D(368), property located on the southeast corner of Tully Road and West Roseburg 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 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 Planned Development Zone, P-D(368), property located on the southeast corner of Tully Road and West Roseburg Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of April, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-445

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING SIX POLICE MOTORCYCLES

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

SECTION 1. The plans and specifications for the purchase of six  
Police motorcycles  
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 30, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 10th day of April, 1990,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Bird, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-446

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE INSTALLATION OF 1.3 MILLION GALLON STEEL  
TANK WATER RESERVOIR

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

SECTION 1. The plans and specifications for the installation of 1.3 million  
gallon steel tank water reservoir  
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, 1990, at 11:05 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 10th day of April, 1990,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Bird, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

2789  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-447

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE INSTALLATION OF A 1.3 MILLION GALLON STEEL TANK WATER RESERVOIR.

WHEREAS, on April 10, 1990 the City Council adopted Resolution No. 90-446 which approved plans and specifications and authorized a call for bids relating to the installation of a 1.3 million gallon steel tank water reservoir on Zeff Road, and

WHEREAS, the City Council certifies that at its meeting of April 10, 1990, 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 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 the installation of a 1.3 million gallon steel tank water reservoir on Zeff Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-448

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR REROOFING THE SENIOR CITIZENS CENTER

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

SECTION 1. The plans and specifications for reroofing the Senior  
Citizens Center

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, 1990, at 11:05 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 10th day of April, 1990,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Bird, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-449

A RESOLUTION ACCEPTING THE 800 AMP TIE-IN AT THE WATER QUALITY CONTROL PLANT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the 800 amp tie-in at the Water Quality Control Plant

has been completed by Tri-Technic Inc.

in accordance with the contract agreement dated June 14, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the 800 amp tie-in at the Water Quality Control Plant

be accepted from said contractor, Tri-Technic Inc. ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$33,657.72 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 10th day of April, 19 90, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-450

A RESOLUTION ACCEPTING THE BID OF DOW HAMMOND FOR FURNISHING ONE NEW VACTOR TRUCK

WHEREAS, Resolution No. 89-1195 , adopted by the Council of the City of Modesto on December 12, 1989 , approved the plans and specifications for the purchase of one new vactor truck

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one new vactor truck were opened at 11:00 a.m. on March 19, 1990 , 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 Dow Hammond in the amount of \$153,159.38 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Dow Hammond in the amount of \$153,159.38 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 10th day of April , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-451

A RESOLUTION DECLARING APRIL 16 THROUGH APRIL 23, 1990 AS  
EARTH WEEK AND APRIL 22, 1990 AS EARTH DAY.

WHEREAS, the City of Modesto has become an official participant in  
the Global Cities Project, and

WHEREAS, the City has long supported environmental protection and  
natural resource management programs and policies, and

WHEREAS, the City has long supported state and national legislation  
that would help cities and counties develop strong and successful programs to  
protect the environment and conserve 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 business leaders are now recognizing  
environmental protection and resource conservation as essential prerequisites  
to sustained prosperity and economic development, and

WHEREAS, cities and counties have many critical environmental  
responsibilities, including land use planning, management of transportation  
systems, liquid and solid waste management and much more, and

WHEREAS, twenty years ago, millions of Americans joined together on  
Earth Day to express an unprecedented concern for the environment, and their  
collective action resulted in the passage of sweeping laws to protect our air,  
our water, and the lands around us, and

WHEREAS, citizens and their governments must again renew their commitment to meet the global environmental challenge.

NOW, THEREFORE BE IT RESOLVED, that the City of Modesto hereby endorses Earth Day 1990 and declares that April 16 through April 23, 1990 shall be designated and proclaimed as Earth Week, and that April 22, 1990 shall be designated and proclaimed as Earth Day.

BE IT FURTHER RESOLVED, that the City of Modesto encourages individual citizens, community organizations, other local government bodies, and the private sector to support and become actively involved in Earth Week and Earth Day projects and programs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-451A

A RESOLUTION RESCINDING MODESTO CITY COUNCIL RESOLUTION  
NO. 90-387 RELATING TO WATER RATES RULES AND REGULATIONS.

WHEREAS, on March 20, 1990, the City Council approved a year-round  
water conservation plan, and adopted Resolution No. 90-387, and

WHEREAS, on April 10, 1990, the Council introduced Ordinance  
No. 2711-C.S., which placed the watering restrictions in the Modesto Municipal  
Code to allow the City Attorney's Office to enforce the provisions of the  
restrictions, and

WHEREAS, Resolution No. 90-387 should, therefore, be rescinded,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that Resolution No. 90-387 is hereby rescinded, effective the effective date  
of Ordinance No. 2711-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 April,  
1990, by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Bird, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-45.2

A RESOLUTION APPROVING SUBMISSION OF A NONMOTORIZED  
TRANSPORTATION APPLICATION TO THE STANISLAUS AREA  
ASSOCIATION OF GOVERNMENTS (SAAG).

WHEREAS, money is available from the Local Transportation Fund for use by the City of Modesto in carrying out nonmotorized activities related to transportation, and

WHEREAS, annually these funds are allocated by the Stanislaus Area Association of Governments (SAAG) in accordance with established priorities, and

WHEREAS, the City of Modesto has the opportunity to make application for 90% of the costs of pathway and fencing construction of local bicycle-oriented projects, and

WHEREAS, the City of Modesto's application for funding for the Hetch Hetchy Bicycle Path, phase 2 project, has been prepared in accordance with established priorities and provides for the use of \$50,841 from the Nonmotorized Fund, with \$63,233 City matching funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that submission of the City of Modesto's Nonmotorized Transportation Application for funding by the City Manager to the Stanislaus Area Association of Governments (SAAG) in the amount of \$50,841 for the fiscal year 1990-91 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-453

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 MAY 5, 1990, LOCATED AT 824 KIERNAN AVENUE.

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 Police Department, and

WHEREAS, it is desirable to authorize the sale of said surplus property at an auction to be held on May 5, 1990, 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 Police Department 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 May 5, 1990, at a large facility located at 824 Kiernan Avenue, subject to the execution of an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services.

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 10 day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

RESOLUTION NO. 90-454 UNUSED

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-455

A RESOLUTION APPOINTING MEMBER OF THE ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE  
(SYLVESTER AGUILAR)

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

SECTION 1. The following person is hereby appointed to the Economic  
Development Loan Pool Subcommittee for the respective term as indicated:

Sylvester Aguilar

Term to expire 9/30/92

SECTION 2. The City Clerk is hereby directed to transmit a copy  
of this resolution to the newly appointed member of the Economic Development  
Loan Pool Subcommittee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 10th day of April, 1990,  
by Councilmember Irizarry, 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:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-456

A RESOLUTION ACCEPTING IMPROVEMENTS IN SOUTHGATE SUBDIVISION AND  
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Turner Edwards Development, subdividers of Southgate Subdivision have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$ 95,600.00 and \$ 47,800.00 respectively to guarantee improvements in Southgate Subdivision and;

WHEREAS, the Director of Engineering in a memorandum dated April 6, 1990, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering 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 Irrevocable Commitment of Funds upon expiration of the statutory period.

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

1. The improvements in Southgate Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for faithful performance in the amount of \$ 95,600.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for labor and materials in the amount of \$ 47,800.00 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 10th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL  
RESOLUTION NO.90-456A

A RESOLUTION OF CONGRATULATIONS TO THE MODESTO BRANCH OF  
THE SALVATION ARMY CORPS ON ITS CENTENNIAL.

WHEREAS, the Salvation Army Corps was founded by William Booth who espoused the importance of people being fed, clothed, and housed as well as being attended to on a spiritual level, and

WHEREAS, the Salvation Army Corps opened its "Modesto doors" on March 1, 1890, and

WHEREAS, the early years in Modesto were met with some open resistance and a precarious beginning, and

WHEREAS, the Modesto Corps has demonstrated 100 years of continuous service to the poor and less fortunate of our community, and

WHEREAS, last year the Salvation Army served over 100,000 people in Modesto through its social, senior service, food, and corps programs, and

WHEREAS, the Salvation Army is the largest not-for-profit social service agency in Stanislaus County,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto congratulates the Salvation Army Corps of Modesto on its Centennial and encourages the community to join in the May 7, 1990, celebration at the Modesto Centre Plaza.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-457

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING PURCHASE OF  
COMPUTER HARDWARD AND OPERATING SYSTEM SOFTWARE

WHEREAS, the Finance Department is requesting the replacement of the current utility billing system; and

WHEREAS, staff recommends purchasing computer hardware and operating system software from IBM or computer remarketers, whichever is lowest in price (not to exceed \$414,362 based on a quote from IBM).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid for the purchase of computer hardware and operating system software is hereby waived.

BE IT FURTHER RESOLVED that purchase of computer hardware and operating system software from IBM or computer remarketers, whichever is lowest in price (not to exceed \$414,362 based on quote from IBM) is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1990, by Council member Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-458

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DELOITTE & TOUCHE FOR PURCHASE AND IMPLEMENTATION OF CUBIS SOFTWARE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and DeLoitte & Touche for purchase and implementation of CUBIS software

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 April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
JUDY C. HALL, Acting City Clerk

*DeSoto + Tomlin*

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-459

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COMPUTER SYSTEMS AND APPLICATIONS, INC. FOR PURCHASE AND IMPLEMENTATION OF CUBIS SOFTWARE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Computer Systems and Applications, Inc. for purchase and implementation of CUBIS software

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 April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-460

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF  
MODESTO FOR FISCAL YEAR 1989-90 TO PROVIDE FINANCING FOR  
THE UTILITY BILLING SYSTEM.

WHEREAS, certain adjustments are required to the Annual Budget of  
the City of Modesto for the Fiscal Year 1989-90 to provide financing for the  
purchase of a new Utility Billing System which was authorized by the Council  
at its meeting of April 17, 1990,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the following adjustments be made to the Annual Budget of the City of  
Modesto for the Fiscal Year 1989-90.

Appropriations:

<u>Fund/Agency/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
610/800/8000/8004	Water Fund Contingency Res.	(\$338,681)
610/700/7000/7130	Transfer Out To Fund 130	338,681
621/800/8000/8003	Sewer Fund Contingency Res.	(338,681)
621/700/7000/7130	Transfer Out to Fund 130	338,681
130/120/P935/6000	Finance Computer System	677,362

Revenue:

<u>Fund/Agency/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
130/700/7000/9610	Transfer In From Fund 610	\$338,681
130/700/7000/9621	Transfer In From Fund 621	\$338,681

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 17th day of April, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-461

A RESOLUTION TRANSFERRING TWENTY-ONE THOUSAND TWO HUNDRED FIFTY-FIVE (\$21,255) DOLLARS FROM THE GENERAL FUND (FUND NO. 010) OF THE CITY OF MODESTO TO THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 130).

WHEREAS, on October 10, 1989 the City Council approved the financing of two teams of consultants to prepare a Specific Plan, an Environmental Impact Report, and a Financing Plan for the Village I planning effort, and

WHEREAS, additional funding is now needed for additional services by Roma Design Group for said Village I in the amount of Twenty-one Thousand Two Hundred Fifty-five (\$21,255 ) Dollars to complete the contract, and

WHEREAS, the sum of Twenty-one Thousand Two Hundred Fifty-five (\$21,255) Dollars is available in the Unappropriated Fund Balance of the General Fund (Fund No. 010), and

WHEREAS, said sum will not be required for operating costs of the City during the 1989-90 fiscal year, and

WHEREAS, the Council desires to transfer said sum to the Special Fund for Capital Outlays (Fund No. 130) for additional financing of two teams of consultants to prepare a Specific Plan, an Environmental Impact Report, and a Financing Plan for said Village I,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sum of Twenty-one Thousand Two Hundred Fifty-five (\$21,255) Dollars be and it is hereby transferred from the Unappropriated Fund Balance of the General Fund (Acct. No. 010-800-8000-8003) as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
<u>Expenditure:</u>		
130-140-P894-6000	Village I Contract	\$16,445
010-502-6502-0207	Conference Expense	4,810
010-700-7000-7130	Transfer Out To Fund 130	15,445
010-800-8000-8003	Contingency Reserve	(21,255)
<u>Revenue:</u>		
130-700-7000-9010	Transfer In From Fund 010	16,445

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 17th day of April, 1990, 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: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-462

RESOLUTION DETERMINING ASSESSMENTS REMAINING UNPAID  
PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

The Director of Finance has filed a list of all payments received on account of assessments levied in Public Facilities District No. 6, and a list of all assessments or portions of assessments unpaid after thirty (30) days following the recordation of the assessments.

A copy of the Paid and Unpaid List is attached to this resolution as Exhibit A and included in it. The City of Modesto shall issue improvement bonds under the provisions of the Improvement Bond Act of 1915 of the State of California upon the security of the assessments shown as unpaid on the attached list.

The City Clerk shall transmit a copy of this resolution to the County Auditor. The County Auditor is requested to comply with the provisions of Section 8682 of the Streets and Highways Code in the collection of installments of these assessments on the assessment roll for taxes.

\* \* \*

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: None

ABSENT: Muratore

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

(SEAL)

APPROVED AS TO FORM:

By Harold Grant  
City Attorney

ORIGINAL

PAID AND UNPAID LIST

CITY OF MODESTO  
Public Facilities District No. 6

Assessment Number	Assessment Amount	Cash Paid	Amount Credited	Unpaid Balance
1	\$ 7,078.42	\$ 0.00	\$ 0.00	\$ 7,078.42
2	6,822.28	0.00	0.00	6,822.28
3	7,661.55	0.00	0.00	7,661.55
4	10,685.78	9,617.20	10,685.78	0.00
5	0.00	0.00	0.00	0.00
6	5,773.46	5,196.11	5,773.46	0.00
7	6,635.12	5,971.61	6,635.12	0.00
8	6,742.07	6,067.86	6,742.07	0.00
9	49,141.00	0.00	0.00	49,141.00
10	0.00	0.00	0.00	0.00
11	6,929.98	6,236.98	6,929.98	0.00
12	1,170.58	0.00	0.00	1,170.58
13	7,122.48	6,410.23	7,122.48	0.00
14	21,572.46	0.00	0.00	21,572.46
15	20,147.43	0.00	0.00	20,147.43
16	49,041.09	0.00	0.00	49,041.09
17	35,900.04	0.00	0.00	35,900.04
18	82,556.87	0.00	0.00	82,556.87
19	23,679.15	21,311.24	23,679.15	0.00
	=====	=====	=====	=====
	\$ 348,659.76	\$ 60,811.23	\$ 67,568.04	\$ 281,091.72

RESOLUTION APPROVING PRELIMINARY OFFICIAL STATEMENT  
PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

As a part of the proceedings for the sale of improvement bonds in Public Facilities District No. 6, City of Modesto, Stanislaus County, California, this Council hereby approves the Preliminary Official Statement which has been submitted to the City Council and an Official Statement derived substantially therefrom. Distribution of the Preliminary Official Statement and the Official Statement is hereby authorized.

The Preliminary Official Statement is final except for certain information which will not be known until the time of sale and is therefore "deemed final" within the meaning of Rule 15c2-12 of the Securities and Exchange Commission.

The Director of Finance is authorized to sign the Preliminary Official Statement and the Official Statement.

\* \* \*

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: None

ABSENT: Muratore

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

(SEAL)

APPROVED AS TO FORM:

BY Steve J. [Signature]  
City Attorney

ORIGINAL

RESOLUTION AUTHORIZING ISSUANCE OF BONDS

PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

Section 1. RECITALS. On January 23, 1990, the City Council of the City of Modesto adopted its Resolution No. 90-54, Resolution Rescinding Resolution No. 88-291 and Stating Intention, to order improvements in Public Facilities District No. 6, City of Modesto, Stanislaus County, California, under the provisions of the Municipal Improvement Act of 1913 (the "Act"), as amended. Proceedings taken under the Act led to the levy of a special assessment by the City Council against parcels of land within the assessment district in the total amount of \$348,659.76. These assessments were recorded in the office of the County Recorder of Stanislaus County, and thereupon became a lien on each parcel assessed. The period within which parcel owners might pay their assessments in cash without interest expired on or about April 9, 1990.

Section 2. ISSUANCE OF BONDS. The City Council hereby authorizes the issuance of improvement bonds under the provisions of the Improvement Bond Act of 1915 to represent unpaid assessments in an amount not to exceed \$281,091.72. Each bond shall be designated, "Limited Obligation Improvement Bond, City of Modesto, Public Facilities District No. 6, Series No. 1990-1." Bonds shall be dated approximately the date of delivery and issued in denominations of \$5000 or integral multiples thereof, except for Bond No. 1, which shall be an odd amount. Bonds shall mature in principal amounts as set forth in the table attached as Exhibit A. The bond date and interest rates on the bonds shall be as set forth in the bond purchase agreement.

Section 3. APPOINTMENT OF PAYING AGENT, FISCAL AGENT, REGISTRAR AND TRANSFER AGENT. The City Council hereby appoints the State Street Bank and Trust Company of California, N.A. as paying agent, fiscal agent, registrar and transfer agent, hereinafter the "Fiscal Agent," for the bonds in accordance with an agreement between the City of Modesto and State Street Bank and Trust Company of California.

Section 4. FORM AND EXECUTION. Bonds shall be issued as fully registered bonds substantially in the form set forth as Exhibit B to this resolution. The bonds shall be signed by the Director of Finance and the City Clerk and the seal of the City shall be affixed. Both signatures and seal may be reproduced on the bonds by facsimile, but upon its registration or reregistration each bond shall be authenticated by the manual signature of the Fiscal Agent.

ORIGINAL

The Fiscal Agent shall assign to each bond authenticated and registered by it a distinctive letter, or number, or letter and number, and shall maintain a record thereof which shall be available to the City for inspection.

Section 5. ESTABLISHMENT OF SPECIAL FUNDS. For administering the proceeds of the sale of bonds and payment of interest and principal on the bonds, there are hereby established six funds to be known as the improvement fund, the redemption fund, the special reserve fund, the investment earnings fund, the excess investment earnings fund and the administrative costs fund, respectively, for Public Facilities District No. 6.

Section 5.1. IMPROVEMENT FUND. Except as provided in Section 5.3, proceeds of sale of the bonds, together with all amounts paid on the assessments before bond issuance, shall be deposited in the improvement fund to be maintained by the Fiscal Agent. Disbursements from the improvement fund shall be made by the Fiscal Agent in accordance with the budget of estimated costs and expenses set forth in the amended engineer's report heretofore approved by the City Council, which report and budget are subject to modification by the City Council from time to time as prescribed by the Act.

Section 5.2. REDEMPTION FUND. The redemption fund shall be maintained by the Fiscal Agent. All payments of principal and interest installments on the assessments, together with penalties, if any, shall be deposited in the redemption fund, which shall be a trust fund for the benefit of the bondholders. Payment of the bonds at maturity, or at redemption before maturity, and all interest on the bonds shall be made from the redemption fund.

Section 5.3. SPECIAL RESERVE FUND. The special reserve fund shall be maintained by the Fiscal Agent. There shall be deposited into the special reserve fund the amount of \$19,676.42 (the "Reserve Requirement") from the proceeds of the sale of bonds. The Fiscal Agent shall invest said reserve fund in accordance with the City of Modesto's statement of investment policy to be provided to the Fiscal Agent by the Director of Finance.

A. During the term of the bonds, the amount in the special reserve fund shall be available for transfer into the redemption fund in accordance with Section 8808 of the Streets and Highways Code. The amount so advanced shall be reimbursed to the special reserve fund from the proceeds of redemption or sale of the parcel for which payment of delinquent assessment installments was made from the special reserve fund.

B. If any assessment is prepaid before final maturity of the bonds, the amount of principal which the assessee is required to prepay shall be reduced by an amount which is in the same ratio to the original amount of the special reserve fund as

the original amount of the prepaid assessment bears to the total amount of unpaid assessments originally securing the Bonds. This reduction in the amount of principal prepaid shall be balanced by a transfer from the special reserve fund to the redemption fund in the same amount.

C. The amounts deposited in the reserve fund will never exceed 10% of the proceeds of the bond issue. Proceeds of investment of the special reserve fund shall be deposited in the investment earnings fund.

D. When the amount in the special reserve fund equals or exceeds the amount required to retire the remaining unmatured bonds (whether by advance retirement or otherwise), the amount of the special reserve fund shall be transferred to the redemption fund, and the remaining installments of principal and interest not yet due from assessed property owners shall be cancelled without payment.

Section 5.4. INVESTMENT EARNINGS FUND. Proceeds of the investment of amounts in the improvement fund and the special reserve fund will be deposited in the investment earnings fund. As of September 2 of each year during the term of the bonds, the Director of Finance shall determine whether any portion of investment earnings must be rebated to the United States pursuant to Section 148 of the United States Internal Revenue Code and regulations adopted thereunder. Any amounts required to be rebated will be transferred to the arbitrage rebate fund, and the balance will be transferred as follows:

(a) To the extent that the balance in the special reserve fund is less than the Reserve Requirement, a transfer will be made from the investment earnings fund to the special reserve fund.

(b) The remaining balance in the investment earnings fund, if any, will be transferred to the improvement fund until the improvement is completed and the improvement fund is closed; thereafter the balance in the investment earnings fund will be transferred to the redemption fund to be used, in the discretion of the Director of Finance, as a credit upon the annual installments of assessment or for the advance retirement of bonds.

The Director of Finance is authorized to retain independent attorneys, accountants and other consultants to assist in complying with Federal requirements.

Section 5.5. EXCESS INVESTMENT EARNINGS FUND. Amounts in the excess investment earnings fund shall be invested in the same manner as amounts in the other funds and shall be held in trust for rebate to the United States at the times required by

Section 148 of the United States Internal Revenue Code and regulations adopted thereunder.

Section 5.6. Administrative Costs Fund. The Director of Finance shall establish and maintain the Administrative Costs Fund and shall make disbursements from time to time to defray any reasonable cost or expense incurred by the City in the normal course of administering the liens and the Bonds.

Section 6. PAYMENT ON BONDS. The principal and interest on the bonds shall be payable at the principal office of the State Street Bank and Trust Company of California, N.A., 725 South Figueroa Street, Suite 975, Los Angeles, CA 90017. Principal and interest shall be paid by check, draft or warrant mailed to the registered owner of each bond at the owner's address appearing on the register maintained by the Fiscal Agent on the 15th day of the month preceding the date of interest payment or maturity of each bond.

Section 7. REREGISTRATION. Any bond may be registered to a new owner by completing the assignment certificate on the reverse of the bond and delivering the bond to the Fiscal Agent. Upon reregistration, any bond may be replaced by one or more bonds of the same maturity and aggregate amount in denominations of \$5000 or any integral multiple thereof.

Section 8. COVENANTS. In the event of a default in the payment of any bond or any installment of interest thereon, bondholders shall have the remedies set forth in the Improvement Bond Act of 1915. In addition, the City Council makes the following covenants, which shall constitute a contract with the bondholders:

Section 8.1. FORECLOSURE OF LIENS. Not later than September 1 in any year, the City shall file an action in the Superior Court to foreclose the lien of each delinquent assessment if the sum of uncured assessment delinquencies for the preceding fiscal year exceeds five percent (5%) of the assessment installments posted to the tax roll for that fiscal year, and if the amount of the special reserve fund is less than the Reserve Requirement.

Section 8.2. ARBITRAGE. During the term of the bonds, the City will make no use of bond proceeds which, if such use had been reasonably expected at the date the bonds are issued, could have caused the bonds to be "arbitrage bonds" within the meaning of Section 148 of the United States Internal Revenue Code of 1986, and regulations of the Internal Revenue Service adopted thereunder, and further shall rebate to the United States any amounts actually earned as arbitrage in accordance with the provisions of that Code and those regulations.

Section 8.3. MAINTENANCE OF TAX EXEMPTION. The City will take all reasonable actions required to maintain the status of interest on the bonds as excludable from gross income for federal income tax purposes and as exempt from the State of California personal income taxes.

\* \* \*

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: None

ABSENT: Muratore

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

(SEAL)

APPROVED AS TO FORM:

By [Signature]  
City Attorney

MATURITY SCHEDULE OF BONDS

CITY OF MODESTO  
Public Facilities District No. 6

Bonds mature on September 2 in the years and amounts, and bear interest at the annual rates, set forth below.

YEAR	FACE AMOUNT	RATE(%)
1991	6,091.72	
1992	10,000.00	
1993	10,000.00	
1994	15,000.00	
1995	15,000.00	
1996	15,000.00	
1997	15,000.00	
1998	20,000.00	(RATES TO COME.)
1999	20,000.00	
2000	20,000.00	
2001	25,000.00	
2002	25,000.00	
2003	25,000.00	
2004	30,000.00	
2005	30,000.00	
	=====	
TOTAL:	281,091.72	

EXHIBIT A

United States of America  
State of California  
County of Stanislaus

REGISTERED  
Number

REGISTERED

LIMITED OBLIGATION IMPROVEMENT BOND  
CITY OF MODESTO  
PUBLIC FACILITIES DISTRICT NO. 6

SERIES NO. 1990-1

INTEREST RATE	MATURITY DATE	BOND DATE	CUSIP NUMBER
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REGISTERED OWNER:

PRINCIPAL SUM:

DOLLARS

Under and by virtue of the Improvement Bond Act of 1915, Division 10 (commencing with Section 8500), of the Streets and Highways Code, (the "Act"), the City of Modesto, Stanislaus County, California, (the "City"), will, out of the redemption fund for the payment of the bonds issued upon the unpaid portion of assessments made for the acquisition, work and improvements more fully described in proceedings taken pursuant to Resolution No. 90-54, Resolution Rescinding Resolution No. 88-291 and Stating Intention, adopted by the City Council of the City of Modesto on the 23rd day of January, 1990, pay to the registered owner stated above or registered assigns, on the maturity date stated above, the principal sum stated above, in lawful money of the United States of America and in like manner will pay interest from the interest payment date next preceding the date on which this Bond is authenticated, unless this Bond is authenticated and registered as of an interest payment date, in which event it shall bear interest from such interest payment date, or unless this Bond is authenticated and registered prior to March 2, 1991, in which event it shall bear interest from its date, until payment of such principal sum shall have been discharged, at the rate per annum stated above, payable semiannually on March 2 and September 2 in each year commencing on March 2, 1991. Both the principal hereof and redemption premium hereon are payable at the principal corporate trust office of the State Street Bank and Trust Company of California, N.A., or its successor, as Fiscal Agent, Transfer Agent, Registrar and Paying Agent, hereinafter the "Fiscal Agent," in Los Angeles, California, and the interest hereon is payable by check or draft mailed to the owner hereof at the owner's address as it appears on the registration books of the Fiscal Agent, or at such address as may have been filed with the Fiscal Agent for that purpose, as of the fifteenth day of the month preceding each interest payment date.

EXHIBIT B

REFERENCE IS MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH IN THE REVERSE SIDE HEREOF WHICH SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH HEREIN.

This Bond will continue to bear interest after maturity at the rate above stated, provided, it is presented at maturity and payment thereof is refused upon the sole ground that there are not sufficient moneys in said redemption fund with which to pay same. If it is not presented at maturity, interest thereon will run until maturity.

This Bond shall not be entitled to any benefit under the Act or the Resolution Authorizing Issuance of Bonds (the "Resolution of Issuance"), or become valid or obligatory for any purpose, until the certificate of authentication and registration hereon endorsed shall have been dated and signed by the Fiscal Agent.

IN WITNESS WHEREOF, said City of Modesto has caused this Bond to be signed in facsimile by the Director of Finance of said City and by its Clerk, and has caused its corporate seal to be reproduced in facsimile hereon all as of the 1st day of June, 1990.

CITY OF MODESTO

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Director of Finance

(SEAL)

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This is one of the Bonds described in the within mentioned Resolution of Issuance, which has been authenticated and registered on

THE STATE STREET BANK AND TRUST COMPANY OF CALIFORNIA  
as Fiscal Agent

By \_\_\_\_\_  
Authorized Officer

(REVERSE OF BOND)

LIMITED OBLIGATION IMPROVEMENT BOND  
CITY OF MODESTO  
PUBLIC FACILITIES DISTRICT NO. 6  
SERIES NO. 1990-1

ADDITIONAL PROVISIONS OF THE BOND

This Bond is one of several annual series of bonds of like date, tenor and effect, but differing in amounts, maturities and interest rates, issued by the City of Modesto under the Act and the Resolution of Issuance, for the purpose of providing means for paying for the improvements described in said proceedings, and is secured by the moneys in said redemption fund and by the unpaid portion of said assessments made for the payment of said improvements, and, including principal and interest, is payable exclusively out of said fund.

This Bond is transferable by the registered owner hereof, in person or by the owner's attorney duly authorized in writing, at said office of the Fiscal Agent, subject to the terms and conditions provided in the Resolution of Issuance, including the payment of certain charges, if any, upon surrender and cancellation of this Bond. Upon such transfer, a new registered Bond or Bonds, of any authorized denomination or denominations, of the same maturity, for the same aggregate principal amount, will be issued to the transferee in exchange therefor.

Bonds shall be registered only in the name of an individual (including joint owners), a corporation, a partnership or a trust.

Neither the City nor the Fiscal Agent shall be required to make such exchange or registration of transfer of bonds after the fifteenth day of the month preceding any interest payment date.

The City will not obligate itself to advance available funds from the City treasury to cure any deficiency which may occur in the bond redemption fund. A determination not to obligate itself shall not prevent the City from, in its sole discretion, so advancing funds.

The City and the Fiscal Agent may treat the registered owner hereof as the absolute owner for all purposes, and the City and the Fiscal Agent shall not be affected by any notice to the contrary.

This Bond or any portion of it in the amount of \$5,000 or any integral multiple thereof, may be redeemed and paid in advance of maturity upon the second day of March or September in any year by giving at least 30 days' notice by registered or certified mail or by personal service to the registered owner hereof at such owner's address as it appears on the registration books of the

Fiscal Agent and by paying principal and accrued interest together with a premium equal to three percentum of the principal.

I hereby certify that the following is a correct copy of the signed legal opinion of STURGIS, NESS, BRUNSELL & SPERRY a professional corporation, Emeryville, California, on file in my office.

City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-465

RESOLUTION APPROVING NOTICE OF SALE  
AND CALLING FOR BOND BIDS

PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

1. This Council hereby approves the proposed form of Notice of Sale presented to the Council by Seidler-Fitzgerald Public Finance and hereby sets 10:00 A.M., May 8, 1990, at the offices of Seidler-Fitzgerald Public Finance, 515 South Figueroa Street, Suite 600, Los Angeles, California 90071-3396, as the date, time and place for the receipt and opening of sealed bids for the purchase of not less than all of the authorized issue. Said Notice of Sale, as filed, refers to a principal amount of \$281,091.72 for the subject bond issue.

2. This Council hereby authorizes the City Clerk of the City of Modesto, in coordination with Seidler-Fitzgerald Public Finance to provide all required publication and other distribution of the Notice of Sale and all required report forms to the California Debt Advisory Commission.

\* \* \*

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: None

ABSENT: Muratore

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

(SEAL)

APPROVED AS TO FORM:

By [Signature]  
City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-466

RESOLUTION ORDERING CHANGE OF PROCEEDINGS WITHOUT  
NOTICE OR HEARING

PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

Section 1. Recitals

(a) On February 27, 1990 this Council approved the Amended Engineer's Report and Assessment and ordered the improvement in Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California. Subsequently, the Assessment Diagram and Notice of Assessment were recorded in the office of the Stanislaus County Recorder as required by law, as a result of which the individual assessments became liens upon the respective parcels of land in the amounts stated in said recorded Notice of Assessment.

(b) Subsequent thereto, the owner of Assessments No. 5 (Parcel No. 13-68-37) and No. 6 (Parcel No. 13-68-36) has combined these parcels into one, resulting in reduction in assessment.

(c) The owner of Assessment No. 3 (Parcel No. 13-68-39) had water service extended to his property on July 27, 1989. Therefore, the cost included in the Amended Engineer's Report for water service to this property has to be eliminated and the amount assessed has to be reduced.

(d) The owner of Assessment No. 10 (Parcel No. 13-82-64) installed certain improvement and paid a deposit to the City of Modesto. In consideration of the improvement installed and the deposit made by this property owner, the assessment for this parcel has been reduced to zero.

Section 2. Changes of Proceedings Ordered

(a) Changes of proceedings were ordered by resolutions as follows:

(1) On March 13, 1990, this Council adopted its Resolution No. 90-173, A Resolution Amending Assessments for Parcels No. 13-68-36 and No. 13-68-37, combining these two parcels into one parcel and amended the assessment as follows:

<u>Assessment No.</u>	<u>Parcel No.</u>	<u>Amount of Assessment in Assessment Roll</u>	<u>Amended Assessment on 3/13/90</u>
5	13-68-37	\$ 2,886.73	\$ 0.00
6	13-68-36	\$23,538.58	\$5,773.46

(2) On April 3, 1990, this Council adopted its Resolution No. 90-417, Resolution Amending Assessment for Parcel No. 13-68-39 (Assessment No. 3), reducing the assessment from \$8,412.07 to \$7,661.55.

(3) Also on April 3, 1990, this Council adopted its Resolution No. 90-418, Resolution Amending Assessment for Parcel No. 13-82-64 (Assessment No. 10), reducing the assessment from \$2,389.67 to \$0.00.

(b) The changes of proceedings were taken without notice or hearing pursuant to Section 10352 of the California Streets and Highways Code.

(c) These changes of proceedings represent the cumulative additional changes which have come to the attention of the City staff and its Council. This Council reserves entitlement to order further changes of proceedings during the pendency of said proceedings as circumstances may dictate.

Section 3. Approving Reduced Cost Estimate and Assessment Roll

This Council hereby approves the revised cost estimate (Exhibit B to the Amended Engineer's Report) and the revised assessment roll (Exhibit D to the Amended Engineer's Report) attached hereto and by its reference incorporated herein to embody the reduction in assessments ordered by said Resolutions No. 90-173 No. 90-417 and No. 90-418.

\*

\*

\*

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: None

ABSENT: Muratore

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

(SEAL)

APPROVED AS TO FORM:

By David J. [Signature]  
City Attorney

Widen Major Streets - Coffee, Oakdale & Prescott Roads

I. CONSTRUCTION COST

Estimated Construction Cost	\$867,074.51
Construction Contingency (10 percent)	\$86,707.45
<hr/>	
Total Estimated Construction Cost Including Contingency Allowance	\$953,781.96

II. LAND ACQUISITION COST

Appraisal Fee	\$0.00
Estimated Property Agent Expense	\$0.00
Land Acquisition	\$62,317.00
Existing Improvements	\$42,185.00
<hr/>	
Total Estimated Land Acquisition Cost	\$104,502.00

III. ESTIMATED INCIDENTAL EXPENSES

Testing Agency	\$3,962.31
Engineering and Inspection	\$47,689.10
Bond Counsel	\$17,000.00
Financial Advisor	\$22,500.00
County Administration	\$29.00
Bond Printing and Publication	\$2,500.00
Paying Agent	\$15,500.00
Printing Official Statement	\$7,500.00
<hr/>	
	\$116,680.40

TOTAL ESTIMATED PROJECT COST INCLUDING LAND ACQUISITION AND INCIDENTAL EXPENSES \$1,174,964.37

LESS		CITY	COUNTY
<hr/>			
City Construction Contribution	\$559,978.61	\$559,978.61	\$0.00
County Construction Contribution	\$93,376.89	\$0.00	\$93,376.89
Right Of Way Acquisition	\$62,317.00	\$57,972.00	\$0.00
Existing Improvements	\$42,185.00	\$0.00	\$0.00
Testing Agency	\$2,936.87	\$2,548.95	\$387.92
Engineering and Inspection	\$35,347.22	\$30,678.38	\$4,668.84
Bond Counsel	\$17,000.00	\$17,000.00	\$0.00
Financial Advisor	\$22,500.00	\$22,500.00	\$0.00
County Administration	\$29.00	\$29.00	\$0.00
Bond Printing and Publication	\$2,500.00	\$2,500.00	\$0.00
Paying Agent	\$15,500.00	\$15,500.00	\$0.00
Printing Official Statement	\$7,500.00	\$7,500.00	\$0.00
<hr/>			
	\$861,170.59	\$716,206.94	\$98,433.65
ASSESSMENTS PAID IN CASH	\$60,811.23		
TOTAL PROJECT COST LESS CONTRIBUTIONS	\$252,982.55		
BOND DISCOUNT RATE AT THREE (3) PERCENT	\$8,432.75		
BOND RESERVE FUND AT SEVEN (7) PERCENT	\$19,676.42		
<hr/>			
AMOUNT OF BOND ISSUE	\$281,091.72		

CITY OF MODESTO  
Public Facilities District No. 6

Assessment Number	Assessment Amount	Parcel Description
1	\$ 7,078.42	13-68-46
2	6,822.28	13-68-40
3	7,661.55	13-68-39
4	10,685.78	13-68-38
5	0.00	13-68-37
6	5,773.46	13-68-36
7	6,635.12	13-68-35
8	6,742.07	13-70-65
9	49,141.00	13-70-67
10	0.00	13-82-64
11	6,929.98	13-82-63
12	1,170.58	13-82-62
13	7,122.48	13-84-48
14	21,572.46	13-84-49
15	20,147.43	65-20-41
16	49,041.09	65-20-42
17	35,900.04	77-07-11
18	82,556.87	77-07-20
19	23,679.15	54-44-01
-----		
TOTAL: \$	348,659.76	

EXHIBIT D

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-467

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(472). (PHILLIP D. OVERHOLTZER, INC.)

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Phillip D. Overholtzer, Inc. on November 17, 1989, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a combination commercial and business/professional office condominium development, property located on the south side of Standiford Avenue opposite Longbridge Drive, described as follows:

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

Commencing at the centerline intersection of Carver Road and Standiford Avenue as shown on that certain map of "Tully Manor No. 6" filed in Volume 23 of Maps, at Page 55, Stanislaus County Records; thence along said centerline of Standiford Avenue and also being a quarter section line, South 89° 08' 00" East, 1,543.20 feet to a quarter quarter Section line and the true point of beginning of this description; thence leaving said centerline of Standiford Avenue and along said quarter quarter Section line, South 1° 02' 40" East, 270.00 feet to the intersection with the eastern prolongation of the North line of said "Tully Manor No. 6"; thence along said Eastern prolongation and said North line, North 89° 08' West, 225.00 feet; thence leaving said North line; North 1° 02' 40" West, 270.00 feet to aforementioned Standiford Avenue center; thence along said centerline, South 89° 08' 00" East, 225.00 feet to the point of beginning.

Also including all of the 14.00-foot-wide alley located immediately adjacent to the East line of the above described property.

and

WHEREAS, after a public hearing held on March 5, 1990, 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. 90-23,

that rezoning of the property as requested is not required by public necessity, convenience, and general welfare; but that approval of a planned development zone, as a business/professional office condominium development is required by public necessity, convenience and general welfare for the following reasons:

1. A Planned Development Zone, necessary to allow a business/professional office complex as a condominium would conform to the Zoning and Development Plan for Standiford Avenue adopted by the Planning Commission in 1985, which calls for P-0, Professional Office Zoning.
2. Commercial uses added to an otherwise exclusive business/professional office complex could add to traffic generation and turning movement impact and also be less compatible with adjoining residential properties.

and

WHEREAS, by Resolution No. 90-23, the Planning Commission denied neighborhood commercial uses as part of the rezoning of the south side of Standiford Avenue opposite Longbridge Drive, and

WHEREAS, after a public hearing held on April 17, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Phillip D. Overholtzer, 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. 90-23 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2712-C.S. on the 17th day of April, 1990, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(472).

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(472), is hereby approved subject to the following  
conditions:

1. All development shall conform to the plot plan titled  
"Project: Standiford Offices" as amended in red, stamped  
approved by the City Council on April 17, 1990.
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  
south property line. 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 solid double alternating board fence with  
decorative masonry pilasters 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. 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 occupancy, the developer shall dedicate six feet and  
construct full alley improvements along the east side of the  
subject property as required by the Public Works and  
Transportation Director.
7. 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.
8. Drainage shall be provided as required by the Public Works and  
Transportation Director.

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 shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
11. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the west, substantially as shown in red on the plot plan.
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 loop driveway shall be a "fire lane" and be maintained in accordance with the requirements of the Fire Chief.
13. All signs shall comply with the sign requirements of the P-0 Zone.
14. Prior to the sale of any condominium units, a final subdivision map shall be recorded.
15. 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 property owner association to guarantee common facility and private property maintenance in accordance with the approved plans.
16. That the developer shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action, or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Modesto or its advisory agency, appeal board, or legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceedings and shall cooperate fully in the defense.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(472):

The entire construction program be accomplished in one phase, construction to begin on or before March 5, 1992, and completion to be not later than March 5, 1993.

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(472), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-468

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(472). (PHILLIP D. OVERHOLTZER, INC.)

WHEREAS, on April 17, 1990, the City Council introduced Ordinance No. 2712-C.S. giving approval to a project relating to an amendment to Section Map 7-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(472), property located on the south side of Standiford Avenue opposite Longbridge Drive, 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 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 relating to an amendment to Section Map 7-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(472), property located on the south side of Standiford Avenue opposite Longbridge Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

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

(SEAL)

APPROVED AS TO FORM:

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

RESOLUTION NO. 90-469

UNUSED

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-470

A RESOLUTION ACCEPTING THE BID OF GRANITE CONSTRUCTION COMPANY FOR AIRPORT EXIT TAXIWAY NO. 2 DRAINAGE, RUNWAY 28R-10L DISTANCE REMAINING SIGNS AND POROUS FRICTION COURSE PROJECT

WHEREAS, Resolution No. 90-114 , adopted by the Council of the City of Modesto on February 20, 1990 , approved the plans and specifications for the Airport exit taxiway No. 2 drainage, runway 28R-10L distance remaining signs and porous friction course project and authorized the calling for bids; and

WHEREAS, the bids received for the Airport exit taxiway No. 2 drainage, runway 28R-10L distance remaining signs and porous friction course project were opened at 11:00 a.m. on March 22, 1990 , and later tabulated by the Director of Public Works for the consideration of the Council; and

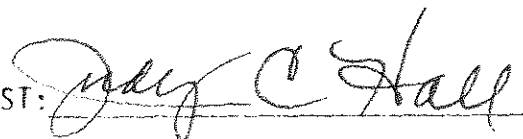
WHEREAS, the Director of Public Works has recommended that the bid of Granite Construction in the amount of \$308,729 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Granite Construction in the amount of \$308,729 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 17th day of April , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-471

A RESOLUTION AMENDING THE FISCAL YEAR 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE FAA GRANT REVENUE AND TO APPROPRIATE A NEW CIP PROJECT, POROUS FRICTION COAT ON RUNWAY 28R-10L.

WHEREAS, the City has received approval on a grant application for a new airport capital improvement project, and

WHEREAS, this application approves Airport Project Number 3-06-0153-10. This consists of removing the existing striping, overlaying with porous friction course and restriping Runway 28R-10L, and

WHEREAS, the anticipated cost to complete this project is \$225,000. The FAA grant will provide 90% of the total project, or \$202,500, and

WHEREAS, the City receives a \$5,000 state allocation per year which must be spent on capital needs. Twenty thousand dollars of this allocation, which represents 4 years of savings that has accumulated in the Airport Reserve, has been approved for appropriation on this project, and

WHEREAS, the remaining required match of \$2,500 will be provided out of the Airport Contingency Reserve, and

WHEREAS, it is necessary to increase revenue by the FAA Grant amount, and

WHEREAS, it is necessary to decrease the Airport Contingency Reserve by the required 10% match amount of \$22,500, and to appropriate a new CIP project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto, Fiscal Year 1989-90.

SPECIAL AVIATION FUND (632)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase</u>
<u>Revenue</u>		
632-510-9510-3613	FAA Capital Grants	\$202,500
<u>Expenditures</u>		
632-480-G895-6000	Porous Friction Coat-Rnway 28R-10L	225,500
632-800-8000-8003	Airport 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 17th day of April, 1990, 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: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-472

A RESOLUTION APPROVING THE PLANNING COMMISSION'S RECOMMENDATION THAT SITE #2 BE CHOSEN AS THE PREFERABLE SITE FOR THE PROPOSED WEST SIDE POST OFFICE AND RECOMMENDING SELECTION OF SITE #2 TO THE UNITED STATES POSTAL SERVICE.

WHEREAS, the United States Postal Service is proposing to select a site for a new West Side Post Office which will serve the southwest portion of the City of Modesto and the unincorporated urban surroundings, and

WHEREAS, the United States Postal Service has caused an Environmental Assessment to be prepared with regard to the three sites being considered for the West Side Post Office, and

WHEREAS, the Planning Commission has reviewed the Environmental Assessment which has been prepared with respect to site selection, and all three sites have been deemed to have negative impacts, and

WHEREAS, by Resolution No. 90-34, the Planning Commission has, for reasons of providing optimum service to both sides of the Tuolumne River, and for future land use pattern and traffic implications, recommended Site #2 as the preferable location for the new West Side Post Office,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning Commission's recommendation of Site #2, a parcel of land located on the north side of Paradise Road west of Carpenter Road and east of Ohio Avenue, as the preferable location for a new West Side Post Office is hereby approved.

BE IT FURTHER RESOLVED that the City Council hereby recommends to the United States Postal Service that said Site #2 is the preferable location for a new West Side Post Office in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-473

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RECREATION SYSTEMS, INC. FOR THE PREPARATION OF THE MASTER PLAN FOR AQUEDUCT NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Recreation Systems, Inc. for the preparation of the master plan for Aqueduct Neighborhood 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 17th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-474

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR \$67,000 FOR THE RENTAL REHABILITATION PROGRAM FOR THE CITY'S HOUSING PROGRAM OFFICE FOR 1990-91

BE IT RESOLVED by the Council of the City of Modesto that the submission of an application for \$67,000 of Rental Rehabilitation Grant funds for fiscal year 1990-91 for the rehabilitation of low-income rentals is hereby approved.

BE IT FURTHER RESOLVED that the execution of the application by the City's designated official, Garth Lipsky, City Manager, be and it is hereby authorized.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1990, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-475

A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR  
PROPOSALS FOR A NEW BUS BENCH FRANCHISE.

WHEREAS, the City Council Transportation Committee has suggested by a report dated April 9, 1990, that it would be more economical to have bus benches supplied through a franchise agreement rather than having the City provide bus benches at City's expense, and, therefore, said Committee has recommended that bus benches should be supplied through a franchise agreement, and

WHEREAS, at its meeting of April 17, 1990, the Council considered the Committee's recommendation to solicit proposals for a new bus bench franchise to replace the existing franchise which expires on December 31, 1990, and

WHEREAS, the City Council desires to send out a request for proposals for a new bus bench franchise,

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 new bus bench franchise.

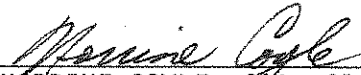
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion

being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside


NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-476

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND RESOURCE DEVELOPMENT TO COVER THE ADDITIONAL COST OF PREPARING THE COLLEGE WEST E.I.R.

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Resource Development, to cover the additional cost of preparing the College West E.I.R.

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 April, 1990, by Councilmember Irizarry, who moved its 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, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Muratore

ATTEST:   
JODY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-477

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND MICHAEL CLAYTON AND ASSOCIATES TO COVER THE ADDITIONAL COST OF PREPARING THE COLLEGE WEST E.I.R.

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Michael Clayton and Associates to cover the additional cost of preparing the College West E.I.R.

be, and it is hereby approved.

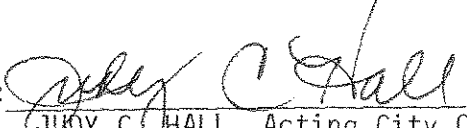
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1990, by Councilmember Irizarry, who moved its 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, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Muratore

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-478

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF  
MODESTO FOR THE FISCAL YEAR 1989-90.

WHEREAS, it has been determined that certain adjustments are  
required to the Annual Budget of the City of Modesto for the Fiscal Year  
1989-90,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the adjustments listed on Exhibit "A", which is attached hereto and  
incorporated herein by reference, are hereby approved and shall be made to the  
Annual Budget of the City of Modesto for the Fiscal Year 1989-90.

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 24th day of April,  
1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MIDYEAR BUDGET REQUIRED ADJUSTMENTS  
 FY 1989-90

EXHIBIT A

Fund	Agency	Orgn	Object	Required Adjustment
-----				
Expenditures - General Fund				
10	10	101	301	580
10	20	201	401	2,000
10	20	201	5759	4,500
10	40	401	235	1,600
10	50	501	230	5,000
10	120	1222	110	9,067
10	120	1222	205	5,000
10	120	1252	201	5,000
10	140	1401	301	4,800
10	140	1401	5760	3,000
10	180	1801	207	1,300
10	180	1801	215	25,000
10	180	1802	209	4,500
10	180	1803	209	10,416
10	180	1832	301	2,400
10	180	1832	302	600
10	180	1832	308	4,000
10	180	1832	330	2,000
10	190	1901	215	34,420
10	190	1921	223	24,000
10	190	1961	120	45,400
10	190	1961	130	50,000
10	190	1941	209	99,000
10	300	3001	235	1,000
10	310	3113	210	20,000
10	320	3213	310	9,500
10	360	3612	360	1,750
10	370	3712	120	(1,908)

10	370	3712	235	2,183
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10	380	3811	110	5,500
10	380	3812	208	405
10	380	3812	315	250

10	440	4412	235	35,000
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10	460	4612	235	147,000
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10	490	4912	223	8,000
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10	490	4912	235	15,000
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10	502	6502	208	12,500
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10	502	6502	235	10,000
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10	502	6502	236	16,000
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10	502	6502	238	73,650
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10	502	6502	431	1,500
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10	502	6502	460	(5,340)
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10	700	7000	7670	52,711
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10	800	8000	8003	215,916
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10	800	8000	8006	500,000
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1,464,200

Revenue - General Fund

10	190		3131	79,200
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10	440		4007	35,000
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10	510		8155	1,000,000
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10	700		9060	350,000
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1,464,200

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-479

A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN MAP TO DELETE A COMMUNITY PARK SITE FROM THE YOSEMITE NEIGHBORHOOD 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

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 (Amendment to 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 (Circulation Element)
- 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)

and

WHEREAS, pursuant to the provisions of the 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, on March 5, 1990, the Modesto City Planning Commission held a public hearing on a proposal to delete a community park in the Yosemite Neighborhood, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Modesto City Planning Commission adopted Resolution No. 90-28 on March 5, 1990, recommending an amendment to the General Plan Map to delete a community park site from the Yosemite Neighborhood, and

WHEREAS, the Council on April 3, 1990, by Resolution No. 90-415, set April 24, 1990, at 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, as the time and place for consideration of the proposed amendment to the General Plan Map to delete a community park site from the Yosemite Neighborhood, and

WHEREAS, said public hearing was held on the date and at the time above-mentioned, as required by law, at which time evidence both oral and documentary was received and considered by the Council,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby finds and determines that the General Plan Map amendment to delete a community park site from the Yosemite Neighborhood, located on the west side of Claus Road, south of MID Lateral No. 2, in the City of Modesto is required for the public health, safety and welfare for the following reasons:

1. The proposed amendment is consistent with the Open Space and Recreation Element of the General Plan which sets forth goals, objectives, and implementation strategies for developing a park system.
2. A community park in the Empire West Neighborhood meets the open space needs for community parks in the "East Area" identified in the Open Space and Recreation Element; therefore, the community park in the Yosemite Neighborhood can be deleted.

BE IT FURTHER RESOLVED by the Council that the General Plan Map be and hereby is amended to delete a community park site from the Yosemite Neighborhood as shown on the map which is attached hereto marked as 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

(SEAL)

APPROVED AS TO FORM:

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

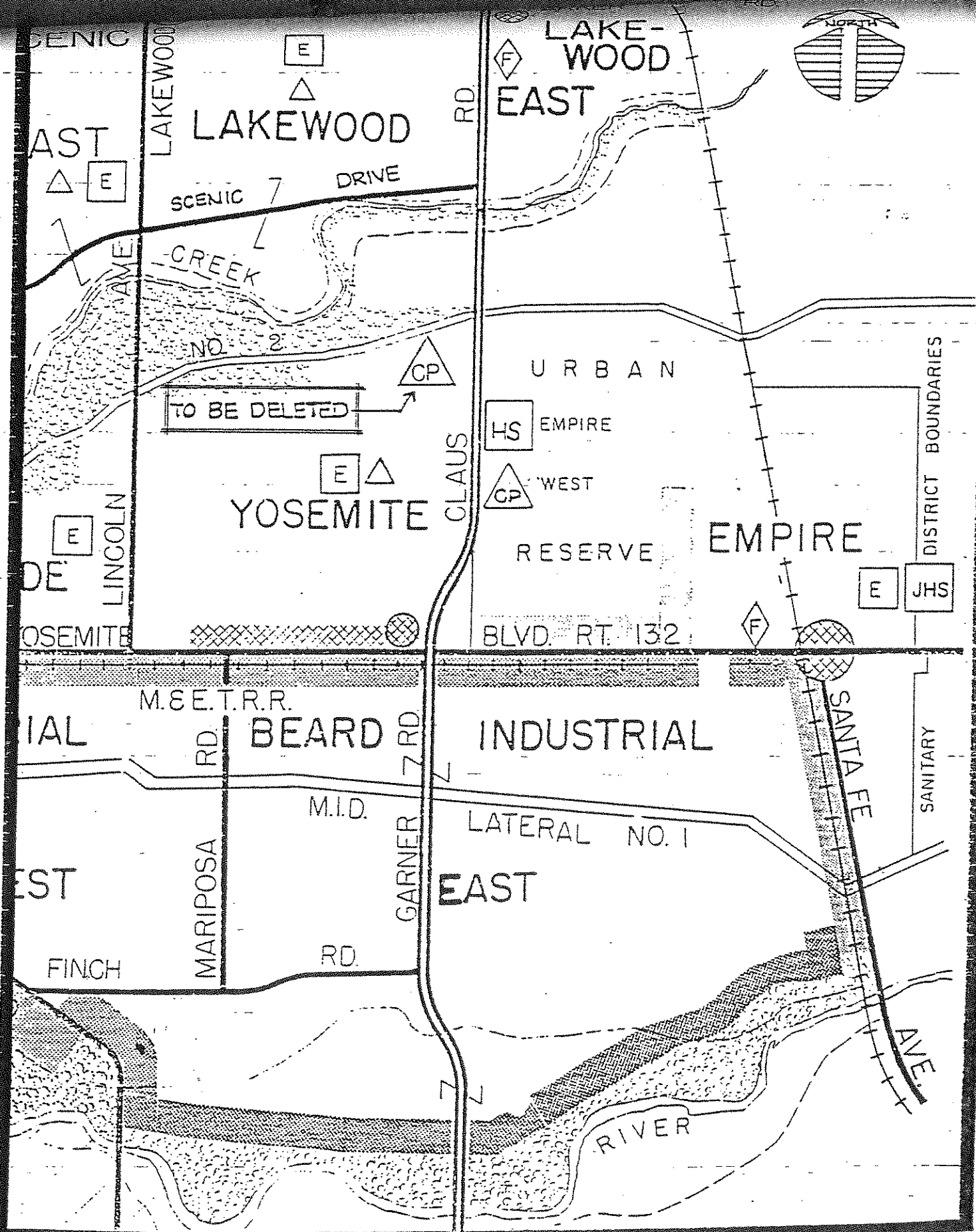


EXHIBIT "A"

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-480

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 THE DELETION OF A  
COMMUNITY PARK SITE IN THE YOSEMITE NEIGHBORHOOD.

WHEREAS, on April 24, 1990, the City Council adopted Resolution  
No. 90-479, amending the Modesto Urban Area General Plan Map to delete a  
community park site in the Yosemite Neighborhood, property located on the west  
side of Claus Road, south of MID Lateral No. 2, in the City of Modesto, and

WHEREAS, the City Council certifies that at its meeting of April 24,  
1990, 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  
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 the General Plan Map to delete a community  
park site from the Yosemite Neighborhood, property located on the west side of  
Claus Road, south of MID Lateral No. 2, in the City of Modesto.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-481

A RESOLUTION GRANTING THE APPEAL OF PHILLIP D. OVERHOLTZER, INC. TO REZONE PROPERTY FROM R-1 TO P-D(474), PROPERTY LOCATED ON THE SOUTH SIDE OF FLOYD AVENUE WEST OF COFFEE ROAD, AND OVERRULING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 16-3-9 of the Zoning Map was filed by Phillip D. Overholtzer, Inc. on December 12, 1989, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a business/professional office complex, property located on the south side of Floyd Avenue west of Coffee Road, described as follows:

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

Beginning at the Northwest corner of the Montgomery Village Park subdivision, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 6, 1961, in Volume 19 of Maps, Page 72; thence South 0°58'00" East, 5.00 feet along the West line of said Montgomery Village Park subdivision; thence leave said West line North 89°27'57" West 100.00 feet along the North line of Montgomery Village No. 4 subdivision, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on April 4, 1961, in Volume 19 of Maps, Page 63; thence continuing along said North line North 0°53'00" West, 40.00 feet; thence continuing along said North line North 89°27'57" West, 20.00 feet to the Southeast corner of Parcel "B" as shown on that certain Parcel Map filed in the office of the Recorder of Stanislaus County, California, on April 11, 1980, in Volume 30 of Parcel Maps, Page 50; thence along the East line of said Parcel "B" North 0°53'00" West, 127.32 feet to the South line of 60.00 foot wide Floyd Avenue; thence continuing along the Northerly prolongation of said East line North 0°53'00", West, 30.00 feet to the centerline of said Floyd Avenue; thence along the centerline of Floyd Avenue, South 89°29'40" East, 320.00 feet to the intersection with the Northern prolongation of the East line of Parcel "D" as shown on that certain Parcel Map filed in the office of the Recorder of Stanislaus County, California, on October 21, 1969, in Volume 7 of Parcel Maps, Page 77; thence leaving the centerline of Floyd Avenue and along said Northern prolongation, South 0°53'00" East, 120.00 feet to the Northeast corner of said Parcel "D"; thence along the East line of said Parcel "D" South

0°53'00" East 70.00 feet to the Southeast corner of said Parcel "D" and the aforementioned North line of the Montgomery Village Park subdivision; thence along said North line, North 89°27'57" West, 200.00 feet to the point of beginning.

and

WHEREAS, a public hearing was held by the Planning Commission on March 5, 1990, 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. 90-25, 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 Kimball Hall on behalf of Phillip D. Overholtzer, Inc. by letter dated March 19, 1990, 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 April 10, 1990, and

WHEREAS, a continuance of the hearing to April 24, 1990, was requested by Troy Wright of Mid-Valley Engineering on behalf of Phillip D. Overholtzer, Inc., by letter dated April 4, 1990, 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 April 24, 1990, at 7:30 p.m., for consideration, 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 Planned Development Zone, P-D(474), should be granted for the following reasons:

1. Neighborhood compatibility will tend to be ensured by eight foot property line fencing with adjacent screen landscaping and an efficient off-street parking design as provided by the P-D plot plan.
2. The planned development zone will allow needed condominium office space in close proximity to a major street and centers of commercial activity.

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

SECTION 1. APPEAL GRANTED. The appeal of Phillip D. Overholtzer, Inc. to reclassify the property described above from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(474), 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(474), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Floyd Professional Offices" as amended in red, stamped approved by the City Council on April 25, 1990.
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 south and portion of the west property lines adjacent to the parking area. 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 wood fence with decorative masonry pilasters along the most western property line not adjacent to the parking area.

- b. Eight foot double-sided pilaster and wood, stucco, or masonry wall or fence along the south and portion of the west property lines adjacent to the parking area.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. The Floyd Avenue frontage shall be improved to collector street standards, including red painted curbing along the entire frontage, 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 pay the City of Modesto the cost of planting street trees along the Floyd Avenue frontage. The number shall be as determined by the Public Works and Transportation Director.
8. All curbcuts serving two-way driveways shall be 41 feet in width.
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. Drainage shall be provided as required by the Public Works and Transportation Director.
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.
13. No signs shall be permitted above eight feet in height on the south face of the building or the west face of the most western building noted as Building A.
14. All signs shall comply with the sign requirements of the P-0 Zone.

15. Prior to the sale of any condominium unit, a final subdivision map shall be recorded.
16. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
17. Prior to issuance of a building permit, the developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the east, substantially as shown in red on the plot plan.
18. 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 Property Owners Association to guarantee common facility and private property maintenance in accordance with the approved plans.
19. That the developer shall defend, indemnify, and hold harmless the City of Modesto and its agents, officers, and employees from any claim, action, and proceeding against the City of Modesto and its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City of Modesto and its advisory agency, appeal board, or legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceedings and shall cooperate fully in the defense.

SECTION 3. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(474):

The entire construction program to be accomplished in one phase, with start of construction on or before April 24, 1992 and completion to be not later than April 24, 1993.

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. The development plan and development schedule for Planned Development Zone, P-D(474), set forth in Sections 1 and 2 above, shall not become effective unless and until Ordinance No. 2713-C.S., introduced on the 24th day of April, 1990, reclassifying the property to Planned Development Zone, P-D(474), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1990, by Councilmember Lang, 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: Bird, Lang, Muratore, Patterson

NOES: Councilmembers: Dobbs, Irizarry, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By WS Nicholas  
Department of Planning and  
Community Development



MODESTO CITY COUNCIL  
RESOLUTION NO. 90-482

RESOLUTION GRANTING THE APPEAL OF PHILLIP D. OVERHOLTZER, INC. TO THE DECISION OF THE PLANNING COMMISSION AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR FLOYD PROFESSIONAL OFFICES. (OVERHOLTZER)

WHEREAS, the vesting tentative map of the Floyd Professional Offices Subdivision was filed in the office of the Secretary of the Planning Commission on January 31, 1990, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, copies of said vesting tentative map have been sent to the 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, a public hearing was held by the Planning Commission on March 5, 1990, 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. 90-26, found and determined that the vesting tentative map of the Floyd Professional Offices Subdivision accepted for filing in the office of the Secretary of the Planning Commission on January 31, 1990, should be denied for the reasons set forth in said Planning Commission resolution, and

WHEREAS, an appeal to the decision of the Planning Commission denying said vesting tentative map for the Floyd Professional Offices Subdivision was filed with the City Clerk by Kimball Hall of Phillip D. Overholtzer, Inc. on behalf of Phillip D. Overholtzer by letter dated

March 19, 1990, and

WHEREAS, said matter was set for a public hearing on April 10, 1990, at 7:30 p.m. in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, for consideration of said appeal, and

WHEREAS, a continuance of the hearing to April 24, 1990, at 7:30 p.m. was requested by Troy Wright of Mid-Valley Engineering on behalf of Phillip D. Overholtzer, Inc., by letter dated April 4, 1990, and

WHEREAS, at its meeting of April 24, 1990, at 7:30 p.m., after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Phillip D. Overholtzer, Inc. to the decision of the Planning Commission denying approval of the vesting tentative map of the Floyd Professional Offices Subdivision should be granted for the following reason and the decision of the Planning Commission should be overruled:

Approval of the requested vesting tentative subdivision map will allow development of a condominium office complex in accordance with P-D(472) and fill a need for owner-occupant office space.

and

WHEREAS, at said meeting, the Council 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 proposed vesting tentative map,

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

1. Prior to recordation of the subdivision map, 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 as 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 Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated January 31, 1990 should be certified as adopted.

BE IT FURTHER RESOLVED by the Council that the appeal of Phillip D. Overholtzer, Inc. to the decision of the Planning Commission denying approval of the vesting tentative map of the Floyd Professional Offices Subdivision is hereby overruled.

BE IT FURTHER RESOLVED that the vesting tentative map of the Floyd Professional Offices Subdivision which was accepted for filing in the office of the Secretary of the Planning Commission on January 31, 1990, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. That the private driveway easement located along the west line of lot 14, the common area, shall be abandoned in a form approved by the City Attorney.
2. That all 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.
3. That public utility easements as required by the utility companies serving the subdivision shall be dedicated by the final map.
4. That each property must be served by a separate water and sewer service from the main to the property line. No sewer or water service shall be placed in an easement to serve any property.
5. That prior to City Council approval of a final subdivision map the subdivider shall submit for approval by the City Attorney the articles of incorporation and bylaws, as well as all covenants, conditions, and restrictions which are to be recorded to create a Property Owners' Association which shall guarantee continued maintenance of common facilities in the

development. Said documents shall be recorded concurrently with the final subdivision map.

6. That the covenants, conditions and restrictions pertaining to the development shall provide, among other things, that utility service equipment and facilities may be installed on or through building units to serve other building units in the project as required by utility companies serving the project, and that said utility companies shall have a right of access to all lots and buildings where necessary to perform necessary maintenance and repair.
7. That public utility easements, including a blanket easement over the common area, as required by the utility companies serving the project shall be dedicated by the final map.
8. That provisions for water and sanitary sewer services to individual units shall be made in a manner to be approved by the Director of Engineering. Maintenance of all sanitary sewers outside of the street right of way shall be by the Property Owners' Association.
9. 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.
10. That the subdivider shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action, or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City of Modesto or its advisory agency, appeal board, or 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 proceedings and shall cooperate fully in the defense.
11. 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.
12. That each property must be served by a separate water and sewer service from the main to the property line. No sewer or water service shall be placed in an easement to serve any property.
13. That the subdivider shall pay fees for rockwell maintenance as established by the Municipal Code.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Secretary of the Planning Commission is hereby directed to file with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed subdivision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1990, by Councilmember Lang, 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: Bird, Lang, Muratore, Patterson

NOES: Councilmembers: Dobbs, Irizarry, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

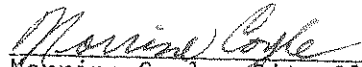
(SEAL)

APPROVED AS TO FORM:

By

  
STAN T. YAMAMOTO, City Attorney

The date shown on the original resolution was incorrect. The actual filing date is the day the map is accepted by the Environmental Assessment Committee. The corrected resolution was held by the Planning Department due to questions by the attorney for Overholtzer.

  
Norrine Coyle, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-482

A RESOLUTION GRANTING THE APPEAL OF PHILLIP D. OVERHOLTZER, INC. TO THE DECISION OF THE PLANNING COMMISSION AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR FLOYD PROFESSIONAL OFFICES. (OVERHOLTZER)

WHEREAS, the vesting tentative map of the Floyd Professional Offices Subdivision was filed in the office of the Secretary of the Planning Commission on December 12, 1989, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, copies of said vesting tentative map have been sent to the 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, a public hearing was held by the Planning Commission on March 5, 1990, 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. 90-26, found and determined that the vesting tentative map of the Floyd Professional Offices Subdivision accepted for filing in the office of the Secretary of the Planning Commission on December 12, 1989, should be denied for the reasons set forth in said Planning Commission resolution, and

WHEREAS, an appeal to the decision of the Planning Commission denying said vesting tentative map for the Floyd Professional Offices Subdivision was filed with the City Clerk by Kimball Hall of Phillip D. Overholtzer, Inc. on behalf of Phillip D. Overholtzer by letter dated

March 19, 1990, and

WHEREAS, said matter was set for a public hearing on April 10, 1990, at 7:30 p.m. in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, for consideration of said appeal, and

WHEREAS, a continuance of the hearing to April 24, 1990, at 7:30 p.m. was requested by Troy Wright of Mid-Valley Engineering on behalf of Phillip D. Overholzer, Inc., by letter dated April 4, 1990, and

WHEREAS, at its meeting of April 24, 1990, at 7:30 p.m., after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Phillip D. Overholzer, Inc. to the decision of the Planning Commission denying approval of the vesting tentative map of the Floyd Professional Offices Subdivision should be granted for the following reason and the decision of the Planning Commission should be overruled:

Approval of the requested vesting tentative subdivision map will allow development of a condominium office complex in accordance with P-D(472) and fill a need for owner-occupant office space.

and

WHEREAS, at said meeting, the Council 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 proposed vesting tentative map,

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

1. Prior to recordation of the subdivision map, 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 as 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 Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated January 31, 1990 should be certified as adopted.

BE IT FURTHER RESOLVED by the Council that the appeal of Phillip D. Overholtzer, Inc. to the decision of the Planning Commission denying approval of the vesting tentative map of the Floyd Professional Offices Subdivision is hereby overruled.

BE IT FURTHER RESOLVED that the vesting tentative map of the Floyd Professional Offices Subdivision which was accepted for filing in the office of the Secretary of the Planning Commission on December 12, 1989, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. That the private driveway easement located along the west line of lot 14, the common area, shall be abandoned in a form approved by the City Attorney.
2. That all 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.
3. That public utility easements as required by the utility companies serving the subdivision shall be dedicated by the final map.
4. That each property must be served by a separate water and sewer service from the main to the property line. No sewer or water service shall be placed in an easement to serve any property.
5. That prior to City Council approval of a final subdivision map the subdivider shall submit for approval by the City Attorney the articles of incorporation and bylaws, as well as all covenants, conditions, and restrictions which are to be recorded to create a Property Owners' Association which shall guarantee continued maintenance of common facilities in the

development. Said documents shall be recorded concurrently with the final subdivision map.

6. That the covenants, conditions and restrictions pertaining to the development shall provide, among other things, that utility service equipment and facilities may be installed on or through building units to serve other building units in the project as required by utility companies serving the project, and that said utility companies shall have a right of access to all lots and buildings where necessary to perform necessary maintenance and repair.
7. That public utility easements, including a blanket easement over the common area, as required by the utility companies serving the project shall be dedicated by the final map.
8. That provisions for water and sanitary sewer services to individual units shall be made in a manner to be approved by the Director of Engineering. Maintenance of all sanitary sewers outside of the street right of way shall be by the Property Owners' Association.
9. 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.
10. That the subdivider shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action, or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City of Modesto or its advisory agency, appeal board, or 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 proceedings and shall cooperate fully in the defense.
11. 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.
12. That each property must be served by a separate water and sewer service from the main to the property line. No sewer or water service shall be placed in an easement to serve any property.
13. That the subdivider shall pay fees for rockwell maintenance as established by the Municipal Code.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Secretary of the Planning Commission is hereby directed to file with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed subdivision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1990, by Councilmember Lang, 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: Bird, Lang, Muratore, Patterson

NOES: Councilmembers: Dobbs, Irizarry, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-482A

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO REZONING OF PROPERTY FROM R-1 to P-D(474) AND RELATING TO THE VESTING TENTATIVE MAP FOR THE FLOYD PROFESSIONAL OFFICES SUBDIVISION.

WHEREAS, on April 24, 1990, the City Council adopted Resolution No. 90-481 giving approval to a project relating to the granting of the appeal filed by Kimball Hall on behalf of Phillip D. Overholtzer, Inc., to the decision of the Planning Commission denying rezoning of property from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(474), property located on the south side of Floyd Avenue west of Coffee Road and overruling the decision of the Planning Commission, and

WHEREAS, on April 24, 1990, the City Council adopted Resolution No. 90-482 giving approval to a project relating to the granting of the appeal filed by Kimball Hall on behalf of Phillip D. Overholtzer, Inc., to the decision of the Planning Commission denying a vesting tentative map for the Floyd Professional Offices Subdivision, and approving said map, 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 projects,

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

projects relating to the granting of the appeal filed by Kimball Hall on behalf of Phillip D. Overholtzer, Inc., to the decision of the Planning Commission denying rezoning of property from R-1 to P-D(474), property located on the south side of Floyd Avenue west of Coffee Road, and overruling the decision of the Planning Commission; and relating to the granting of the appeal filed by Kimball Hall on behalf of Phillip D. Overholtzer, Inc., to the decision of the Planning Commission denying a vesting tentative map for the Floyd Professional Offices Subdivision, and approving said map.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1990, by Councilmember Lang, 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: Bird, Lang, Muratore, Patterson

NOES: Councilmembers: Dobbs, Irizarry, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-483

A RESOLUTION ACCEPTING THE BID OF H.V. CARTER FOR FURNISHING ONE TRIPLEX GREENS MOWER

WHEREAS, Resolution No. 90-353, adopted by the Council of the City of Modesto on March 13, 1990, approved the plans and specifications for the purchase of one diesel triplex greens mower and one diesel 3-gang mower

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one diesel triplex greens mower and one diesel 3-gang mower

were opened at 11:00 a.m. on April 9, 1990, 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 H.V. Carter for one triplex greens mower, in the amount of \$17,425 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of H.V. Carter for one triplex greens mower, in the amount of \$17,425 be accepted and the execution of a contract by the City's designated officials be authorized.

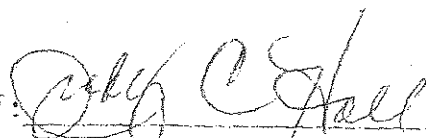
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-484

A RESOLUTION ACCEPTING THE BID OF DUKE EQUIPMENT FOR FURNISHING ONE THREE-GANG MOWER

WHEREAS, Resolution No. 90-353 , adopted by the Council of the City of Modesto on March 13, 1990 , approved the plans and specifications for the purchase of one diesel triplex greens mower and one diesel 3-gang mower

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one diesel triplex greens mower and one diesel 3-gang mower

were opened at 11:00 a.m. on April 9, 1990 , 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 Duke Equipment for furnishing one three-gang mower, in the amount of \$25,684 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Duke Equipment for furnishing one three-gang mower, for \$25,684 be accepted and the execution of a contract by the City's designated officials be authorized.

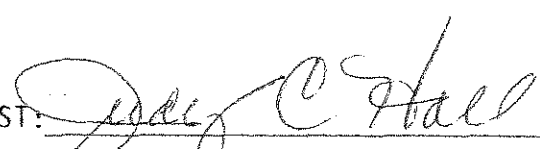
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-485

A RESOLUTION ACCEPTING THE BID OF MODESTO DISPOSAL SERVICE FOR FURNISHING A TRASH COMPACTOR FOR THE CORPORATION YARD

WHEREAS, Resolution No. 90-5 , adopted by the Council of the City of Modesto on January 2, 1990 , approved the plans and specifications for the purchase and installation of a refuse compactor/container for the Corporation Yard

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of a refuse compactor/container for the Corporation Yard were opened at 11:00 a.m. on February 12, 1990 , 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 Modesto Disposal Service in the amount of \$17,063.67 be accepted as the lowest responsible bid.

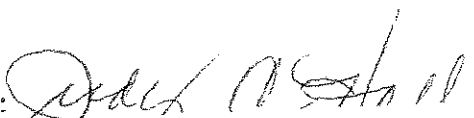
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Modesto Disposal Service in the amount of \$17,063.67 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April , 1990 , by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-486

**A RESOLUTION APPROVING APPROPRIATION TRANSFER** OF \$7,100 FOR THE PURCHASE OF A TRASH COMPACTOR FOR THE CORPORATION YARD

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

FROM:	General Contingency Fund (010 800 8000 8003)	\$7,100.00
TO:	Garbage Compactor (010 310 3112 5745)	\$7,100.00

Funds are needed to help finance a trash compactor for the Corporation Yard.

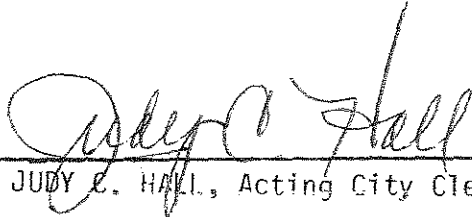
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-487

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING ISSUANCE OF A PURCHASE ORDER TO KIRKES ELECTRICAL FOR INSTALLING AN ELECTRICAL PANEL AT THE CROCKER BUILDING

WHEREAS, the electrical panel located in the basement of the Crocker Building is over 50 years old and needs to be replaced because current power demands exceed its capacity; and

WHEREAS, Kirkes Electrical is being recommended by staff to perform the work because they were the primary electrical contractor during the building renovation and are totally familiar with the building and its electrical system.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid for the installation of an electrical panel at the Crocker Building is hereby waived.

BE IT FURTHER RESOLVED that issuance of a purchase order to Kirkes Electrical for installing an electrical panel at the Crocker Building 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 April, 1990, by Councilmember Lang, 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:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-488

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF  
MODESTO FOR FISCAL YEAR 1989-90 TO PROVIDE FINANCING FOR  
AN ELECTRICAL PANEL IN THE CROCKER BUILDING.

WHEREAS, certain adjustments are required to the Annual Budget of  
the City of Modesto for the Fiscal Year 1989-90 to provide financing for the  
purchase of a new electrical panel in the Crocker Building,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the following adjustments be made to the Annual Budget of the City of  
Modesto for the Fiscal Year 1989-90.

Appropriations:

<u>Fund/Agency/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
010/800/8000/8003	General Fund Contingency Res.	(\$50,000)
010/700/7000/7130	Transfer Out To Fund 130	50,000
130/490/P923/6000	Crocker Bldg Electrical Panel	50,000

Revenue:

<u>Fund/Agency/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
130/700/7000/9010	Transfer In From Fund 010	\$50,000

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 24th day of April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-489

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 assisting the Police Department in protecting the health, safety and welfare of its citizens, and

WHEREAS, there are approximately forty-four (44) 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 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 1989 alone, the Police Reserves served a total of Seventeen Thousand Six Hundred (17,600) 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 be commended for their untiring work in the organization which so greatly contributes to the health, safety and general welfare of our community.

BE IT FURTHER RESOLVED that duly authenticated copies of this resolution be presented to each of those officers who devoted so many of their

personal hours to the Police Reserves during 1989, in recognition of performance of outstanding service to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-490

AN URGENCY RESOLUTION EXTENDING RESOLUTION NO. 90-351  
ENTITLED "MODESTO CITY COUNCIL INTERIM URGENCY RESOLUTION"  
FOR AN ADDITIONAL TWELVE (12) DAY PERIOD.

WHEREAS, on March 13, 1990, the Modesto City Council adopted Resolution No. 90-351 which adopted Stanislaus County's Public Facilities Fees and made them applicable to development projects occurring in the City of Modesto, and

WHEREAS, said resolution is effective only for a period of thirty (30) days, and

WHEREAS, on April 3, 1990, the Modesto City Council extended Resolution No. 90-351, as allowed by State law, for an additional thirty (30) day period, and

WHEREAS, it is appropriate to extend said resolution for an additional twelve (12) day period, through May 12, 1990,

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

1. Pursuant to the authority conferred by Government Code section 65962, Resolution No. 90-351 is hereby extended for an additional twelve (12) day period from and after the effective date of this resolution, through May 12, 1990.
2. The County Public Facilities Fees adopted on an interim urgency basis with the passage of Resolution No. 90-351 need to remain in continuous effect in order to protect the public health, safety, and welfare of citizens throughout the County. It is necessary that the County Public Facilities Fees remain in effect on a continuous basis so that the comprehensive County Public Facilities Fees which have been imposed throughout the County can begin at the

same time and thereafter remain in continuous effect. Failure to extend the interim urgency resolution for an additional twelve (12) day period may create deficiencies that may have an adverse effect on the County's ability to provide necessary public facilities, thereby causing a threat to the public health, safety and welfare; therefore, this resolution is effective immediately after adoption.

3. In addition to any other findings made by this resolution, the City Council further finds that CEQA does not apply to the adoption of this resolution pursuant to the provisions of sections 15061 and 15273 of the State CEQA Guidelines, because:

(a) The fees established by this resolution will be collected, in part, for the purposes of obtaining funds to be used for development projects and improvements which are necessary to maintain the current levels of service within the County.

(b) To a limited extent, the fees established by this resolution will be used to fund some new facilities in new neighborhoods outside existing service areas. However, the addition of public facilities to new neighborhoods will not take place until there has been CEQA review of the development projects which will pay for said public facilities via the public facilities fee mechanism established by the Board of Supervisors Resolution No. 89-1724. The construction of each public facility will be subject to CEQA review. It is, therefore, reasonably certain that this resolution which merely extends Resolution No. 90-351 for an additional twelve (12) day period will not, by itself, have any possibility of causing a significant effect on the environment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-491

A RESOLUTION ESTABLISHING FEES FOR ISSUANCE OF ANNUAL PERMITS FOR OVERSIZED OR OVERLOADED VEHICLES AND FOR ISSUANCE OF ONE TRIP PERMITS FOR OVERSIZED OR OVERLOADED VEHICLES AND RESCINDING RESOLUTION NO. 89-1147.

WHEREAS, the Motor Vehicle Code of the State of California specifies the maximum weight and size of vehicles that may travel on public streets, and

WHEREAS, Section 35780 of said Motor Vehicle Code authorizes local authorities to issue special permits which allow variances from the specified maximum weight and size of vehicles, and

WHEREAS, it is the policy of the Council to grant such variances for the purpose of promoting commerce and industry, and

WHEREAS, Section 7-1.107 of the Modesto Municipal Code specifies that fees shall be approved by the Council from time to time by resolution, and

WHEREAS, said fees also cover terminal access of interstate trucks pursuant to Section 35401.5 (d) of the Motor Vehicle Code, and

WHEREAS, Sections 35781, 35795 and 35782 of said Motor Vehicle Code have been amended by State Assembly Bill 1849 to require a standard application permit form and to limit the fee that the local authority may charge for these permits to an amount which does not exceed a fee schedule developed by the California State Department of Transportation, and

WHEREAS, in accordance with said Assembly Bill 1849 the City proposes a fee of \$70.00 be charged for issuance of annual permits for oversized or overloaded vehicles, which includes a charge for the services of a plan review, and the City proposes a fee of \$15.00 be charged for the issuance of one trip permits for oversized or overloaded vehicles, which includes a charge for the services of a Police Squad Leader.

WHEREAS, the annual permit fee may be prorated downward for the time periods of less than one year, however said prorated fee shall not be less than \$15.00, and

WHEREAS, California Vehicle Code Section 35795 provides that special services necessitated by unusually large or heavy loads requiring engineering investigations, or other services, may be billed separately for each permit, and

WHEREAS, the City Council held a public hearing at its regular meeting on May 1, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, pursuant to Section 35795 of the California Vehicle Code, an Annual Permit Fee of \$70.00 For Oversized Or Overloaded Vehicles shall be charged by the City Engineering Department and a One Trip Permit Fee of \$15.00 For Oversized Or Overloaded Vehicles shall be charged by the City Engineering Department.

BE IT FURTHER RESOLVED that pursuant to Section 35795 of the California Vehicle Code, special services necessitated by unusually large or heavy loads requiring engineering investigations, or other services, may be billed separately for each permit.

BE IT FURTHER RESOLVED that Resolution No. 89-1147 adopted by the Council on November 21, 1989, is hereby rescinded effective June 30, 1990.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on and after July 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-492

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(473). (DENNIS HOBBY)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Dr. Dennis Hobby on October 30, 1989, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a medical/professional office condominium complex, property located on the north side of East Orangeburg Avenue, about 135 feet west of Sunrise Avenue, described as follows:

R-1 to P-D

ALL that certain real property situated in the City of Modesto, County of Stanislaus, State of California, described as follows:

ALL that portion of the Southeast quarter of the Northeast quarter of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

COMMENCING at the Southwest corner of the Southeast quarter of the Northeast quarter of the Northwest quarter of said Section 21, being in the intersection of Melrose Avenue with Orangeburg Avenue; thence East along the South line of the Northeast quarter of the Northwest quarter of said Section 21, being the centerline of Orangeburg Avenue, a distance of 320 feet to the Point of Beginning of this Description; thence North and parallel to the West line of the East half of the Northeast quarter of the Northwest quarter of said Section 21, a distance of 264 feet; thence East and parallel to the aforementioned centerline of Orangeburg Avenue, a distance of 175 feet; thence South and parallel to the aforementioned West line of the East half of the Northeast quarter of the Northwest quarter of said Section 21, a distance of 264 feet; thence West along the aforementioned centerline of Orangeburg Avenue, a distance of 175 feet to the Point of Beginning.

and

WHEREAS, after a public hearing held on January 2, 1990, and continued to March 19, 1990, 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. 90-31, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed medical/professional office condominium complex constitutes good use of the land being located on a four-lane major street which lies between two major hospitals.
2. The proposed medical/professional office condominium complex will be compatible with surrounding existing and potential land uses, particularly since the revised site plans reflect anticipated shared accessways with adjoining properties.
3. The impacts of higher volumes of traffic and turning movements generated by the introduction of this more intensive zoning and land use can be mitigated in part by the pro rata sharing of the costs to provide center left-turn lanes and prohibited curb-side parking in that stretch of East Orangeburg Avenue between McHenry Avenue and Coffee Road, as reflected in the conditions of approval following.

and

WHEREAS, after a public hearing held on May 1, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Dr. Dennis Hobby 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. 90-31 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2714 -C.S. on the 1st day of May, 1990, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(473).

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(473), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Pacific Professional Park Site Plan" as amended in red, stamped approved by the Planning Commission on March 19, 1990.
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 north and west 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. Six-foot board fence with decorative masonry pilasters on the north, west, and portion of the east property lines. Solid double alternating board construction shall be employed on the north portion adjoining the parking lot. Standard board construction shall be allowed adjacent to the temporary planter on the south portion of the east property line, which shall be removed at applicant's expense along with the planter at such time as adjoining reciprocal access is proposed.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. The Orangeburg Avenue frontage shall be improved to major street standards 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, the developer shall pay the City of Modesto the cost of planting street trees along the Orangeburg Avenue frontage. The number shall be as determined by the Public Works and Transportation Director.
7. All curbcuts serving two-way driveways shall be a minimum of 41 feet in width.
8. 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.

9. Prior to issuance of a building permit, the developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the east, substantially as shown in red on the plan. The applicant shall, upon demand by the City, remove the temporary landscaping and adjacent fencing and pave to facilitate a reciprocal driveway with adjoining lands to the east.
10. Drainage shall be provided as required by the Public Works and Transportation Director.
11. That provisions for water and sanitary sewer service to individual units shall be made in a manner to be approved by the Director of Public Works and Transportation. Maintenance of all sanitary sewers outside of the street right-of-way shall be by the Property Owners' Association.
12. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
13. 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.
14. 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.
15. All signs shall comply with the sign requirements of the P-0 zone.
16. Prior to the <sup>occupancy of any</sup> ~~issuance of a building permit for any~~ structure, a final subdivision map shall be recorded.
17. 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 Property Owner's Association to guarantee common facility and private property maintenance in accordance with the approved plans.
18. That the developer shall defend, indemnify, and hold harmless the City of Modesto and its agents, officers, and employees from any claim, action, and proceeding against the City of Modesto and its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City of Modesto and

its advisory agency, appeal board, or legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code 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.

19. Prior to issuance of a building permit, as a traffic and turning movement impact mitigation measure, the applicant shall pay to the City of Modesto a pro rata share of the costs to provide for center-turn lanes and for prohibition of on-street, curb-side parking along East Orangeburg Avenue, between McHenry Avenue and Coffee Road, as determined by the Public Works and Transportation Director. The pro rata costs shall be shared with an additional approximately 10.6 acres of land along this portion of East Orangeburg Avenue for which office zoning and development is anticipated and indicated in the "Amendments to Portions of East McHenry Neighborhood Zoning and Development Policy" recommended by the Planning Commission on March 5, 1990.

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 established:

- a. That rezoning and development of the property designated from low-density residential zone uses to office zoning/development will, as demonstrated in a report dated February 16, 1990, from the Public Works and Transportation Department generate a significant increase in traffic and turning movements along a one-mile stretch of East Orangeburg Avenue, a substandard major street.
- b. That the establishment of left-turn lanes and the prohibition of on-street parking is necessary to and will partially mitigate some of the adverse impacts of the increased traffic and turning movements as demonstrated in the report from the Public Works and Transportation Department dated February 16, 1990.
- c. That the funds collected for the sharing of costs for partial traffic flow impact mitigation will be used by the City for establishing left-turn lanes and prohibition of on-street parking along East Orangeburg Avenue between McHenry Avenue and Coffee Road which will partially accomplish this mitigation.
- d. There is therefore a direct and reasonable relationship between the rezoning of property from R-1 to P-D(473) for

a medical office condominium and the need to impose as a condition of this development, a pro rata sharing in the costs of providing left-turn lanes and prohibition of curbside, on-street parking along East Orangeburg Avenue between McHenry Avenue and Coffee Road.

- e. The proposed rezoning of the 0.9 acres from R-1 to P-D(473) has given rise to an additional 10.6 acres of land along this portion of East Orangeburg Avenue between McHenry Avenue and Coffee Road for which office zoning and development is anticipated and so indicated on the "Amendments to Portions of East McHenry Neighborhood Zoning and Development Policy" recommended by the Planning Commission on March 5, 1990. The improvements to facilitate traffic flow and turning movements are thus made necessary by first the rezoning of the subject property, and consequently the remaining 10.6 acres upon which will be based the pro rata sharing of the costs for these improvements.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(473):

The entire construction program be accomplished in one phase, construction to begin on or before March 19, 1992, and completion to be not later than March 19, 1993.

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(473), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90- 493

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 MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(473). (DENNIS HOBBY)

WHEREAS, on May 1, 1990, the City Council introduced Ordinance No. 2714 -C.S. giving approval to a project relating to an amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(473), property located on the north side of East Orangeburg Avenue, about 135 feet west of Sunrise 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 mitigated 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 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 Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(473), property located on the north side of East Orangeburg Avenue, about 135 feet west of Sunrise Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-494

A RESOLUTION REJECTING BIDS FOR MCHENRY MANSION RESTORATION PHASE III - INSTALLATION OF ELECTRICAL AND HVAC SYSTEMS, AND OPENED IN THE OFFICE OF THE CITY CLERK ON APRIL 5, 1990

WHEREAS, Resolution No. 90-382, adopted by the Council of the City of Modesto on March 20, 1990, approved the plans and specifications for the McHenry Mansion restoration phase III - electrical and HVAC systems, and authorized the call for bids; and

WHEREAS, the bids received for the McHenry Mansion restoration phase III - installation of electrical and HVAC systems were opened at 11:00 a.m. on April 5, 1990; and

WHEREAS, the only bid received was determined to be too high on a portion of the project and staff recommends the bid be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the McHenry Mansion restoration phase III - installation of electrical and HVAC systems, and opened in the office of the City Clerk on April 5, 1990, are hereby rejected.

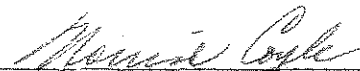
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1990, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Lang , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING ISSUANCE OF A CONTRACT TO BOWDEN ELECTRIC, INC. FOR ELECTRICAL WORK ON THE MCHENRY MANSION RESTORATION - ELECTRICAL WORK

WHEREAS, the City has called for bids twice for the next stage of mechanical and electrical work for the McHenry Mansion restoration, with no bids being received the first time, and only one bid received the second time, from Bowden Electrical, Inc.; and

WHEREAS, although Bowden Electrical Inc.'s mechanical portion of the bid was considered to be too high, their electrical portion of the bid was determined to be acceptable; and

WHEREAS, because issuing another call for bids would delay this project to a point where completion could not be accomplished prior to the planned opening in September, staff recommends waiving the bid process and issuing a contract to Bowden Electrical Inc. for the electrical portion of the project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid for the McHenry Mansion restoration - electrical work is hereby waived.

BE IT FURTHER RESOLVED that issuance of a contract to Bowden Electrical, Inc. for installation of the electrical work at the McHenry Mansion is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1990, 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:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-496

A RESOLUTION ESTABLISHING RATES AND CONDITIONS FOR PLAY ON THE MODESTO NINE-HOLE MUNICIPAL GOLF COURSE AND THE DRYDEN PARK MUNICIPAL GOLF COURSE AND RESCINDING RESOLUTION NO. 90-141.

WHEREAS, the Council of the City of Modesto finds that golf rates for golfers at its Modesto Nine-Hole Municipal Golf Course and Dryden Park 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 and the Dryden Park Municipal Golf Course are hereby established as follows:

<u>Monthly Tickets (Muni/Dryden):</u>	<u>Rates</u>
Monthly Unlimited Husband and Wife Ticket	\$96.00
Monthly Unlimited Individual Ticket	\$61.00
Monthly Junior Ticket	\$41.00
Monthly Retired Disabled Ticket	\$41.00
Monthly Senior Citizen Ticket	\$41.00
Monthly Senior Citizen 70/Older Ticket	\$23.50
School Golf Team Monthly Ticket	\$41.00
<u>Regular Tickets (Muni):</u>	
Weekdays - 9 Holes	\$ 8.00
Weekdays - 18 Holes	\$12.00
Weekends and Holidays/9 Holes	\$10.00
Weekends and Holidays/18 Holes	\$14.00

Regular Tickets (Muni) continued:

	<u>Rates</u>
Weekdays - Late Afternoon Play	\$ 6.00
Weekends - Late Afternoon Play	\$ 8.00
Wednesdays, 65/Older	\$ 4.00

Regular Tickets (Dryden/Dry Creek):

Weekdays - 18 Holes	\$12.00
Weekends and Holidays/18 Holes	\$14.00
Weekdays - Late Afternoon Play	\$10.00
Weekends - Late Afternoon Play	\$10.00

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 be limited to residents of the County of Stanislaus.

(b) 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.

(c) School Golf Team Tickets. Student tickets are to be issued only upon presentation by holder of a current high school or college student body card, said high school or college being located within the City of Modesto, 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. School team golf tickets will not be valid on

Saturdays, Sundays, or holidays. Team members wishing to play during these periods shall be subject to the regular green fees. Team members with team member tickets 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.

(d) Senior Citizen Tickets. Senior Citizen tickets are to be issued only to persons sixty-five (65) years of age or older. A Medicare card or other proof of age and proof of residency must be displayed to obtain a Senior Citizen ticket. Senior Citizen's tickets will not be valid on Saturdays, Sundays, or holidays. Senior Citizens wishing to play on those days shall be subject to the regular green fees.

(e) Senior Citizen - 65 or Older (Wednesdays). Residents of the County of Stanislaus, sixty-five (65) years of age or older, may play golf at the Nine-Hole Municipal Golf Course for a fee of Four and 00/100ths (\$4.00) Dollars if they display their Medicare card or other proof of age and residency to the starters at the Nine-Hole Municipal Golf Course on Wednesdays, between the hours of 9:00 a.m. and 3:00 p.m., except on holidays.

(f) Senior Citizen - 70 or Older. Residents of the County of Stanislaus, seventy (70) years of age or older, may play golf at the Nine-Hole Municipal Golf Course with a special monthly ticket at a fee of Twenty-three and 50/100ths (\$23.50) Dollars if they display their Medicare card or other proof of age and residency to the starters at the Nine-Hole Municipal Golf course on Mondays through Thursdays before the hour of 2:00 p.m., except on holidays.

(g) Retired/Disabled Ticket. Retired/Disabled tickets are to be issued only to those who are on disability retirement and who display proof of such disability retirement and proof of residency. These tickets will not be valid on Saturdays, Sundays or holidays. Those on disability retirement wishing to play on weekends and holidays shall be subject to the regular green fees.

(h) Junior Tickets. Junior tickets are to be issued only to persons who are under 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. These tickets will not be valid on Saturdays, Sundays, holidays or during school hours. Juniors wishing to play on weekends and holidays shall be subject to the regular green fees.

SECTION 3. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 4. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day, Martin Luther King's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Admissions Day, Veterans Day, Thanksgiving Day, Day After Thanksgiving, and Christmas Day.

SECTION 5. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established green fees.

SECTION 6. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after May 2, 1990.

SECTION 7. REPEALS. Resolution No. 90-141 adopted on February 27, 1990 is hereby rescinded May 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-497

A RESOLUTION APPROVING AMENDMENTS TO THE SERVICE AGREEMENT FOR THE WASTE-TO-ENERGY PROJECT AND ASSIGNMENT OF CERTAIN RIGHTS THEREUNDER IN ORDER TO IMPLEMENT THE REFINANCING OF THE WASTE-TO-ENERGY PROJECT, AND AUTHORIZING EXECUTION OF ALL OTHER DOCUMENTS RELATING THERETO.

WHEREAS, the City of Modesto (the "City") is a charter city and a municipal corporation duly organized and existing under the Constitution and laws of the State of California, and

WHEREAS, the County of Stanislaus, California (the "County") is a political subdivision duly organized and existing under the Constitution and laws of the State of California, and

WHEREAS, the Solid Waste-to-Energy Committee of the City of Modesto has forwarded a proposed Amendment No. 2 to the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste dated as of June 1, 1986, as amended on September 27, 1988 by Amendment No. 1 thereto, (the "Service Agreement") by and among Ogden Martin Systems of Stanislaus, Inc. (formerly known as Stanislaus Waste Energy Company) (the "Company"), a California corporation, the City, and the County, and

WHEREAS, the City and County, together with the Company, desire to make certain changes in the Service Agreement, with which the City Council is familiar, relating to rights, obligations and responsibilities of the parties with respect to the operation of the facility and the refinancing thereof, including among other things, without limitation:

1. The execution and delivery of the Stanislaus Waste-to-Energy Financing Agency ("Agency") Solid Waste Facility Refunding Revenue Certificates (Ogden Martin Systems of Stanislaus, Inc. Project), Series 1990 (the "Certificates"), which Certificates are being issued to refund the California Pollution Control

Financing Authority Solid Waste Facility Adjustable Rate Revenue Bonds (Stanislaus Waste Energy Company Project), Series 1985 (the "Bonds").

2. Off-site drainage costs and the reimbursement of certain expenses incurred by the County and the City.
3. Fees for disposal of process residue and process rejects during interim operations.
4. Extending the term until January 1, 2010, the final maturity date of the Certificates, with an option for extending the term until July 1, 2016.
5. Reimbursement of certain costs of the Company with respect to the execution and delivery of the Certificates.
6. Processing of additional acceptable waste.
7. A study of programs to remove consumer-type dry cell batteries.
8. Costs of testing ash residue.
9. Costs of transport and disposal of process residue.
10. Miscellaneous provisions relating to the operation of the facility.

and

WHEREAS, the City, together with the County, desires to execute a Communities Assignment Agreement (the "Assignment Agreement") from the County and City to The Bank of New York as trustee (the "Trustee") under the Trust Agreement dated as of May 1, 1990 among the City, County, and Trustee providing for the execution and delivery of the Certificates (the "Trust Agreement"), including the County and City assignment of certain of their rights under the Service Agreement to the Trustee in the event of default thereunder, and agreement to pay the Service Fee under the Service Agreement directly to the Trustee for deposit in the Revenue Fund under the Trust Agreement, and

WHEREAS, the Certificates represent undivided and proportionate interests in lease payments made by the Agency pursuant to a Lease Agreement dated as of May 1, 1990 with the Company (the "Lease"), which lease payments are payable by the Agency from sublease payments received from the Company pursuant to a Sublease Agreement dated May 1, 1990 with the Agency (the "Sublease"), and

WHEREAS, the City desires to consent to such Lease and Sublease by the Company and the execution by the Company of the Company Security Agreement dated as of May 1, 1990 to the Trustee (the "Security Agreement"), the Leasehold Deed of Trust dated as of May 1, 1990 from the Company to First American Title Company for the benefit of the Trustee (the "Leasehold Deed of Trust") and the Trust Agreement in order to secure payment of the Certificates, and

WHEREAS, in connection with the execution and delivery of the Certificates, the City, together with the County, wishes to acknowledge and confirm certain warranties, representations and covenants contained in the Purchase Agreement relating to the Certificates between Prudential-Bache Securities, Inc. dba Prudential-Bache Capital Funding, as representative of certain underwriters, and the Company and the Agency (the "Purchase Contract"), and

WHEREAS, the City, together with the County, wishes to acknowledge and accept a Letter of Instructions for Compliance with Section 148(f) of the Internal Revenue Code of 1986, from the Agency, (the "Rebate Instructions") regarding the investment of monies held under the Trust Agreement and the rebate of certain investment earnings thereon to the U. S. Treasury, and

WHEREAS, all acts, conditions and things required by the Constitution and laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the County is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided,

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

SECTION 1. Declaration of Council. The Council of the City of Modesto hereby specifically finds and declares that the actions authorized hereby constitute and are public affairs of the City, and that the statements, findings and determinations of the City set forth in the preambles above and of the documents approved herein are true and correct.

SECTION 2. Amendment No. 2 to Service Agreement. The form of Amendment No. 2 to Service Agreement, dated as of May 1, 1990, presented to this meeting on file with the City Clerk of the City of Modesto is hereby approved. The City Manager of the City of Modesto or his designated representatives, are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver said Amendment No. 2 to Service Agreement in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; provided, however, that the execution of Amendment No. 2 shall take place concurrently

with the issuance of the Certificates, and if the Certificates are not issued on or before June 2, 1990, this authorization shall expire and shall be of no further force and effect.

SECTION 3. Assignment Agreement. The form of Assignment Agreement, dated as of May 1, 1990, presented to this meeting and on file with the City Clerk of the City of Modesto is hereby approved. The City Manager of the City of Modesto or his designated representative, are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver said Assignment Agreement in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 4. Acknowledge and Confirm Purchase Contract. The form of Purchase Contract presented to this meeting and on file with the City Clerk of the City of Modesto is hereby approved. The City Manager or his designated representatives, are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver the acknowledgment and confirmation of said Purchase Contract in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and deliver thereof. Provided that the principal sum of the Contract shall not exceed \$95 million, the Certificates shall mature no later than 21 years from their dated date, shall bear interest at a rate not to exceed 8% per annum and the underwriters' discount (separate and apart from any original issue discount) shall not exceed 1.6% of the principal amount of the Certificates.

SECTION 5. Acknowledge and Accept Rebate Instructions. The form of Rebate Instructions attached to the Trust Agreement, dated as of May 1, 1990, presented to this meeting and on file with the City Clerk of the City of Modesto is hereby approved. The City Manager or his designated representatives, are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver the acknowledgment and acceptance of such Rebate Instructions in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 6. Approval of Form of Documents and Certain Consents. The City Council hereby consents to the execution and delivery by the Company of the Trust Agreement, Lease, Sublease, Security Agreement and Leasehold Deed of Trust in the form presented to this meeting and on file with the City Clerk of the City of Modesto, and approves such form of documents. The City Manager or his designated representatives, are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and delivery further written evidence of such consents in the form as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 7. Attestation and Seal. The City Clerk of the City of Modesto is hereby authorized and directed to attest the signature of the authorized signatory, and to affix and attest the seal of the City, as may be required or appropriate in connection with the execution and delivery of Amendment no. 2 to Service Agreement, the Assignment Agreement, the Rebate Instructions or other related certificates, as necessary.

SECTION 8. Further Actions. The City Manager, Finance Director, the City Clerk and all other officers of the City are each authorized and directed in the name and on behalf of the City to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate, carry out, give effect to and comply with the terms and intent of this resolution and the execution and delivery of Certificates. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

SECTION 9. Effective Date. 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 1st day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, hereby certify as follows:

The following is a full, true and correct copy of a resolution duly adopted at a meeting of the Council of the City of Modesto duly and regularly and legally held at the regular meeting place thereof on May 1, 1990, of which meeting all of the members of the Council of the City of Modesto had due notice and at which a quorum was present.

I have carefully compared the same with the original minutes of said meeting on file and of record in the City Clerk's office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: \_\_\_\_\_

\_\_\_\_\_  
NORRINE COYLE, City Clerk

(Seal)

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-498

A RESOLUTION GRANTING A VARIANCE TO THE STANDARD SPECIFICATIONS OF THE CITY OF MODESTO RELATING TO EXPOSED AGGREGATE SIDEWALK STANDARD AT 1300 "K" STREET AND 13TH STREET. (TOMAR ENTERPRIZES)

WHEREAS, Section 7-1.301 of the Modesto Municipal Code provides that the Council shall approve standard drawings and specifications for sidewalks in the City of Modesto, and

WHEREAS, the Council has adopted Standard Specifications of the City of Modesto which include standard drawings and specifications for sidewalks, and

WHEREAS, Martin J. Ruddy and Tom Sutter of Tomar Enterprizes have requested a variance from said Standard Specifications to deviate from the sidewalk requirement in the downtown area to permit placement of exposed aggregate sidewalk without the decorative trimming strips of standard concrete finish to the property at 1300 "K" Street and 13th Street, and

WHEREAS, City staff has considered said request and recommends that said request for variance to provide for placement of exposed aggregate sidewalk without the decorative trimming strips of standard concrete finish to the property at 1300 "K" Street and 13th Street, should be approved, and

WHEREAS, at its meeting of May 1, 1990, the Council considered said request and staff recommendation and determined that the requested exception should be granted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an exception is hereby granted to the Standard Specifications of the City of Modesto, in accordance with the provisions of Section 3.27, Exposed Aggregate Sidewalk, thereof, to allow placement of exposed aggregate sidewalk without the decorative trimming strips of standard concrete finish to the property at 1300 "K" Street and 13th Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-499

A RESOLUTION APPROVING THE FINAL MAP OF THE ENGLISH MEADOWS SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Bryan Grimes and Rita M. Grimes, husband and wife is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 2.42 acres, known as the English Meadows Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 21st day of February, 1989, 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 English Meadows 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  1st  day of  May , 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  *Norrine Coyle*   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-500

A RESOLUTION APPROVING THE FINAL MAP OF THE FAIRMONT COURT  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Gary D. Fant is possessed of a tract of land situate in the  
City of Modesto, County of Stanislaus, consisting of 1.47 acres, known as the  
Fairmont Court Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning  
Commission of the City of Modesto on the 14th day of August, 1989, 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 Fairmont Court 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 1st day of May, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-501

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD L. MARKS  
FOR CONTRACT SUBDIVISION INSPECTION SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the  
agreement between the City of Modesto and Richard L. Marks for contract  
subdivision inspection 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 1st day of May , 19 90 , 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrieh Coyle*  
NORRIEH COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-502

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD R. GONSALVES AND GENEVIEVE AHLES, TRUSTEE, FOR THE ACQUISITION OF 0.137+ ACRES OF RIGHT OF WAY FROM THEIR PROPERTY FOR PUBLIC FACILITIES DISTRICT NO. 6, AND RESCINDING RESOLUTION OF NECESSITY NO. 90-183

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Donald R. Gonsalves and Genevieve Ahles, Trustee, for the acquisition of 0.137+ acres of right of way from their property for Public Facilities District No. 6 be, and it is hereby approved.

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

BE IT FURTHER RESOLVED that Resolution No. 90-183, entitled "Resolution of Necessity to Acquire Certain Real Property by Eminent Domain for Municipal purposes for Public Facilities District No. 6" 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 May, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-503

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PAULINE, LOUIS AND JUDY ISRAELS, AND LOUIS ISRAELS, TRUSTEE, FOR THE ACQUISITION OF 3260+ SQUARE FEET OF RIGHT OF WAY FROM THEIR PROPERTY FOR PUBLIC FACILITIES DISTRICT NO. 6, AND RESCINDING RESOLUTION OF NECESSITY NO. 90-180

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pauline, Louis and Judy Israels and Louis Israels, Trustee, for the acquisition of 3260+ square feet of right of way from their property for Public Facilities District No. 6 be, and it is hereby approved.

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

BE IT FURTHER RESOLVED that Resolution No. 90-180, entitled "Resolution of Necessity to Acquire Certain Real Property by Eminent Domain for Municipal purposes for Public Facilities District No. 6" 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 May, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-504

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 LEASE OF A PORTION OF HANGAR NO. 1 AND FOUR TIE-DOWNS AT THE 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 lease of a portion of Hangar No. 1 and four tie-downs 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 1st day of May, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-505

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 LEASE OF OFFICE BUILDING NO. 1, HANGAR NO. 5, AND TIE-DOWNS AT THE 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 lease of Office Building No. 1, Hangar No. 5, and tie-downs 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 1st day of May, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-506

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GUS J. PAPTONE FOR THE LEASE OF ROSELLE NEIGHBORHOOD PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gus J. Papatone for lease of Roselle 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 1st day of May, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-507

A RESOLUTION APPROVING AN AMENDMENT TO THE 1988-1991  
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO  
AND THE MODESTO CITY EMPLOYEES ASSOCIATION TO ADD A  
UNIFORM ALLOWANCE IN THE FIRE PREVENTION BUREAU.

WHEREAS, effective the first of this year the Fire Department began requiring certain classes in the Fire Prevention Bureau to wear uniforms, therefore, it is necessary to amend the 1988-91 Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association to provide for a uniform allowance in the Fire Prevention Bureau, effective the first pay period of 1990,

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

AMENDMENT. That subsection C. is hereby added to Section IV. entitled "Uniform Allowances" in the 1988-1991 Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association to read as follows:

IV.

UNIFORM ALLOWANCES

- A. Community Service Officers shall receive a uniform allowance of forty dollars (\$40.00) per month. Effective July 1, 1989, or the pay period closest thereto, the allowance shall be increased to forty-seven dollars and fifty cents (\$47.50).
- B. Police Clerks, Senior Police Clerks and Administrative Clerks in the Police Department shall receive a one-time payment of sixty dollars (\$60.00) for uniforms on or about thirty (30) days after hiring and commencing with their eighth month of employment shall receive a uniform allowance of fifteen dollars (\$15.00) per month.

C. Fire Plans Checkers, Fire Prevention Technicians I and II, Administrative Clerks and Hazardous Materials Inspectors in the Fire Prevention Bureau shall receive a uniform allowance of forty-one dollars (\$41.00) per month. Effective July 1, 1990, or the pay period closest thereto, the allowance shall be increased to forty-six dollars (46.00) per month.

BE IT FURTHER RESOLVED that the implementation of said amendment to the Memorandum of Understanding by the designated City officials be authorized.

BE IT FURTHER RESOLVED that this amendment is effective retroactive to the first pay period of the year 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

RESOLUTION NO. 90-508

RESOLUTION ORDERING SALE OF BONDS

PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

The City Council accepts the offer of Merrill Lynch Capital Markets (attached to this resolution and by reference incorporated in it) to purchase all of the limited obligation improvement bonds to be issued in Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California.

The City Council directs the sale and delivery of the bonds to the offeror in accordance with the terms and conditions stated in the offer.

\* \* \*

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: *Marianne Coyle*  
City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Alan J. [Signature]*  
City Attorney

ORIGINAL

City Council  
 City of Modesto  
 c/o Seidler-Fitzgerald Public Finance  
 515 South Figueroa Street, Suite 600  
 Los Angeles, CA 90071-3396

FOR: Proposal for Limited Obligation Improvement Bonds  
 City of Modesto, Public Facilities District No. 6

\$281,091.72

In accordance with all terms and conditions of your Notice of Sale of Limited Obligation Improvements Bonds, Improvement Bond Act of 1915, Public Facilities District No. 6, dated April 17, 1990, we submit the following bid for Limited Obligation Improvement Bonds (Improvement Bond Act of 1915) to be dated June 1, 1990, with interest payable March 2, 1991 and thereafter semiannually on September 2 and March 2:

<u>BONDS</u> <u>MATURING</u>	<u>INTEREST</u> <u>RATE</u>	<u>BONDS</u> <u>MATURING</u>	<u>INTEREST</u> <u>RATE</u>
1991	6.40 %	1999	7.00 %
1992	6.40 %	2000	7.00 %
1993	6.50 %	2001	7.00 %
1994	6.60 %	2002	7.10 %
1995	6.75 %	2003	7.10 %
1996	6.90 %	2004	7.10 %
1997	7.00 %	2005	7.10 %
1998	7.00 %		

We will pay 92.0311 % for a total of \$ 272,749.20 which is a discount/(premium) of \$ 8,342.50 from the \$281,091.72 par value, plus accrued interest to date of delivery. As a matter of information, the interest cost, in accordance with the above bid, is:

Gross Interest Cost	\$ <u>194,332.45</u>
Discount/(Premium)	\$ <u>8,342.50</u>
<b>TOTAL NET INTEREST COST</b>	\$ <u>202,675.95</u>
Effective Net Interest Rate	<u>7.32435 %</u>

This offer is subject to a satisfactory legal opinion by Sturps, Ness, Brunzell & Sperry, Emeryville, California, approving the validity of the Bonds, at your expense.

Enclosed herein is a Cashier's or Certified check in the amount of \$10,000 payable to the order of the City of Modesto which funds we request be returned promptly in the event we are not the successful bidder, otherwise to be retained and applied against the purchase price of the Bonds.

Submitted By: John A. Tresch, V.P. & Rgl Manager  
 (Representative's Printed Name)

[Signature]  
 (Representative's Signature)

Other Members of the  
 Syndicate are:

MERRILL LYNCH CAPITAL  
MARKETS and Associates

No members

Check Number: \_\_\_\_\_

Firm: MERRILL LYNCH CAPITAL MARKETS

Date: May 8, 1990

RESOLUTION NO. 90-509

RESOLUTION AWARDING CONSTRUCTION CONTRACT

PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

The City of Modesto has received public bids for the construction of improvements in Public Facilities District No. 6, City of Modesto, County of Stanislaus, State of California.

The Engineer of Work has reviewed the bids and now recommends award of the construction contract to the lowest responsible bidder, Ms. Machines Construction, Inc., whose bid price is \$875,323.25.

The City Council therefore awards the contract to that bidder. All other bids are rejected.

The City Council directs the City Clerk to publish a notice of award of contract.

The City Council authorizes and directs the City Manager and the City Clerk to sign the written contract for this construction when it is presented to them for signature, along with the surety bonds and insurance certificates required by the construction specifications.

Said written contract will provide that the contractor agrees to comply with the provisions of Section 1770 of the Labor Code of the State of California, and particularly with Sections 1776 and 1777.5 thereof.

\*

\*

\*

ORIGINAL

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: *Maria Copel*  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY *David G. Smith*  
City Attorney

RESOLUTION AUTHORIZING CHANGE ORDERS

PUBLIC FACILITIES DISTRICT NO. 6

The City Council of the City of Modesto resolves:

The City Council hereby authorizes the Director of Public Works and Transportation to issue change orders for the work in Public Facilities District No. 6, under the following conditions:

- 1. To correct clerical and technical errors in the plans and specifications.
- 2. To modify the design of the improvement to accord with better engineering practice or to achieve economy of construction.
- 3. To adjust the design of the improvement to utility locations, soil conditions, or other conditions unknown or uncertain when plans were drawn.

Cost increases in change orders issued under this authority shall not aggregate more than the amount set aside for construction contingencies in the cost estimate approved by the City Council.

\* \* \*

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Moraine Cople  
City Clerk

(SEAL)

APPROVED AS TO FORM:

By Alan J. Frank  
City Attorney

ORIGINAL

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-511

A RESOLUTION AMENDING THE FISCAL YEAR 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE REVENUES AND APPROPRIATE FUNDS FOR PUBLIC FACILITIES DISTRICT NO. 6.

WHEREAS, a capital improvement project (070-430-P156-6000) in the amount of \$290,000 was established in Fiscal Year 1988-89 for an assessment district to widen major streets, and

WHEREAS, an assessment has been levied for the widening of sections of Coffee, Oakdale, and Prescott Roads as prescribed in the Official Statement of the Limited Obligation Improvement Bonds issued for Public Facilities District No. 6, and

WHEREAS, it is necessary to estimate revenue for the bond proceeds and to appropriate said revenue for construction, debt service reserve, bond discount and costs of issuance, and

WHEREAS, the additional City portion will be provided by two sources, savings in Local Transportation Fund projects and Local Transportation fund reserves, and

WHEREAS, the Local Transportation Fund will be receiving \$450,000 more than was budgeted, it was anticipated this revenue would be used as the City match when the assessment district was established, and it is now necessary to estimate and appropriate said revenue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Fiscal Year 1989-90 Annual Budget of the City of Modesto:

PROPERTY OWNER'S SHARE

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
Revenue		
070-510-9510-8301	Other Financing Sources	\$281,092
070-510-9510-5101	Special Assessments	60,811
Expenditures		
070-430-P157-6000	PFD #6-Property Owner's share	248,763
070-120-bInd-0454	Costs of Issuance	65,120
070-120-bInk-0455	Bond Discount	8,343
070-700-7000-7580	T/O to Fd 580 (Debt Service Reserve)	19,677

CITY/COUNTY SHARE

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
Revenue		
070-510-9510-3310	County Share of Project	\$ 16,686
070-700-7000-9051	T/I from Fd 051 (Local Trans Fund)	554,485
051-510-9510-1213	Local Transportation Fund	450,000
Expenditures		
070-430-P156-6000	Widen Major Streets-PFD #6	571,171
051-430-P062-6000	Rep High Volt Circ-10th St	(30,011)
051-430-P287-6000	Park Streets-Orchard Ngbh	(3,648)
051-430-P289-6000	Briggsmore/Sisk/Orangeburg SWLTL	(1,797)
051-430-P294-6000	Kearney/Coldwell-Glenwood, Recon	(35,155)
051-430-P384-6000	Whitmore/TSRR to CVC Property Line	(58,595)
051-430-P630-6000	Poust/Bluegum to MID #3, Recon	(28,128)
051-700-7000-7070	T/O to Fd 070 (Gas Tax Fund)	554,485
051-800-8000-8003	Contingency Reserve	52,849

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 8th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-512

A RESOLUTION DENYING THE APPEAL FILED BY MID-VALLEY ENGINEERING, INC., ON BEHALF OF JOYCE STARK, TO A PLANNING COMMISSION DECISION DENYING A REZONING FROM LOW-DENSITY RESIDENTIAL ZONE, R-1, AND GENERAL COMMERCIAL ZONE, C-2, TO PLANNED DEVELOPMENT ZONE, P-D, PROPERTY LOCATED AT 1911 YOSEMITE BOULEVARD, ON THE NORTH SIDE OF YOSEMITE BOULEVARD WEST OF SAN JUAN DRIVE, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Mid-Valley Engineering, Inc., on behalf of Joyce Stark, on November 14, 1989, to reclassify from Low-Density Residential Zone, R-1, and General Commercial Zone, C-2, to Planned Development Zone, P-D, property located at 1911 Yosemite Boulevard, on the north side of Yosemite Boulevard west of San Juan Drive, and

WHEREAS, a public hearing was held by the Planning Commission on March 19, 1990, in the City Council Chambers, 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 of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 90-33, and denied the application of Joyce Stark to amend Section 27-3-9 of the Zoning Map to reclassify from Low-Density Residential Zone, R-1, and General Commercial Zone, C-2, to Planned Development Zone, P-D, property located at 1911 Yosemite Boulevard, on the north side of Yosemite Boulevard west of San Juan Drive, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to rezone from Low-Density Residential Zone, R-1, and

General Commercial Zone, C-2, to Planned Development Zone, P-D, property located at 1911 Yosemite Boulevard, on the north side of Yosemite Boulevard west of San Juan Drive, was filed with the Office of the City Clerk by Mid-Valley Engineering, Inc., on behalf of Joyce Stark, by letter dated March 27, 1990, 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 April 17, 1990, at 4:00 p.m., and

WHEREAS, a continuance of the April 17, 1990, hearing date to May 8, 1990, was requested by Mid-Valley Engineering, Inc., on behalf of Joyce Stark, by letter dated April 9, 1990, and said continuance was granted and said appeal hearing was continued to May 8, 1990, at 7:30 p.m., 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, 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, and General Commercial Zone, C-2, to Planned Development Zone, P-D, property located 1911 Yosemite Boulevard, on the north side of Yosemite Boulevard west of San Juan Drive, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution No. 90-33 and quoted below:

1. The proposed equipment rental business is too noisy and intensive to operate compatibly with residential properties in the close physical relationship which is proposed.

2. The proposed equipment rental business involves testing loud equipment outdoors at early hours, and the resulting noise would place a major burden on the neighborhood and create an untenable enforcement situation.
3. Despite the attempts to insure against noise nuisance to adjoining residents via a special noise study, the proposed noise mitigation measures are not adequate to make the proposed intrusive use compatible with the neighborhood.

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 zoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Mid-Valley Engineering, Inc., on behalf of Joyce Stark, to the decision of the Planning Commission denying the request to rezone from Low-Density Residential Zone, R-1, and General Commercial Zone, C-2, to Planned Development Zone, P-D, property located at 1911 Yosemite Boulevard, on the north side of Yosemite Boulevard west of San Juan Drive, is denied for the reasons set forth in Planning Commission Resolution No. 90-33 and quoted above, and the decision of the Planning Commission is hereby affirmed.

BE IT FURTHER RESOLVED by the Council 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 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 May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-513

A RESOLUTION ACCEPTING THE BID OF TRAFFIC CONTROL TECHNOLOGIES FOR FURNISHING THREE TRAFFIC SIGNAL CONTROLLERS

WHEREAS, Resolution No. 90-402, adopted by the Council of the City of Modesto on April 3, 1990, approved the plans and specifications for the purchase of three traffic signal controllers and authorized the calling for bids; and

WHEREAS, the bids received for furnishing three traffic signal controllers were opened at 11:00 a.m. on April 23, 1990, and later tabulated by the Director of Finance for the consideration of the Council; and

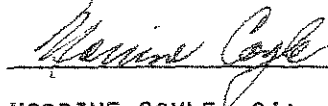
WHEREAS, the Director of Finance has recommended that the bid of Traffic Control Technologies in the amount of \$19,333, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Traffic Control Technologies in the amount of \$19,333 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 May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-514

A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS, INC. FOR THE SYLVAN AVENUE IMPROVEMENTS AT BEYER HIGH SCHOOL

WHEREAS, Resolution No. 90-400, adopted by the Council of the City of Modesto on April 3, 1990, approved the plans and specifications for the Sylvan Avenue improvements at Beyer High School and authorized the calling for bids; and

WHEREAS, the bids received for the Sylvan Avenue improvements at Beyer High School were opened at 11:00 a.m. on April 26, 1990, and later tabulated by the Director of Public Works for the consideration of the Council; and

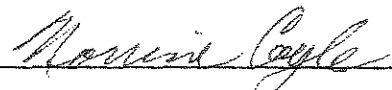
WHEREAS, the Director of Public Works has recommended that the bid of Western Stone Products, Inc. in the amount of \$166,666, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Stone Products, Inc. in the amount of \$166,666 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 May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-516

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS LIGHT  
FIXTURES.

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 has one hundred thirty-six (136) light fixtures  
which were located at the John Thurman Field, and

WHEREAS, the light fixtures are approximately fifteen (15) years  
old, are no longer needed by the City, and could best be sold on a sealed bid  
basis,

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

SECTION 1. That said one hundred thirty-six (136) light fixtures  
described above are hereby declared to be surplus property.

SECTION 2. That the City Manager is hereby authorized and directed  
to sell on a sealed bid basis to the highest bidder said light fixtures which  
are described above and which are found to be surplus.

SECTION 3. That the sale shall be conducted by the City Manager or  
by such person as he may select for this purpose. If said surplus light  
fixtures cannot be sold on a sealed bid basis as provided for above, said  
light fixtures shall be disposed of in such manner as the City Manager deems  
to be in the best interest of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8 day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-517

A RESOLUTION APPROVING SUBSTITUTION OF A SUBCONTRACTOR BY SHAN-LYN CONSTRUCTION, CONTRACTOR FOR THE AIRPORT TERMINAL EXPANSION PROJECT

WHEREAS, the City of Modesto has contracted with Shan-Lyn Construction for the Airport Terminal expansion project; and

WHEREAS, Don's Mobile Glass was originally submitted as the glazing subcontractor, but has refused to sign a subcontract with Shan-Lyn Construction due to the fact they did not include in their bid the funds to cover a prevailing wage job; and

WHEREAS, in accordance with Government Code Section 4104(a)(1) which permits substitution if the subcontractor refuses to execute a subcontract based on the terms, conditions, plans and specifications of the project, Shan-Lyn Construction is requesting the City allow them to substitute G & S Glass, who was second in the bidding process for the glazing work.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the substitution of G & S Glass as subcontractor for the glazing work for the Airport Terminal expansion project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-518

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE OFFICERS ASSOCIATION OF THE CITY OF MODESTO FOR THE FISCAL YEARS 1989-90 THROUGH 1991-92, COMMENCING ON JULY 4, 1989, AND ENDING ON JUNE 30, 1992.

BE IT HEREBY 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 of the City of Modesto covering the fiscal years 1989-90, 1990-91 and 1991-92, commencing on July 4, 1989, and ending on June 30, 1992, be and it is hereby approved.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding 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 8 day of May, 1990, by Councilmember Lang; who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-519

A RESOLUTION APPROVING THE FINAL MAP OF THE SCENIC ESTATES  
UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Douglas Keith Highiet, a single man; Clyde D. Leo, a single man; and Stanley A. Huffman and Linnie L. Huffman, husband and wife, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.609 acres, known as the Scenic Estates Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 20th day of February, 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 Scenic Estates Unit No. 2 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 8 day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-520

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF SHIRLEY ELKE FROM THE CULTURE COMMISSION, EFFECTIVE MAY 8, 1990

WHEREAS, Shirley Elke was appointed a member of the Culture Commission on June 7, 1983; and

WHEREAS, Shirley Elke has tendered her resignation from the Culture Commission, effective May 8, 1990; and

WHEREAS, Shirley Elke 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 Shirley Elke from the Culture 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 Shirley Elke 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 May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-521

A RESOLUTION OF THE MODESTO CITY COUNCIL CLARIFYING THE  
LIMITATION ON CERTIFICATE INTEREST RATE.

WHEREAS, the City of Modesto (the "City") is a charter city and a municipal corporation duly organized and existing under the Constitution and laws of the State of California, and

WHEREAS, the City Council has heretofore adopted Resolution No. 90-497 (the "Financing Resolution") pursuant to which the City has approved, among other things, the execution of a Purchase Contract (as defined in the Financing Resolution) in connection with the issuance of Certificates (as defined in the Financing Resolution) to refinance the Stanislaus Waste-to-Energy Project, and

WHEREAS, Section 4 of the Financing Resolution provides that the Certificates ". . . shall bear interest at a rate not to exceed 8% per annum and the underwriters' discount (separate and apart from any original issue discount) shall not exceed 1.6% of the principal amount of the Certificates.", and

WHEREAS, the City wishes to clarify the meaning of the 8% interest rate limitation,

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

1. Section 1. Declaration of Council. The Council of the City of Modesto hereby specifically finds and declares that the actions authorized hereby constitute and are public affairs of the City, and that the statements, findings and determinations of the City set forth in the preambles above are true and correct.

2. Section 4 of the Financing Resolution is hereby amended to read as follows:

"3. Section 4. Acknowledge and Confirm Purchase Contract.

The form of Purchase Contract presented to this meeting and on file with the City Clerk of the City of Modesto is hereby approved. The City Manager or his designated representative, are each hereby authorized and directed, for and in the name and behalf of the City, to execute, acknowledge and deliver the acknowledgement and confirmation of said Purchase Contract in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and deliver thereof; provided that the principal sum of the Contract shall not exceed \$95 million, the Certificates shall mature no later than 21 years from their dated date, the average interest rate on the Certificates shall not exceed 8% per annum, and the underwriters' discount (separate and apart from any original issue discount) shall not exceed 1.6% of the principal amount of the Certificates."

4. Ratification and Approval. Subject to the amendment provided above, the Financing Resolution shall remain in full force and effect and is hereby ratified and approved.

5. Effective Date. 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 8th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-521 A

A RESOLUTION ESTABLISHING FIRE DEPARTMENT SERVICE FEES  
RELATING TO VARIOUS FIRE SAFETY PLAN CHECKING FEES.

WHEREAS, the City of Modesto Fire Department through it's Fire  
Prevention Bureau performs inspections required when building permits are  
issued, and

WHEREAS, it is desirable to institute fees for work performed by  
said Fire Department personnel to compensate for such inspections, and

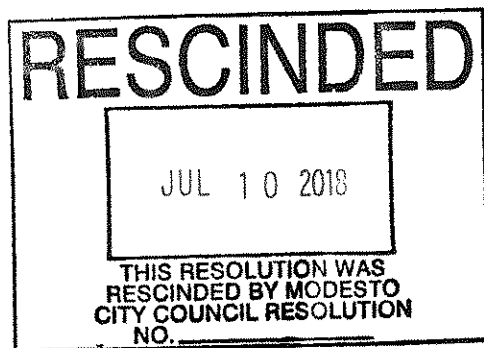
WHEREAS, said fees are necessary to cover administration costs such  
as employee time, fringe benefits, equipment costs and indirect costs in  
performing the required work, and

WHEREAS, the proposed fees have been reviewed and approved by the  
Fees Committee, and

WHEREAS, a charter city is empowered to impose valid regulatory fees  
pursuant to the direct grant of police power in Article XI, Section 7 of the  
California Constitution, and

WHEREAS, the Council of the City of Modesto considered the proposed  
fees at its meeting of May 15, 1990,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the following service fees be and hereby are established and shall be  
implemented effective July 1, 1990 for the following Fire Prevention Bureau  
inspections:



051590

-1- 2018-296

9922CA2

1. FIRE SAFETY PLAN CHECK FEE, COMPLETE BUILDING: This proposed fee is to compensate the department for employee time expended on fire safety plan checks and ensuing field inspections. This proposed fee is based upon a pre-determined amount of employee time required to perform the fire safety plan check and the site inspection of 1,000 square feet of a commercial building.

a.	Fire Plan Check	@	\$24.66 per hr.	for 30 min.	\$12.33
b.	Site Inspection	@	\$24.66 per hr.	for 15 min.	6.17
c.	Admin. Clerk	@	\$11.42 per hr.	for 5 min.	.95
d.	Fringe Benefit	@	53.1%		10.33
e.	Vehicle Cost	@	\$ 1.31 per hr.	for 45 min.	.98
f.	Indirect Cost	@	12.3%		3.78
				TOTAL	\$34.54

RECOMMENDED FEE: \$35.00 per 1,000 square feet of construction.

PROJECTED ANNUAL REVENUE: 700,000 sq.ft. X \$35.00 per k = \$24,500.00

2. FIRE SAFETY PLAN CHECK FEE, "SHELL" BUILDING: This proposed fee is to compensate the department for employee time expended on fire safety plan checks and ensuing field inspections. This proposed fee is based upon a pre-determined amount of employee time required to perform the fire safety plan check and the site inspection of 1,000 square feet of a commercial "shell" building.

a.	Fire Plan Check	@	\$24.66 per hr.	for 20 min.	\$8.40
b.	Site Inspection	@	\$24.66 per hr.	for 15 min.	6.17
c.	Admin. Clerk	@	\$11.42 per hr.	for 5 min.	.95
d.	Fringe Benefit	@	53.1%		8.25
e.	Vehicle Cost	@	\$ 1.31 per hr.	for 35 min.	.77
f.	Indirect Cost	@	12.3%		3.02
				TOTAL	\$27.56

RECOMMENDED FEE: \$28.00 per 1,000 square feet of construction.

PROJECTED ANNUAL REVENUE: 140,000 sq.ft. X \$28.00 per k = \$3,920.00

3. FIRE SAFETY PLAN CHECK FEE, TENANT IMPROVEMENT: This proposed fee is to compensate the department for employee time expended on fire safety plan checks and ensuing field inspections. This proposed fee is based upon a pre-determined amount of employee time required to perform the fire safety plan check and the site inspection of 1,000 square feet of tenant improvement within a commercial building shell.

a.	Fire Plan Check	@	\$24.66 per hr.	for 20 min.	\$8.40
b.	Site Inspection	@	\$24.66 per hr.	for 15 min.	6.17
c.	Admin. Clerk	@	\$11.42 per hr.	for 5 min.	.95
d.	Fringe Benefit	@	53.1%		8.25
e.	Vehicle Cost	@	\$ 1.31 per hr.	for 35 min.	.77
f.	Indirect Cost	@	12.3%		3.02
				TOTAL	\$27.56

RECOMMENDED FEE: \$28.00 per 1,000 square feet of construction.

PROJECTED ANNUAL REVENUE: 559,000 sq.ft. X \$28.00 per k = \$16,772.00

4. FIRE SPRINKLER SYSTEM PLAN CHECK FEE: This proposed fee is to compensate the department for employee time expended on automatic fire sprinkler system plan checks and the ensuing field inspections. This proposed fee is based upon a pre-determined amount of employee time required to perform the fire safety plan check for 1,000 square feet of fire sprinkler system and the required hydraulic pressure test and site inspections within commercial building.

PLAN CHECK FEE

a.	Fire Plan Check	@	\$24.66 per hr.	for 15 min.	\$ 6.17
b.	Admin. Clerk	@	\$11.42 per hr.	for 5 min.	.95
c.	Fringe Benefit	@	53.1%		3.78
d.	Vehicle Cost	@	\$ 1.31 per hr.	for 33 min.	.33
e.	Indirect Cost	@	12.3%		1.38
				TOTAL	\$12.61

FIELD TESTS & INSPECTION FEE PER RISER

a.	Site Insp./Test	@	\$24.66 per hr.	for 3 hrs.	\$ 73.98
b.	Admin. Clerk	@	\$11.42 per hr.	for 15 min.	2.86
c.	Fringe Benefit	@	53.1%		40.80
d.	Vehicle Cost	@	\$ 1.31 per hr.	for 3 hrs.	3.93
e.	Indirect Cost	@	12.3%		14.95
				TOTAL	\$136.52

RECOMMENDED FEE: \$13.00 per 1,000 square feet of installed sprinkler system plus \$137.00 for each system riser.

PROJECTED ANNUAL revenue: 366,000 sq.ft. X \$13.00 + \$137.00 per system riser @ 20 risers = \$4,758 + \$2,740 = \$7,498.00

5. CARE FACILITY, PRE-INSPECTION FEE: This proposed fee is to compensate the department for employee time expended on State of California mandated pre-inspections of care facilities as defined in Section 1502, Health & Safety Code, residential care facilities for the elderly as defined in Section 1569.2, Health & Safety Code, and child day care facilities as defined in Section 1596.750, Health & Safety Code. A fee cap has been established by the State Fire Marshal limiting a maximum fee of fifty dollars (\$50.00) for the pre-inspection of a facility with a capacity to serve 25 or fewer persons. A fee of not more than one hundred dollars (\$100.00) may be charged for a pre-inspection of a facility with a capacity to serve 26 or more persons.

FACILITY CAPACITY 25 OR LESS

a.	Fire Inspector	@	\$24.66 per hr.	for 1 hr.	\$24.66
b.	Admin. Clerk	@	\$11.42 per hr.	for 15 min.	2.86
c.	Fringe Benefit	@	53.1%		14.61
d.	Vehicle Cost	@	\$ 1.31 per hr.	for 1 hr.	1.31
e.	Indirect Cost	@	12.3%		5.34
				TOTAL	\$48.78

RECOMMENDED FEE: \$49.00 per pre-inspection.

PROJECTED ANNUAL REVENUE: 20 inspections X \$49.00 = \$980.00

FACILITY CAPACITY 26 OR MORE

a.	Site Insp./Test	@	\$24.66 per hr.	for 2 hrs.	\$49.32
b.	Admin. Clerk	@	\$11.42 per hr.	for 30 min.	5.71
c.	Fringe Benefit	@	53.1%		29.22
d.	Vehicle Cost	@	\$ 1.31 per hr.	for 2 hrs.	2.62
e.	Indirect Cost	@	12.3%		10.69
				TOTAL	\$97.56

RECOMMENDED FEE: \$98.00 per pre-inspection.

PROJECTED ANNUAL REVENUE: 10 inspections X \$98.00 = \$980.00

6. ANNUAL INSPECTION OF JAILS AND DETENTION FACILITIES: This proposed fee is to compensate the department for employee time expended on State of California mandated annual inspections of jails or places of detention for persons charged with or convicted of a crime, Section 13146.1(a) & (b) Health & Safety Code. Section 13146.2(b) Health & Safety Code, allows a city to charge and collect a fee for the inspection from the owner of the structure in an amount, as determined by the local agency, sufficient to pay its costs of that inspection.

a.	Fire Inspector	@	\$24.66 per hr.	for 1 hr.	\$24.66
b.	Admin. Clerk	@	\$11.42 per hr.	for 5 min.	.95
c.	Fringe Benefit	@	53.1%		13.60
d.	Vehicle Cost	@	\$ 1.31 per hr.	for 1 hr.	1.31
e.	Indirect Cost	@	12.3%		4.98
				TOTAL	\$45.51

RECOMMENDED FEE: \$46.00 per hour of inspection time.

PROJECTED ANNUAL REVENUE: 14 hours of inspection time X \$46.00 = \$644.00

7. ANNUAL INSPECTION OF HIGH-RISE STRUCTURES: This proposed fee is to compensate the department for employee time expended on State of California mandated annual inspections of high-rise structures, Section 13217(a) & (c), Health & Safety Code. Section 13217 (b), Health & Safety Code, allows a city to charge and collect a fee for the inspection from the owner of the high-rise structure in an amount, as determined by the local agency, sufficient to pay its costs of that inspection.

a.	Fire Inspector	@	\$24.66 per hr.	for 1 hr.	\$24.66
b.	Admin. Clerk	@	\$11.42 per hr.	for 5 min.	.95
c.	Fringe Benefit	@	53.1%		13.60
d.	Vehicle Cost	@	\$ 1.31 per hr.	for 1 hr.	1.31
e.	Indirect Cost	@	12.3%		4.98
				TOTAL	\$45.51

RECOMMENDED FEE: \$46.00 per hour of inspection time.

PROJECTED ANNUAL REVENUE: 16 hours of inspection time X \$46.00 = \$736.00

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-522

A RESOLUTION ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, SIXTEENTH YEAR APPLICATION, JULY 1, 1990 TO JUNE 30, 1991, 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; AND ADOPTING THE FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND BUDGET FOR PROGRAM YEAR 1990-91.

WHEREAS, on April 12, 1976, by Resolution No. 76-538 the City Council of the City of Modesto established a Housing Maintenance Program to work under the guidance and control of the Citizens Housing and Community Development Committee on community development activities, and to make appropriate recommendations to the City Council, and

WHEREAS, the City of Modesto has been advised by the Department of Housing and Urban Development that the City's Community Development Block Grant allocation for the Fiscal Year 1990-91 will be \$1,116,000, and

WHEREAS, the City has also received Fiscal Year 1984, 1985, 1986, 1987, 1988, and 1989 Rental Rehabilitation funding in the amount of \$473,000 with administrative expenses covered by the block grant resources, and

WHEREAS, the Housing 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 Housing Program Office of the City of Modesto has disseminated information to the Modesto community regarding the Proposed 1990-91 Community Development Objectives and Budget, and

WHEREAS, a notice of a public meeting to be held on February 12, 1990, was published in The Modesto Bee, the official newspaper of the City of Modesto, to notify citizens interested in the Community Development Block Grant Application and the Statement of Community Development Objectives and Budget for Program Year 1990-91, and

WHEREAS, a public workshop to assist persons interested in applying for funding was held on February 15, 1990, and

WHEREAS, requests for funding were presented by organizations to the Citizen Advisory Committee on April 5, 1990, and

WHEREAS, a report was presented to the Council on all requests for funding, and all City proposed programs on April 17, 1990, and

WHEREAS, the Citizens Housing and Community Development Committee reviewed the Final Statement of Objectives and Budget on April 22, 1990 and recommended to the Council their approval, 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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Council does hereby approve the 1990-91 Community Development Block Grant Program Application, save and except for Part 1, I(1), S.O.S.P. Co-Location of Community Senior Services, and Part 1, I(10), Centr for Senior Employment, for the sixteenth fiscal year, from July 1, 1990 to June 30, 1991.

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to file said application, including all understandings and assurances 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 Council does hereby approve the Final Statement of Community Development Objectives and Budget for Program Year 1990-91.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-523

A RESOLUTION ADDING THE CENTER FOR THE SENIOR EMPLOYMENT/SENIOR AIDES PROJECT TO THE LIST OF NON-PROFIT ORGANIZATIONS TO RECEIVE FUNDING UNDER PUBLIC SERVICES OF THE 1990-91 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION AND FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES.

WHEREAS, on May 15, 1990, by Resolution No. 90-522, the City Council adopted the 1990-91 Community Development Block Grant sixteenth year application, save and except for the Center for Senior Employment/Senior Aids Project, and Senior Opportunities Services Program/Co-Location of Community Services, and

WHEREAS, the Center for Senior Employment/Senior Aides Project was recommended by the Citizens Housing and Community Development Committee at their meeting on April 27, 1990, to the City Council for adoption in the 1990-91 Community Development Block Grant Application, 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby add the Center for Senior Employment/Senior Aides Project to the 1990-91 Community Development Block Grant Application as adopted by Council Resolution No. 90-522, and that said Center for Senior Employment/Senior Aides Project is hereby added to the public Services category in said application as approved by Resolution No. 90-522.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Patterson  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-524

A RESOLUTION ADDING THE SENIOR OPPORTUNITY SERVICE PROGRAM/CO-LOCATION OF COMMUNITY SERVICES PROJECT TO THE LIST OF NON-PROFIT ORGANIZATIONS TO RECEIVE FUNDING UNDER PUBLIC SERVICES OF THE 1990-91 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION AND FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES.

WHEREAS, on May 15, 1990, by Resolution No. 90-522, the City Council adopted the 1990-91 Community Development Block Grant sixteenth year application, save and except for the Center for Senior Employment/Senior Aides Project and Senior Opportunity Service Program/Co-Location of Community Services, and

WHEREAS, the Senior Opportunity Service Program/Co-Location of Community Services Project was recommended by the Citizens Housing and Community Development Committee at their meeting on April 27, 1990, to the City Council for adoption in the 1990-91 Community Development Block Grant Application, 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby add the Senior Opportunity Service Program/Co-Location of Community Services Project to the 1990-91 Community Development Block Grant Application as adopted by Council Resolution No. 90-522, and that said Senior Opportunity Service Program/Co-Location of Community Services Project is

hereby added to the Public Services category in said application as approved by Resolution No. 90-522.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Mayor Whiteside
- NOES: Councilmembers: Patterson
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-525

A RESOLUTION ACCEPTING THE BID OF SHAN-LYN CONSTRUCTION, INC. FOR THE CONSTRUCTION OF FIRE STATION NO. 9

WHEREAS, Resolution No. 90-381 , adopted by the Council of the City of Modesto on March 20, 1990 , approved the plans and specifications for the construction of Fire Station No. 9

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of Fire Station No. 9 were opened at 11:00 a.m. on April 19, 1990 , and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Shan-Lyn Construction, Inc. in the amount of \$453,200 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Shan-Lyn Construction, Inc. in the amount of \$453,200 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 15th day of May , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-526

A RESOLUTION AMENDING THE FISCAL YEAR 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO TO PROVIDE FINANCING FOR THE CONSTRUCTION OF FIRE STATION #9.

WHEREAS, this project is to be funded with Capital Facilities Fees collected in Fund 132, and

WHEREAS, Fund 132 currently does not have sufficient funds to finance this construction, and

WHEREAS, a loan from the General Fund (010) in the amount of \$155,000 will be made to Fund 132. This loan will be repaid with Capital Facilities Fees revenue generated in Fiscal Year 1990-91, and

WHEREAS, the loan will cover the construction contract and a portion of the preliminary design charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto.

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
<u>Expenditures</u>		
010-800-8000-8003	Contingency Reserve (010)	(\$155,000)
132-800-8000-8003	Contingency Reserve (132)	(\$301,700)
132-180-P319-6000	Fire Station #9	\$456,700

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 May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-527

A RESOLUTION ACCEPTING THE BID OF A & B ROOFING FOR REROOFING SENIOR CITIZENS CENTER

WHEREAS, Resolution No. 90-448 , adopted by the Council of the City of Modesto on April 10, 1990 , approved the plans and specifications for the reroofing of the Senior Citizens Center

and authorized the calling for bids; and

WHEREAS, the bids received for the reroofing of the Senior Citizens Center were opened at 11:05 a.m. on May 3, 1990 , and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of A & B Roofing in the amount of \$24,997 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 & B Roofing in the amount of \$24,997 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 15th day of May , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-528

A RESOLUTION ACCEPTING THE BID OF HACKETT ENVIRONMENTAL SYSTEMS, INC. FOR THE CONSTRUCTION OF THE CLUBHOUSE AT MODESTO DRY CREEK GOLF COURSE

WHEREAS, Resolution No. 90-401 , adopted by the Council of the City of Modesto on April 3, 1990 , approved the plans and specifications for the construction of the clubhouse at Modesto Dry Creek golf course

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of the clubhouse at Modesto Dry Creek golf course were opened at 11:00 a.m. on May 3, 1990 , and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Hackett Environmental Systems, Inc. in the amount of \$ 673,200 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Hackett Environmental Systems, Inc. in the amount of \$673,200 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 15th day of May , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-529

A RESOLUTION ACCEPTING THE BID OF TRUSCO TANK, INC. FOR THE INSTALLATION OF A 1.3 MILLION GALLON STEEL TANK WATER RESERVOIR

WHEREAS, Resolution No. 90-446 , adopted by the Council of the City of Modesto on April 10, 1990 , approved the plans and specifications for the installation of 1.3 million gallon steel tank water reservoir

and authorized the calling for bids; and

WHEREAS, the bids received for the installation of 1.3 million gallon steel tank water reservoir were opened at 11:05 a.m. on May 3, 1990 , and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Trusco Tank, Inc. in the amount of \$416,331 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Trusco Tank, Inc. in the amount of \$416,331 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 15th day of May , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-530

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AT SYLVAN AVENUE AND KELLER AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the traffic signals at Sylvan Avenue and Keller Avenue

has been completed by Bowden Electric, Inc.

in accordance with the contract agreement dated November 21, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the traffic signals at Sylvan  
Avenue and Keller Avenue

be accepted from said contractor, Bowden Electric, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$68,880 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 15th day of May,  
1990, by Councilmember Lang, who moved its adoption, which  
motion being duly seconded by Councilmember Irizarry, was upon  
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-531

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON 1990-91 PROPOSED BUDGET AND THE 1990-91 THROUGH 1993-94 CAPITAL IMPROVEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that June 5, 1990, at 7:30 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 1990-91 proposed budget and the 1990-91 through 1993-94 Capital Improvement Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-532

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS COUNTY HOUSING AUTHORITY FOR THE RENTAL REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus County Housing Authority for the Rental 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 May , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-533

AMENDED

A RESOLUTION APPROVING AN/AGREEMENT BETWEEN THE CITY OF MODESTO AND GROTHE AND SMITH ARCHITECTS TO PROVIDE DESIGN SERVICES RELATED TO EXPANSION OF THE CONTROL BUILDING AT THE CITY'S SEWER TREATMENT PLANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Grothe and Smith Architects to provide design services related to expansion of the control building at the City's sewer 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 May , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-534

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS TO DRILL A TEST WATER WELL IN PARKLAWN PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and County of Stanislaus to drill a test water well in Parklawn 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 May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-535

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND  
DOMINIC DEPALMA FOR THE LEASE OF A PORTION OF DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the  
agreement between the City of Modesto and Dominic DePalma for the lease  
of a portion of 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 May , 19 90 , by  
Councilmember Lang , who moved its adoption, which motion being duly  
seconded by Councilmember Irizarry , was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-536

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WALTER AND CHARLOTTE J. VANCE FOR LEASE OF McCLURE MANSION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Walter and Charlotte J. Vance for lease of the McClure Mansion

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 May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-537

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM J. AND BARBARA W. HAN FOR THE LEASE OF 1200 "F" STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William J. and Barbara W. Han for the lease of 1200 "F" 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 15th day of May , 19 90 , by Councilmember Irizarry , 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-538

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KORVE ENGINEERING TO PERFORM A PARKING FEASIBILITY STUDY FOR THE MODESTO CENTRAL BUSINESS DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Korve Engineering to perform a parking feasibility study for the Modesto Central Business District

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 May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 90-539**

**A RESOLUTION APPROVING APPROPRIATION TRANSFER** OF \$1,600 FROM CONTINGENCY RESERVE TO COVER THE COST OF A PARKING FEASIBILITY STUDY FOR THE MODESTO CENTRAL BUSINESS DISTRICT

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

FROM:	Parking Fund Contingency Reserve (600 800 8000 8003)	\$1,600
TO:	DID Parking District Feasibility Study (600 160 P880 6000)	\$1,600

The cost to perform the parking study was estimated at \$50,000. Korve Engineering's fee to perform the parking study is \$51,600. The selection panel reviewed the cost proposal and agreed that the proposal was appropriate. The appropriation transfer will provide the \$1,600 difference between the staff estimate and the actual cost.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

<b>AYES:</b>	<b>Councilmembers:</b>	Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	Bird

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-540

A RESOLUTION ACCEPTING A GRANT OFFER FROM THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, TO COMPLETE THE INSTALLATION OF A FIRE PROTECTION WATER MAIN TO THE AIRPORT PASSENGER TERMINAL, AND AUTHORIZING THE CITY MANAGER TO SIGN THE GRANT OFFER.

WHEREAS, the Federal Aviation Administration, for and on behalf of the United States, has awarded the City of Modesto a Grant Offer for federal funds in the amount of \$25,437 to complete the installation of a fire protection water main to the Airport Passenger Terminal, and

WHEREAS, the installation of a 12-inch fire protection water main for the Airport's terminal area is part of the passenger terminal upgrade, however, its installation was not included in the project's plan or original estimate, and

WHEREAS, Airport utilities are eligible for airport improvement funds and both the preapplication and application were previously submitted to the Federal Aviation Administration, and

WHEREAS, acceptance of the Grant Offer will obligate the City of Modesto to accomplish the project as described in AIP Project No. 3-06-0153-11 Offer - Description: Install terminal building fire protection water main, and

WHEREAS, it will be necessary for the City Manager to sign the Grant Offer on behalf of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Grant Offer for federal funds in the amount of \$25,437 from the Federal Aviation Administration, for and on behalf of the United States, to complete the installation of a fire protection water main to the Airport Passenger Terminal, and authorizes the City Manager to execute the Grant Offer on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute and submit all other documents which may be necessary relating to the aforementioned grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-541

A RESOLUTION APPROVING THE FINAL MAP OF THE MOUNTAINVIEW  
TERRACE UNIT NO. 4 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Aquarian Homes, Inc., a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 0.691 acres, known as the Mountainview Terrace Unit No. 4 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 9th day of May, 1988, 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 Mountainview Terrace Unit No. 4 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 15th day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-542

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SYLVAN UNION SCHOOL DISTRICT FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT ROSELLE AVENUE MIDDLE SCHOOL

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 water service to property outside City limits at Roselle Avenue Middle School, located between Floyd Avenue and Sylvan Avenue, west of Roselle 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 15th day of May, 1990, by Councilmember Bird, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-543

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SYLVAN UNION SCHOOL DISTRICT FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT ROSELLE AVENUE MIDDLE SCHOOL

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 sewer service to property outside City limits at Roselle Avenue Middle School, located between Floyd Avenue and Sylvan Avenue, west of Roselle 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 15th day of May, 1990, by Councilmember Bird, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-544

A RESOLUTION AMENDING THE FISCAL YEAR 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE STATE GRANT REVENUE AND TO APPROPRIATE A NEW CIP PROJECT, FETSIM TRAFFIC SIGNAL SYNCHRONIZATION PROJECT 1990-91.

WHEREAS, on October 3, 1989, the City Council approved the City's participation in the 1990 FETSIM program in which 17 intersections would be synchronized, and

WHEREAS, the City was awarded a demonstration grant of an amount up to \$63,500 by the California Department of Transportation for this project, and

WHEREAS, the anticipated cost to complete this project is \$127,960, and

WHEREAS, the City's share of the project, \$64,460, will be provided by savings in another street project. A transfer of \$64,460 will be made from 051-430-P294-6000, Kearney/Coldwell-Glenwood Reconstruct, and

WHEREAS, routine staff work that applies to this project will be charged to activity number S017 in order to track total city costs, and

WHEREAS, it is necessary to increase revenue by the State Grant amount of \$63,500, and

WHEREAS, it is necessary to appropriate a new CIP project in the amount of \$127,960, FETSIM 90-91 Traffic Signal Synchronization Project, 051-160-G925-6000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the annual Budget of the City of Modesto, Fiscal Year 1989-90.

LOCAL TRANSPORTATION FUND (051)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
<u>Revenue</u>		
051-510-9510-3138	State Share of Street Project	\$ 63,500
<u>Expenditures</u>		
051-430-P294-6000	Kearney/Coldwell-Glenwood Recon.	(64,460)
051-160-G925-6000	90-91 FETSIM T/S Project	127,960

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 22nd day of May, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-545

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DKS ASSOCIATES FOR TRAFFIC SIGNAL SYNCHRONIZATION UNDER THE 1990 FUEL EFFICIENT TRAFFIC SIGNAL MANAGEMENT (FETSIM) PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and DKS Associates for the traffic signal synchronization under the 1990 Fuel Efficient Traffic Signal Management (FETSIM) 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 May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-546

A RESOLUTION AMENDING EXHIBIT "B" OF MODESTO CITY COUNCIL  
RESOLUTION NO. 86-1184 TO REVISE RENTAL RATES AT THE  
MODESTO CENTRE PLAZA.

WHEREAS, on October 14, 1986, the Council by Resolution No. 86-1184  
approved the Modesto Community Center Policies and Rental Rates, and

WHEREAS, City staff has recommended that the new rate schedule  
become effective for all persons to whom a license for Modesto Centre Plaza  
use is issued after July 1, 1990,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that Exhibit B of Modesto City Council Resolution No. 86-1184 is hereby  
amended and that the revised rental rates for use of the Modesto Centre Plaza  
are hereby approved as set forth on Exhibit B attached hereto and incorporated  
herein by reference.

BE IT FURTHER RESOLVED that all other provisions of Modesto City  
Council Resolution No. 86-1184 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 22nd day of May,  
1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

## MODESTO CENTRE PLAZA PROPOSED RENTAL RATES

SPACE	PRIVATE FULL DAY	PRIVATE HALF DAY	NONPROFIT FULL DAY	NONPROFIT HALF DAY	REHEARSAL DAY PRIVATE/ NONPROFIT	OVERTIME
UPPER LEVEL						
Harvest Hall 16,000 SF (Includes Tuolumne, Stanislaus, and San Joaquin Rooms)	\$1,280	\$960	\$800	\$595	\$650/ \$400	\$100/hr.
Tuolumne Room 9,600 SF	\$770	\$575	\$480	\$355	\$385/ \$240	\$60/hr.
Stanislaus Room 3,400 SF	\$270	\$205	\$170	\$125	\$135/ \$85	\$25/hr.
San Joaquin Room 2,000 SF	\$160	\$150	\$100	\$100	\$80/ \$50	\$25/hr.
Arbor Theatre 4,000 SF 400 Seats	\$320	\$240	\$200	\$150	\$160/ \$100	\$25/hr.
Grand Lobby* 6,300 SF	\$1,280/ \$550	\$960/ \$378	\$800/ \$315	\$595/ \$235	\$640/ \$400	\$50/hr.
Park Plaza*	\$1,280/ \$550	\$960/ \$378	\$800/ \$315	\$595/ \$235	\$640/ \$400	\$60/hr.

\*The higher rate applies for those that are not renting the Harvest Hall.

(Cont.)

SPACE	PRIVATE FULL DAY	PRIVATE HALF DAY	NONPROFIT FULL DAY	NONPROFIT HALF DAY	REHEARSAL DAY PRIVATE/ NONPROFIT	OVERTIME
LOWER LEVEL						
All Lower Level Meeting Rooms 4,000 SF (Includes Pistache, Ginkgo, Ash, and Magnolia Rooms)	\$425	\$315	\$250	\$190	\$210/ \$125	\$25/hr.
Pistache AND Ginkgo Rooms 2,400 SF	\$300	\$225	\$180	\$135	\$150/ \$90	\$25/hr.
Pistache Room 1,200 SF	\$150	\$150	\$100	\$100	\$85/ \$50	\$25/hr.
Ginkgo Room 1,200 SF	\$150	\$150	\$100	\$100	\$85/ \$50	\$25/hr.
Ash AND Magnolia Rooms 1,600 SF	\$200	\$150	\$120	\$100	\$100/ \$60	\$25/hr.
Ash Room 800 SF	\$150	\$150	\$100	\$100	\$75/ \$50	\$25/hr.
Magnolia Room 800 SF	\$150	\$150	\$100	\$100	\$75/ \$50	\$25/hr.

1. All those that use an approved Modesto Centre Plaza caterer to provide a full meal will receive a rental discount equal to 10% of their catering cost before taxes and gratuities.
2. Those holding ticketed events will be charged the listed rental rate or 10% of gross ticket sales, whichever is greater.
3. All events with commercial booths will be charged the listed rental rate or \$.16 per net square foot, whichever is greater.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-547

A RESOLUTION ACCEPTING THE MANCINI BOWL SEATING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works  
that the Mancini Bowl seating

has been completed by Scrimsher & Mineni  
in accordance with the contract agreement dated September 12, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the Mancini Bowl seating

be accepted from said contractor, Scrimsher & Mineni ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$116,780.80 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 May  
19 90, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-548

A RESOLUTION ACCEPTING THE WATERLINE EXTENSION IN MARIN, USTICK, AND WHITMORE FOR CALIFORNIA CHARDONNAY SUBDIVISION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the waterline extension in Marin, Ustick, and Whitmore for California Chardonnay Subdivision

has been completed by Rolfe Construction in accordance with the contract agreement dated October 10, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the waterline extension in Marin, Ustick, and Whitmore for California Chardonnay Subdivision

be accepted from said contractor, Rolfe Construction ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$126,824.00 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 May, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-549

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE DIVERSION STRUCTURE - MID LATERAL NO. 2 AT McCLURE ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the construction of the diversion structure - MID Lateral No. 2 at McClure Road

has been completed by Cimarron Construction Company in accordance with the contract agreement dated December 12, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the construction of the diversion structure - MID Lateral No. 2 at McClure Road

be accepted from said contractor, Cimarron Construction Company ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$89,986.05 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 May, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-550

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$9,380 TO FUND THE INSTALLATION OF ROADSIDE FLASHING BEACONS FOR THE CHRISTINE SIPHERD SCHOOL ZONE ON EAST ORANGEBURG

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

FROM: T/S McHenry-Union \$9,380  
(070 430 )245 6000)

TO: Beacons - Christine Sipherd School \$9,380  
(070 160 P924 6000)

Funds needed to install roadside flashing beacons for the Christine Sipherd School zone on East Orangeburg Avenue. This is a new Capital Improvement Program safety project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-551

A RESOLUTION APPROVING THE FINAL MAP OF THE OXFORD PLACE  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Florsheim Bros., a California General Partnership, and John S. Williams and Arthur Martin is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 8.345 acres, known as the Oxford Place 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 November, 1989, 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 Oxford 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 22nd day of May, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-552

A RESOLUTION APPROVING THE FINAL MAP OF THE COLUMBINE  
PLACE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, 605 Standiford Group, a partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 2.282 acres, known as the Columbine Place Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 23rd day of August, 1988, 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 Columbine 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 22nd day of May, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-553

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE WILLIAM LYON COMPANY, INC. FOR THE INSTALLATION OF STREET IMPROVEMENTS ADJACENT TO YOSEMITE PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and The William Lyon Company, Inc. for the installation of street improvements adjacent to Yosemite Park

be, and it is hereby approved.

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

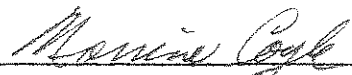
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-554

RE-  
A RESOLUTION/APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT  
(PAUL VOGELZANG)

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 re-appointed to the Board of Zoning Adjustment for the respective term as indicated:

Paul Vogelzang

Term to expire 1/1/94

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 May, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-555

RE-  
A RESOLUTION/APPOINTING MEMBER OF THE PLANNING COMMISSION (ROBERT DUNBAR)

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/re-  
appointed to the  
Planning Commission for the respective  
term as indicated:

Robert Dunbar

Term to expire 1/1/94

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the  
Planning 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 22nd day of May, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-556

RE-  
A RESOLUTION/APPOINTING MEMBER OF THE CULTURE COMMISSION (VIRGINIA CHOATE)

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 <sup>re-</sup>appointed to the Culture Commission for the respective term as indicated:

Virginia Choate

Term to expire 1/1/94

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Culture 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 22nd day of May 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

253070  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-557

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE INSTALLATION OF AN 18' WATERLINE IN CROWS  
LANDING ROAD, ZEFF ROAD, TUOLUMNE BOULEVARD AND 10TH STREET

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

SECTION 1. The plans and specifications for the installation of an 18' waterline in Crows Landing Road, Zeff Road, Tuolumne Boulevard and 10th 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 June 28, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-558

A RESOLUTION APPROVING AN INCREASE IN THE CITY'S  
SELF-INSURED RETENTION (GENERAL LIABILITY) TO ONE MILLION  
DOLLARS.

WHEREAS, the City Council authorized membership in the ACCEL Joint  
Powers Authority in 1986, and

WHEREAS, currently, there are eleven cities participating in the  
Joint Powers Authority of which, however, only four cities have elected to  
purchase from the \$500,000 to the \$1,000,000 level; thus, any losses occurring  
in the first level (\$500,000 to \$1,000,000) are shared among four cities  
instead of the initial eleven cities, and

WHEREAS, the City's Risk Manager and Finance Director have  
recommended that the City increase its self-insured retention in the General  
Liability Insurance Pool to \$1,000,000, effective July 1, 1990, and

WHEREAS, said increase in the self-insured retention should provide  
more effective use of the City's financial resources without a significant  
increase in risk resulting in a direct savings of approximately \$150,000 a  
year which could be used to improve the strength of the Liability Reserve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that an increase in the City's self-insured retention in the General Liability  
Insurance Pool to \$1,000,000 effective July 1, 1990, 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 June, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-559

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GALLO GLASS COMPANY 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 Glass Company 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 5th day of June, 1990, by Councilmember Lang, 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:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-560

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO HIGH SCHOOL DISTRICT REGARDING A CARETAKER HOUSE FOR DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Modesto High School District regarding extension of the completion date of the caretaker house being constructed for 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 5th day of June, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-561

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RECHT, HAUSRATH AND ASSOCIATES FOR ONGOING SERVICES RELATING TO CAPITAL FACILITIES FEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Recht, Hausrath and Associates for ongoing services relating to Capital Facilities 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 5th day of June, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-562

A RESOLUTION APPROVING THE FINAL MAP OF THE COPPER CREEK  
NO. 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Bright Development, a California corporation, is possessed  
of a tract of land situate in the City of Modesto, County of Stanislaus,  
consisting of 16.893 acres, known as the Copper Creek No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City  
Planning Commission on the 6th day of June, 1988, 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 Copper Creek No. 3 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 5th day of June, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-563

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND THE YOSEMITE JUNIOR COLLEGE DISTRICT TO GRANT AN EASEMENT TO PACIFIC BELL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Yosemite Junior College District to grant an easement to Pacific Bell 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 June, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-564

RESOLUTION DIRECTING FILING OF ANNUAL REPORT

ASSESSMENT DISTRICT NO. 1  
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Modesto resolves:

1. The Public Works and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 1, is hereby directed to file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972.

2. This resolution is adopted pursuant to Section 22622 of the Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-564-A

RESOLUTION DIRECTING FILING OF ANNUAL REPORT

ASSESSMENT DISTRICT NO. 2  
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Modesto resolves:

1. The Public Works and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972.

2. This resolution is adopted pursuant to Section 22622 of the Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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MODESTO CITY COUNCIL  
RESOLUTION NO. 90-565

A RESOLUTION APPROVING THE REQUEST OF THE WARDENS OFFICE FOR REFUND OF \$535.66 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of the Wardens Office for refund of \$535.66 for overpayment of Business Improvement Area Tax 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 June, 1990, by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-566

A RESOLUTION APPROVING THE REQUEST OF THOMPSON-HYSELL ENGINEERING FOR REFUND OF \$1,362.21 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Thompson-Hysell Engineering for refund of \$1,362.21 for overpayment of Business Improvement Area Tax 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 June, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-567

A RESOLUTION APPROVING THE REQUEST OF ZEFF ADVANCED PRODUCTS FOR REFUND OF \$6,756.27 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Zeff Advanced Products for refund of \$6,756.27 for overpayment of Business License Tax 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 June, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-568

A RESOLUTION APPROVING THE REQUEST OF JENNY CRAIG WEIGHT LOSS CENTER FOR REFUND OF \$2,940.62 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Jenny Craig Weight Loss Center for refund of \$2,940.62 for overpayment of Business License Tax 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 June, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-569

A RESOLUTION APPROVING THE REQUEST OF TUNE-UP MASTERS FOR A REFUND OF \$1,079.24 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Tune-Up Masters for refund of \$1,079.24 for overpayment of Business License Tax 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 June, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-570

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GROTHE & SMITH ARCHITECTS FOR THE FEASIBILITY STUDY TO REMODEL FIRE STATION NO. 1 - PHASE I

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Grothe & Smith Architects for the feasibility study to remodel Fire Station No. 1 - Phase I

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 June , 19 90 , by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-571

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$13,000 FOR THE  
FEASIBILITY STUDY TO REMODEL FIRE STATION NO. 1 - PHASE I

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

FROM:	Contingency Reserve (132 800 8000 8003)	\$13,000
TO:	Fire Station Preliminary Design (132 180 P879 6000)	\$13,000

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 5th day of  
June, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: none

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-572

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM BY WILLIAM S. MORRIS, ON BEHALF OF ALISA CONLON, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim by William S. Morris, on behalf of Alisa Conlon, against the City of Modesto, was received on May 25, 1990, 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 by William S. Morris, on behalf of Alisa Conlon, against the City of Modesto, received on May 25, 1990, 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 5th day of June, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-573

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(471). (ROMAN CATHOLIC BISHOP OF STOCKTON C/O THOMAS ANGELO, AGENT)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by Roman Catholic Bishop of Stockton c/o Thomas Angelo, agent on January 12, 1990, to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D, to allow a mausoleum building expansion under a new master plan for St. Stanislaus Cemetery, property located on the north side of Scenic Drive west of Coffee Road, described as follows:

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

Beginning at the Southwest corner of the Grant Tract, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 6, 1950, in Volume 16 of Maps, Page 74; thence along the South line of said subdivision, South 89°10' East 442.66 feet; thence leaving the South line of said Grant Tract, South 4°03' East 520.72 feet to the North line of Scenic Drive; thence Westerly along the North line of Scenic Drive on a curve concave to the Southeast, 251.65 feet; thence continuing along said North line Westerly on a curve concave to the Northwest, 214.38 feet; thence continuing along said North line bearing Southwesterly 89.29 feet; thence leaving the North line of Scenic Drive, North 0°08' West 799.52 feet to the point of beginning of this description.

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

and

WHEREAS, after a public hearing held on May 7, 1990, 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. 90-43,

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

1. The proposed cemetery expansion is in accordance with community objectives as set forth in the General Plan, which provides for compatibility with adjoining land uses.
2. The proposed P-D zone facilitates efficient expansion of a long-standing land use of low-intensity.
3. The master plan for the expansion program provides proper scale of structure, walls, and open space in relation to streets, alleys and adjoining properties.

and

WHEREAS, after a public hearing held on June 12, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Roman Catholic Bishop of Stockton c/o Thomas Angelo, agent 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. 90-43 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2715-C.S. on the 12 day of June, 1990, reclassifying the above-described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(471).

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(471), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "St. Stanislaus Cemetery - Scenic Drive, Modesto - Mausoleum Addition Plot Plan" as amended in red, stamped approved by the City Council on June 5, 1990.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. The Scenic Drive frontage shall be improved to major street standards 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.
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. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
7. All signs shall comply with the sign requirements of the R-2 Zone.
8. That the developer 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 P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code 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.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(471):

The entire construction program be accomplished in one phase, construction to begin on or before May 7, 1992, and completion to be not later than May 7, 1995.

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(471), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12 day of June, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Muratore

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Brucina  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-574

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 MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO P-D(471). (ROMAN CATHOLIC BISHOP OF STOCKTON C/O THOMAS ANGELO, AGENT)

WHEREAS, on June 12, 1990, the City Council introduced Ordinance No. 2715 -C.S. giving approval to a project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(471), property located on the north side of Scenic Drive west of Coffee 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 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 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 Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(471), property located on the north side of Scenic Drive west of Coffee Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12 day of June, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-575

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR ROCKWELL RELOCATIONS AT VARIOUS WELL SITES

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

SECTION 1. The plans and specifications for rockwell relocations at various well sites 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 5, 1990, at 11:05 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.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-576

A RESOLUTION ACCEPTING THE HAC CURB RAMPS PROJECT NO. 6, MCHENRY AVENUE/  
ROUTE 108 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the HAC curb ramps Project No. 6, McHenry Avenue/Route 108

has been completed by Cunningham & Sons, Inc.

in accordance with the contract agreement dated June 27, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the HAC curb ramps Project No. 6,  
McHenry Avenue/Route 108

be accepted from said contractor, Cunningham & Sons, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$54,836.45 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 12th day of June,  
1990, by Councilmember Lang, who moved its adoption, which  
motion being duly seconded by Councilmember Bird, was upon  
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-577

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND DELEUW, CATHER AND COMPANY, CONSULTANTS ON THE PROJECT FOR PLANNING REMOVAL OF UNION PACIFIC RAILROAD FROM 9TH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and DeLeuw, Cather and Company, consultants on the project for planning removal of Union Pacific Railroad from 9th Street be, and it is hereby approved.

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

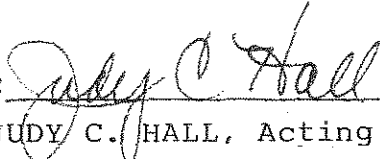
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1990 ,by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-578

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC TRANSPORTATION COMPANY FOR THE PURCHASE OF LAND FOR A WATER TANK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Southern Pacific Transportation Company for the purchase of land for a water tank

be, and it is hereby approved.

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

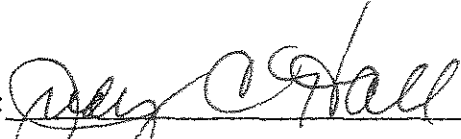
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

  
JUDY C. HALL, Acting City Clerk

RESOLUTION NO. 90-579

RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS

ASSESSMENT DISTRICT NO. 1  
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Modesto resolves:

1. The City Council intends to levy and collect assessments within Assessment District No. 1 during the fiscal year 1990-91. The area of land to be assessed is located in the City of Modesto, Stanislaus County.

2. The improvements to be made in this assessment district are generally described as follows:

To provide maintenance, in perpetuity, of street medians in Creekwood Drive, landscaping upon the medians in Creekwood Drive, landscaping of all areas behind the sidewalks to the right of way lines along Creekwood Drive and all areas being the curblines of Claus Road, and any and all improvements required for such maintenance including but not limited to landscape irrigation systems.

3. In accordance with this Council's resolution directing the filing of an annual report, the Public Works and Transportation Director, Engineer of Work, has filed with the City Clerk the report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the assessment district.

4. On Tuesday, the 10th day of July, 1990, at the hour of 4:00 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.

5. 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 12th day of June, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

RESOLUTION NO. 90-580

RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS

ASSESSMENT DISTRICT NO. 2  
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Modesto resolves:

1. The City Council intends to levy and collect assessments within Assessment District No. 2 during the fiscal year 1990-91. The area of land to be assessed is located in the City of Modesto, Stanislaus County.

2. The improvements to be made in this assessment district are generally described as follows:

To provide maintenance, in perpetuity, of street medians in Creekwood Drive, landscaping upon the medians in Creekwood Drive, landscaping of all areas behind the sidewalks to the right of way lines along Creekwood Drive and all areas being the curblines of Claus Road, and any and all improvements required for such maintenance including but not limited to landscape irrigation systems.

3. In accordance with this Council's resolution directing the filing of an annual report, the Public Works and Transportation Director, Engineer of Work, has filed with the City Clerk the report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the assessment district.

4. On Tuesday, the 10th day of July, 1990, at the hour of 4:00 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.

5. 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 12th day of June, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-581

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EWALD H. AND MARY A. KRUSE AND ALLEN R. AND CAROLYN GRANT FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 4300 MCHENRY AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ewald H. and Mary A. Kruse and Allen R. and Carolyn Grant for water service to property outside City limits at 4300 McHenry Avenue, located on the east side of McHenry, north of Claratina be, and it is hereby approved.

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

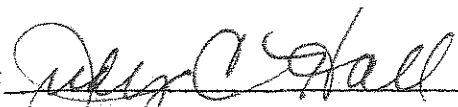
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

  
JUDY C. Hall, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-582

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE URBAN FORESTRY GRANT PROGRAM UNDER THE CALIFORNIA WILDLIFE, COASTAL, AND PARK LAND CONSERVATION ACT OF 1988 FOR THE FORESTATION OF THE SECONDARY WASTEWATER TREATMENT PLANT PROJECT.

WHEREAS, the people of the State of California have enacted the California Wildlife, Coastal, and Park Land Conservation Act of 1988, which provides funds to the State of California and its political subdivisions for urban forestry programs, and

WHEREAS, the State Department of Forestry and Fire Protection has been delegated the responsibility for the administration of the program within the state, setting up necessary procedures governing application by local agencies under the program, and

WHEREAS, said procedures established by the State Department of Forestry and Fire Prevention require the applicant to certify by resolution the approval of the application before submission of said application to the state, and

WHEREAS, the applicant will enter into an agreement with the State of California to carry out a tree planting project,

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

1. Approves the filing of an application for the Urban Forestry Grant Program under the California Wildlife, Coastal, and Park Land Conservation Bond Act of 1988, state grant assistance for the above project, and
2. Certifies that said applicant has or will have sufficient funds to operate and maintain the project, and

3. Certifies that funds under the jurisdiction of the City of Modesto are available to begin the project, and
4. Certifies that said applicant will expend funds prior to October 31, 1991, and
5. Appoints the City Manager or his authorized designee 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Muratore

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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-583

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF CARDOZO, NICKERSON, MARTELLI, CURTIS & ARATA TO REPRESENT THE CITY OF MODESTO, COUNTY OF STANISLAUS AND THE CITY OF CERES IN THE LAWSUIT DOSTAL V. CITY OF MODESTO, et. al.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the law firm of Cardozo, Nickerson, Martelli, Curtis & Arata to represent the City of Modesto, County of Stanislaus and City of Ceres in the lawsuit Dostal v. City of Modesto, et. al. 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 June, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

  
\_\_\_\_\_  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-584

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND  
DR. PHILIP TROMPETTER TO PROVIDE MENTAL HEALTH SERVICES FOR 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 for 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 12th day of June , 19 90 , by  
Councilmember Lang , who moved its adoption, which motion being duly  
seconded by Councilmember Bird , was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whitside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-585

A RESOLUTION AMENDING THE FY 1989-90 FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES BY APPROVING AN AGREEMENT WITH MODESTO INDEPENDENT LIVING CENTER TO SURVEY THE AVAILABLE HOUSING STOCK IN MODESTO TO DETERMINE HANDICAPPED ACCESSIBILITY OF HOUSING AND TO INTEREST PROPERTY OWNERS IN MAKING MORE HOUSING ACCESSIBLE TO HANDICAPPED PERSONS, UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FY 1989-90.

WHEREAS, the Community Development Block Grant Program requires primary benefit to low and moderate income persons, and

WHEREAS, the U.S. Department of Housing and Urban Development has determined that handicapped persons, as a class, are considered low income persons, and

WHEREAS, Modesto Independent Living Center had applied for funding under the 1989-90 Community Development Block Grant application, but did not have the necessary staff at that time, and

WHEREAS, their project, as proposed, was under the Public Services category, which has a mandatory cap of 15% of the grant, and

WHEREAS, Modesto Independent Living Center recruited more staff and changed the nature of their proposed project to an accessible housing survey, and

WHEREAS, the U.S. Department of Housing and Urban Development has determined that this survey is an eligible Planning and Administrative activity,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the 1989-90 Community Development Block Grant Final Statement of Community Development Objectives by approving an agreement not to

exceed \$22,000 with Modesto Independent Living Center for a handicapped accessible housing survey in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-586

A RESOLUTION CHANGING THE BALANCE OF UNUSED LOAN FUNDS OF \$12,150 FOR BUILDING HUTTON HOUSE, TO A GRANT BY MAKING A SECOND MODIFICATION OF TRUST DEED NOTE UNDER THE COMMUNITY DEVELOPMENT BLODK GRANT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the request to change the balance of unused loan funds of \$12,150 for building Hutton House for runaways, to a grant for Center for Human Services for equipment necessary to operate the runaway youth shelter by making a second modification of Trust Deed Note under the Community Development Block Grant Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said modified Trust Deed Note 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 June, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

  
JUDY C. HALL, Acting City Clerk

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-587

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE AND  
INSTALLATION OF TWO ADSORPTION SYSTEMS FROM CALGON CARBON CORPORATION

WHEREAS, South Modesto has three wells that have been unusable due to  
DBCP contamination at the minimum level and staff is requesting two adsorption  
systems for the filtering of DBCP contaminated ground water; and

WHEREAS, informal bids were solicited with three vendors responding; and

WHEREAS, because of capacity filtering rates and delivery times given by  
the vendors, staff suggests purchasing the adsorption systems from Calgon Carbon  
Corporation.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that  
formal bid for the purchase and installation of two adsorption systems is  
hereby waived.

BE IT FURTHER RESOLVED that authorization for purchase and installation  
of two adsorption systems from Calgon Carbon Corporation for the total price  
of \$403,750 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 19th day of June, 1990, by Council-  
member Lang , who moved its 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, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-588

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF BULK GASOLINE AND DIESEL FUELS FROM THE BEST AVAILABLE SOURCES FOR THE FISCAL YEAR 1990-91

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of bulk gasoline and diesel fuels for the fiscal year 1990-91 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 19th day of June, 1990, by Councilmember Lang , who moved its 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, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-589

A RESOLUTION AUTHORIZING AN APPLICATION TO THE CALIFORNIA ENERGY COMMISSION FOR A STREETLIGHT CONVERSION LOAN TO UPGRADE VAPOR STREET LIGHTS.

WHEREAS, the California Energy Commission has developed a Streetlight Conversion Loan Program to provide loans to local governments and special districts to convert existing inefficient streetlight systems to ones using high efficiency lamps,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto authorizes the City of Modesto to apply for a loan from the California Energy Commission to convert to energy efficient lamps.

BE IT FURTHER RESOLVED, that if recommended for funding by the California Energy Commission, the Council of the City of Modesto authorizes the City of Modesto to accept a loan up to the amount of this application for \$176,583.69.

BE IT FURTHER RESOLVED, that the amount of the loan will be paid in full, plus interest, under the terms and conditions of the loan agreement and promissory note with the California Energy Commission.

BE IT FURTHER RESOLVED, that the City Manager or his authorized representative is hereby authorized and empowered to execute in the name of the City of Modesto all the necessary documents to implement and carry out the purposes 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 June, 1990, by Councilmember Lang, who moved its 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, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-590

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE STATE OFFICE OF CRIMINAL JUSTICE PLANNING FOR THE MODESTO GANG VIOLENCE SUPPRESSION PROGRAM (FOURTH YEAR FUNDING).

WHEREAS, the City of Modesto desires to undertake a certain project designated the Modesto Gang Violence Suppression Program to be funded in part from funds made available through Chapter 1093, 1982 Statutes, the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, Public Law 98-473, and/or Justice Assistance Act of 1984 (JAA) for the Gang Violence Suppression Program administered by the Office of Criminal Justice Planning (hereafter referred to as OCJP),

NOW, THEREFORE, BE IT RESOLVED that the City Manager of the City of Modesto is authorized, on its behalf to submit the attached proposal to OCJP and is authorized to execute on behalf of the City of Modesto the attached Grant Award Agreement including any extensions or amendments thereof.

BE IT FURTHER RESOLVED that the applicant agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the policies and procedures of OCJP and that funds will be appropriated as required.

BE IT FURTHER RESOLVED that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 1990, by Councilmember Lang, who moved its 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, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO.90-591

A RESOLUTION ESTABLISHING A NEW CAPITAL IMPROVEMENT PROJECT, ENTITLED "JEFFERSON STREET LIFT STATION".

WHEREAS, Foster Farms Milk Processing Plant on Kansas Avenue has recently completed renovations and is currently operating at less than design capacity as the plant is served by a 16" sewer line on Jefferson Street, and

WHEREAS, the Jefferson Street line is one of the oldest sewer lines in Modesto and is over capacity at this time, and

WHEREAS, City staff is recommending that a new capital improvement project be established to provide for a lift station which will pump the wastewater from the Foster Farms Plant and an area north of 9th Street into an existing line on 9th Street which has reserve capacity, and

WHEREAS, the estimated cost of the project including engineering and contingencies is \$228,000, and it is necessary to appropriate a new capital improvement project, entitled "Jefferson Street Lift Station," in the amount of \$228,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a new capital improvement project in the amount of \$228,000, entitled "Jefferson Street Lift Station", be established in the 1990-1991 Capital Improvement Budget to provide for a lift station that will pump the wastewater from the Foster Farms Plant and an area north of 9th Street into an existing line on 9th Street which has reserve capacity,

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 19th day of June, 1990, by Councilmember Lang, who moved its 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, Irizarry, Lang, muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-592

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$228,000 FROM SEWER FUND RESERVES TO FUND A PROJECT TO ALLEVIATE A SEWER CAPACITY PROBLEM ON THE JEFFERSON STREET SEWER TRUNK

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

FROM: Sewer Fund Reserves \$228,000  
(621 800 8000 8003)

TO: Jefferson Street lift station \$228,000  
(621 480 P928 6000)

Funds are needed to fund a project to alleviate a sewer capacity problem on the Jefferson Street sewer trunk. This line serves the Foster Farms plant on Kansas Avenue. This project is necessary to allow the Foster Farm plant to operate at full capacity.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 1990, by Councilmember Lang, who moved its 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, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-593

A RESOLUTION APPROVING THE FINAL MAP OF THE CALIFORNIA  
CHARDONNAY UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Kaufman and Broad of Northern California, Inc., a  
California corporation, is possessed of a tract of land situate in the City of  
Modesto, County of Stanislaus, consisting of 24.93 acres, known as the  
California Chardonnay Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City  
Planning Commission on the 24th day of October, 1988, 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 California Chardonnay Unit No. 2 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 19th day of June, 1990, by Councilmember Lang, who moved its 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, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-594

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER, INC. FOR THEIR LEASE OF CORPORATE HANGAR PLOTS 3 AND 4 AT THE MODESTO 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 their lease of Corporate Hangar Plots 3 and 4 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 19th day of June, 1990, by Councilmember Lang, who moved its 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, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-595

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND INSIGHT AVIATION FOR THEIR LEASE OF HANGAR NO. 2 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 Insight Aviation for their lease of Hangar No. 2 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 19th day of June , 19 90 , by Councilmember Lang , who moved its 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, Irizarry, Lang, Muratore, Patterson, Acting, Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-596

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAROLD JOLLIFF FOR THE LEASE OF A PORTION OF HANGAR NO. 1 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 Darold Jolliff for the lease of a portion of Hangar No. 1 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 19th day of June, 1990, by Councilmember Lang, who moved its 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, Iriazrry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-597

A RESOLUTION AUTHORIZING THE HIRING OF FOUR TEMPORARY  
ACCOUNT CLERKS IN RELATION TO THE UTILITY BILLING SOFTWARE  
IMPLEMENTATION PROJECT.

WHEREAS, on April 17, 1990, the City Council approved the  
replacement of the City's Utility Billing System, and

WHEREAS, during the implementation portion of the project, four (4)  
temporary Account Clerks are needed to assist in the operation of the current  
system which would allow the regular staff to focus on the new system and  
which would allow a continuity of customer service to be maintained during the  
software implementation period,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the Council does hereby authorize the hiring of four (4) temporary  
Account Clerks to assist in the operation of the current billing system to  
allow the regular staff to focus on the utility billing software  
implementation project.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 19th day of June,  
1990, by Councilmember LaNG, who moved its 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-598

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM FROM HAL F. SEIBERT, ON BEHALF OF TERRY ANGELES, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim from Hal F. Seibert, on behalf of Terry Angeles, against the City of Modesto, was received on June 11, 1990, in the office of the City Clerk.

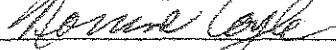
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim from Hal F. Seibert, on behalf of Terry Angeles, against the City of Modesto, received on June 11, 1990, in the office of the City Clerk, City of Modesto, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 1990, by Councilmember Lang, who moved its 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, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-599

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR DRY CREEK BIKE AND PEDESTRIAN BRIDGE

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

SECTION 1. The plans and specifications for the Dry Creek bike and pedestrian bridge

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 19, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1990, by Councilmember Patterson, 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, Irizarry, Muratore, Patterson,  
Mayor pro tem Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-600

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 THE CONSTRUCTION OF THE DRY CREEK BIKE AND PEDESTRIAN BRIDGE.

WHEREAS, on June 26, 1990 the City Council approved plans and specifications and authorized a call for bids relating to the construction of the Dry Creek Bike and Pedestrian Bridge, and

WHEREAS, the City Council certifies that at its meeting of June 26, 1990, 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 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 the construction of the Dry Creek Bike and Pedestrian Bridge.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1990, by Councilmember Patterson, 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, Irizarry, Muratore, Patterson,  
Mayor pro tem Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-601

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TRAFFIC SIGNAL CONSTRUCTION AND STRIPING MODIFICATIONS AT VARIOUS LOCATIONS

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

SECTION 1. The plans and specifications for traffic signal construction and striping modifications at the following locations:

Briggsmore Avenue at Lakewood Avenue  
Carpenter Road at Kansas Avenue  
Coffee Road at Norwegian Avenue  
Coffee Road between Briggsmore Avenue and Scenic Drive  
Coffee Road between Ensenada Drive and Spanos Court

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 31, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1990, by Councilmember

Lang, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-602

A RESOLUTION ACCEPTING THE ROSELLE AVENUE CANAL CROSSING AT M.I.D. LATERAL NO. 3 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Roselle Avenue canal crossing at M.I.D. Lateral No. 3

has been completed by D.B. Construction, Inc.

in accordance with the contract agreement dated December 5, 1989.

NOW, THEREFORE, BE IT RESOLVED that the Roselle Avenue canal crossing at M.I.D. Lateral No. 3

be accepted from said contractor, D.B. Construction, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$207,107.49 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 June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-603

A RESOLUTION AMENDING THE FINAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1989-90 TO PROVIDE FOR THE ESTABLISHMENT OF VARIOUS RESERVES AND AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE THE NECESSARY APPROPRIATION ADJUSTMENTS TO ESTABLISH SAID RESERVES PRIOR TO CLOSING THE BOOKS OF THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1990.

WHEREAS, it is necessary to establish various reserves to comply with the provisions of Article XIII B of the State Constitution, and

WHEREAS, the appropriations to establish said reserves must be made prior to the closing of the City of Modesto's books for fiscal year 1989-90,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following reserves to be established in the annual budget of the City of Modesto for the fiscal year 1989-90 and that the amounts of said reserves, including necessary adjustments to current appropriations, be as set forth below or as determined by the Director of Finance in accordance with the following:

Fund No. 010 - General Fund

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year.  
Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Capital Contingencies - A reserve established to provide for potential capital adjustments arising from needs for which specific financing has not been provided. The reserve is established in the amount of \$500,000.

Fund No. 050 - Local Transportation

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 070 - Special Gas Tax Improvement

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 090 - Downtown Improvement District

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 111 - HCDA Title 1/Housing

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 130 - Special Fund for Capital Outlays

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Funds No. 131-139 - Capital Facilities Fee Funds

Police Department (131), Fire Department (132), Expressway Loop (133), Street Lights (134), Parks (135), New Traffic Signals (136), Wastewater Treatment (137), Other City (138), Administration (139), Streets (141), Public Transportation (142), Air Quality (143).

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 140 - Parks

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 150 - Parks and Recreation Facilities

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 160 - In Lieu Parking

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes.

Fund No. 170 - State Parks and Recreation

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Fund No. 180 - McHenry Mansion

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Fund No. 190 - Capital Improvement Projects

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Fund No. 200 - Revenue Sharing

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Funds No. 280-340 - Drainage Area Funds

Crows Landing (280), Orchard (290), Claus Road (300), Oakdale (310), Sylvan (320), Ustick (330), Yosemite (340).

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Fund No. 600 - Parking

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 610 - Water

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Exigency Reserve - An amount not to exceed \$600,000 is reserved for unforeseen exigencies arising from the operations of the Water Enterprise. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Fund No. 621 - Sewer

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Fund No. 631 - Airport

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 651 - Bus Service

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Fund No. 660 - Golf

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Fund No. 670 - Centre Plaza

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Fund No. 890 - Tuolumne River Regional Park

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1989-90 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1989-90 fiscal year but which will be reappropriated in the 1990-91 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

BE IT FURTHER RESOLVED that said reserves are established as restrictions against fund balances in the General Ledger Accounts of the City of Modesto available for appropriation in 1990-91 fiscal year, and

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 June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-604

A RESOLUTION APPROVING AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING ENTITLED "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEES ASSOCIATION FISCAL YEARS 1988-89 THROUGH 1990-91", COMMENCING ON JULY 1, 1988, AND ENDING ON JUNE 30, 1991.

WHEREAS, the Council of the City of Modesto by Resolution No. 88-491 which was superseded by Resolution No. 89-845 approved a Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association of the City of Modesto covering the fiscal years 1988-89, 1989-90, and 1990-91, commencing on July 1, 1988, and ending on June 30, 1991, including the salary ranges and schedules, shown as Exhibits "A" and "B" thereof, for employees represented by the Modesto City Employees Association, and

WHEREAS, said Memorandum provided for creation of a comprehensive memorandum combining all negotiated provisions into a single comprehensive document, and

WHEREAS, at its meeting of June 26, 1990, the Council considered a report dated June 20, 1990, addressed to the City Manager from the Assistant to City Manager Herrero, which proposed amendments to the Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association, a copy of which report is attached hereto marked Exhibit "A" and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposed amendments to the Memorandum of Understanding entitled "Memorandum of Understanding Between the City of Modesto and the Modesto City Employees Association of the City of Modesto" covering the fiscal years 1988-89, 1989-90, and 1990-91, commencing on July 1, 1988, and ending on June 30, 1991 are hereby approved as provided for in the report dated

June 20, 1990, addressed to the City Manager from the Assistant to City Manager Herrero, a copy of which report is attached hereto marked Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED that the implementation of said amendment to the Memorandum of Understanding by the designated City Officials be authorized.

BE IT FURTHER RESOLVED that said amendments are hereby effective July 3, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MEMORANDUM

Date: June 20, 1990

TO: City Manager  
FROM: Assistant to City Manager Herrero  
SUBJECT: Salary and Benefit Changes for 1990-91

Recommended Council Actions

Resolution revising MOU with Modesto City Employees Association, resolution revising MOU with Modesto Police Officers Association, resolution revising MOU with Modesto City Firefighters Association, resolution revising salary and benefits for management and confidential employees, resolution setting salaries for Council appointees, resolution authorizing City Manager to sign agreement with Family Service Agency, and resolution authorizing City Manager to modify the long term disability insurance.

Background

This past year we have been negotiating changes in health insurance and related items with our bargaining units. Tentative agreements have been reached with MCEA and MPOA. For these units the most significant changes are increases in health insurance premium contributions, increases/modifications to the sick leave conversion benefit at retirement, and reductions in the previously negotiated cost of living increases for the coming year. For MCEA another change is addition of an Employee Assistance Program through the Family Service Agency. Drafts of the revised MOU's are attached for reference. Signed MOU's should be available by the Council meeting.

A tentative agreement has also been reached with MCFFA. This agreement includes in lieu deferred compensation for those with employee only health coverage, the Employee Assistance Program, substance abuse coverage under the City health plan, City contributions toward health premiums of \$129.15 and \$279.84, IRS Section 125 pre-tax deductions for health premiums and dependent care, and a reduction in the previously negotiated cost of living increase from 5.2% to 5.0%. The final provision in this agreement is placement of a charter amendment on the November ballot which would allow binding arbitration in disciplinary hearings. A signed contract including these provisions should be available by the Council meeting.

Based on these agreements and discussions with management employees the following changes are being recommended re benefits for management and confidential employees:

1. Non-sworn management: 4.5% salary increase, I

sick leave conversion at 90% with vacation supplement, Employee Assistance Program, contributions of \$129.59 (employee only) and \$286.73 (employee plus dependents) toward the City health plan, increase in sick leave accrual to 2,200 hours, and an increase in the long term disability salary cap to a minimum of \$6,000.

2. Fire management: 5.0% salary increase, all other benefits same as (1) above.
3. Police Management: 5.7% salary increase, sick leave conversion at 90% with vacation, CTO and holiday supplement, all other benefits same as (1) above except Employee Assistance Plan.
4. Confidential: 4.5% salary increase, all other benefits same as (1) above.

Changes in the City's self-funded health plan would also become effective starting July 3, 1990. A list of these changes is attached. The only exception is that substance abuse coverage would not be available for members of MPOA.

As noted above, an Employee Assistance Plan would be implemented with these changes. A joint labor/management committee solicited proposals and recommends that the Family Service Agency be selected as the provider. Attached is the proposed contract with the Family Service Agency. This Plan would apply to all employees except those Police Department employees currently covered by the contract with Dr. Phil Trompetter. Family Service Agency would also provide critical incident counseling for the City as part of this contract.

Finally, if the Council wishes to change the salaries of the three officials it appoints, a resolution setting the salaries would be in order.

#### Impact

The estimated net cost of the above changes is roughly \$241,000 per year.

*Mike Herrero*  
Michael C. Herrero

cc: Deputy City Manager  
City Attorney  
Finance Director  
Dave Louis, Chair MCEAC  
Bill Reeves, OE3  
Carl Richter, President MCEA  
Steve Conway, OE3  
Paul Konsdorf, President MPOA  
Ken Bryant, President MCFFA

City Plan Changes Effective July 3, 1990

The age 65 restriction on the City health plan would be eliminated. At 65, the City plan would become a Medicare supplemental health plan.

The City dental and vision plans would be available to retirees at cost.

Upon death of the retired employee, surviving dependents would retain eligibility for the City plan on the same basis as the employee.

A separate City plan Medicare supplemental rate would be calculated and paid by the employee or dependent.

Change from a basic plus major medical to a comprehensive design with a lifetime maximum of \$1,000,000. The plan would pay 80% of the first \$3,000 of covered medical and surgical benefits provided through the preferred provider network within a calendar year, 100% thereafter. Reimbursement to non-preferred providers would be at 70%.

Diagnostic outpatient x-ray and lab benefit would be reimbursed at 100% for both illness and accident at a Foundation designated facility, 70% for illness in a non-designated facility.

The separate additional accident benefit would be eliminated. The deductible would be waived for illness and injury if for first treatment for shock, acute poisoning or hemorrhaging; and for accidents within 72 hours.

Temporomandibular joint dysfunction coverage would be specifically excluded from coverage.

The mental/nervous benefit would be combined with a new substance abuse benefit. Outpatient would be reimbursed, subject to the deductible, at 80% to an annual maximum of \$1,500, inpatient at 80% to an annual maximum of \$10,000. A lifetime maximum for inpatient treatment would be \$25,000. The substance abuse coverage would apply to employees and spouses only.

For administrative purposes, the birthday rule would be used where there is dual insurance.

Chiropractic visits would be limited to 40 per calendar year.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-605

A RESOLUTION APPROVING AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING ENTITLED "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE OFFICERS ASSOCIATION FISCAL YEARS 1989-90, THROUGH 1991-92," COMMENCING ON JULY 4, 1989, AND ENDING ON JUNE 30, 1992.

WHEREAS, the Council of the City of Modesto by Resolution No. 88-492 and updated by Resolution No. 89-713 approved a Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association of the City of Modesto covering the fiscal years 1989-90 through 1991-92, commencing on July 4, 1989, and ending on June 30, 1992, including attached thereto the Class Range Table - General Police Classes, and Schedule of Salary Ranges shown as Exhibits "A" and "B", Exhibit "C" - Master Police Officer Assignment, and Exhibit "D" - Master Detective, for employees represented by the Modesto Police Officers Association, and

WHEREAS, said Memorandum provided for creation of a comprehensive memorandum combining all negotiated provisions into a single comprehensive document, and

WHEREAS, at its meeting of June 26, 1990, the Council considered a report dated June 20, 1990, addressed to the City Manager from the Assistant to City Manager Herrero, which proposed amendments to the Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association, a copy of which report is attached hereto marked Exhibit "A" and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposed amendments to the Memorandum of Understanding entitled

"Memorandum of Understanding Between the City of Modesto and the Modesto Police Officers Association of the City of Modesto" covering the Fiscal Years 1989-90, through 1990-91", commencing on July 1, 1989, and ending on June 30, 1992, are hereby approved as provided for in the report dated June 20, 1990, addressed to the City Manager from the Assistant to City Manager Herrero, a copy of which report is attached hereto marked Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED that the implementation of said amendment to the Memorandum of Understanding by the designated City officials be authorized.

BE IT FURTHER RESOLVED that said amendments are hereby effective July 3, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO  
M E M O R A N D U M

Date: June 20, 1990

TO: City Manager  
FROM: Assistant to City Manager Herrero  
SUBJECT: Salary and Benefit Changes for 1990-91

Recommended Council Actions

Resolution revising MOU with Modesto City Employees Association, resolution revising MOU with Modesto Police Officers Association, resolution revising MOU with Modesto City Firefighters Association, resolution revising salary and benefits for management and confidential employees, resolution setting salaries for Council appointees, resolution authorizing City Manager to sign agreement with Family Service Agency, and resolution authorizing City Manager to modify the long term disability insurance.

Background

This past year we have been negotiating changes in health insurance and related items with our bargaining units. Tentative agreements have been reached with MCEA and MPOA. For these units the most significant changes are increases in health insurance premium contributions, increases/modifications to the sick leave conversion benefit at retirement, and reductions in the previously negotiated cost of living increases for the coming year. For MCEA another change is addition of an Employee Assistance Program through the Family Service Agency. Drafts of the revised MOU's are attached for reference. Signed MOU's should be available by the Council meeting.

A tentative agreement has also been reached with MCFFA. This agreement includes in lieu deferred compensation for those with employee only health coverage, the Employee Assistance Program, substance abuse coverage under the City health plan, City contributions toward health premiums of \$129.15 and \$279.84, IRS Section 125 pre-tax deductions for health premiums and dependent care, and a reduction in the previously negotiated cost of living increase from 5.2% to 5.0%. The final provision in this agreement is placement of a charter amendment on the November ballot which would allow binding arbitration in disciplinary hearings. A signed contract including these provisions should be available by the Council meeting.

Based on these agreements and discussions with management and confidential employees the following changes are being recommended regarding salaries and benefits for management and confidential employees:

1. Non-sworn management: 4.5% salary increase, IRS Section 125 plan,

sick leave conversion at 90% with vacation supplement, Employee Assistance Program, contributions of \$129.59 (employee only) and \$286.73 (employee plus dependents) toward the City health plan, increase in sick leave accrual to 2,200 hours, and an increase in the long term disability salary cap to a minimum of \$6,000.

2. Fire management: 5.0% salary increase, all other benefits same as (1) above.
3. Police Management: 5.7% salary increase, sick leave conversion at 90% with vacation, CTO and holiday supplement, all other benefits same as (1) above except Employee Assistance Plan.
4. Confidential: 4.5% salary increase, all other benefits same as (1) above.

Changes in the City's self-funded health plan would also become effective starting July 3, 1990. A list of these changes is attached. The only exception is that substance abuse coverage would not be available for members of MPOA.

As noted above, an Employee Assistance Plan would be implemented with these changes. A joint labor/management committee solicited proposals and recommends that the Family Service Agency be selected as the provider. Attached is the proposed contract with the Family Service Agency. This Plan would apply to all employees except those Police Department employees currently covered by the contract with Dr. Phil Trompetter. Family Service Agency would also provide critical incident counseling for the City as part of this contract.

Finally, if the Council wishes to change the salaries of the three officials it appoints, a resolution setting the salaries would be in order.

#### Impact

The estimated net cost of the above changes is roughly \$241,000 per year.

*Mike Herrero*

Michael C. Herrero

cc: Deputy City Manager  
~~City Attorney~~  
Finance Director  
Dave Louis, Chair MCEAC  
Bill Reeves, OE3  
Carl Richter, President MCEA  
Steve Conway, OE3  
Paul Konsdorf, President MPOA  
Ken Bryant, President MCFFA

City Plan Changes Effective July 3, 1990

The age 65 restriction on the City health plan would be eliminated. At 65, the City plan would become a Medicare supplemental health plan.

The City dental and vision plans would be available to retirees at cost.

Upon death of the retired employee, surviving dependents would retain eligibility for the City plan on the same basis as the employee.

A separate City plan Medicare supplemental rate would be calculated and paid by the employee or dependent.

Change from a basic plus major medical to a comprehensive design with a lifetime maximum of \$1,000,000. The plan would pay 80% of the first \$3,000 of covered medical and surgical benefits provided through the preferred provider network within a calendar year, 100% thereafter. Reimbursement to non-preferred providers would be at 70%.

Diagnostic outpatient x-ray and lab benefit would be reimbursed at 100% for both illness and accident at a Foundation designated facility, 70% for illness in a non-designated facility.

The separate additional accident benefit would be eliminated. The deductible would be waived for illness and injury if for first treatment for shock, acute poisoning or hemorrhaging; and for accidents within 72 hours.

Temporomandibular joint dysfunction coverage would be specifically excluded from coverage.

The mental/nervous benefit would be combined with a new substance abuse benefit. Outpatient would be reimbursed, subject to the deductible, at 80% to an annual maximum of \$1,500, inpatient at 80% to an annual maximum of \$10,000. A lifetime maximum for inpatient treatment would be \$25,000. The substance abuse coverage would apply to employees and spouses only.

For administrative purposes, the birthday rule would be used where there is dual insurance.

Chiropractic visits would be limited to 40 per calendar year.

MODESTO CITY COUNCIL  
RESOLUTION NO.90-606

A RESOLUTION APPROVING AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO FIRE FIGHTERS ASSOCIATION FISCAL YEARS 1988-91, COMMENCING ON JULY 1, 1988, AND ENDING ON JUNE 30, 1991.

WHEREAS, the Council of the City of Modesto by Resolution No. 88-491 which was superseded by Resolution No. 88-493 approved a Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters Association of the City of Modesto covering the fiscal years 1988-89-1990-91, commencing on July 1, 1988, and ending on June 30, 1991, and

WHEREAS, the Executive Committee of the Modesto City Fire Fighters Association has reviewed and approved proposed amendments to the Memorandum of Understanding and will seek ratification of said proposed amendments on or about June 29, 1990, and

WHEREAS, at its meeting of June 26, 1990, the Council considered a report dated June 20, 1990, addressed to the City Manager from the Assistant to City Manager Herrero, which proposed amendments to the Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters Association of the City of Modesto, a copy of which report is attached hereto marked Exhibit "A" and incorporated herein by reference,

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

AMENDMENT. That subject to approval of the proposed amendments by a majority of the membership of the Modesto City Fire Fighters Association, the Amendment to the Memorandum of Understanding between the City of Modesto and

the Modesto City Fire Fighters Association of the City of Modesto for the fiscal years 1988-89-1990-91, commencing on July 1, 1988, and ending on June 30, 1991, is hereby approved as provided for in the report dated June 20, 1990, addressed to the City Manager from the Assistant to City Manager Herrero, a copy of which report is attached hereto marked Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED that subject to approval of the proposed amendments by a majority of the membership of the Modesto City Fire Fighters Association, the implementation of said amendment to the Memorandum of Understanding by the designated City officials be authorized.

BE IT FURTHER RESOLVED that said amendments are hereby effective July 3, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO  
M E M O R A N D U M

Date: June 20, 1990

TO: City Manager  
FROM: Assistant to City Manager Herrero  
SUBJECT: Salary and Benefit Changes for 1990-91

Recommended Council Actions

Resolution revising MOU with Modesto City Employees Association, resolution revising MOU with Modesto Police Officers Association, resolution revising MOU with Modesto City Firefighters Association, resolution revising salary and benefits for management and confidential employees, resolution setting salaries for Council appointees, resolution authorizing City Manager to sign agreement with Family Service Agency, and resolution authorizing City Manager to modify the long term disability insurance.

Background

This past year we have been negotiating changes in health insurance and related items with our bargaining units. Tentative agreements have been reached with MCEA and MPOA. For these units the most significant changes are increases in health insurance premium contributions, increases/modifications to the sick leave conversion benefit at retirement, and reductions in the previously negotiated cost of living increases for the coming year. For MCEA another change is addition of an Employee Assistance Program through the Family Service Agency. Drafts of the revised MOU's are attached for reference. Signed MOU's should be available by the Council meeting.

A tentative agreement has also been reached with MCFFA. This agreement includes in lieu deferred compensation for those with employee only health coverage, the Employee Assistance Program, substance abuse coverage under the City health plan, City contributions toward health premiums of \$129.15 and \$279.84, IRS Section 125 pre-tax deductions for health premiums and dependent care, and a reduction in the previously negotiated cost of living increase from 5.2% to 5.0%. The final provision in this agreement is placement of a charter amendment on the November ballot which would allow binding arbitration in disciplinary hearings. A signed contract including these provisions should be available by the Council meeting.

Based on these agreements and discussions with management and confidential employees the following changes are being recommended regarding salaries and benefits for management and confidential employees:

1. Non-sworn management: 4.5% salary increase, IRS Section 125 plan,

sick leave conversion at 90% with vacation supplement, Employee Assistance Program, contributions of \$129.59 (employee only) and \$286.73 (employee plus dependents) toward the City health plan, increase in sick leave accrual to 2,200 hours, and an increase in the long term disability salary cap to a minimum of \$6,000.

2. Fire management: 5.0% salary increase, all other benefits same as (1) above.
3. Police Management: 5.7% salary increase, sick leave conversion at 90% with vacation, CTO and holiday supplement, all other benefits same as (1) above except Employee Assistance Plan.
4. Confidential: 4.5% salary increase, all other benefits same as (1) above.

Changes in the City's self-funded health plan would also become effective starting July 3, 1990. A list of these changes is attached. The only exception is that substance abuse coverage would not be available for members of MPOA.

As noted above, an Employee Assistance Plan would be implemented with these changes. A joint labor/management committee solicited proposals and recommends that the Family Service Agency be selected as the provider. Attached is the proposed contract with the Family Service Agency. This Plan would apply to all employees except those Police Department employees currently covered by the contract with Dr. Phil Trompeter. Family Service Agency would also provide critical incident counseling for the City as part of this contract.

Finally, if the Council wishes to change the salaries of the three officials it appoints, a resolution setting the salaries would be in order.

#### Impact

The estimated net cost of the above changes is roughly \$241,000 per year.

*Mike Herrero*

Michael C. Herrero

cc: Deputy City Manager  
City Attorney  
Finance Director  
Dave Louis, Chair MCEAC  
Bill Reeves, OE3  
Carl Richter, President MCEA  
Steve Conway, OE3  
Paul Konsdorf, President MPOA  
Ken Bryant, President MCFFA

City Plan Changes Effective July 3, 1990

The age 65 restriction on the City health plan would be eliminated. At 65, the City plan would become a Medicare supplemental health plan.

The City dental and vision plans would be available to retirees at cost.

Upon death of the retired employee, surviving dependents would retain eligibility for the City plan on the same basis as the employee.

A separate City plan Medicare supplemental rate would be calculated and paid by the employee or dependent.

Change from a basic plus major medical to a comprehensive design with a lifetime maximum of \$1,000,000. The plan would pay 80% of the first \$3,000 of covered medical and surgical benefits provided through the preferred provider network within a calendar year, 100% thereafter. Reimbursement to non-preferred providers would be at 70%.

Diagnostic outpatient x-ray and lab benefit would be reimbursed at 100% for both illness and accident at a Foundation designated facility, 70% for illness in a non-designated facility.

The separate additional accident benefit would be eliminated. The deductible would be waived for illness and injury if for first treatment for shock, acute poisoning or hemorrhaging; and for accidents within 72 hours.

Temporomandibular joint dysfunction coverage would be specifically excluded from coverage.

The mental/nervous benefit would be combined with a new substance abuse benefit. Outpatient would be reimbursed, subject to the deductible, at 80% to an annual maximum of \$1,500, inpatient at 80% to an annual maximum of \$10,000. A lifetime maximum for inpatient treatment would be \$25,000. The substance abuse coverage would apply to employees and spouses only.

For administrative purposes, the birthday rule would be used where there is dual insurance.

Chiropractic visits would be limited to 40 per calendar year.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-607

A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES  
AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE  
AND RESCINDING RESOLUTION NO. 88-490.

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

SECTION 1. SALARY RANGES AND RATES AND EFFECTIVE DATES. The salary rates, salary ranges and salary steps as set forth in Exhibit "A" entitled "Class Range Table, General Non-Sworn Classes Effective July 3, 1990", Exhibit "B" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 90/91 Effective July 3, 1990 - Schedule A General Non-Sworn Classes", Exhibit "C" entitled "Class Range Table, General Fire Classes, Effective July 3, 1990", Exhibit "D" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 90/91 Effective July 3, 1990 - Schedules B and W General Fire Classes, and Schedule X Special Assignment, and Schedule Z Fire Prevention Bureau and Fire Fighter Trainees", Exhibit "E" entitled "Class Range Table, General Police Classes", Effective July 3, 1990, Exhibit "F" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 90/91 Effective July 3, 1990 - Schedule C General Police Classes", Exhibit "G" entitled "Class Range Table, Management and Confidential Non-Sworn Classes, Effective July 3, 1990", Exhibit "H" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 90/91 Effective July 3, 1990 - Schedule D Management/Confidential - General", Exhibit "I" entitled "Class Range Table, Fire Management Classes Effective July 3, 1990", Exhibit "J" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 90/91 Effective July 3, 1990 - Schedule E Management/ Confidential - Fire, and Schedule Y Fire

Management", Exhibit "K" entitled "Class Range Table, Police Management Classes Effective July 3, 1990", Exhibit "L" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 90/91 Effective July 3, 1990 - Schedule F Management/ Confidential - Police", Exhibit "M" entitled "Class Range Table, Executive Management Effective July 3, 1990, which are attached hereto and hereby made a part hereof, are established effective July 3, 1990.

SECTION 2. 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 3. 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 properly to 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 4. 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 5. 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 he is the appointing authority and which are not designated herein.

SECTION 6. DIFFERENTIAL PAY - MISCELLANEOUS. An employee who is assigned to one of the positions enumerated below shall be paid, in addition to the salary fixed and established for the class title and pay range to which the employee's position has been allocated, additional compensation at the rate of five percent (5%) of the compensation which the employee would otherwise be entitled to receive. Such additional compensation shall not be paid to any person employed on a temporary or part-time (hourly or per diem pay) basis.

(a) Motor Sweeper Operator - who is regularly assigned as a night sweeper operator.

(b) Maintenance Worker I or II - who is regularly assigned to water street trees at night.

(c) Maintenance Worker I or II - who is regularly assigned as a night hand sweeper.

(d) Police Clerk or Senior Police Clerk - who is regularly assigned to work on either the swing, graveyard or weekend shifts.

(e) Custodian - who is regularly assigned to work on either the swing, graveyard or weekend shifts.

In addition, a Police Clerk who is assigned to the position of Senior Police Clerk on any shift, shall be paid, in addition to the salary

fixed and established for the class title and pay range to which the employee's position has been allocated, and in addition to the five percent (5%) differential pay as provided in Section 7(d) above, additional compensation at the rate of ten percent (10%) of the compensation which the employee would otherwise be entitled to receive. Such additional compensation shall not be paid to any person employed on a temporary or part-time (hourly or per diem pay) basis.

SECTION 7. DIFFERENTIAL PAY – FIRE PREVENTION BUREAU. A sworn safety member of the Fire Department assigned to the Fire Department's Fire Prevention Bureau shall be paid, in addition to the salary fixed and established for the class title and pay range to which the employee's position has been allocated, the following additional compensation based on time spent in the Fire Prevention Bureau and determined as a percent of the compensation which the employee would otherwise be entitled to receive:

<u>Time Spent in Fire Prevention Bureau</u>	<u>Additional Pay to be Received</u>
0 - 12 months	2 1/2%
13 - 24 months	5%
25 months and thereafter	7 1/2%

SECTION 8. ACTING PAY – POLICE DEPARTMENT. A Detective who is temporarily assigned to act as a Sergeant for five (5) or more regularly scheduled, consecutive workdays will be paid five percent (5%) acting pay above the Detective's normal base pay retroactive to the first day. Holidays and regularly scheduled days off will not interrupt the calculation of consecutive workdays.

SECTION 9. ACTING PAY – MISCELLANEOUS EMPLOYEES. An employee represented by the Modesto City Employees' Association who is temporarily

assigned by a Personnel Action form to fill another position for more than one hundred and twenty (120) consecutive regularly scheduled work hours will be paid five percent (5%) additional compensation above the employee's normal base pay retroactive to the first hour of such assignment. Holidays and regularly scheduled hours and days off will not interrupt the calculation of consecutive work hours.

SECTION 10. ACTING PAY - FIRE DEPARTMENT. A fire suppression employee in the Fire Department represented by the Modesto City Firefighters Association who is assigned to work temporarily in a position in a salary range above that to which the employee is regularly assigned and who is entitled to acting pay in accordance with the Personnel Administrative Orders of the City of Modesto, will be paid five percent (5%) additional compensation above the employee's normal base pay commencing with the beginning of the first (1st) hour of the overgrade assignment on an hour for hour basis.

SECTION 11. 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 12. EFFECTIVE DATE. This resolution shall be effective on and after July 3, 1990.

SECTION 13. REPEALS. Resolution No. 88-490 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

1359/WPPER

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL POLICE CLASSES

Effective July 3, 1990

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RANGE	TITLE
304	Police Officer Trainee
305	
306	
307	
308	Police Officer
309	
310	
311	
312	Detective

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SCHEDULE C  
GENERAL POLICE CLASSES

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 90/91  
EFFECTIVE 07/03/90

RANGE	HOURLY					BI-WEEKLY					MONTHLY			
	A	B	C	D	E	A	B	C	D	E	A	B	C	D
301.0	13.4535	14.1262	14.8325	15.5741	16.3528	1076.28	1130.10	1186.60	1245.93	1308.22	2339.94	2456.95	2579.79	2708.71
302.0	13.7898	14.4793	15.2033	15.9635	16.7617	1103.18	1158.34	1216.26	1277.08	1340.94	2398.42	2518.35	2644.27	2776.58
303.0	14.1345	14.8412	15.5833	16.3625	17.1806	1130.76	1187.30	1246.66	1309.00	1374.45	2458.39	2581.31	2710.36	2845.98
304.0	14.4879	15.2123	15.9729	16.7715	17.6101	1159.03	1216.98	1277.83	1341.72	1408.81	2519.85	2645.84	2778.13	2917.00
305.0	14.8501	15.5926	16.3722	17.1908	18.0503	1188.01	1247.41	1309.78	1375.26	1444.02	2582.85	2711.99	2847.59	2989.95
306.0	15.2214	15.9825	16.7816	17.6207	18.5017	1217.71	1278.60	1342.53	1409.66	1480.14	2647.42	2779.80	2918.79	3064.74
307.0	15.6019	16.3820	17.2011	18.0612	18.9643	1248.15	1310.56	1376.09	1444.90	1517.14	2713.60	2849.29	2991.76	3141.36
308.0	15.9919	16.7915	17.6311	18.5127	19.4383	1279.35	1343.32	1410.49	1481.02	1555.06	2781.43	2920.51	3066.55	3219.89
309.0	16.3917	17.2113	18.0719	18.9755	19.9243	1311.34	1376.90	1445.75	1518.04	1593.94	2850.98	2993.52	3143.21	3300.37
310.0	16.8015	17.6416	18.5237	19.4499	20.4224	1344.12	1411.33	1481.90	1555.99	1633.79	2922.25	3068.37	3221.80	3382.81
311.0	17.2215	18.0826	18.9867	19.9360	20.9328	1377.72	1446.61	1518.94	1594.88	1674.62	2995.30	3145.07	3302.33	3467.43
312.0	17.6520	18.5346	19.4613	20.4344	21.4561	1412.16	1482.77	1556.90	1634.75	1716.49	3070.18	3223.69	3384.86	3554.11
313.0	18.0933	18.9980	19.9479	20.9453	21.9926	1447.46	1519.84	1595.83	1675.62	1759.41	3146.92	3304.28	3469.49	3642.97
314.0	18.5456	19.4729	20.4465	21.4688	22.5422	1483.65	1557.83	1635.72	1717.50	1803.38	3225.60	3386.88	3556.22	3734.00
315.0	19.0092	19.9597	20.9577	22.0056	23.1059	1520.74	1596.78	1676.62	1760.45	1848.47	3306.24	3471.56	3645.14	3827.39
316.0	19.4844	20.4586	21.4815	22.5556	23.6834	1558.75	1636.69	1718.52	1804.45	1894.67	3388.88	3558.33	3736.23	3923.05
317.0	19.9715	20.9701	22.0186	23.1195	24.2755	1597.72	1677.61	1761.49	1849.56	1942.04	3473.60	3647.29	3829.66	4021.13
318.0	20.4708	21.4943	22.5690	23.6975	24.8824	1637.66	1719.54	1805.52	1895.80	1990.59	3560.44	3738.45	3925.38	4121.66
319.0	20.9826	22.0317	23.1333	24.2900	25.5045	1678.61	1762.54	1850.66	1943.20	2040.36	3649.47	3831.94	4023.52	4224.71
320.0	21.5072	22.5826	23.7117	24.8973	26.1422	1720.58	1806.61	1896.94	1991.78	2091.38	3740.71	3927.75	4124.14	4330.33
321.0	22.0449	23.1471	24.3045	25.5197	26.7957	1763.59	1851.77	1944.36	2041.58	2143.66	3834.22	4025.93	4227.23	4438.60
322.0	22.5960	23.7258	24.9121	26.1577	27.4656	1807.68	1898.06	1992.97	2092.62	2197.25	3930.08	4126.57	4332.92	4549.57
323.0	23.1609	24.3189	25.5348	26.8115	28.1521	1852.87	1945.51	2042.78	2144.92	2252.17	4028.32	4229.73	4441.21	4663.27
324.0	23.7399	24.9269	26.1732	27.4819	28.8560	1899.19	1994.15	2093.86	2198.55	2308.48	4129.03	4335.48	4552.26	4779.87
325.0	24.3334	25.5501	26.8276	28.1690	29.5775	1946.67	2044.01	2146.21	2253.52	2366.20	4232.26	4443.88	4666.08	4899.38

EXHIBIT F

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 3, 1990

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RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Word Processing Technician I Administrative Clerk II (Confidential)
408	
409	
410	
411	Word Processing Technician II Microfilm Services Supervisor
412	
413	Senior Personnel Clerk
414	
415	Senior Word Processing Technician Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	
420	Claims Representative Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 3, 1990

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RANGE	TITLE
421	
422	Office Supervisor
423	Word Processing System Supervisor
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	Zoning Inspector Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I
429	
430	Associate Planner Parks Construction Supervisor I
431	Administrative Analyst II Personnel Analyst Training Coordinator Chief of Survey Party Assistant Risk Manager Recycling Program Coordinator

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 3, 1990

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RANGE	TITLE
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Assistant Civil Engineer Senior Accountant Budget Analyst
433	
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supv. Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Building Maintenance Supervisor Secondary Treatment Site Supv. Parks Maintenance Supervisor II Events Coordinator Operations Supervisor Landscape Designer Arborist Trees Maintenance Supv. II
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Public Information Officer Public Services Supervisor
436	Senior Planner Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt. Associate Civil Engineer Transportation Planner Housing Program Supervisor
439	Deputy City Attorney II

CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 3, 1990

RANGE	TITLE
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. Parking & Traffic Supt. Parks Maintenance Supt. Risk Manager Personnel Manager Recreation Superintendent Golf Superintendent
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Finance Division Manager Sr. Deputy City Attorney II
446	Senior Civil Engineer Traffic Engineer -
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir.
448	
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	Assistant City Attorney

SCHEDULE D  
MANAGEMENT/CONFIDENTIAL-GENERAL

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 90/91  
EFFECTIVE 07/03/90

RANGE	HOURLY					BI-WEEKLY					MONTHLY			
	A	B	C	D	E	A	B	C	D	E	A	B	C	D
401.0	8.4598	8.8828	9.3269	9.7932	10.2829	676.78	710.62	746.15	783.46	822.63	1471.39	1544.96	1622.20	1703.37
402.0	8.6713	9.1049	9.5601	10.0381	10.5400	693.70	728.39	764.81	803.05	843.20	1508.17	1583.59	1662.77	1745.94
403.0	8.8881	9.3325	9.7991	10.2891	10.8036	711.05	746.60	783.93	823.13	864.29	1545.89	1623.18	1704.34	1789.51
404.0	9.1103	9.5658	10.0441	10.5463	11.0736	728.82	765.26	803.53	843.70	885.89	1584.53	1663.75	1746.95	1834.12
405.0	9.3381	9.8050	10.2953	10.8101	11.3506	747.05	784.40	823.62	864.81	908.05	1624.16	1705.36	1790.63	1880.80
406.0	9.5716	10.0502	10.5527	11.0803	11.6343	765.73	804.02	844.22	886.42	930.74	1664.77	1748.02	1835.42	1927.69
407.0	9.8109	10.3014	10.8165	11.3573	11.9252	784.87	824.11	865.32	908.58	954.02	1706.39	1791.70	1881.29	1975.46
408.0	10.0562	10.5590	11.0870	11.6414	12.2235	804.50	844.72	886.96	931.31	977.88	1749.06	1836.51	1928.34	2024.51
409.0	10.3076	10.8230	11.3642	11.9324	12.5290	824.61	865.84	909.14	954.59	1002.32	1792.78	1882.42	1976.56	2075.73
410.0	10.5653	11.0936	11.6483	12.2307	12.8422	845.22	887.49	931.86	978.46	1027.38	1837.59	1929.49	2025.96	2127.13
411.0	10.8294	11.3709	11.9394	12.5364	13.1632	866.35	909.67	955.15	1002.91	1053.06	1883.53	1977.71	2076.59	2180.30
412.0	11.1001	11.6551	12.2379	12.8498	13.4923	888.01	932.41	979.03	1027.98	1079.38	1930.62	2027.15	2128.51	2234.68
413.0	11.3776	11.9465	12.5438	13.1710	13.8296	910.21	955.72	1003.50	1053.68	1106.37	1978.89	2077.83	2181.71	2290.88
414.0	11.6620	12.2451	12.8574	13.5003	14.1753	932.96	979.61	1028.59	1080.02	1134.02	2028.35	2129.77	2236.26	2348.03
415.0	11.9536	12.5513	13.1789	13.8378	14.5297	956.29	1004.10	1054.31	1107.02	1162.38	2079.07	2183.01	2292.18	2406.70
416.0	12.2524	12.8650	13.5083	14.1837	14.8929	980.19	1029.20	1080.66	1134.70	1191.43	2131.03	2237.58	2349.46	2466.93
417.0	12.5587	13.1866	13.8459	14.5382	15.2651	1004.70	1054.93	1107.67	1163.06	1221.21	2184.32	2293.52	2408.19	2528.16
418.0	12.8727	13.5163	14.1921	14.9017	15.6468	1029.82	1081.30	1135.37	1192.14	1251.74	2238.93	2350.85	2468.41	2591.88
419.0	13.1945	13.8542	14.5469	15.2742	16.0379	1055.56	1108.34	1163.75	1221.94	1283.03	2294.89	2409.64	2530.11	2656.10
420.0	13.5244	14.2006	14.9106	15.6561	16.4389	1081.95	1136.05	1192.85	1252.49	1315.11	2352.27	2469.89	2593.38	2723.37
421.0	13.8625	14.5556	15.2834	16.0476	16.8500	1109.00	1164.45	1222.67	1283.81	1348.00	2411.08	2531.63	2658.21	2791.64
422.0	14.2091	14.9196	15.6656	16.4489	17.2713	1136.73	1193.57	1253.25	1315.91	1381.70	2471.36	2594.94	2724.69	2860.97
423.0	14.5643	15.2925	16.0571	16.8600	17.7030	1165.14	1223.40	1284.57	1348.80	1416.24	2533.13	2659.79	2792.78	2932.30
424.0	14.9284	15.6748	16.4585	17.2814	18.1455	1194.27	1253.98	1316.68	1382.51	1451.64	2596.46	2726.28	2862.59	3005.11
425.0	15.3016	16.0667	16.8700	17.7135	18.5992	1224.13	1285.34	1349.60	1417.08	1487.94	2661.38	2794.46	2934.17	3080.38
426.0	15.6841	16.4683	17.2917	18.1563	19.0641	1254.73	1317.46	1383.34	1452.50	1525.13	2727.91	2864.29	3007.52	3157.10
427.0	16.0762	16.8800	17.7240	18.6102	19.5407	1286.10	1350.40	1417.92	1488.82	1563.26	2796.11	2935.90	3082.70	3236.68
428.0	16.4781	17.3020	18.1671	19.0755	20.0293	1318.25	1384.16	1453.37	1526.04	1602.34	2866.01	3009.30	3159.77	3317.26
429.0	16.8901	17.7346	18.6213	19.5524	20.5300	1351.21	1418.77	1489.70	1564.19	1642.40	2937.67	3084.55	3238.76	3400.34
430.0	17.3124	18.1780	19.0869	20.0412	21.0433	1384.99	1454.24	1526.95	1603.30	1683.46	3011.11	3161.66	3319.74	3485.92
431.0	17.7452	18.6325	19.5641	20.5423	21.5694	1419.62	1490.60	1565.13	1643.38	1725.55	3086.40	3240.71	3402.75	3572.40
432.0	18.1888	19.0982	20.0531	21.0558	22.1086	1455.10	1527.86	1604.25	1684.46	1768.69	3163.53	3321.72	3487.80	3662.98
433.0	18.6435	19.5757	20.5545	21.5822	22.6613	1491.48	1566.06	1644.36	1726.58	1812.90	3242.63	3404.77	3575.00	3753.56
434.0	19.1096	20.0651	21.0684	22.1218	23.2279	1528.77	1605.21	1685.47	1769.74	1858.23	3323.70	3489.89	3664.38	3847.14
435.0	19.5873	20.5667	21.5950	22.6748	23.8085	1566.98	1645.34	1727.60	1813.98	1904.68	3406.77	3577.13	3755.98	3943.72
436.0	20.0770	21.0809	22.1349	23.2416	24.4037	1606.16	1686.47	1770.79	1859.33	1952.30	3491.95	3666.55	3849.87	4042.30
437.0	20.5789	21.6078	22.6882	23.8226	25.0137	1646.31	1728.62	1815.06	1905.81	2001.10	3579.24	3758.19	3946.12	4143.88
438.0	21.0934	22.1481	23.2555	24.4183	25.6392	1687.47	1771.85	1860.44	1953.46	2051.14	3668.73	3852.18	4044.78	4247.46
439.0	21.6207	22.7017	23.8368	25.0286	26.2800	1729.66	1816.14	1906.94	2002.29	2102.40	3760.45	3948.47	4145.88	4353.04
440.0	22.1612	23.2693	24.4328	25.6544	26.9371	1772.90	1861.54	1954.62	2052.35	2154.97	3854.46	4047.17	4249.54	4462.62
441.0	22.7152	23.8510	25.0436	26.2958	27.6106	1817.22	1908.08	2003.49	2103.66	2208.85	3950.82	4148.36	4355.79	4575.20

SCHEDULE D  
MANAGEMENT/CONFIDENTIAL-GENERAL

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 90/91  
EFFECTIVE 07/03/90

RANGE	HOURLY					BI-WEEKLY					MONTHLY			
	A	B	C	D	E	A	B	C	D	E	A	B	C	D
442.0	23.2831	24.4473	25.6697	26.9532	28.3009	1862.65	1955.78	2053.58	2156.26	2264.07	4049.59	4252.06	4464.69	4687.11
443.0	23.8652	25.0585	26.3114	27.6270	29.0084	1909.22	2004.68	2104.91	2210.16	2320.67	4150.84	4358.37	4576.28	4805.11
444.0	24.4618	25.6849	26.9691	28.3176	29.7335	1956.94	2054.79	2157.53	2265.41	2378.68	4254.58	4467.32	4690.69	4925.11
445.0	25.0733	26.3270	27.6434	29.0256	30.4769	2005.86	2106.16	2211.47	2322.05	2438.15	4360.94	4579.00	4807.96	5046.11
446.0	25.7001	26.9851	28.3344	29.7511	31.2387	2056.01	2158.81	2266.75	2380.09	2499.10	4469.97	4693.47	4928.14	5174.11
447.0	26.3426	27.6597	29.0427	30.4948	32.0195	2107.41	2212.78	2323.42	2439.58	2561.56	4581.72	4810.80	5051.35	5303.11
448.0	27.0012	28.3513	29.7689	31.2573	32.8202	2160.10	2268.10	2381.51	2500.58	2625.62	4696.27	4931.08	5177.64	5436.11
449.0	27.6762	29.0600	30.5130	32.0387	33.6406	2214.10	2324.80	2441.04	2563.10	2691.25	4813.67	5054.35	5307.07	5572.11
450.0	28.3681	29.7865	31.2758	32.8396	34.4816	2269.45	2382.92	2502.06	2627.17	2758.53	4934.01	5180.71	5439.73	5711.11
451.0	29.0773	30.5312	32.0578	33.6607	35.3437	2326.18	2442.50	2564.62	2692.86	2827.50	5057.35	5310.24	5575.74	5854.11
452.0	29.8042	31.2944	32.8591	34.5021	36.2272	2384.34	2503.55	2628.73	2760.17	2898.18	5183.79	5442.97	5715.12	6000.11
453.0	30.5493	32.0768	33.6806	35.3646	37.1328	2443.94	2566.14	2694.45	2829.17	2970.62	5313.37	5579.04	5858.00	6150.11
454.0	31.3130	32.8787	34.5226	36.2487	38.0611	2505.04	2630.30	2761.81	2899.90	3044.89	5446.21	5718.54	6004.45	6304.11
455.0	32.0958	33.7006	35.3856	37.1549	39.0126	2567.66	2696.05	2830.85	2972.39	3121.01	5582.35	5861.48	6154.55	6462.11
456.0	32.8982	34.5431	36.2703	38.0838	39.9880	2631.86	2763.45	2901.62	3046.70	3199.04	5721.93	6008.02	6308.41	6623.11
457.0	33.7207	35.4067	37.1770	39.0359	40.9877	2697.66	2832.54	2974.16	3122.87	3279.02	5864.98	6158.23	6466.12	6789.11
458.0	34.5637	36.2919	38.1065	40.0118	42.0124	2765.10	2903.35	3048.52	3200.94	3360.99	6011.60	6312.17	6627.79	6959.11
459.0	35.4278	37.1992	39.0592	41.0122	43.0628	2834.22	2975.94	3124.74	3280.98	3445.02	6161.88	6469.99	6793.50	7133.11
460.0	36.3135	38.1292	40.0357	42.0375	44.1394	2905.08	3050.34	3202.86	3363.00	3531.15	6315.93	6631.74	6963.34	7311.11
461.0	37.2213	39.0824	41.0365	43.0883	45.2427	2977.70	3126.59	3282.92	3447.06	3619.42	6473.82	6797.52	7137.40	7494.11
462.0	38.1518	40.0594	42.0624	44.1655	46.3738	3052.14	3204.75	3364.99	3533.24	3709.90	6635.66	6967.45	7315.82	7681.11
463.0	39.1056	41.0609	43.1139	45.2696	47.5331	3128.45	3284.87	3449.11	3621.57	3802.65	6801.56	7141.64	7498.71	7873.11
464.0	40.0832	42.0874	44.1918	46.4014	48.7215	3206.66	3366.99	3535.34	3712.11	3897.72	6971.60	7320.17	7686.18	8070.11
465.0	41.0853	43.1396	45.2966	47.5614	49.9395	3286.82	3451.17	3623.73	3804.91	3995.16	7145.88	7503.19	7878.35	8272.11
466.0	42.1124	44.2180	46.4289	48.7503	51.1878	3368.99	3537.44	3714.31	3900.02	4095.02	7324.52	7690.75	8075.28	8479.11
467.0	43.1652	45.3235	47.5897	49.9692	52.4677	3453.22	3625.88	3807.18	3997.54	4197.42	7507.65	7883.03	8277.19	8691.11
468.0	44.2443	46.4565	48.7793	51.2183	53.7792	3539.54	3716.52	3902.34	4097.46	4302.34	7695.31	8080.09	8484.08	8908.11
469.0	45.3504	47.6179	49.9988	52.4987	55.1236	3628.03	3809.43	3999.90	4199.90	4409.89	7887.70	8282.08	8696.18	9131.11
470.0	46.4842	48.8084	51.2488	53.8112	56.5018	3718.74	3904.67	4099.90	4304.90	4520.14	8084.91	8489.14	8913.59	9359.11
471.0	47.6463	50.0286	52.5300	55.1565	57.9143	3811.70	4002.29	4202.40	4412.52	4633.14	8287.02	8701.38	9136.44	9593.11
472.0	48.8375	51.2794	53.8434	56.5356	59.3624	3907.00	4102.35	4307.47	4522.85	4748.99	8494.21	8918.92	9364.87	9833.11
473.0	50.0584	52.5613	55.1894	57.9489	60.8463	4004.67	4204.90	4415.15	4635.91	4867.70	8706.55	9141.87	9598.98	10078.11
474.0	51.3099	53.8754	56.5692	59.3977	62.3676	4104.79	4310.03	4525.54	4751.82	4989.41	8924.22	9370.44	9838.98	10330.11
475.0	52.5926	55.2222	57.9833	60.8825	63.9266	4207.41	4417.78	4638.66	4870.60	5114.13	9147.33	9604.70	10084.91	10589.11
476.0	53.9074	56.6028	59.4329	62.4045	65.5247	4312.59	4528.22	4754.63	4992.36	5241.98	9376.00	9844.80	10337.04	10853.11
477.0	55.2551	58.0179	60.9188	63.9647	67.1629	4420.41	4641.43	4873.50	5117.18	5373.03	9610.41	10090.93	10595.48	11125.11
478.0	56.6365	59.4683	62.4417	65.5638	68.8420	4530.92	4757.46	4995.34	5245.10	5507.36	9850.67	10343.19	10860.37	11403.11
479.0	58.0524	60.9550	64.0128	67.2029	70.5630	4644.19	4876.40	5120.22	5376.23	5645.04	10096.93	10601.78	11131.87	11688.11
480.0	59.5037	62.4789	65.6028	68.8829	72.3270	4760.30	4998.31	5248.22	5510.63	5786.16	10349.37	10866.83	11410.16	11980.11

CITY OF MODESTO  
CLASS RANGE TABLE  
FIRE MANAGEMENT CLASSES

Effective July 3, 1990

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Range	Title
512	Fire Battalion Chief
513	
514	
515	
516	
517	Fire Division Chief

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SCHEDULE E  
MANAGEMENT/CONFIDENTIAL-FIRE

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 90/91  
EFFECTIVE 07/03/90

RANGE	HOURLY					BI-WEEKLY					MONTHLY			
	A	B	C	D	E	A	B	C	D	E	A	B	C	D
501.0	19.1967	20.1565	21.1643	22.2225	23.3336	1535.74	1612.52	1693.14	1777.80	1866.69	3338.85	3505.78	3681.06	3865.00
502.0	19.6766	20.6604	21.6934	22.7781	23.9170	1574.13	1652.83	1735.47	1822.25	1913.36	3422.32	3593.42	3773.09	3961.00
503.0	20.1685	21.1769	22.2357	23.3475	24.5149	1613.48	1694.15	1778.86	1867.80	1961.19	3507.87	3683.25	3867.42	4060.00
504.0	20.6727	21.7063	22.7916	23.9312	25.1278	1653.82	1736.50	1823.33	1914.50	2010.22	3595.57	3775.32	3964.10	4162.00
505.0	21.1895	22.2490	23.3615	24.5296	25.7561	1695.16	1779.92	1868.92	1962.37	2060.49	3685.45	3869.72	4063.22	4266.00
506.0	21.7192	22.8052	23.9455	25.1428	26.3999	1737.54	1824.42	1915.64	2011.42	2111.99	3777.59	3966.47	4164.79	4373.00
507.0	22.2622	23.3753	24.5441	25.7713	27.0599	1780.98	1870.02	1963.53	2061.70	2164.79	3872.03	4065.61	4268.91	4482.00
508.0	22.8188	23.9597	25.1577	26.4156	27.7364	1825.50	1916.78	2012.62	2113.25	2218.91	3968.82	4167.27	4375.64	4594.00
509.0	23.3893	24.5588	25.7867	27.0760	28.4298	1871.14	1964.70	2062.94	2166.08	2274.38	4068.05	4271.45	4485.04	4709.00
510.0	23.9740	25.1727	26.4313	27.7529	29.1405	1917.92	2013.82	2114.50	2220.23	2331.24	4169.75	4378.25	4597.13	4827.00
511.0	24.5734	25.8021	27.0922	28.4468	29.8691	1965.87	2064.17	2167.38	2275.74	2389.53	4274.00	4487.71	4712.10	4947.00
512.0	25.1877	26.4471	27.7695	29.1580	30.6159	2015.02	2115.77	2221.56	2332.64	2449.27	4380.85	4599.90	4829.89	5071.00
513.0	25.8174	27.1083	28.4637	29.8869	31.3812	2065.39	2168.66	2277.10	2390.95	2510.50	4490.36	4714.88	4950.64	5198.00
514.0	26.4628	27.7859	29.1752	30.6340	32.1657	2117.02	2222.87	2334.02	2450.72	2573.26	4602.61	4832.74	5074.39	5328.00
515.0	27.1244	28.4806	29.9046	31.3998	32.9698	2169.95	2278.45	2392.37	2511.98	2637.58	4717.69	4953.58	5201.25	5461.00
516.0	27.8025	29.1926	30.6522	32.1848	33.7940	2224.20	2335.41	2452.18	2574.78	2703.52	4835.63	5077.41	5331.28	5597.00
517.0	28.4976	29.9225	31.4186	32.9895	34.6390	2279.81	2393.80	2513.49	2639.16	2771.12	4956.53	5204.36	5464.58	5737.00
518.0	29.2100	30.6705	32.2040	33.8142	35.5049	2336.80	2453.64	2576.32	2705.14	2840.39	5080.44	5334.46	5601.18	5881.00
519.0	29.9403	31.4373	33.0092	34.6597	36.3927	2395.22	2514.98	2640.74	2772.78	2911.42	5207.45	5467.82	5741.23	6028.00
520.0	30.6888	32.2232	33.8344	35.5261	37.3024	2455.10	2577.86	2706.75	2842.09	2984.19	5337.63	5604.53	5884.75	6178.00
521.0	31.4560	33.0288	34.6802	36.4142	38.2349	2516.48	2642.30	2774.42	2913.14	3058.79	5471.08	5744.62	6031.87	6333.00
522.0	32.2424	33.8545	35.5472	37.3246	39.1908	2579.39	2708.36	2843.78	2985.97	3135.26	5607.85	5888.25	6182.66	6491.00
523.0	33.0485	34.7009	36.4359	38.2577	40.1706	2643.88	2776.07	2914.87	3060.62	3213.65	5748.06	6035.45	6337.22	6654.00
524.0	33.8747	35.5684	37.3468	39.2141	41.1748	2709.98	2845.47	2987.74	3137.13	3293.98	5891.77	6186.34	6495.65	6820.00
525.0	34.7216	36.4577	38.2806	40.1946	42.2043	2777.73	2916.62	3062.45	3215.57	3376.34	6039.06	6341.02	6658.07	6990.00
526.0	35.5896	37.3691	39.2376	41.1995	43.2595	2847.17	2989.53	3139.01	3295.96	3460.76	6190.03	6499.54	6824.52	7165.00
527.0	36.4793	38.3033	40.2185	42.2294	44.3409	2918.34	3064.26	3217.48	3378.35	3547.27	6344.76	6662.01	6995.12	7344.00
528.0	37.3913	39.2609	41.2239	43.2851	45.4494	2991.30	3140.87	3297.91	3462.81	3635.95	6503.39	6828.57	7169.99	7528.00
529.0	38.3261	40.2424	42.2545	44.3672	46.5856	3066.09	3219.39	3380.36	3549.38	3726.85	6665.99	6999.28	7349.24	7716.00
530.0	39.2843	41.2485	43.3109	45.4764	47.7502	3142.74	3299.88	3464.87	3638.11	3820.02	6832.63	7174.27	7532.97	7909.00
531.0	40.2664	42.2797	44.3937	46.6134	48.9441	3221.31	3382.38	3551.50	3729.07	3915.53	7003.45	7353.63	7721.32	8107.00
532.0	41.2731	43.3368	45.5036	47.7788	50.1677	3301.85	3466.94	3640.29	3822.30	4013.42	7178.55	7537.47	7914.35	8310.00
533.0	42.3049	44.4201	46.6411	48.9732	51.4219	3384.39	3553.61	3731.29	3917.86	4113.75	7358.00	7725.90	8112.20	8517.00
534.0	43.3625	45.5306	47.8071	50.1975	52.7074	3469.00	3642.45	3824.57	4015.80	4216.59	7541.95	7919.05	8315.00	8730.00
535.0	44.4466	46.6689	49.0023	51.4524	54.0250	3555.73	3733.51	3920.18	4116.19	4322.00	7730.51	8117.02	8522.86	8949.00
536.0	45.5578	47.8357	50.2275	52.7389	55.3758	3644.62	3826.86	4018.20	4219.11	4430.06	7923.77	8319.98	8735.97	9172.00
537.0	46.6967	49.0315	51.4831	54.0573	56.7602	3735.74	3922.52	4118.65	4324.58	4540.82	8121.87	8527.95	8954.36	9402.00
538.0	47.8641	50.2573	52.7702	55.4087	58.1791	3829.13	4020.58	4221.62	4432.70	4654.33	8324.91	8741.14	9178.22	9637.00
539.0	49.0607	51.5137	54.0894	56.7939	59.6336	3924.86	4121.10	4327.15	4543.51	4770.69	8533.04	8959.68	9407.66	9878.00
540.0	50.2872	52.8016	55.4417	58.2138	61.1245	4022.98	4224.13	4435.34	4657.10	4889.96	8746.36	9183.68	9642.87	10125.00

SCHEDULE Y  
FIRE MANAGEMENT  
112 HOUR BI-WEEKLY

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 90/91  
EFFECTIVE 07/03/90

RANGE	HOURLY					BI-WEEKLY					MONTHLY			
	A	B	C	D	E	A	B	C	D	E	A	B	C	D
801.0	13.7121	14.3977	15.1176	15.8735	16.6672	1535.76	1612.54	1693.17	1777.83	1866.73	3338.90	3505.82	3681.12	3865.18
802.0	14.0549	14.7576	15.4955	16.2703	17.0838	1574.15	1652.85	1735.50	1822.27	1913.39	3422.36	3593.46	3773.15	3961.80
803.0	14.4063	15.1266	15.8829	16.6770	17.5109	1613.51	1694.18	1778.88	1867.82	1961.22	3507.93	3683.32	3867.46	4060.83
804.0	14.7665	15.5048	16.2800	17.0940	17.9487	1653.85	1736.54	1823.36	1914.53	2010.25	3595.64	3775.41	3964.17	4162.38
805.0	15.1357	15.8925	16.6871	17.5215	18.3976	1695.20	1779.96	1868.96	1962.41	2060.53	3685.53	3869.81	4063.31	4266.44
806.0	15.5141	16.2898	17.1043	17.9595	18.8575	1737.58	1824.46	1915.68	2011.46	2112.04	3777.67	3966.56	4164.88	4373.12
807.0	15.9020	16.6971	17.5320	18.4086	19.3290	1781.02	1870.08	1963.58	2061.76	2164.85	3872.12	4065.74	4269.02	4482.47
808.0	16.2996	17.1146	17.9703	18.8688	19.8122	1825.56	1916.84	2012.67	2113.31	2218.97	3968.95	4167.40	4375.75	4594.58
809.0	16.7071	17.5425	18.4196	19.3406	20.3076	1871.20	1964.76	2063.00	2166.15	2274.45	4068.18	4271.58	4485.17	4709.43
810.0	17.1248	17.9810	18.8801	19.8241	20.8153	1917.98	2013.87	2114.57	2220.30	2331.31	4169.88	4378.35	4597.29	4827.15
811.0	17.5529	18.4305	19.3520	20.3196	21.3356	1965.92	2064.22	2167.42	2275.80	2389.59	4274.11	4487.82	4712.19	4947.82
812.0	17.9917	18.8913	19.8359	20.8277	21.8691	2015.07	2115.83	2221.62	2332.70	2449.34	4380.96	4600.03	4830.02	5071.52
813.0	18.4415	19.3636	20.3318	21.3484	22.4158	2065.45	2168.72	2277.16	2391.02	2510.57	4490.49	4715.01	4950.77	5198.32
814.0	18.9025	19.8476	20.8400	21.8820	22.9761	2117.08	2222.93	2334.08	2450.78	2573.32	4602.74	4832.87	5074.52	5328.21
815.0	19.3751	20.3439	21.3611	22.4292	23.5507	2170.01	2278.52	2392.44	2512.07	2637.68	4717.82	4953.73	5201.40	5461.49
816.0	19.8595	20.8525	21.8951	22.9899	24.1394	2224.26	2335.48	2452.25	2574.87	2703.61	4835.76	5077.57	5331.44	5598.02
817.0	20.3560	21.3738	22.4425	23.5646	24.7428	2279.87	2393.87	2513.56	2639.24	2771.19	4956.67	5204.51	5464.73	5737.97
818.0	20.8649	21.9081	23.0035	24.1537	25.3614	2336.87	2453.71	2576.39	2705.21	2840.48	5080.59	5334.61	5601.33	5881.40
819.0	21.3865	22.4558	23.5786	24.7575	25.9954	2395.29	2515.05	2640.80	2772.84	2911.48	5207.60	5467.97	5741.36	6028.43
820.0	21.9212	23.0173	24.1682	25.3766	26.6454	2455.17	2577.94	2706.84	2842.18	2984.28	5337.79	5604.70	5884.94	6179.18
821.0	22.4692	23.5927	24.7723	26.0109	27.3114	2516.55	2642.38	2774.50	2913.22	3058.88	5471.23	5744.80	6032.04	6333.63
822.0	23.0309	24.1824	25.3915	26.6611	27.9942	2579.46	2708.43	2843.85	2986.04	3135.35	5608.00	5888.40	6182.81	6491.95
823.0	23.6067	24.7870	26.0264	27.3277	28.6941	2643.95	2776.14	2914.96	3060.70	3213.74	5748.21	6035.61	6337.41	6654.27
824.0	24.1969	25.4067	26.6770	28.0109	29.4114	2710.05	2845.55	2987.82	3137.22	3294.08	5891.92	6186.51	6495.82	6820.63
825.0	24.8018	26.0419	27.3440	28.7112	30.1468	2777.80	2916.69	3062.53	3215.65	3376.44	6039.21	6341.18	6658.25	6991.14
826.0	25.4218	26.6929	28.0275	29.4289	30.9003	2847.24	2989.60	3139.08	3296.04	3460.83	6190.18	6499.69	6824.67	7165.92
827.0	26.0573	27.3602	28.7282	30.1646	31.6728	2918.42	3064.34	3217.56	3378.44	3547.35	6344.94	6662.18	6995.30	7345.07
828.0	26.7087	28.0441	29.4463	30.9186	32.4645	2991.37	3140.94	3297.99	3462.88	3636.02	6503.54	6828.72	7170.16	7528.65
829.0	27.3764	28.7452	30.1825	31.6916	33.2762	3066.16	3219.46	3380.44	3549.46	3726.93	6666.14	6999.43	7349.41	7716.88
830.0	28.0608	29.4638	30.9370	32.4839	34.1081	3142.81	3299.95	3464.94	3638.20	3820.11	6832.78	7174.42	7533.13	7909.81
831.0	28.7623	30.2004	31.7104	33.2959	34.9607	3221.38	3382.44	3551.56	3729.14	3915.60	7003.60	7353.76	7721.45	8107.52
832.0	29.4814	30.9555	32.5033	34.1285	35.8349	3301.92	3467.02	3640.37	3822.39	4013.51	7178.70	7537.65	7914.53	8310.26
833.0	30.2184	31.7293	33.3158	34.9816	36.7307	3384.46	3553.68	3731.37	3917.94	4113.84	7358.15	7726.06	8112.37	8517.99
834.0	30.9739	32.5226	34.1487	35.8561	37.6489	3469.08	3642.53	3824.65	4015.88	4216.68	7542.13	7919.22	8315.17	8730.92
835.0	31.7482	33.3356	35.0024	36.7525	38.5901	3555.80	3733.59	3920.27	4116.28	4322.09	7730.66	8117.20	8523.06	8949.20
836.0	32.5419	34.1690	35.8775	37.6714	39.5550	3644.69	3826.93	4018.28	4219.20	4430.16	7923.92	8320.13	8736.14	9172.96
837.0	33.3554	35.0232	36.7744	38.6131	40.5438	3735.80	3922.60	4118.73	4324.67	4540.91	8122.00	8528.12	8954.53	9402.27
838.0	34.1893	35.8988	37.6937	39.5784	41.5573	3829.20	4020.67	4221.69	4432.78	4654.42	8325.06	8741.34	9178.38	9637.31
839.0	35.0440	36.7962	38.6360	40.5678	42.5962	3924.93	4121.17	4327.23	4543.59	4770.77	8533.19	8959.84	9407.83	9878.22
840.0	35.9201	37.7161	39.6019	41.5820	43.6611	4023.05	4224.20	4435.41	4657.18	4890.04	8746.51	9183.83	9643.02	10125.18

CLASS RANGE TABLE  
POLICE MANAGEMENT CLASSES

Effective July 3, 1990

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Range	Title
601	
602	Police Corporal
603	
604	
605	
606	
607	
608	
609	
610	Police Sergeant
611	
612	
613	
614	
615	
616	Police Lieutenant
617	
618	
619	
620	
621	Police Captain

SCHEDULE F  
MANAGEMENT/CONFIDENTIAL -POLICE

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 90/91  
EFFECTIVE 07/03/90

RANGE	HOURLY					BI-WEEKLY					MONTHLY			
	A	B	C	D	E	A	B	C	D	E	A	B	C	D
601.0	17.5073	18.3827	19.3018	20.2669	21.2802	1400.58	1470.62	1544.14	1621.35	1702.42	3045.00	3197.27	3357.11	3524.00
602.0	17.9450	18.8423	19.7844	20.7736	21.8123	1435.60	1507.38	1582.75	1661.89	1744.98	3121.14	3277.19	3441.06	3615.00
603.0	18.3936	19.3133	20.2790	21.2930	22.3577	1471.49	1545.06	1622.32	1703.44	1788.62	3199.17	3359.11	3527.09	3703.00
604.0	18.8534	19.7961	20.7859	21.8252	22.9165	1508.27	1583.69	1662.87	1746.02	1833.32	3279.13	3443.10	3615.25	3796.00
605.0	19.3247	20.2909	21.3054	22.3707	23.4892	1545.98	1623.27	1704.43	1789.66	1879.14	3361.12	3529.15	3705.60	3890.00
606.0	19.8078	20.7982	21.8381	22.9300	24.0765	1584.62	1663.86	1747.05	1834.40	1926.12	3445.12	3617.40	3798.26	3986.00
607.0	20.3030	21.3182	22.3841	23.5033	24.6785	1624.24	1705.46	1790.73	1880.26	1974.28	3531.26	3707.84	3893.23	4087.00
608.0	20.8106	21.8511	22.9437	24.0909	25.2954	1664.85	1748.09	1835.50	1927.27	2023.63	3619.55	3800.52	3990.56	4190.00
609.0	21.3309	22.3974	23.5173	24.6932	25.9279	1706.47	1791.79	1881.38	1975.46	2074.23	3710.04	3895.53	4090.31	4296.00
610.0	21.8642	22.9574	24.1053	25.3106	26.5761	1749.14	1836.59	1928.42	2024.85	2126.09	3802.81	3992.93	4192.58	4402.00
611.0	22.4108	23.5313	24.7079	25.9433	27.2405	1792.86	1882.50	1976.63	2075.46	2179.24	3897.86	4092.74	4297.39	4512.00
612.0	22.9711	24.1197	25.3257	26.5920	27.9216	1837.69	1929.58	2026.06	2127.36	2233.73	3995.32	4195.10	4404.86	4625.00
613.0	23.5454	24.7227	25.9588	27.2567	28.6195	1883.63	1977.82	2076.70	2180.54	2289.56	4095.20	4299.98	4514.95	4740.00
614.0	24.1340	25.3407	26.6077	27.9381	29.3350	1930.72	2027.26	2128.62	2235.05	2346.80	4197.58	4407.47	4627.83	4859.00
615.0	24.7374	25.9743	27.2730	28.6367	30.0685	1978.99	2077.94	2181.84	2290.94	2405.48	4302.52	4517.65	4743.54	4980.00
616.0	25.3558	26.6236	27.9548	29.3525	30.8201	2028.46	2129.89	2236.38	2348.20	2465.61	4410.07	4630.59	4862.11	5105.00
617.0	25.9897	27.2892	28.6537	30.0864	31.5907	2079.18	2183.14	2292.30	2406.91	2527.26	4520.35	4746.36	4983.69	5232.00
618.0	26.6394	27.9714	29.3700	30.8385	32.3804	2131.15	2237.71	2349.80	2467.08	2590.43	4633.33	4865.01	5108.27	5363.00
619.0	27.3054	28.6707	30.1042	31.6094	33.1899	2184.43	2293.66	2408.34	2528.75	2655.19	4749.17	4986.65	5235.97	5497.00
620.0	27.9880	29.3874	30.8568	32.3996	34.0196	2239.04	2350.99	2468.54	2591.97	2721.57	4867.90	5111.29	5366.85	5635.00
621.0	28.6877	30.1221	31.6282	33.2096	34.8701	2295.02	2409.77	2530.26	2656.77	2789.61	4989.60	5239.08	5501.04	5776.00
622.0	29.4049	30.8751	32.4189	34.0398	35.7418	2352.39	2470.01	2593.51	2723.18	2859.34	5114.33	5370.05	5638.55	5920.00
623.0	30.1400	31.6470	33.2294	34.8909	36.6354	2411.20	2531.76	2658.35	2791.27	2930.83	5242.19	5504.30	5779.52	6068.00
624.0	30.8935	32.4382	34.0601	35.7631	37.5513	2471.48	2595.06	2724.81	2861.05	3004.10	5373.24	5641.92	5924.01	6220.00
625.0	31.6658	33.2491	34.9116	36.6572	38.4901	2533.26	2659.93	2792.93	2932.58	3079.21	5507.56	5782.95	6072.11	6375.00
626.0	32.4574	34.0803	35.7843	37.5735	39.4522	2596.59	2726.42	2862.74	3005.88	3156.18	5645.25	5927.51	6223.88	6535.00
627.0	33.2688	34.9322	36.6788	38.5127	40.4383	2661.50	2794.58	2934.30	3081.02	3235.06	5786.37	6075.70	6379.46	6698.00
628.0	34.1005	35.8055	37.5958	39.4756	41.4494	2728.04	2864.44	3007.66	3158.05	3315.95	5931.03	6227.58	6538.95	6865.00
629.0	34.9530	36.7007	38.5357	40.4625	42.4856	2796.24	2936.06	3082.86	3237.00	3398.85	6079.31	6383.29	6702.45	7037.00
630.0	35.8268	37.6181	39.4990	41.4740	43.5477	2866.14	3009.45	3159.92	3317.92	3483.82	6231.27	6542.85	6869.98	7213.00
631.0	36.7225	38.5586	40.4865	42.5108	44.6363	2937.80	3084.69	3238.92	3400.86	3570.90	6387.07	6706.42	7041.74	7393.00
632.0	37.6406	39.5226	41.4987	43.5736	45.7523	3011.25	3161.81	3319.90	3485.89	3660.18	6546.76	6874.09	7217.79	7578.00
633.0	38.5816	40.5107	42.5362	44.6630	46.8962	3086.53	3240.86	3402.90	3573.04	3751.70	6710.42	7045.95	7398.24	7768.00
634.0	39.5461	41.5234	43.5996	45.7796	48.0686	3163.69	3321.87	3487.97	3662.37	3845.49	6878.18	7222.08	7583.20	7962.00
635.0	40.5348	42.5615	44.6896	46.9241	49.2703	3242.78	3404.92	3575.17	3753.93	3941.62	7050.13	7402.64	7772.78	8161.00
636.0	41.5482	43.6256	45.8069	48.0972	50.5021	3323.86	3490.05	3664.55	3847.78	4040.17	7226.40	7587.72	7967.10	8365.00
637.0	42.5869	44.7162	46.9520	49.2996	51.7646	3406.95	3577.30	3756.16	3943.97	4141.17	7407.05	7777.41	8166.27	8574.00
638.0	43.6516	45.8342	48.1259	50.5322	53.0588	3492.13	3666.74	3850.07	4042.58	4244.70	7592.24	7971.86	8370.44	8788.00
639.0	44.7429	46.9800	49.3290	51.7955	54.3853	3579.43	3758.40	3946.32	4143.64	4350.82	7782.04	8171.14	8579.69	9008.00
640.0	45.8615	48.1546	50.5623	53.0904	55.7449	3668.92	3852.37	4044.98	4247.23	4459.59	7976.60	8375.44	8794.19	9233.00

EXHIBIT

CITY OF MODESTO  
CLASS RANGE TABLE  
EXECUTIVE MANAGEMENT

Effective July 3, 1990

RANGE	TITLE	MINIMUM	MAXIMUM
703	City Clerk/Auditor	3840	4800
704			
705			
706			
707			
708			
709			
710			
711			
712			
713	Economic Development Manager	4915	6144
714			
715	Planning & Comm. Dev. Director Finance Director	5163	6455
716			
717			
718			
719			
720	Parks & Recreation Director City Attorney Fire Chief	5843	7304

CITY OF MODESTO  
CLASS RANGE TABLE  
EXECUTIVE MANAGEMENT

Effective July 3, 1990

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RANGE	TITLE	MINIMUM	MAXIMUM
721			
722	Police Chief	6138	7673
723	Public Works and Transportation Director	6292	7865
724	Deputy City Manager	6449	8061
725			
726			
727			
728	City Manager	7119	8899

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**RESCINDED**  
JUL 09, 1991  
AND HIS RESOLUTION WAS  
RESCINDED BY MODESTO  
CITY COUNCIL RESOLUTION  
NO. 91-464

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-608

A RESOLUTION SETTING SALARIES FOR COUNCIL APPOINTEES  
RESCINDING RESOLUTION NO. 89-716A.

WHEREAS, the City Council adopted Resolution No. 88-490 on July 5, 1988, establishing salary ranges, salary schedules and fixing compensation for positions in the City service including the Council Appointees: City Manager, City Attorney, and the City Clerk, and

WHEREAS, the Council adopted Resolution No. 90-607 on June 26, 1990, which amended Exhibit "M" of Resolution No. 88-490, which exhibit is entitled "City of Modesto Class Range Table - Executive Management", to grant a four and one-half (4.5) percent cost of living increase to include said Council Appointees, and

WHEREAS, as a result of said Resolution No. 90-607 which amended Exhibit "M", it is necessary for the Council to set the salaries for said Council Appointees to provide for said four and one-half (4.5) percent cost of living increase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that effective July 3, 1990, the salaries for the positions of the Council Appointees shall be as follows:

City Manager	\$7,490.94 per month
City Attorney	\$7,075.13 per month
City Clerk	\$4,235.40 per month

BE IT FURTHER RESOLVED that Resolution No. 89-716A is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-609

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FAMILY SERVICE AGENCY ASSOCIATION OF STANISLAUS COUNTY TO PROVIDE AN EMPLOYEE ASSISTANCE PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Family Service Agency Association of Stanislaus County to provide Modesto City employees and their dependents professional assistance with financial, marital, psychological, family, and alcohol or drug related problems 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 June , 19 90 , by Councilmember Lang , 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-610

A RESOLUTION AUTHORIZING CITY MANAGER TO MODIFY THE LONG TERM DISABILITY (LTD) INSURANCE FOR CITY EMPLOYEES.

WHEREAS, the City maintains long term disability (LTD) insurance with the Standard Insurance Company and the current LTD insurance plan provides a maximum of 66-2/3 percent of the first \$3,000 per month in individual monthly earnings (i.e. \$2,000 per month), and

WHEREAS, it is desirable to modify the coverage to allow an increase in the maximum to 66-2/3 percent of at least the first \$6,000 per month in individual monthly earnings,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an increase in the long term disability (LTD) salary insurance for City employees is hereby approved and the City Manager is hereby authorized to modify the long term disability salary insurance with the Standard Insurance Company to provide a maximum to 66-2/3 percent of at least the first \$6,000 per month in individual monthly earnings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson  
Mayor Whiteside.

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO.90-611

A RESOLUTION ESTABLISHING A FINE SCHEDULE FOR VIOLATIONS  
OF WASTE DISCHARGE PERMITS AND RESCINDING RESOLUTION  
NO. 89-934.

WHEREAS, Section 5-6.13.2 of the Modesto Municipal Code relating to  
sewage collection and disposal authorizes 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 \$1050.00 for  
each violation.
2. Processing fine in the amount of:
  - \$518.60 per million gallons of flow in excess of  
permit allocation.
  - \$61.34 per 1,000 pounds of Biochemical Oxygen  
Demand (BOD) in excess of permit allocation.
  - \$56.46 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 July 1, 1990.

BE IT FURTHER RESOLVED that effective through June 30, 1990,  
Resolution No. 89-934 adopted on September 19, 1989 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-612

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND  
DIANE BERBERIAN GAZARIAN FOR WATER SERVICE TO PROPERTY OUTSIDE CITY  
LIMITS ON THE SOUTHWEST CORNER OF MCHENRY AVENUE AND BANGS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the  
agreement between the City of Modesto and Diane Berberian Gazarian for  
water service to property outside City limits on the southwest corner  
of McHenry Avenue and Bangs  
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 June , 19 90 , by  
Councilmember Lang , 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-613

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RAFAEL SALAZAR FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1413 INYO STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Rafael Salazar for sewer service to property outside City limits at 1413 Inyo Street, located on the north side of Inyo, east of Ustick 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 June , 1990 , by Councilmember Lang , 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

*Finance Office*

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-614

A RESOLUTION ACCEPTING IMPROVEMENTS IN SCENIC ESTATES SUBDIVISION AND AUTHORIZING RELEASE OF IRREVOCABLE LETTER OF CREDIT

WHEREAS, Douglas Highiet, subdividers of Scenic Estates Subdivision have filed Irrevocable Letters of Credit for faithful performance and labor and materials in the amount of \$148,900.00 and \$74,450.00 respectively to guarantee improvements in Scenic Estates Subd. and;

WHEREAS, the Director of Public Works in a memorandum dated June 15, 1990 indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering 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 Irrevocable Letters of Credit upon expiration of the statutory period.

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

1. The improvements in Scenic Estates Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Irrevocable Letter of Credit for faithful performance in the amount of \$148,900.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Irrevocable Letter of Credit for labor and materials in the amount of \$74,450.00 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 26th day of June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Bird

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-615

REIMBURSEMENT

A RESOLUTION APPROVING AN/AGREEMENT BETWEEN THE CITY OF MODESTO AND THE WILLIAM LYON COMPANY FOR STREET IMPROVEMENTS IN CLAUS ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the William Lyon Company for street improvements in Claus 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 June , 19 90 , by Councilmember Lang , 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-616

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$161,670.29 TO FUND STREET IMPROVEMENTS IN CLAUS ROAD

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

FROM: Expressway Loop Contingency Reserve Fund \$161,670.29  
(133 800 8000 8003)

TO: Claus Road Street Construction \$161,670.29  
(133 430 P876 6000)

Reimbursement for street improvement in Claus Road adjacent to Dry Creek Meadows. The City is responsible for pavement construction in Claus Road, which is more than 40 feet from property line. The Developer of Dry Creek Meadows Subdivision will construct the City's required pavement in conjunction with other improvements to eliminate conflicts, and time delays and cost increases to both City and Developer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-617

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,000 TO FUND ALL-WAY STOP SIGN INSTALLATION AT LAKEWOOD AND MIDDLEBORO

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

FROM: McHenry/Rumble Traffic Signal Modifications \$3,000  
(070 160 P746 6000)

TO: Lakewood/Middleboro Traffic Islands \$3,000  
(070 160 P927 6000)

The Director of Public Works & Transportation has concluded that an all-way stop should be installed at Lakewood and Middleboro. Raised channelizing islands need to be constructed to enhance visibility to the proposed stop sign for southbound Lakewood motorists. Funds are available in a completed signal modification project at McHenry and Rumble.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 19 90, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-618

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$5,112 FROM CONTINGENCY RESERVE FOR DOWNTOWN IMPROVEMENT DISTRICT EXPENSES

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

FROM: Contingency Reserve (090 800 8000 8003)	\$5,112
TO: Contractor's Reimbursement (090 140 1442 0234)	\$1,362
Services, Professional & Other (909 140 1442 0235)	3,750

June 1989, expenses were not accrued last year but charged against 1989-90 budget. This transfer enables June 1990, expenses to be paid from proper fiscal year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO.90-619

A RESOLUTION APPROVING THE REQUEST OF MODESTO LUMBER COMPANY FOR REFUND FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Modesto Lumber for refund of \$620.40 for overpayment of Business Improvement Area Tax 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 June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-620

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NANCY YOUNG FOR CONTINUED PROFESSIONAL SERVICES AS DOWNTOWN IMPROVEMENT DISTRICT EXECUTIVE DIRECTOR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Nancy Young for continued professional services as Downtown Improvement District Executive Director

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 June , 19 90 , by Councilmember Lang , 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-621

A RESOLUTION AUTHORIZING ISSUANCE OF A CHANGE ORDER TO THE PUBLIC FACILITIES DISTRICT NO. 6 CONTRACT TO CONSTRUCT AN 18" SEWER LINE IN COFFEE ROAD FROM RUMBLE ROAD TO SYLVAN MEADOWS DRIVE

WHEREAS, an extension of the 18" sewer on Coffee is needed to provide future sewer service to this area, and to avoid trenching through the area of Coffee Road that will be reconstructed under Public Facilities District No. 6, it is necessary to do this work as part of this project; and

WHEREAS, the negotiated cost to construct the sewerline is \$263,798.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that issuance of a change order to the Public Facilities District No. 6 contract to construct an 18" sewerline in Coffee Road from Rumble Road to Sylvan Meadows Drive 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 June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-622

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$228,000 FROM SEWER FUND RESERVE TO FUND A PROJECT TO ALLEVIATE A SEWER CAPACITY PROBLEM ON THE JEFFERSON STREET SEWER TRUNK

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

FROM:	Sewer Fund Reserves (621 800 8000 8003)	\$228,000
TO:	Jefferson Street lift station (621 480 P928 6000)	\$228,000

These funds are needed to fund a project to alleviate a sewer capacity problem on the Jefferson Street sewer trunk. This line serves the Foster Farms plant on Kansas Avenue. This project is necessary to allow the Foster Farms plant to operate at full capacity.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO.90-623

A RESOLUTION APPROVING THE FINAL MAP OF THE RIVER BEND  
ESTATES SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Daniel M. Dickey and Joan Dickey, husband and wife is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 12.315 acres, known as the River Bend Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 19th day of June, 1989, 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 River Bend Estates 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 26th day of June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-624

A RESOLUTION APPROVING AN INCREASE IN THE SELF-INSURED RETENTION (WORKERS' COMPENSATION) AND RENEWING EXCESS WORKERS' COMPENSATION INSURANCE POLICY WITH NATIONAL UNION INSURANCE COMPANY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that renewal of the Excess Workers' Compensation Insurance policy with National Union Insurance Company, and the increase in City's Self-Insured Retention from \$300,000 to \$400,000 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said changes in insurance policies 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 June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-625

AMENDED

A RESOLUTION APPROVING AN/AGREEMENT BETWEEN THE CITY OF MODESTO AND ROMA DESIGN GROUP APPROVING ADDITIONAL SCOPE OF SERVICES AND BUDGET FOR EPS IN CONJUNCTION WITH THE VILLAGE ONE SPECIFIC PLAN PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and ROMA Design Group, approving additional scope of services and budget for EPS in conjunction with the Village One Specific Plan Program

be, and it is hereby approved.

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

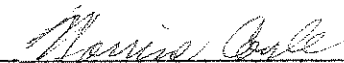
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-626

AMENDED  
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EPS  
APPROVING ADDITIONAL SCOPE OF SERVICES AND BUDGET FOR EIP ASSOCIATES IN  
CONJUNCTION WITH THE VILLAGE ONE SPECIFIC PLAN PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and EPS, approving additional scope of services and budget for EIP Associates in conjunction with the Village One Specific Plan 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 26th day of June , 1990 , by Councilmember Lang , 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-627

A RESOLUTION TRANSFERRING SIXTY THREE THOUSAND NINE HUNDRED TEN (\$63,910) DOLLARS FROM THE GENERAL FUND (FUND NO. 010) OF THE CITY OF MODESTO TO THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 130).

WHEREAS, on October 10, 1989, the City Council approved financing for two teams of consultants to prepare a Specific Plan, EIR, and Financing Plan for Village One, and

WHEREAS, additional funding is now needed in the amount of Sixty Three Thousand Nine Hundred Ten (\$63,910) Dollars for additional costs for the Village One Specific Plan Program, and

WHEREAS, the sum of Sixty Three Thousand Nine Hundred Ten (\$63,910) Dollars is available in the Unappropriated Fund Balance of the General Fund (Fund No. 010), and

WHEREAS, said sum will not be required for operating costs of the City during the 1989-90 fiscal year, and

WHEREAS, the Council desires to transfer said sum to the Special Fund for Capital Outlays (Fund No. 130) for additional costs for the Village One Specific Plan Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sum of Sixty Three Thousand Nine Hundred Ten (\$63,910) Dollars be and is hereby transferred from the Unappropriated Fund Balance of the General Fund (Acct. No. 010-800-8000-8003) to the Special Fund for Capital Outlays (Acct. No. 130-140-P894-6000).

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 June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside


NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST:   
for NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-628

A RESOLUTION SETTING TIME AND PLACE FOR HEARING CONCERNING EXTENSION  
OF THE MODESTO GARBAGE COMPANY'S FRANCHISE TO DECEMBER 31, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that July 24, 1990, 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 an extension of the  
Modesto Garbage Company's franchise to December 31, 1998.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 26th day of  
June, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-629

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED  
DEVELOPMENT ZONE, P-D(475). (JAMES C. RICHARDSON)

WHEREAS, a verified application for an amendment to Section 27-3-9  
of the Zoning Map was filed by James C. Richardson on April 4, 1990, to  
reclassify from Low Density Residential Zone, R-1, to Planned Development  
Zone, P-D, to allow a two-story townhouse apartment development, property  
located on the north side of Scenic Drive east of Rose Avenue, described as  
follows:

R-1 to P-D

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

All of Parcels "A" and "B" as shown on that parcel map filed in the  
office of the Recorder of Stanislaus County, California, on  
January 20, 1981, in Book 31 of Parcel Maps, at Page 49.

Including also all of the North one-half of 90.00 foot wide Scenic  
Drive, the East 30.00 feet of Rose Avenue and the South one-half of  
the 20.00 foot wide public alley as shown on the aforementioned  
parcel map and all immediately adjacent to the above described  
property:

and

WHEREAS, after a public hearing held on June 4, 1990, 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. 90-52,  
that rezoning of the property as requested is required by public necessity,  
convenience and general welfare for the following reasons:

1. The density of the apartment development is well below that  
typical of the R-3 Zone, called for in the East Half Rose Park  
Zoning and Development Policy established in early 1972.

2. The general orientation of the development away from the adjacent alley serves to enhance compatibility with the adjoining neighborhood to the north.
3. The proposed townhouse development conforms to the surrounding zoning and development pattern already established including both large and small projects.

and

WHEREAS, after a public hearing held on July 3, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of James C. Richardson 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. 90-52 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2718 -C.S. on the 3rd day of July, 1990, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(475).

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(475), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Project Scope - 22 Units" as amended in red, stamped approved by the Planning Commission on June 4, 1990.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan. Screen landscaping shall be installed along the east property line.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
  - a. Six-foot high, double-sided wood, stucco, or masonry wall or fence with masonry pilasters around all patios facing Scenic Drive. Seven-foot-high walls or fences shall border patios adjoining the alley. A six-foot single board and pilaster fence may be constructed along the east 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. The Scenic Drive and Rose Avenue frontages shall be improved to major and collector street standards, respectively, 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. The adjoining alley shall be improved to 14 feet part-width alley standards as required by the Public Works and Transportation Director.
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 driveways, and uncovered 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 pay the City of Modesto the cost of planting street trees along the Rose Avenue and Scenic Drive frontages. The number shall be as determined by the Public Works and Transportation Director.
10. All curbcuts serving two-way driveways shall be 41 feet in width.
11. 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.
12. Drainage shall be provided as required by the Public Works and Transportation Director. If off-site rockwells are required, the developer shall pay fees for rockwell maintenance as established by the Municipal Code.

13. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
14. 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.
15. The water and sanitary sewer services to the individual units shall be approved by the Public Works and Transportation Director.
16. There shall be no second-story windows except bathroom windows in the north elevation of the buildings which are directly facing the alley to the north.
17. That the developer shall defend, indemnify, and hold harmless the City of Modesto and its agents, officers, and employees from any claim, action, and proceeding against the City of Modesto and its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City of Modesto and its advisory agency, appeal board, or legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code 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.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(475):

The entire construction program be accomplished in one phase, construction to begin on or before June 4, 1992, and completion to be not later than June 4, 1993.

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(475), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1990, by Councilmember Irizarry, 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: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: Dobbs, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Small  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-630

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 MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(475). (JAMES C. RICHARDSON)

WHEREAS, on July 3, 1990, the City Council introduced Ordinance No. 2718 -C.S. giving approval to a project relating to an amendment to Section Map 27-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(475), property located on the north side of Scenic Drive East of Rose 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 mitigated 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 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 Map 27-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(475), property located on the north side of Scenic Drive East of Rose Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1990, by Councilmember Irizarry, 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: Bird, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: Dobbs, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-631

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE 1990 STREET SLURRY SEAL PROJECT

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

SECTION 1. The plans and specifications for the 1990 street 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 July 26, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-632

A RESOLUTION ACCEPTING THE WATERLINE ACROSS 99 FREEWAY BRIDGE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the waterline across 99 Freeway bridge

has been completed by W.M. Lyles Company  
in accordance with the contract agreement dated October 10, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the waterline across 99 Freeway  
bridge

be accepted from said contractor, W.M. Lyles Company ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$472,415.48 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 3rd day of July,  
1990, by Councilmember Lang, who moved its adoption, which  
motion being duly seconded by Councilmember Patterson, was upon  
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

Corrected 7/6/90

MODESTO CITY COUNCIL  
RESOLUTION NO.90-633

A RESOLUTION CALLING A SPECIAL ADVISORY ELECTION BY THE  
VOTERS OF THE CITY OF MODESTO RELATING TO SEWER SERVICE TO  
VILLAGE ONE.

WHEREAS, an initiative ordinance entitled "Modesto Citizens Advisory  
Growth Management Act" was adopted by the voters of the City of Modesto at the  
general Municipal Election held on March 6, 1979, and

WHEREAS, said "Modesto Citizens Advisory Growth Management Act"  
requires that an advisory election by the voters of the City of Modesto, as  
provided by Section 5353 of the Elections Code of the State of California, be  
called before the City Council of the City of Modesto approves, authorizes or  
appropriates funds for the extension of any sewer trunk, and

WHEREAS, the City Council has determined that it is desirous of  
considering the extension of sewer service to Village One.

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

SECTION 1. ELECTION CALLED. That the City Council of the City of  
Modesto does hereby call a Special Advisory Election in the City of Modesto on  
November 6, 1990, said Special Election to be known as "Special Sewer Service  
Extension Advisory Election".

SECTION 2. NOTICE OF ADVISORY VOTE. The City Clerk of the City of  
Modesto is hereby ordered and directed to prepare and sign a notice of said  
advisory vote in the form required by law, and said City Clerk is hereby  
ordered and directed to publish said notice in the time and manner required by  
law in THE MODESTO BEE, the official newspaper of said City and a newspaper of

general circulation printed and published in said City.

SECTION 3. FORM OF BALLOT. On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the extension of sanitary sewer service to the proposed Village One:

CITY OF MODESTO MEASURE - ADVISORY VOTE ONLY			
<u>MEASURE F</u> City of Modesto Sewer Service Extension Advisory Measure	Shall the City Council extend new sewer service to the Village One planned community, which is bordered by the Santa Fe railroad line on the east, Sylvan Avenue on the north, Roselle Avenue and Oakdale Road on the west, and Floyd Avenue, Parker Road and Briggsmore Avenue on the south and land north of Sylvan Avenue and east of Roselle Avenue for a community park and high school site?	Y E S	
		N O	

SECTION 3. CONDUCT OF ELECTION. Said special advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, said special advisory election shall be held as provided for in the Charter of said City and in all particulars not provided for therein said election shall be held as provided by law for the holding of advisory elections and special municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

(a) All persons qualified to vote at municipal elections in said City of Modesto on the day of said special advisory election herein provided

for shall be qualified to vote upon said advisory measure hereby proposed by the Council of the City of Modesto on its own motion and submitted at said special advisory election.

(b) The polls at the polling places hereinafter referred to for said special advisory election shall be opened at 7:00 a.m. of said day of election, and shall be kept open continuously thereafter until 8:00 p.m. of said day of election, when the polls shall be closed, and the election officers shall thereupon proceed to canvass the ballots cast thereat.

(c) Said special advisory election shall be and is hereby consolidated with the general election to be held in Stanislaus County and in the City of Modesto on the date of said special advisory election hereby called, and the election precincts, polling places and voting booths shall in every case be the same, and there shall be only one set of election officers in each of said precincts; and the precincts, polling places and officers of said election within said city for said special advisory election shall be the same as those selected or to be selected and designated by the Board of Supervisors of Stanislaus County for said general election and set forth or to be set forth in the notice of election officers and polling places for said general election published or to be published by the County Clerk of said County, as required by law, to which notice reference is hereby specifically made for a designation of the precincts, polling places and election officers for said special advisory election hereby called. Only qualified voters of said City shall be permitted to vote at said special advisory election hereby called. The Board of Supervisors of Stanislaus County is authorized to canvass, or cause to be canvassed, the returns of said special advisory

election with respect to the votes cast in said City and to certify the results to the Council.

(d) On the ballots to be used at said general election and said special advisory election hereby consolidated therewith, in addition to all other matters required by law to be printed thereon, shall appear an advisory measure with respect to the proposed Village One.

(e) To vote in favor of said advisory measure a voter shall punch a hole in the blank space opposite the word "YES" on the ballot to the right of said advisory measure, and to vote against said advisory measure a voter shall punch a hole in the blank space opposite the word "NO" on the ballot to the right of said advisory measure.

(f) The votes cast for and against said advisory measure shall be counted separate and apart from all other measures to be submitted at said general election and said special advisory election hereby consolidated therewith.

(g) At the next regular meeting of the Council occurring after the returns of said special advisory election have been canvassed and the results thereof certified by the Board of Supervisors of Stanislaus County to the Council, or at a special meeting called thereafter for such purpose, the Council shall cause to be spread upon its minutes a statement of the results of said special advisory election as ascertained by said canvass.

SECTION 4. NOTICE. The City Clerk of the City of Modesto is hereby authorized and directed to prepare and sign a notice of said special advisory election in the form required by law, and said City Clerk is hereby authorized and directed to publish said notice in the time and manner required by law in

THE MODESTO BEE, the official newspaper of said City and a newspaper of general circulation printed and published in said City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CLERK'S CERTIFICATE

I, NORRINE COYLE, City Clerk of the City of Modesto, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the Council of said City at a regular meeting of said Council duly and regularly and legally held at the regular meeting place thereof on the 3rd day of July, 1990, of which meeting all of the members of said Council had due notice and at which a majority thereof was present and acted; that at said meeting said resolution was, upon motion of Councilmember Lang, seconded by Councilmember Patterson, and adopted by the following vote:


AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes. That said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and the seal of said City of Modesto, this 3rd day of July, 1990.

  
\_\_\_\_\_  
NORRINE COYLE  
City Clerk of the City of Modesto,  
California

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-633

A RESOLUTION CALLING A SPECIAL ADVISORY ELECTION BY THE VOTERS OF THE CITY OF MODESTO RELATING TO SEWER SERVICE TO VILLAGE ONE.

WHEREAS, an initiative ordinance entitled "Modesto Citizens Advisory Growth Management Act" was adopted by the voters of the City of Modesto at the general Municipal Election held on March 6, 1979, and

WHEREAS, said "Modesto Citizens Advisory Growth Management Act" requires that an advisory election by the voters of the City of Modesto, as provided by Section 5353 of the Elections Code of the State of California, be called before the City Council of the City of Modesto approves, authorizes or appropriates funds for the extension of any sewer trunk, and

WHEREAS, the City Council has determined that it is desirous of considering the extension of sewer service to Village One.

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

SECTION 1. ELECTION CALLED. That the City Council of the City of Modesto does hereby call a Special Advisory Election in the City of Modesto on November 6, 1990, said Special Election to be known as "Special Sewer Service Extension Advisory Election".

SECTION 2. FORM OF BALLOT. On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, will be printed an advisory measure relating to the extension of sanitary sewer service to the proposed Village One, the proposed wording to be furnished to the Board of Supervisors of Stanislaus County prior to August 7, 1990.

SECTION 3. CONDUCT OF ELECTION. Said special advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, said special advisory election shall be held as provided for in the Charter of said City and in all particulars not provided for therein said election shall be held as provided by law for the holding of advisory elections and special municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

(a) All persons qualified to vote at municipal elections in said City of Modesto on the day of said special advisory election herein provided for shall be qualified to vote upon said advisory measure hereby proposed by the Council of the City of Modesto on its own motion and submitted at said special advisory election.

(b) The polls at the polling places hereinafter referred to for said special advisory election shall be opened at 7:00 a.m. of said day of election, and shall be kept open continuously thereafter until 8:00 p.m. of said day of election, when the polls shall be closed, and the election officers shall thereupon proceed to canvass the ballots cast thereat.

(c) Said special advisory election shall be and is hereby consolidated with the general election to be held in Stanislaus County and in the City of Modesto on the date of said special advisory election hereby called, and the election precincts, polling places and voting booths shall in every case be the same, and there shall be only one set of election officers in each of said precincts; and the precincts, polling places and officers of

said election within said city for said special advisory election shall be the same as those selected or to be selected and designated by the Board of Supervisors of Stanislaus County for said general election and set forth or to be set forth in the notice of election officers and polling places for said general election published or to be published by the County Clerk of said County, as required by law, to which notice reference is hereby specifically made for a designation of the precincts, polling places and election officers for said special advisory election hereby called. Only qualified voters of said City shall be permitted to vote at said special advisory election hereby called. The Board of Supervisors of Stanislaus County is authorized to canvass, or cause to be canvassed, the returns of said special advisory election with respect to the votes cast in said City and to certify the results to the Council.

(d) On the ballots to be used at said general election and said special advisory election hereby consolidated therewith, in addition to all other matters required by law to be printed thereon, shall appear an advisory measure with respect to the proposed Village One.

(e) To vote in favor of said advisory measure a voter shall punch a hole in the blank space opposite the word "YES" on the ballot to the right of said advisory measure, and to vote against said advisory measure a voter shall punch a hole in the blank space opposite the word "NO" on the ballot to the right of said advisory measure.

(f) The votes cast for and against said advisory measure shall be counted separate and apart from all other measures to be submitted at said general election and said special advisory election hereby consolidated therewith.

(g) At the next regular meeting of the Council occurring after the returns of said special advisory election have been canvassed and the results thereof certified by the Board of Supervisors of Stanislaus County to the Council, or at a special meeting called thereafter for such purpose, the Council shall cause to be spread upon its minutes a statement of the results of said special advisory election as ascertained by said canvass.

SECTION 4. NOTICE. The City Clerk of the City of Modesto is hereby authorized and directed to prepare and sign a notice of said special advisory election in the form required by law, and said City Clerk is hereby authorized and directed to publish said notice in the time and manner required by law in THE MODESTO BEE, the official newspaper of said City and a newspaper of general circulation printed and published in said City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

062990

CLERK'S CERTIFICATE

I, NORRINE COYLE, City Clerk of the City of Modesto, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the Council of said City at a regular meeting of said Council duly and regularly and legally held at the regular meeting place thereof on the 3rd day of July, 1990, of which meeting all of the members of said Council had due notice and at which a majority thereof was present and acted; that at said meeting said resolution was, upon motion of Councilmember Lang, seconded by Councilmember Patterson, and adopted by the following vote:

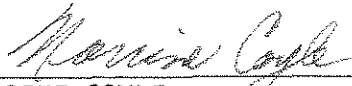
AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes. That said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and the seal of said City of Modesto, this 3rd day of July, 1990.

  
\_\_\_\_\_  
NORRINE COYLE  
City Clerk of the City of Modesto,  
California

Corrected 7/6/90

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-634

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO PROVIDE FOR THE CONSOLIDATION OF A SPECIAL ADVISORY ELECTION WITH THE GENERAL ELECTION TO BE HELD NOVEMBER 6, 1990.

WHEREAS, the Council of the City of Modesto, in Stanislaus County, State of California, has adopted Resolution No. 90-633 calling a special advisory election in said City to be held on Tuesday, November 6, 1990, at which will be submitted to the qualified electors of said City a sanitary sewer service extension advisory measure relating to Village One, and

WHEREAS, a general election will be held on Tuesday, November 6, 1990, and it is the desire of said Council that said special advisory election be consolidated with said general election,

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

SECTION 1. Said special advisory election shall be consolidated with the general election to be held on Tuesday, November 6, 1990, at which election shall be submitted to the qualified electors of said City an advisory measure relating to the extension of sanitary sewer service to the proposed Village One, to wit:

CITY OF MODESTO MEASURE - ADVISORY VOTE ONLY

<u>MEASURE F</u>	Shall the City Council extend new sewer service to the Village One planned community, which is bordered by the Santa Fe railroad line on the east, Sylvan Avenue on the north, Roselle Avenue and Oakdale Road on the west, and Floyd Avenue, Parker Road and Briggsmore Avenue on the south and land north of Sylvan Avenue and east of Roselle Avenue for a community park and high school site?	Y E S	
City of Modesto Sewer Service Extension Advisory Measure			N O

SECTION 2. The Board of Supervisors of Stanislaus County is hereby requested to order the consolidation of said special advisory election with the general election to be held on Tuesday, November 6, 1990, insofar as the City of Modesto is concerned, and to further provide that within the territory affected by said order of consolidation, to wit, the City of Modesto, the election precincts, polling places and voting booths shall in every case be the same, and there shall be only one set of election officers in each of said precincts. Said advisory measure shall be set forth on all ballots to be used at said general election insofar as the same is held within said City of Modesto. Said Board of Supervisors of Stanislaus County is further requested to order the County Clerk of Stanislaus County (i) to set forth on all sample ballots relating to said consolidated elections, to be mailed to the qualified electors of said City, said advisory measure hereinabove set forth, and to mail with said sample ballots to said electors printed copies of the proposed advisory measure in pamphlet form and printed copies of arguments (if any) for and against said advisory measure, including rebuttals (if any), and (ii) to

provide absent voter ballots for said general election and said special advisory election consolidated therewith for use by qualified electors of said City who are entitled thereto, in the manner provided by law.

SECTION 3. Said Board of Supervisors of Stanislaus County is hereby further authorized to canvass, or cause to be canvassed, as provided by law, the returns of said special advisory election with respect to the votes cast on said advisory measure and to certify such canvass of the votes cast for and against said advisory measure to this Council.

SECTION 4. The City Clerk is hereby authorized and directed to certify to the adoption of this resolution and to transmit a copy hereof so certified to the Board of Supervisors of Stanislaus County and to file a copy hereof so certified with the County Clerk of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CLERK'S CERTIFICATE

I, NORRINE COYLE, City Clerk of the City of Modesto, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the Council of said City at a regular meeting of said Council duly and regularly and legally held at the regular meeting place thereof on the 3rd day of July, 1990, of which meeting all of the members of said Council had due notice and at which a majority thereof was present and acted; that at said meeting said resolution was introduced by Councilmember Lang, seconded by Councilmember Patterson, and adopted by the following vote:

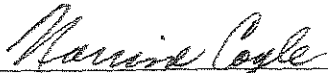
AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes. That said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and the seal of said City of Modesto this 3rd day of July, 1990.

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk of the City  
of Modesto, California

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-634

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO PROVIDE FOR THE CONSOLIDATION OF A SPECIAL ADVISORY ELECTION WITH THE GENERAL ELECTION TO BE HELD NOVEMBER 6, 1990.

WHEREAS, the Council of the City of Modesto, in Stanislaus County, State of California, has adopted Resolution No. 90-634 calling a special advisory election in said City to be held on Tuesday, November 6, 1990, at which will be submitted to the qualified electors of said City a sanitary sewer service extension advisory measure relating to Village One, and

WHEREAS, a general election will be held on Tuesday, November 6, 1990, and it is the desire of said Council that said special advisory election be consolidated with said general election,

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

SECTION 1. Said special advisory election shall be consolidated with the general election to be held on Tuesday, November 6, 1990, at which election shall be submitted to the qualified electors of said City an advisory measure relating to the extension of sanitary sewer service to the proposed Village One, the proposed wording to be furnished to the Board of Supervisors of Stanislaus County prior to August 7, 1990.

SECTION 2. The Board of Supervisors of Stanislaus County is hereby requested to order the consolidation of said special advisory election with the general election to be held on Tuesday, November 6, 1990, insofar as the City of Modesto is concerned, and to further provide that within the territory

affected by said order of consolidation, to wit, the City of Modesto, the election precincts, polling places and voting booths shall in every case be the same, and there shall be only one set of election officers in each of said precincts. Said advisory measure shall be set forth on all ballots to be used at said general election insofar as the same is held within said City of Modesto. Said Board of Supervisors of Stanislaus County is further requested to order the County Clerk of Stanislaus County (i) to set forth on all sample ballots relating to said consolidated elections, to be mailed to the qualified electors of said City, said advisory measure hereinabove set forth, and to mail with said sample ballots to said electors printed copies of the proposed advisory measure in pamphlet form and printed copies of arguments (if any) for and against said advisory measure, including rebuttals (if any), and (ii) to provide absent voter ballots for said general election and said special advisory election consolidated therewith for use by qualified electors of said City who are entitled thereto, in the manner provided by law.

SECTION 3. Said Board of Supervisors of Stanislaus County is hereby further authorized to canvass, or cause to be canvassed, as provided by law, the returns of said special advisory election with respect to the votes cast on said advisory measure and to certify such canvass of the votes cast for and against said advisory measure to this Council.

SECTION 4. The City Clerk is hereby authorized and directed to certify to the adoption of this resolution and to transmit a copy hereof so certified to the Board of Supervisors of Stanislaus County and to file a copy hereof so certified with the County Clerk of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CLERK'S CERTIFICATE

I, NORRINE COYLE, City Clerk of the City of Modesto, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the Council of said City at a regular meeting of said Council duly and regularly and legally held at the regular meeting place thereof on the 3rd day of July, 1990, of which meeting all of the members of said Council had due notice and at which a majority thereof was present and acted; that at said meeting said resolution was introduced by Councilmember Lang, seconded by Councilmember Patterson, and adopted by the following vote:

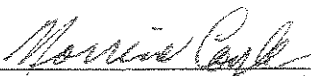
AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes. That said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and the seal of said City of Modesto this 3rd day of July, 1990.

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk of the City  
of Modesto, California

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-635

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE EMPIRE UNION SCHOOL DISTRICT TO PROVIDE MODESTO POLICE DEPARTMENT SERVICES IN CONNECTION WITH THE COMPREHENSIVE ALCOHOL DRUG PREVENTION EDUCATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Empire Union School District to provide Modesto Police Department services in connection with the Comprehensive Alcohol Drug Prevention Education Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Memorandum of Understanding 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 July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-636

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT C. ARTHUR FOR DRAFTING SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Robert C. Arthur for drafting 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 3rd day of July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-637

RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENT AND LEVYING  
ASSESSMENT FOR FISCAL YEAR 1990 - 1991.

ASSESSMENT DISTRICT NO. 1  
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Modesto resolves:

1. Pursuant to Chapter 3 of the Landscaping and Lighting Act of 1972, the City Council directed the Public Works and Transportation Director, Engineer of Work for Assessment District No. 1, to prepare and file an annual report for fiscal year 1990 - 1991.
2. The Engineer of Work filed his annual report on June 5, 1990, and the City Council adopted its resolution of intention to levy and collect assessments within the assessment district for fiscal year 1990 - 1991 and set a public hearing to be held on July 10, 1990, in the meeting place of the City Council, City Hall, 801 Eleventh Street, Modesto, California. Notice of the hearing was given in the time and manner required by law.
3. 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.
4. The City Council hereby confirms the diagram and assessment as set forth in the annual report of the Engineer of Work and hereby levies the assessment set forth therein for fiscal year 1990 - 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-638

RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENT AND LEVYING  
ASSESSMENT FOR FISCAL YEAR 1990 - 1991.

ASSESSMENT DISTRICT NO. 2  
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Modesto resolves:

1. Pursuant to Chapter 3 of the Landscaping and Lighting Act of 1972, the City Council directed the Public Works and Transportation Director, Engineer of Work for Assessment District No. 2, to prepare and file an annual report for fiscal year 1990 - 1991.
2. The Engineer of Work filed his annual report on June 5, 1990, and the City Council adopted its resolution of intention to levy and collect assessments within the assessment district for fiscal year 1990 - 1991 and set a public hearing to be held on July 10, 1990, in the meeting place of the City Council, City Hall, 801 Eleventh Street, Modesto, California. Notice of the hearing was given in the time and manner required by law.
3. 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.
4. The City Council hereby confirms the diagram and assessment as set forth in the annual report of the Engineer of Work and hereby levies the assessment set forth therein for fiscal year 1990 - 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-639

A RESOLUTION ORDERING THE CHICAGO-BRIGGS REORGANIZATION TO  
THE CITY OF MODESTO. (UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution No. 90-31 dated May 30, 1990, approved the proposed Chicago-Briggs Reorganization to the City of Modesto upon 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 Chicago-Briggs Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that the territory included in the proposed Chicago-Briggs Reorganization is uninhabited territory, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution ordered that said Reorganization consist of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the Burbank-Paradise Fire Protection District; (c) the reorganization boundaries modified to include the right-of-way of Chicago Avenue adjacent to the "Chicago Avenue Annexation"; and (d) the annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus County Local Agency Formation Commission on May 30, 1990, certified that it considered the contents of the Environmental Review Initial Study and the Negative Declaration prepared by staff as to the environmental impact of the subject Reorganization; and although the approval of this proposal could have a significant effect on the environment, measures have been included in the project which mitigate its effect on the

environment; and responsibility for reporting and monitoring to ensure CEQA compliance shall be with the City of Modesto, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution designated, pursuant to Section 56852 of the Government Code of the State of California, the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization, and

WHEREAS, the reason for this annexation is to allow a proposed new residential development on a portion of the annexation, and

WHEREAS, the regular county assessment roll is utilized by the City of Modesto, and

WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and

WHEREAS, the 10th day of July, 1990, at the hour of 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for hearing protests against said reorganization, and

WHEREAS, said public hearing was held on said date and at said time and place, and this Council finds and determines that no written protests were filed prior to the hearing by either registered voters residing within the territory proposed to be annexed or owners of land owning property within the affected territory, and the Council of the City of Modesto did hear and pass the proposed reorganization,

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 as amended have been complied with.

2. That the area or territory designated as the Chicago-Briggs Reorganization is more particularly 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.

4. Said territory is hereby detached from the Burbank-Paradise Fire 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 negative declaration as to the environmental impact of this Reorganization has been reviewed and considered.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By John L. Christiansen  
Public Works and Transportation  
Department, Engineering

ALL THAT CERTAIN REAL PROPERTY SITUATED IN SECTION 31, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN IN THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF LOT 21 OF RESURVEY OF BRICKMANS ADDITION TO THE CITY OF MODESTO, AS PER MAP FILED OCTOBER 15, 1904 IN VOLUME 2 OF MAPS, PAGE 1, STANISLAUS COUNTY RECORDS; THENCE NORTH  $\frac{1}{2}$ ° WEST ALONG AN EXTENSION OF SAID WEST LINE OF LOT 21 A DISTANCE OF 60 FEET TO THE NORTH SIDE OF BRIGGS AVENUE; THENCE NORTH 89° 35' EAST PARALLEL TO THE QUARTER SECTION LINE AND THE NORTH LINE OF SAID LOT 21 A DISTANCE OF 361.62 FEET; THENCE SOUTH  $\frac{1}{2}$ ° EAST ALONG THE EAST LINE OF SAID LOT 21 A DISTANCE OF 526.68 FEET TO THE CORNER OF LOTS 21, 16, 20, AND 17 OF RESURVEY OF BRICKMANS ADDITIONS TO THE CITY OF MODESTO, AS PER MAP FILED OCTOBER 15, 1904 IN VOLUME 2 OF MAPS, PAGE 1, STANISLAUS COUNTY RECORDS; THENCE NORTH 89° 35' EAST ALONG THE NORTH LINE THE NORTH LINE OF LOT 17 A DISTANCE OF 118 FEET; THENCE SOUTH  $\frac{1}{2}$ ° EAST PARALLEL TO THE WEST LINE OF SAID LOT 17 A DISTANCE OF 496.68 FEET TO THE CENTERLINE OF CHICAGO AVENUE; THENCE NORTH 89° 49' EAST ALONG THE CENTER LINE OF CHICAGO AVENUE AND PARALLEL TO THE SOUTH BOUNDRY OF THE "CHICAGO AVENUE ANNEXATION A DISTANCE OF 815.36 FEET; THENCE SOUTH 00° 31' EAST ALONG AN EXTENSION OF THE EAST BOUNDRY LINE OF THE "CHICAGO AVENUE ANNEXATION" AND THE EAST LINE OF LOT 10 A DISTANCE OF 30 FEET TO THE SOUTH SIDE OF CHICAGO AVENUE; THENCE SOUTH 89° 49' WEST ALONG THE SOUTH SIDE OF CHICAGO AVENUE PARALLEL TO THE SOUTH LINE OF LOTS 10 AND 17 A DISTANCE OF 815.36 FEET; THENCE SOUTH 89° 44' WEST PARALLEL TO THE SOUTH LINE OF LOTS 20 AND 27 OF RESURVEY OF BRICKMANS ADDITIONS TO THE CITY OF MODESTO, AS PER MAP FILED OCTOBER 15, 1904 IN VOLUME 2 OF MAPS, PAGE 1 STANISLAUS COUNTY RECORDS A DISTANCE OF 877.78 FEET; THENCE NORTH  $\frac{1}{2}$ ° WEST PARALLEL TO THE WEST LINE OF LOT 27 A DISTANCE OF 526.68 FEET; THENCE NORTH 89° 44' EAST ALONG THE NORTH LINE OF LOT 27 A DISTANCE OF 398.16 FEET; THENCE NORTH  $\frac{1}{2}$ ° WEST ALONG THE WEST LINE OF LOT 21 A DISTANCE OF 466.68 FEET TO THE POINT OF BEGINNING.

Approved as to description

ON                       
 BY

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-640

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING BARE ROOT TREES

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

SECTION 1. The plans and specifications for furnishing bare root trees

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 30, 1990, at 11:05 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-641

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING TWO REBUILT DIESEL BUS ENGINES, WITH  
AN OPTION TO PURCHASE UP TO THREE ADDITIONAL ENGINES UP TO DECEMBER 31,  
1990, IF NECESSARY

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

SECTION 1. The plans and specifications for the purchase of two rebuilt diesel bus engines, with an option to purchase up to three additional engines up to December 31, 1990, if necessary 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 30, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-642

A RESOLUTION ACCEPTING THE BID OF W.M. LYLES COMPANY FOR INSTALLATION OF AN 18" WATERLINE IN CROWS LANDING ROAD, ZEFF ROAD, TUOLUMNE BOULEVARD AND 10TH STREET

WHEREAS, Resolution No. 90-557 , adopted by the Council of the City of Modesto on June 5, 1990 , approved the plans and specifications for the installation of an 18" waterline in Crows Landing Road, Zeff Road, Tuolumne Boulevard and 10th Street and authorized the calling for bids; and

WHEREAS, the bids received for the installation of an 18" waterline in Crows Landing Road, Zeff Road, Tuolumne Boulevard and 10th Street were opened at 11:00 a.m. on June 28, 1990 , and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of W.M. Lyles Company in the amount of \$703,866.24 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of W.M. Lyles Company in the amount of \$703,866.24 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 10th day of July , 1990 , by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-643

A RESOLUTION ACCEPTING THE BID OF GILLIG CORPORATION FOR FURNISHING NINE  
TRANSIT BUSES

WHEREAS, Resolution No. 90-42 , adopted by the Council of the City of  
Modesto on January 23, 1990 , approved the plans and specifications for the  
purchase of nine transit buses with wheel chair capability

and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of nine transit buses  
were opened at 11:00 a.m. on March 26, 1990 , and later tabulated by the  
Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of  
Gillig Corporation in the amount of \$1,728,827.94  
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the bid of Gillig Corporation in the amount of \$1,728,827.94  
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 10th day of July , 19 90 , by  
Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-644

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING PURCHASE OF A  
PRINTING PRESS SYSTEM FROM A.B. DICK CORPORATION

WHEREAS, the Purchasing Section of the Finance Department has requested this purchase to replace an old system that has reached beyond its normal serviceable life; and

WHEREAS, informal bids were sought to expedite the evaluation and replacement of this press system, with A.B. Dick being the only one to respond.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bids for the purchase of a printing press system are hereby waived.

BE IT FURTHER RESOLVED that purchase of a printing press system from A.B. Dick Corporation for the total price of \$39,985 is hereby approved.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1990, by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-645

A RESOLUTION FINDING THAT SATISFACTORY PROGRESS IS BEING MADE IN THE CONSTRUCTION OF THE ROSELLE AVENUE CANAL CROSSING AT MID LATERAL NO. 3 AND GRANTING A REDUCTION IN RETENTION.

WHEREAS, the City has received a request from D. B. Construction for a reduction in retention on the Roselle Avenue Canal Crossing at MID Lateral #3 Project, and

WHEREAS, the work has been satisfactorily completed, no liens have been filed, and the Council accepted the project on June 26, 1990, and

WHEREAS, Section 53067 of the Government Code permits a government body to reduce retention to 5% when the project is more than 50% complete and progress has been satisfactory, and

WHEREAS, City staff has reported that a reduction in retention on the project from 10% to 5% is an appropriate request.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby find that satisfactory progress has been made on the Roselle Avenue Canal Crossing at MID Lateral #3 Project, and authorizes a reduction in retention of amounts withheld from progress billings on the project from \$20,710.74, which represents a ten percent (10%) retention, to \$10,355.37, which represents a five percent (5%) reduction in retention.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-646

A RESOLUTION APPROVING A PROCUREMENT POLICY ON PURCHASING RECYCLED PRODUCTS

WHEREAS, in order to strengthen the City's position regarding the recycling of waste, supporting the creation of markets for recycled products, and complying with Public Contract Code Section 12210, staff has proposed a City policy to purchase recycled products.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled "Policy for the Purchasing of Recycled Products", as follows:

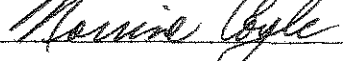
1. It shall be the policy of the City of Modesto to purchase products that contain recycled material or have the potential of being recycled if fitness, quality, purpose, and price are equal.
2. The City may grant up to a 5% price variance for recycled products which have the potential of being recycled.
3. The City will continually search the market and identify vendors of recycled products and insure that those vendors are asked to submit competitive bids for products which are equal in quality, fitness, and purpose.
4. All recycled paper products used by the City shall be identified with the statement "Printed on Recycled Paper" or bear the international recycling logo.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1990, by Councilmember Patterson, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-647

A RESOLUTION APPROVING A REBATE OF CAPITAL FACILITIES FEES TO P & R ENTERPRISES RELATING TO A RECREATION BUILDING IN A SENIOR CITIZEN APARTMENT COMPLEX, HOUSER GLEN SENIOR APARTMENTS COMPLEX.

WHEREAS, the Council of the City of Modesto adopted Ordinance No. 2521-C.S., effective August 6, 1987, which enacted on a permanent basis Sections 8-1.904 et seq. of the Modesto Municipal Code relating to creating and establishing the authority for imposing and charging Capital Facilities Fees, and

WHEREAS, Section 8-1.904 of the Modesto Municipal Code authorizes the Council by resolution to establish the amount of Capital Facilities Fees to be charged new construction, including the expansion of and/or the addition to an existing structure, to mitigate an unfunded portion of the determined impact of the development, and

WHEREAS, on October 4, 1988, by Ordinance No. 2614-C.S., the City Council approved Planned Development Zone, P-D (453), for Phase I of an elderly housing apartment complex on the north side of Houser Lane and east of Wilma Drive, and adopted Resolution No. 88-746 approving a development plan for Planned Development Zone, P-D(453), and

WHEREAS, on June 20, 1989, by Ordinance No. 2674-C.S., the City Council approved an addition to Planned Development Zone, P-D (453), for Phase II of said elderly housing apartment complex, and adopted Resolution No. 89-682 approving a development plan for Planned Development Zone, P-D(453), and

WHEREAS, a recreation building being constructed as part of the Phase II project was subject to Capital Facilities Fees pursuant to Council Resolution No. 89-373, and

WHEREAS, on January 16, 1990, the City Council, by Resolution No. 90-37, approved a 90-day time extension for payment of Capital Facilities Fees relating to the Houser Glen Senior Citizen Apartments complex, Phase II project, and

WHEREAS, on July 3, 1990, the City Council approved a motion concurring with a staff recommendation that recreation buildings primarily to serve residential projects be deemed ancillary uses and that Capital Facilities Fees charged on a dwelling unit or room basis be deemed sufficient, and

WHEREAS, on July 3, 1990, the City Council also approved a motion concurring with a staff recommendation that a rebate of \$2,323 to a developer of a senior citizen apartment complex with a recreation building to be considered on a future agenda should be supported, and

WHEREAS, the Council of the City of Modesto at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street Modesto, California, at 4:00 p.m. on July 10, 1990, considered the granting of a rebate of Capital Facilities Fees in the amount of \$2,323 to P & R Enterprises relating to the recreation building in the senior citizen apartment complex, Houser Glen Senior Apartments complex,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby grant a rebate of Capital Facilities Fees in the amount of \$2,323 to P & R Enterprises relating to the recreation building in the senior citizen apartment complex, Houser Glen Senior Apartments complex.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-648

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND  
LOLITA B. SANTIAGO FOR THE ACQUISITION OF .07+ ACRES OF RIGHT OF WAY  
FROM HER PROPERTY FOR PUBLIC FACILITIES DISTRICT NO. 6

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the  
agreement between the City of Modesto and Lolita B. Santiago for the acquisition  
of .07+ acres of right of way from her property for Public Facilities District  
No. 6

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 July , 19 90 , by  
Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-649

A RESOLUTION DECLARING INTENTION TO ISSUE BONDS FOR THE PURPOSE OF PROVIDING FINANCING FOR CERTAIN PUBLIC FACILITIES.

WHEREAS, the City is authorized pursuant to the Improvement Bond Act of 1915, Section 8500, et seq., of the California Streets and Highways Code, the Mello-Roos Community Facilities Act of 1982, Section 53311, et seq., of the California Government Code, and other financing authorities (collectively, the "Acts") to issue and sell its bonds for the purpose of providing financing for certain public improvements, and

WHEREAS, the City intends to issue bonds under the Acts (the "Bonds") for the purpose of providing financing for the acquisition within the area of Improvement District No. 26 of the City of all rights-of-way, easements, and other interests in land which may be necessary or desirable in connection with future assessment districts of the City (the "Project") and wishes to assure that amounts expended for the Project may be reimbursed from the proceeds of the Bonds, and

WHEREAS, it is in the public interest, for public benefit and in furtherance of the public purposes of the City that the City Council provide preliminary approval of the issuance of the Bonds for the aforesaid purposes,

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

Section 1. The City hereby declares its intent to issue and sell the Bonds in such principal amount or amounts, from time to time, all as may be necessary to provide financing for the Project.

Section 2. The City hereby declares its intent to use proceeds of the Bonds to pay for all costs of the Project which are incurred after the date of issuance of the Bonds as well as to reimburse the City or others for all amounts paid or incurred in connection with the Project or the Bonds prior to bond issuance, including, but not limited to, the following: i) direct acquisition costs; ii) all compensation for work done by the engineers, attorneys, appraisers, and other consultants; iii) the cost of filing and recording documents, of title searching, description writing, and of preparing all documents and reports in connection with the Project; iv) all costs related to the issuance of the Bonds, including, but not limited to, printing and advertising, costs of obtaining credit ratings, bond insurance premiums, fees for letters of credit and other credit enhancement costs, initial fees for registration of the Bonds; and v) all administrative costs of the City in connection with the Project or the Bonds.

Section 3. The City hereby determines that it intends to take all action necessary or advisable in connection with the issuance and sale of the Bonds.

Section 4. The Bonds shall be special obligations of the City payable solely from the sources described in the authorization of the Bonds and shall not constitute an indebtedness of the City or a loan of credit thereof within the meaning of any constitutional or statutory provisions.

Section 5. The issuance and sale of the Bonds shall be upon such terms and conditions as may be subsequently determined by the City and shall be subject to completion of proceedings for issuance, sale and delivery of the Bonds by the City.

Section 6. The proceeds of the Bonds shall include such related and necessary issuance costs, administrative expenses, debt service reserves and interest payments as may be required to accomplish the financing successfully.

Section 7. The City Council hereby finds that the adoption of this resolution is a substantial inducement to the City and others to expend amounts for the Project and the Bonds in advance of issuance of the Bonds and that the Project will further the public purposes of the City.

Section 8. This Resolution is adopted solely for the purpose of assuring that the exclusion of interest on the Bonds for federal income tax purposes will not be adversely affected by reason of the use of proceeds of the Bonds for the reimbursement of costs paid or incurred in advance of issuance of the Bonds, and the action of the City Council in adopting this Resolution shall not vest in the City or in others a right to require that the Bonds be issued or to require reimbursement in the event that the City Council, in its sole discretion determines, in the course of proceedings for issuance and sale of the Bonds, not to reimburse for costs paid or incurred in contemplation of issuance of the Bonds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-650

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JERRY E. AND ANDREA POWELL REGARDING THE MANCINI HOUSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jerry E. and Andrea Powell for lease of the Mancini house in Mancini 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 10th day of July, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterso  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

10080217  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-651

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LEADERSHIP MODESTO ALUMNI TO AWARD GRANT TO PRODUCE ORIGINAL PROGRAM ENTITLED, "INSIDE THE ISSUES" FOR THE PUBLIC ACCESS CHANNEL ON CABLE TELEVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Leadership Modesto Alumni to award grant to produce original program entitled, "Inside The Issues" for the public access channel on cable television 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 July , 1990 , by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Mduratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-652

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY MAYOR'S COMMITTEE FOR THE EMPLOYMENT OF PERSONS WITH DISABILITIES TO AWARD GRANT TO PRODUCE ORIGINAL PROGRAM ENTITLED, "THE TIME IS NOW" FOR THE PUBLIC ACCESS CHANNEL ON CABLE TELEVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County Mayor's Committee for the Employment of Persons with Disabilities to award grant to produce original program entitled, "The Time Is Now" for public access channel on cable television 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 July , 19 90 , by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-653

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DEBRA ORVIS TO AWARD GRANT TO PRODUCE ORIGINAL PROGRAM ENTITLED, "DEAR BABYSITTER" FOR THE PUBLIC ACCESS CHANNEL ON CABLE TELEVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Debra Orvis to award grant to produce original program entitled, "Dear Babysitter" for the public access channel on cable television be, and it is hereby approved.

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

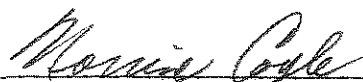
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-654

A RESOLUTION PROPOSING A CHARTER AMENDMENT TO BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 1990, IN THE CITY OF MODESTO, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL TO AMEND THE CHARTER OF SAID CITY BY AMENDING SECTION 1205 BY MOTION OF THE COUNCIL.

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

SECTION 1. The Council of the City of Modesto, on its own motion, proposes to amend the Charter of the City of Modesto by amending Section 1205 as set forth in the notice entitled "Proposed Amendment to the Charter of the City of Modesto" hereinafter set forth in Section 3 of this resolution.

SECTION 2. The Council of the City of Modesto hereby proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on Tuesday, November 6, 1990, the proposal to amend the Charter of the City of Modesto as set forth in said notice hereinafter set forth in Section 3 of this resolution and hereby designates and refers to said proposal as the proposal to be set forth in the form of ballot hereinafter prescribed for use at said regular municipal election.

SECTION 3. The City Clerk of the City of Modesto is hereby ordered and directed to cause said proposed amendment to the Charter of the City of Modesto to be published, when required by law, prior to the date of the regular municipal election hereinafter provided for in The Modesto Bee, the official newspaper of said City, and in each edition thereof, during the day of publication, said newspaper being a newspaper of general circulation published daily in said City of Modesto; and such publication may be substantially the following form, to wit:

PROPOSED AMENDMENT

TO

THE CHARTER OF THE CITY OF MODESTO

Regular Municipal Election Tuesday, November 6, 1990

MEASURE \_\_\_\_.

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 1205 of the Charter of the City of Modesto as follows:

SECTION 1205. HEARING OFFICERS.

An appeal of any person in the Classified Service relative to any suspension, demotion or dismissal, where the right of appeal is granted by the Personnel System of the City of Modesto, shall be heard by a hearing officer, who shall be selected by the Board of Personnel Appeals. The findings and recommendations of a hearing officer shall be made to the City Manager, who shall make the final determination relative to any suspension, demotion or dismissal. An alternative procedure for hearing and final determination of appeals may be delineated by a valid and binding Memorandum of Understanding or other instrument for non-represented employees.

Hearing officers shall have the power to administer oaths and affirmations in any appeals pending before them. Hearing officers shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before them. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify (upon other than constitutional grounds) shall be deemed contempt and shall be punishable as provided by the general laws of this State.

NOTE:

All of the above wording which is underlined would be added by this measure.

CITY OF MODESTO MEASURES			
<u>MEASURE</u>	Shall the Modesto City Charter be amended to provide that where the right to appeal any suspension, demotion or dismissal is granted an employee, alternative procedures for hearing and final determination of appeals may be delineated by a valid and binding Memorandum of Understanding or other instrument for non-represented employees.	YES	
City of Modesto Charter Proposal:		NO	

I hereby certify that the foregoing Charter amendment proposals were ordered submitted to the qualified electors of the City of Modesto by the Council of the City of Modesto.

Dated: \_\_\_\_\_, 1990.

\_\_\_\_\_  
NORRINE COYLE  
City Clerk of the City of Modesto

SECTION 4. The City Clerk of the City of Modesto is hereby authorized to prepare and sign a notice of the measure to be voted on, in the form required by law, relating to said special municipal election hereby called, and said City Clerk is hereby authorized and directed to publish said notice in the time and manner required by law in THE MODESTO BEE, the official newspaper of said City and a newspaper of general circulation printed and published in said City.

SECTION 5. The City Clerk of the City of Modesto is hereby authorized and directed (1) to cause copies of the text of said proposed Charter amendment to be printed in convenient pamphlet form and in type of not less than ten-point and to cause copies thereof to be mailed to each of the qualified electors of said City, and (2) until the day fixed for said special municipal election to advertise daily in THE MODESTO BEE, a newspaper of general circulation in said City, a notice that copies of said pamphlet may be had on application therefor. Said notice shall be in substantially the following form:

NOTICE OF AVAILABILITY OF CHARTER AMENDMENT

NOTICE IS HEREBY GIVEN to the qualified electors of the City of Modesto that copies of the Amendment proposed by the Council on its own motion, to the Charter of the City of Modesto, in pamphlet form, are on file in the office of the City Clerk, City Hall, 801 11th Street, Modesto, California, and may be had upon application therefor.

---

NORRINE COYLE  
City Clerk 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 July, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson.

NOES: Councilmembers: Lang, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO.90-655

A RESOLUTION CALLING A SPECIAL MUNICIPAL ELECTION BY THE VOTERS OF THE CITY OF MODESTO AND REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO PROVIDE FOR THE CONSOLIDATION OF A SPECIAL MUNICIPAL ELECTION WITH THE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 1990, RELATING TO A PROPOSAL TO AMEND SECTION 1205 OF THE CITY CHARTER

WHEREAS, the Council, on its own motion, proposes to call a special municipal election in the City of Modesto on November 6, 1990, said Special Election to be known as "Charter Amendment Election", and

WHEREAS, Section 1205 of the Charter of the City of Modesto relates to the Board of Personnel Appeals Hearing Officers, and

WHEREAS, the Council has determined that it would be in the best interest of the community to call a special municipal election among the voters of the City of Modesto to submit to the qualified electors of the City of Modesto the proposal to amend the Charter of the City of Modesto to allow an alternative procedure for hearing and final determination of appeals that they may be delineated by a valid and binding Memorandum of Understanding or other instrument for non-represented employees, and

WHEREAS, Tuesday, November 6, 1990, has been designated as the date for a State of California General Election to be held, if necessary, and it is the desire of said Council that said Special Municipal Election be consolidated with said General Election,

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

SECTION 1. ELECTION CALLED. That the City Council of the City of Modesto does hereby call a Special Municipal election in the City of Modesto on Tuesday, November 6, 1990, said Special Election to be known as "Special Charter Amendment Election".

SECTION 2. FORM OF BALLOT. On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to amend the Charter of the City of Modesto to allow an alternative procedure for hearing and final determination of appeals that they may be delineated by a valid and binding Memorandum of Understanding or other instrument for non-represented employees:

CITY OF MODESTO MEASURES			
<u>MEASURE</u>		YES	
City of Modesto Charter Proposal:	Shall the Modesto City Charter be amended to provide that where the right to appeal any suspension, demotion or dismissal is granted an employee, alternative procedures for hearing and final determination of appeals may be delineated by a valid and binding Memorandum of Understanding or other instrument for non-represented employees.	NO	

SECTION 3. CONDUCT OF ELECTION. Said special election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, said special election shall be held as provided for in the Charter of said City and in all particulars not provided for therein said election shall be held as provided by law for the holding of advisory elections and special municipal elections in the City of Modesto and otherwise in accordance with

the Elections Code of the State of California.

(a) All persons qualified to vote at municipal elections in said City of Modesto on the day of said special election herein provided for shall be qualified to vote upon said charter amendment hereby proposed by the Council of the City of Modesto on its own motion and submitted at said special election.

(b) The polls at the polling places hereinafter referred to for said special election shall be opened at 7:00 a.m. of said day of election, and shall be kept open continuously thereafter until 8:00 p.m. of said day of election, when the polls shall be closed, and the election officers shall thereupon proceed to canvass the ballots cast thereat.

(c) Said special election shall be and is hereby consolidated with the general election to be held in Stanislaus County and in the City of Modesto on the date of said special advisory election hereby called, and the election precincts, polling places and voting booths shall in every case be the same, and there shall be only one set of election officers in each of said precincts; and the precincts, polling places and officers of said election within said city for said special election shall be the same as those selected or to be selected and designated by the Board of Supervisors of Stanislaus County for said general election and set forth or to be set forth in the notice of election officers and polling places for said general election published or to be published by the County Clerk of said County, as required by law, to which notice reference is hereby specifically made for a designation of the precincts, polling places and election officers for said special election hereby called. Only qualified voters of said City shall be permitted to vote at said special election hereby called. The Board of Supervisors of Stanislaus County is authorized to canvass, or cause to be

canvassed, the returns of said special election with respect to the votes cast in said City and to certify the results to the Council.

(d) To vote in favor of said charter amendment a voter shall punch a hole in the blank space opposite the word "YES" on the ballot to the right of said measure, and to vote against said measure a voter shall punch a hole in the blank space opposite the word "NO" on the ballot to the right of said measure.

(e) The votes cast for and against said advisory measure shall be counted separate and apart from all other measures to be submitted at said general election and said special election hereby consolidated therewith.

(f) At the next regular meeting of the Council occurring after the returns of said special election have been canvassed and the results thereof certified by the Board of Supervisors of Stanislaus County to the Council, or at a special meeting called thereafter for such purpose, the Council shall cause to be spread upon its minutes a statement of the results of said special election as ascertained by said canvass.

SECTION 4. NOTICE. The City Clerk of the City of Modesto is hereby authorized and directed to prepare and sign a notice of said special election in the form required by law, and said City Clerk is hereby authorized and directed to publish said notice in the time and manner required by law in THE MODESTO BEE, the official newspaper of said City and a newspaper of general circulation printed and published in said City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1990, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson

NOES: Councilmembers: Lang, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CLERK'S CERTIFICATE

I, NORRINE COYLE, City Clerk of the City of Modesto, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the Council of said City at a regular meeting of said Council duly and regularly and legally held at the regular meeting place thereof on the 10th day of July, 1990, of which meeting all of the members of said Council had due notice and at which a majority thereof was present and acted; that at said meeting said resolution was, upon motion of Councilmember Bird, seconded by Councilmember Patterson, and adopted by the following vote:

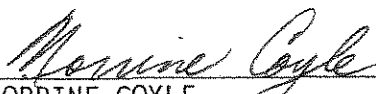
AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson

NOES: Councilmembers: Lang, Mayor Whiteside

ABSENT: Councilmembers: None

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes. That said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and the seal of said City of Modesto, this 10th day of July, 1990.

  
\_\_\_\_\_  
NORRINE COYLE  
City Clerk of the City of Modesto,  
California

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-656

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FIREMAN'S FUND INSURANCE COMPANY TO RENEW THE CITY'S PROPERTY INSURANCE FROM JULY 1, 1990 THROUGH JULY 1, 1991

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Fireman's Fund Insurance Company to renew the City's property insurance from July 1, 1990 through July 1, 1991 be, and it is hereby approved.

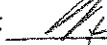
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July , 19 90 , by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRIA

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-657

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND  
A & M INDUSTRIES, INC. FOR REIMBURSEMENT FOR THE INSTALLATION OF A 10"  
WATERLINE IN LONE PALM AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the  
agreement between the City of Modesto and A & M Industries, Inc. for  
reimbursement for the installation of a 10" waterline in Lone Palm Avenue  
be, and it is hereby approved.

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

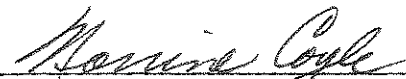
The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 10th day of July , 19 90 , by  
Councilmember Lang , who moved its adoption, which motion being duly  
seconded by Councilmember Muratore , was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-658

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE WILLIAM LYON COMPANY FOR REIMBURSEMENT FOR THE INSTALLATION OF AN 18" SANITARY SEWER SUBTRUNK IN CLAUS ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and The William Lyon Company for reimbursement for the installation of an 18" sanitary sewer subtrunk for Dry Creek Meadows No. 10 Subdivision located on Claus Road and 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 July , 1990 , by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-659

A RESOLUTION ACCEPTING IMPROVEMENTS IN SHAKER ESTATES SUBDIVISION AND  
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Phillip D. Overholtzer, Inc., subdividers of  
Shaker Estates Subdivision have filed subdivision bonds  
for faithful performance and labor and materials in the amount of \$619,000  
and \$309,500 respectively to guarantee improvements in Shaker Estates  
Subd. and;

WHEREAS, the Director of Public Works in a memorandum dated July 3, 1990,  
indicates that all work required by the subdivision agreement has been completed  
to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering 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 Shaker Estates Subdivision are hereby  
accepted.
2. The City Clerk is hereby authorized to release the subdivision bond  
for faithful performance in the amount of \$619,000 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 \$309,500 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 10th day of July, 1990, by Council-  
member Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-660

A RESOLUTION SUPPORTING CRIME PREVENTION AND PROCLAIMING  
TUESDAY, AUGUST 7, 1990, AS "NATIONAL NIGHT OUT".

WHEREAS, the National Town Watch Association is sponsoring the 6th Annual edition of a special, coast-to-coast community crime prevention event on Tuesday, August 7, 1990, called "National Night Out" - America's Night Out Against Crime, and

WHEREAS, the City of Modesto plays an essential role assisting the Modesto Police Department through it's cooperative crime prevention efforts in Modesto and is in support of the "National Night Out" locally, 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 on reducing crime and drug abuse 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 safer neighborhoods and to demonstrate the success of cooperative crime prevention efforts, and

WHEREAS, neighborhood awareness, spirit and cooperation are important themes of the "National Night Out" project and key components in helping the Modesto Police Department to fight crime and drug abuse.

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 7th Annual "National Night Out" on Tuesday, August 7, 1990.

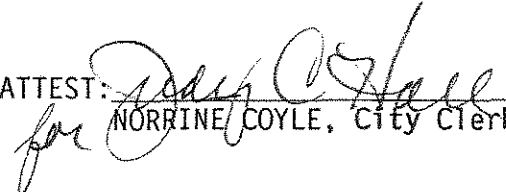
BE IT FURTHER RESOLVED that the Council of the City of Modesto, does hereby proclaim Tuesday, August 8, 1989 as "National Night Out" in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-661

A RESOLUTION AUTHORIZING RENEWAL OF THE 1990-91 GENERAL LIABILITY INSURANCE BETWEEN THE CITY OF MODESTO AND THE AUTHORITY FOR CALIFORNIA CITIES EXCESS LIABILITY (ACCEL), A JOINT POWERS AUTHORITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that renewal of the 1990-91 General Liability Insurance with the Authority for California Cities Excess Liability (ACCEL), a Joint Powers Authority be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said renewal 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 July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

*Walter Gray*

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-662

A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS TO PROVIDE INSPECTION OF CITY BUILDINGS TO DETECT THE PRESENCE OF ASBESTOS.

WHEREAS, City staff is aware that public schools throughout the United States were ordered to inspect for asbestos through a federal program known as Asbestos Hazardous Emergency Response Act (AHERA), and

WHEREAS, legislation at the state and federal level is clearly working towards all public buildings being evaluated, although local agencies are not currently required to have such an inspection program, and

WHEREAS, current state law requires that building owners who know of asbestos-containing materials in their buildings give specific notice to employees, contractors, and tenants, and

WHEREAS, the Council desires to authorize a Request for Proposals to be modeled after the AHERA guidelines for public schools in order to provide inspection of City-owned buildings, and

WHEREAS, the intent of the inspection project will be to determine the location of asbestos, if any, on City-owned property, the condition of the asbestos, and the most appropriate method of maintaining it in a non-hazardous condition in order to protect the Health and Safety of employees, tenants, or vendors having access to various locations on City property, and

WHEREAS, determining the presence and condition of asbestos, if any, on City-owned property will also provide the City with a document that could be used to determine more accurately the cost potential for remodeling projects as a result of asbestos being found.

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 to provide for inspection of City-owned buildings to determine the presence of asbestos.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
for NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-663

LICENSING

A RESOLUTION APPROVING A /AGREEMENT BETWEEN THE CITY OF MODESTO AND U.S. DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO ALLOW THEM TO PLACE AIR MONITORING EQUIPMENT ON THE AIRPORT FOR AN AREA-WIDE STUDY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the licensing agreement between the City of Modesto and the U.S. Department of Commerce, National Oceanic and Atmospheric Administration to allow them to place air monitoring equipment on the Airport for an area-wide study they are conducting 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 July , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
for NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-664

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MATTHEW S. AND KAREN D. ALDERMAN FOR THE ACQUISITION OF .04+ ACRES OF RIGHT OF WAY FROM THEIR PROPERTY FOR PUBLIC FACILITIES DISTRICT NO. 6

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Matthew S. and Karen D. Alderman for the acquisition of .04+ acres of right of way from their property for Public Facilities District No. 6 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 July , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-665

A RESOLUTION ESTABLISHING SEWER BOND REDEMPTION CHARGES  
AND SEWER SUBTRUNK EXTENSION CHARGES.

WHEREAS, Sections 5-6.04 and 5-6.06 of the Modesto Municipal Code provide that the Council may establish by resolution sewer bond redemption charges and sewer subtrunk extension charges for property connecting to the sewage system, and

WHEREAS, sewer subtrunk extension charges shall be paid unless the property has previously participated in the cost of construction of a subtrunk sewer, and

WHEREAS, on July 24, 1990, the Council of the City of Modesto held a public hearing to consider imposing fees for the recommended sewer bond redemption charges and sewer subtrunk extension charges,

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

SECTION 1. FEES FOR SEWER BOND REDEMPTION CHARGES: The sewer bond redemption fees to be charged for connecting to the City of Modesto sewage system are hereby established as follows:

SCHEDULE OF CHARGES  
FOR CONNECTION TO CITY SEWAGE SYSTEM

Modesto Municipal Code Reference	Name of Charge and Itemization	Charge
5-6.04	Bond Redemption Charge:	
	<u>Residential</u>	
	Single dwelling unit - (Includes mobile home, mobile home space within a mobile home park, apartment, condominium, townhouse)	\$500.00/each
	<u>Commercial/Industrial</u>	\$2,000.00/net acre

SECTION 2. FEES FOR SEWER SUBTRUNK EXTENSION CHARGES: The subtrunk extension fees to be charged for connecting to the City of Modesto sewage system are hereby established as follows:

SCHEDULE OF CHARGES  
FOR CONNECTION TO CITY SEWAGE SYSTEM

Modesto Municipal Code Reference	Name of Charge and Itemization	Charge
5-6.06	Subtrunk Extension Charge:	
	<u>Residential/Commercial</u>	
	(1) For that property which was annexed to and made a part of the City of Modesto pursuant to Modesto City Council Resolution No. 80-191 (South Airport Annexation to the City of Modesto) which was adopted on the fourth day of March, 1980	\$150.00/gross acre
	(2) For all other residential or commercial property not listed in (1) above	\$500.00/gross acre

BE IT FURTHER RESOLVED that the acreage used to determine sewer bond redemption charges shall be as follows:

Determination of Acreage.

The acreage used to determine the bond redemption charge shall be the total area developed or being developed which is owned, leased or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed or being developed, the Director is authorized to determine the acreage to be used in determining the bond redemption charge. The remaining acreage shall pay a bond redemption charge at such time as it is developed.

Notwithstanding anything to the contrary contained in chapter 6 of Title V of the Modesto Municipal Code, and this resolution, the

Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased or controlled by a user meeting the criteria set forth below:

- (1) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than 225 (two hundred twenty-five) new, permanent, on-site, full-time employees; and
- (2) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars (\$20,000,000).

If the property is later developed beyond that development approved by the Council the developer shall pay a bond redemption charge on the additional acreage developed, including any portion of the property that has already been developed but, for whatever reason, has not been included in the calculation of bond redemption charges. If the user fails to meet either of the criteria after development, the agreement shall be void and a bond redemption charge shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

BE IT FURTHER RESOLVED that the acreage used to determine sewer subtrunk connection fees shall be as follows:

The acreage used to determine the sewer subtrunk fee shall be the total area developed or being developed which is owned, leased or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed, the Director is authorized to determine the acreage to be used in determining the subtrunk extension charge. The remaining acreage shall pay a subtrunk extension charge at such time as it is developed.

Notwithstanding anything to the contrary contained in chapter 6 of Title V of the Modesto Municipal Code and this resolution, the Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased or controlled by a user meeting the criteria set forth below:

- (1) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than 225 (two hundred twenty-five) new, permanent, on-site, full-time employees; and

- (2) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars (\$20,000,000).

If the property is later developed beyond that development approved by the Council, the developer shall pay a sewer subtrunk charge on the additional acreage developed, including any portion of the property that has already been developed but, for whatever reason, has not been included in the calculation of sewer subtrunk redemption charges. If the user fails to meet either of the criteria after development, the agreement shall be void and a sewer subtrunk charge shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

BE IT FURTHER RESOLVED that fees established by this resolution shall become effective on and after the effective date of Ordinance No. 2721 -C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

RESOLUTION NO. 90-666

RESOLUTION SETTING ANNUAL ASSESSMENT  
FOR ADMINISTRATIVE COSTS

PUBLIC FACILITIES DISTRICT NO. 6  
CITY OF MODESTO, COUNTY OF STANISLAUS, CALIFORNIA

The City Council of the City of Modesto resolves:

The City Council has heretofore confirmed an assessment for improvements in Public Facilities District No. 6, including a maximum annual assessment to reimburse the City for its costs in administering the assessments, the funds derived therefrom and the bonds secured thereby.

The annual assessment for administrative costs is hereby set at one-half of one percent of the total assessment levied upon each parcel of land and shall be collected annually on the County tax roll, beginning with fiscal year 1990-1991, until changed by resolution of this City Council. The City Council finds that this annual assessment exceeds neither the maximum annual assessment nor the reasonable estimate of administrative costs actually incurred or likely to be incurred.

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: None

ABSENT: None

ATTEST: Judy C. Hill  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY [Signature]  
City Attorney

ORIGINAL

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-667

A RESOLUTION TRANSMITTING COPY OF PROPOSED SEWER SERVICE EXTENSION ADVISORY MEASURE AND PROPOSED CITY CHARTER AMENDMENT MEASURE TO THE CITY ATTORNEY FOR PREPARATION OF AN IMPARTIAL ANALYSIS

WHEREAS, Section 5011 of the Elections Code provides that whenever any Charter amendment or measure qualifies for a place on the ballot, the governing body may direct the City Clerk to transmit a copy of the amendment or measure to the City Attorney for preparation of an impartial analysis; and

WHEREAS a copy of the proposed sewer service extension advisory measure and the proposed City Charter amendment measure, proposed for the November 6, 1990, election, market Exhibit "A" and Exhibit "B" respectively, are attached and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed to transmit a copy of said measures to the City Attorney for preparation of an impartial analyses explaining the effect of the measures.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the impartial analyses.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
NORRINE COYLE, City Clerk

MEASURE F

City of Modesto Sewer Service Extension Advisory Measure

Shall the City Council extend new sewer service to the Village One planned community, which is bordered by the Santa Fe railroad line on the east, Sylvan Avenue on the north, Roselle Avenue and Oakdale Road on the west, and Floyd Avenue, Parker Road and Briggsmore Avenue on the south and land north of Sylvan Avenue and east of Roselle Avenue for a community park and high school site?

MEASURE G

City of Modesto Charter Proposal

Shall the Modesto City Charter be amended to provide that where the right to appeal any suspension, demotion or dismissal is granted an employee, alternative procedures for hearing and final determination of appeals may be delineated by a valid and binding Memorandum of Understanding or other instrument for non-represented employees.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-668

A RESOLUTION AMENDING EXHIBIT "M" OF RESOLUTION NO. 90-607 ENTITLED "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE AND RESCINDING RESOLUTION NO. 88-490".

WHEREAS, the Council adopted Resolution No. 90-607 on June 26, 1990, which implemented salary ranges, salary schedules and fixed compensation for positions in City service, effective July 3, 1990, and

WHEREAS, at its meeting of July 24, 1990, the Council considered amending Exhibit "M" of said Resolution No. 90-607 to change the City Attorney from Range 720 to Range 722 in order to grant an additional three (3) percent merit increase to the City Attorney,

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 90-607. Resolution No. 90-607 entitled "A Resolution Establishing Salary Ranges, Salary Schedules and Fixing Compensation for Positions in the City Service and Rescinding Resolution No. 88-490" is hereby amended as follows:

Exhibit "M" attached to Resolution No. 90-607 is hereby amended as shown on the Exhibit "M" attached hereto entitled, "City of Modesto Class Range Table Executive Management", effective July 31, 1990.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 31, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO  
CLASS RANGE TABLE  
EXECUTIVE MANAGEMENT

Effective July 31, 1990

RANGE	TITLE	MINIMUM	MAXIMUM
703	City Clerk/Auditor	3840	4800
704			
705			
706			
707			
708			
709			
710			
711			
712			
713	Economic Development Manager	4915	6144
714			
715	Planning & Comm. Dev. Director Finance Director	5163	6455
716			
717			
718			
719			
720	Parks & Recreation Director Fire Chief	5843	7304

EXHIBIT "M"

CITY OF MODESTO  
CLASS RANGE TABLE  
EXECUTIVE MANAGEMENT

Effective July 31, 1990

RANGE	TITLE	MINIMUM	MAXIMUM
721			
722	City Attorney Police Chief	6138	7673
723	Public Works and Transportation Director	6292	7865
724	Deputy City Manager	6449	8061
725			
726			
727			
728	City Manager	7119	8899

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-669

A RESOLUTION SETTING SALARIES FOR COUNCIL APPOINTEES AND  
SUPERSEDING RESOLUTION NO. 90-608.

WHEREAS, the City Council adopted Resolution No. 88-490 on July 5, 1988, establishing salary ranges, salary schedules and fixing compensation for positions in the City service including the Council Appointees: City Manager, City Attorney, and the City Clerk, and

WHEREAS, the Council adopted Resolution No. 90-607 on June 26, 1990, which amended Exhibit "M" of Resolution No. 88-490, which exhibit is entitled "City of Modesto Class Range Table - Executive Management", to grant a four and one-half (4.5) percent cost of living increase to include said Council Appointees, and

WHEREAS, as a result of said Resolution No. 90-607 which amended Exhibit "M", it was necessary for the Council to set the salaries for said Council Appointees to provide for said four and one-half (4.5) percent cost of living increase, and

WHEREAS, the City Council adopted Resolution No. 90-608 on June 26, 1990, to provide for said four and one-half (4.5) percent cost of living increase for the positions of Council Appointees to be effective July 3, 1990, and

WHEREAS, on July 24, 1990, the Council considered granting an additional three (3) percent merit increase to the City Attorney, said increase to be effective July 31, 1990,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby grant an additional three (3) percent merit increase to the City Attorney, said increase to be effective July 31, 1990.

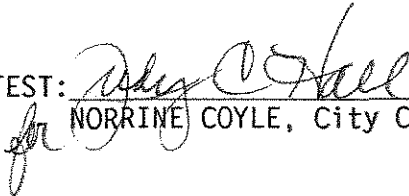
BE IT FURTHER RESOLVED that the salaries for the positions of the Council Appointees shall be as follows:

City Manager	\$7,490.94 per month
City Attorney	\$7,287.38 per month
City Clerk	\$4,235.40 per month

BE IT FURTHER RESOLVED that Resolution No. 90-608 is hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-670

A RESOLUTION AMENDING RESOLUTION NO. 88-490B ENTITLED "A RESOLUTION AMENDING AND RESTATING THE MANDATORY DEFERRED COMPENSATION PLAN FOR CERTAIN EMPLOYEES OF THE CITY OF MODESTO, AND SUPERSEDING RESOLUTION NO. 86-628" TO PROVIDE FOR AN ADDITIONAL TWO (2) PERCENT CITY CONTRIBUTION FOR THE CITY ATTORNEY.

WHEREAS, on June 28, 1988, the City Council amended and restated the Mandatory Deferred Compensation Plan by adoption of Resolution No. 88-490B, entitled "A Resolution Amending and Restating the Mandatory Deferred Compensation Plan for Certain Employees of the City of Modesto, and Superseding Resolution No. 86-628", and

WHEREAS, said Resolution No. 88-490B provides, in part, that all employees of the City of Modesto who hold salaried positions of employment, except sworn fire and police officers, shall have two (2) percent of their gross regular salary each pay period deferred until said employee retires or otherwise terminates employment with the City of Modesto . In addition thereto, the City of Modesto shall pay into said Mandatory Deferred Compensation Plan, each pay period for each such employee, an amount equal to one (1) percent of each such employee's gross regular salary, and

WHEREAS, the Council desires to amend so much of the Mandatory Deferred Compensation Plan so as to provide that the City shall pay into said plan, each pay period for the City Attorney, an additional amount equal to two (2) percent of the City Attorney's gross regular salary,

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

SECTION 1. AMENDMENT OF RESOLUTION NO. 88-490B. That Section 14 is hereby added to Council Resolution No. 88-490B, entitled "A Resolution Amending and Restating the Mandatory Deferred Compensation Plan for Certain Employees of the City of Modesto, and Superseding Resolution No. 86-628", to read as follows:

"SECTION 14. That effective July 31, 1990, the City of Modesto shall pay into said Mandatory Deferred Compensation Plan of the City of Modesto each pay period for the City Attorney, an additional amount equal to two (2) percent of the City Attorney's gross regular salary."

SECTION 2. PROVISIONS. Except as otherwise herein provided, all other provisions of Resolution No. 88-490B 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 24th day of July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
for NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-671

A RESOLUTION APPROVING THE FINAL MAP OF THE PINE TREE  
VILLAGE NO. 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, James Horn Construction Company, a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 12.233 acres, known as the Pine Tree Village No. 3 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 December, 1989, 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 Pine Tree Village No. 3 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.

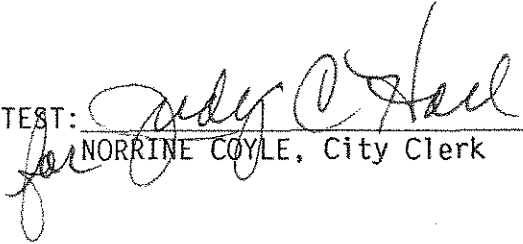
BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

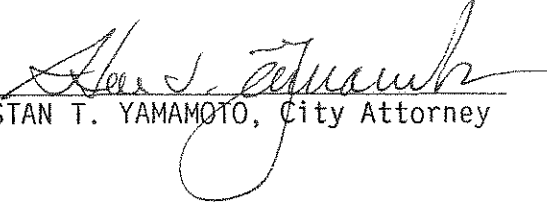
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-672

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF MODESTO CITY COUNCIL RESOLUTION NO. 87-409 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(416)" TO ALLOW A THREE-STORY MOTEL TO REPLACE A PROPOSED RESTAURANT AND URGENT CARE CENTER. (BUDGETEL INN)

WHEREAS, City Council Ordinance No. 2514-C.S., which became effective on July 2, 1987, granted a Planned Development Zone, P-D(416), to allow a motel, restaurant, and urgent care center, and a zero-lot line patio home residential development, property located on the north side of West Orangeburg, west of Martin Avenue, and

WHEREAS, City Council Resolution No. 87-409, which was adopted on May 26, 1987, approved a development plan for P-D(416) and contained the conditions of approval for the development of said uses on the P-D(416) property, and

WHEREAS, a verified application for an amendment to Phase II of Planned Development Zone, P-D(416), was filed by Budgetel Inn on April 23, 1990, to allow a three-story motel to replace a proposed restaurant and urgent care center on the northwest corner of West Orangeburg and Martin Avenues, and

WHEREAS, said application was set for a public hearing before the Planning Commission on June 18, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on June 18, 1990, and continued to July 2, 1990, 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. 90-58, that amendment of Phase II of Planned Development Zone, P-D(416), to allow a three-story motel as requested, is

required by public necessity, convenience and general welfare for the following reasons:

1. That the proposed motel use is on a major street adjacent to other highway-oriented commercial uses.
2. That the motel will tend to be compatible with adjacent residential uses due to required 8-foot walls, screen landscaping with specimen size trees, and building setbacks as shown on the approved plot plan.
3. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated May 16, 1990 should be certified as adopted.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on August 7, 1990, at 7:30 p.m., and

WHEREAS, after said public hearing held on August 7, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Budgetel Inn to amend Phase II of P-D(416) to allow a three-story motel, should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 90-58 and quoted above, and

WHEREAS, on August 7, 1990, the Council has introduced Ordinance No. 2722-C.S. amending Planned Development Zone, P-D(416), to allow a three-story motel to replace a proposed restaurant and urgent care center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 87-409 entitled "A Resolution Approving A Development Plan For Planned Development Zone,

P-D(416)" are hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Phase II of Planned Development Zone, P-D(416), is hereby approved to allow a three-story motel, subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Budgetel Inn" as amended in red, stamped approved by the City Council on August 7, 1990.
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 with 24-inch box trees shall be installed along the north and east 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:

An eight-foot solid decorative masonry wall extending 120.67 feet east from the southwest corner and along the south property line of property located at 1421 Seasons Way. That portion of the wall adjoining Teresa Street and Martin Avenue shall have minimum five-and ten-foot setbacks respectively with offset jogs as shown on the approved plot plan.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. The West Orangeburg Avenue frontage shall be improved to 80-foot major street standards and the Martin Avenue and Teresa Street frontages to residential street standards 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. All curbcuts serving two-way driveways shall be 41 feet in width.

8. 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.
9. The motel third floor top of window elevation shall not exceed 24 feet 8 inches from grade.
10. On-site sale of liquor is prohibited.
11. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
12. 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.
13. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the west, substantially as shown in red on the plot plan.
14. 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.
15. No signs shall be permitted above eight feet in height on the north or east face of the buildings.
16. All signs shall comply with the sign requirements of the C-3 Zone.
17. That the south side of Teresa Street and west side of Martin Avenue adjacent to the motel be posted no parking.
18. All conditions of Planning Commission Resolution No. 87-143 and City Council Resolution No. 87-409 not in conflict with this action shall remain in full force and effect.
19. In the event no building permits or further approval is required from the City of Modesto prior to the commencement of construction, developer shall, within 30 days or prior to the commencement of construction whichever shall first occur, pay to the City of Modesto the Capital Facilities Fee due for the P-D project.

20. That the developer 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 P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code 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."

"SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(416):

Construction of Phase II to begin on or before June 18, 1991, and completion to be not later than June 18, 1992.

BE IT FURTHER RESOLVED that all other provisions of Council Resolution No. 87-409 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 7th day of August, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,

NOES: Councilmembers: Mayor Whiteside

ABSENT: Councilmembers: None

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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-673

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 PLANNED DEVELOPMENT ZONE, P-D(416), PROPERTY LOCATED ON THE NORTHWEST CORNER OF WEST ORANGEBURG AND MARTIN AVENUES. (BUDGETEL INN)

WHEREAS, on August 7, 1990, the City Council introduced Ordinance No. 2722-C.S. giving approval to a project relating to an amendment to Planned Development Zone, P-D(416), property located on the northwest corner of West Orangeburg and Martin Avenues, 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 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 Planned Development Zone, P-D(416), property located on the northwest corner of West Orangeburg and Martin Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-674

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(476). (ARAMBEL AND ROSE DEVELOPMENT, INC.)

WHEREAS, the City Council, by Ordinance No. 2658-C.S. which was introduced on March 28, 1989, finally adopted on April 4, 1989, and which became effective on May 4, 1989, amended Section 8-4-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(462), property located on the southeast corner of Hatch Road and Boise Avenue, to allow a two-story townhouse apartment development, and

WHEREAS, City Council Resolution No. 89-434 was adopted on March 28, 1989, and approved the development plan containing the conditions of approval and the development schedule specifying construction to be in one phase, and

WHEREAS, a verified application for an amendment to Section 8-4-9 of the Zoning Map was filed by Arambel and Rose Development, Inc. on May 17, 1990, to rezone from Planned Development Zone, P-D(462), to a new Planned Development Zone, to allow single-family homes on small offset-zero lots, property located on the southeast corner of Hatch Road and Boise Avenue, described as follows:

P-D(462) to P-D

All that certain real property situate in a portion of the northwest quarter of Section 8, Township 4 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 Parcel A as shown on that certain parcel map filed in the office of the Recorder of Stanislaus County, California, on May 1, 1987, in Volume 39 of Parcel Maps at page 50.

Including also the southern 50.00 feet of Hatch Road and the eastern 30.00 feet of Boise Avenue and all immediately adjacent to the above described property.

and

WHEREAS, said application was set for a public hearing before the Planning Commission on June 18, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on June 18, 1990, 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. 90-54, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. That the proposed zone change is in accordance with community objectives as set forth in the General Plan, which provides back-up lot single-family homes adjacent to expressways.
2. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated May 16, 1990 should be certified as adopted.

and

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

WHEREAS, after said public hearing held on August 7, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Arambel and Rose Development, 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. 90-54 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2723-C.S. on the 7th day of August, 1990, reclassifying the above-described property from Planned Development Zone, P-D(462), to Planned Development Zone, P-D(476).

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(476), is hereby approved subject to the following  
conditions:

1. All development shall conform to these plot and floor plans as titled "Stone Leaf Hollow" as amended in red, stamped approved by the Planning Commission on June 18, 1990.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. 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 along the north and east property lines.
  - b. Seven-foot-high, solid double-sided alternating board fence with decorative masonry pilasters at 16 foot on centers, or stucco wall with masonry pilasters at 16 foot on centers, or masonry wall along the south property line.
  - c. Seven-foot-high solid double-sided wood fence around all private yard areas.
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 but not in the garage.
6. All utilities shall be underground and cable television service shall be stubbed into all units.
7. 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.
8. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
9. That the developer 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 P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code 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.

10. No second-story window shall look into a private yard area of neighboring single-family lots.
11. That side yard easements shall be dedicated consistent with the approved plan as approved by the City Attorney's office.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(476):

The entire construction program be accomplished in one phase, construction to begin on or before June 18, 1992, and completion to be not later than June 18, 1993.

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(476), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside


NOES: Councilmembers: None

ABSENT: Councilmembers: None

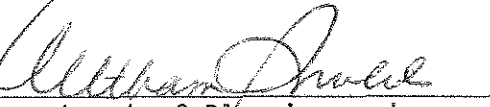
ATTEST:   
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-675

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 MAP 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM PLANNED DEVELOPMENT ZONE, P-D(462), TO PLANNED DEVELOPMENT ZONE, P-D(476). (ARAMBEL AND ROSE DEVELOPMENT, INC.)

WHEREAS, on August 7, 1990, the City Council introduced Ordinance No. 2723-C.S. giving approval to a project relating to an amendment to Section Map 8-4-9 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(462), to Planned Development Zone, P-D(476), property located on the southeast corner of Hatch Road and Boise 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 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 Map 8-4-9 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(462), to Planned Development Zone, P-D(476), property located on the southeast corner of Hatch Road and Boise Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-676

A RESOLUTION AMENDING A PORTION OF THE EAST MC HENRY  
NEIGHBORHOOD ZONING AND DEVELOPMENT POLICY AND ADOPTING A  
SPECIFIC TRAFFIC MITIGATION FEE.

WHEREAS, on June 10, 1980, the City Council, by motion, adopted a Zoning Development Policy for the East McHenry Neighborhood, an area bounded by Briggsmore Avenue on the north, McHenry Avenue on the west, MID Lateral No. 4 on the southeast and Coffee Road on the east, and

WHEREAS, the one-mile stretch of East Orangeburg Avenue between McHenry Avenue and Coffee Road generally acts as a substandard-width major street link between two major hospitals resulting in a high level of desirability for development of business/professional offices, particularly medical offices, and

WHEREAS, based upon recent experience and past actions by both the Planning Commission and the City Council, there is a perceived move toward approval of some business/professional office zoning and development along portions of said stretch of East Orangeburg Avenue, and

WHEREAS, professional offices along the subject one-mile length of East Orangeburg Avenue have been found to constitute reasonable use of the land, being compatible with remaining residential and institutional uses provided that positive steps are taken to enhance traffic flows along the major street, and

WHEREAS, an informal public hearing was held by the Planning Commission on Monday, March 5, 1990, in the City Council Chambers, City Hall, 801 11th Street, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, by Resolution No. 90-27 adopted on March 5, 1990, the Planning Commission recommended to the City Council the adoption of an "Amendment to Portion of East McHenry Neighborhood Zoning and Development Policy" to provide for business/professional office zoning and development of approximately 10.6 acres of land along East Orangeburg Avenue between McHenry Avenue and Coffee Road, as shown on the map attached hereto, marked Exhibit "A", and incorporated herein by reference, and

WHEREAS, the Planning Commission, by its Resolution No. 90-27, further recommended that specific items as set forth in said resolution and quoted herein should be included as policy to be applied relating to said rezoning and development, and

WHEREAS, additional land developed with office uses along this stretch of East Orangeburg Avenue creates the need to provide positive traffic flow enhancement including but not limited to left-turn lanes and on-street parking restrictions, and

WHEREAS, the City Council of the City of Modesto is empowered by California Constitution Article XI Section 7 to make all necessary local police laws and regulations and to ensure that local traffic impacts are mitigated, and

WHEREAS, said proposed "Amendment to Portion of East McHenry Neighborhood Zoning and Development Policy" and proposed mitigation fee was set for a public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto California, on August 7, 1990, at 7:30 p.m., and

WHEREAS, said public hearing was held at said time and place, evidence both oral and documentary was received and considered, after which the Council found and determined that the East McHenry Neighborhood Zoning and Development Policy should be upgraded to reflect and provide guidance for the changes recommended by the Planning Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in relation to the proposed amendment to a portion of the East McHenry Neighborhood Zoning and Development Policy, that based on the oral and documentary evidence introduced at the public hearing regarding the items recommended by the Planning Commission in its Resolution No. 90-27 below, the Council finds and determines as follows:

1. Certain areas along East Orangeburg Avenue are recognized as having a potential for business/professional office development. Zoning should be via Professional Office, P-0, zoning except that Planned Development, P-D, zoning might be deemed appropriate to assure compliance with the items following:
  - a. Shared access openings onto public streets and reciprocal on-site access between properties shall be provided wherever possible to lessen the adverse traffic impacts generated by more intensive zoning and development.
  - b. Site plans for specific properties shall include graphic demonstrations that consideration has been given to the potential for development and/or compatibility on adjoining properties.
  - c. Planned Development, P-D, or Professional Office, P-0, zoning shall be applied as necessary. Zoning and/or development of some properties may be delayed in order to achieve Items a. and b. above. Each individual parcel must not be assumed to possess its own exclusive street access pursuant to more intensive zoning and development.
2. Additional land developed with office uses along this stretch of East Orangeburg Avenue brings need to provide positive traffic flow enhancement including but not limited to left-turn

lanes and on-street parking restrictions. At least a portion of the costs to provide this traffic flow enhancement should be borne by the developer of these higher traffic generating uses. These costs should be enforced as conditions of plan approval and collected at time of construction.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that an amendment to a portion of the East McHenry Neighborhood Zoning and Development Policy is hereby approved as shown on the map attached hereto, marked Exhibit "A", and incorporated herein by reference, to allow Professional Office, P-O, or Planned Development, P-D, zoning on 10.6 acres of land along East Orangeburg Avenue, and the items as recommended by the Planning Commission by its Resolution No. 90-27 and quoted above are hereby approved and shall hereafter be included as a portion of the policy to be applied relating to rezoning and development.

BE IT FURTHER RESOLVED, in relation to the proposed mitigation fee, that based on the oral and documentary evidence introduced at the public hearing, the Council finds and determines that:

1. The purpose of the fees is to finance municipal public improvements to reduce the impacts caused by the amendment of the East McHenry Neighborhood Zoning and Development Policy to allow increased business/professional office zoning.
2. The fees collected pursuant to this resolution shall be used to finance the installation of a median two-way left turn lane on East Orangeburg Avenue between McHenry Avenue and Coffee Road.
3. As the zoning in the East McHenry Neighborhood Zoning and Development Policy changes from residential to business/professional office zoning, the amount of traffic and congestion on East Orangeburg Avenue will increase, as set forth in a memo from the Transportation Planner dated February 16, 1990, and incorporated herein. As set forth in that report, the installation of a continuous two-way left-turn lane along East Orangeburg Avenue from McHenry Avenue to Coffee Road will be needed to mitigate the increase in congestion and traffic.

4. The estimated cost of the above-described mitigation is set forth in the memo of the Traffic Operations Manager dated May 8, 1990, and incorporated herein. The revised East McHenry Neighborhood Zoning and Development Policy anticipates 10.6 acres plus the additional 0.9 acres of recently approved office zoning for a total of 11.5 acres which will convert from residential to business/professional office uses. There should be an equal apportionment of the cost of mitigation among the properties within the East McHenry Neighborhood which have professional office or office planned development zoning.
5. This method of allocating the traffic mitigation fee to the development creating the need for traffic mitigation bears a fair and reasonable relationship to each development's burden on, and benefit from, the facilities to be funded by the fees.

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

1. That it hereby adopts a traffic mitigation fee of \$.08 per square foot of land for all parcels within the Professional Office or Office Planned Development Zoning which are in the East McHenry Neighborhood, said fee to become effective on September 1, 1990.
2. The traffic mitigation fee shall be charged and paid to the Building Department at the time of issuance of a building permit on those parcels.
3. The revenues raised by payment of the traffic mitigation fees established by this resolution shall be placed in separate and special funds as provided herein and such revenues along with any such interest earnings on each account shall be used for the following purposes:
  - a. To pay for design and construction of designated public facilities, the purchase of designated equipment, and reasonable costs of outside consultant studies related thereto;
  - b. To reimburse the City of Modesto for designated public facilities constructed by the City with funds from other sources, unless the City funds were expended to remedy existing deficiencies as identified in the Recht Hausrath report identified by this resolution or were obtained from grants or gifts;

- c. To reimburse developers who have designed and constructed any public facility for which a facilities fee is being collected where the cost of such design and construction exceeds the capital facilities fee which otherwise would have been due; and
  - d. To pay for and/or reimburse costs of program development and ongoing administration of the capital facilities fee program.
4. A separate fund shall be set up into which all the fees collected herein will be deposited. Fees in the capital facilities funds shall be expended only for those purposes relating to the installation of a median two-way left-turn lane on East Orangeburg Avenue between McHenry Avenue and Coffee Road and the alleviation of traffic and congestion.
5. This resolution shall become effective on the 1st day of September, 1990.
6. In addition to the other findings made by this resolution, the City Council further finds that the California Environmental Quality Act (CEQA) does not apply to the adoption of this resolution. Pursuant to Sections 15061 and 15273 of the State CEQA Guidelines because:
  - a. The fees established by this resolution will be collected in part, for the purpose of obtaining funds to be used for capital projects which are necessary to maintain the current level of services within the City. The traffic mitigation fee will be used to better utilize existing resources and will not result in additional road construction by the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

# AMENDMENT TO PORTION OF EAST MCHENRY NEIGHBORHOOD ZONING & DEVELOPMENT POLICY

E. Orangeburg Ave. between McHenry and Coffee Rd.

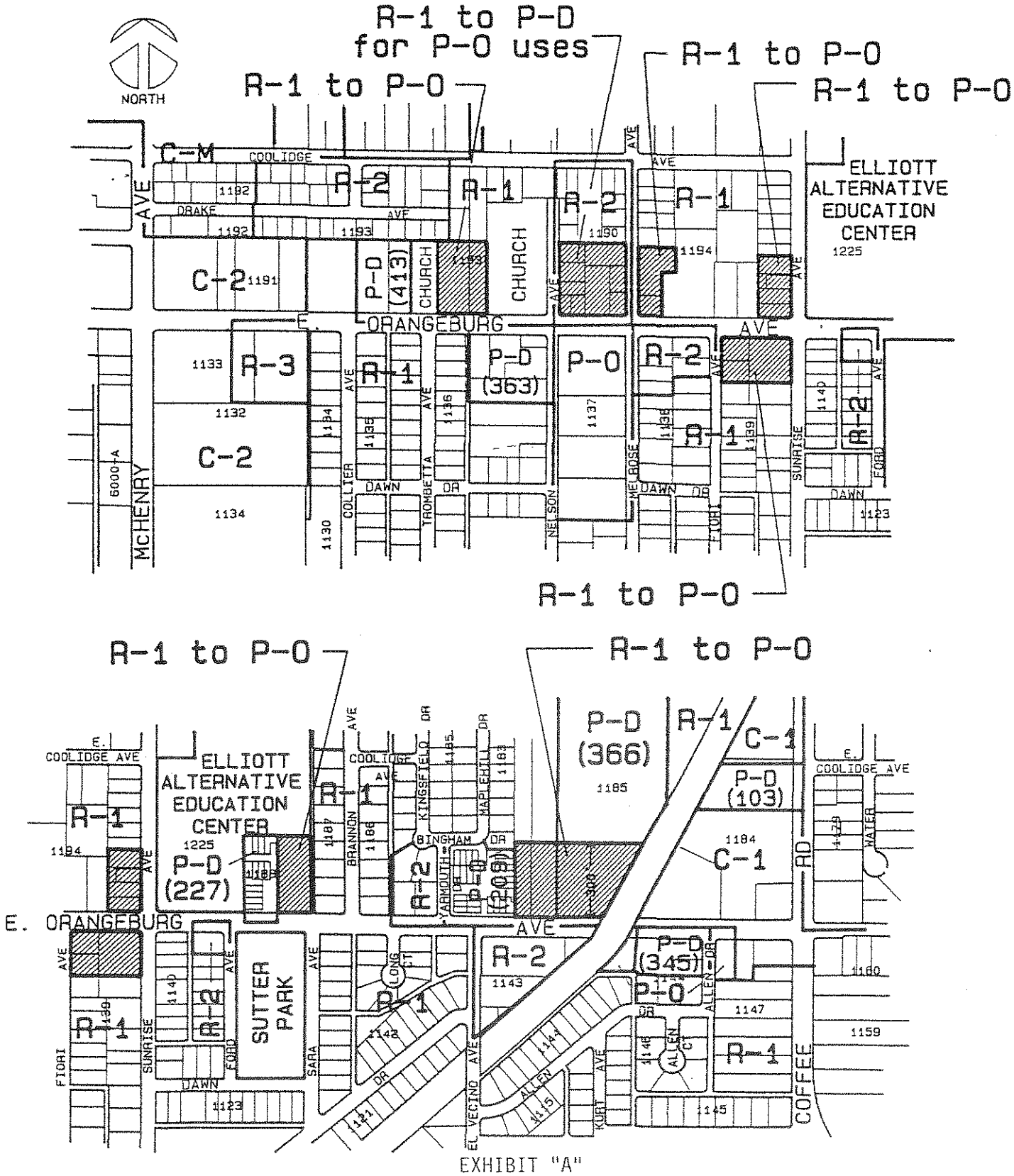


EXHIBIT "A"

CITY OF MODESTO  
M E M O R A N D U M

May 8, 1990

TO: Assistant Planner Cannell  
FROM: Traffic Operations Manager  
SUBJECT: Orangeburg Restriping Estimate

Per your April 3, 1990 memo (attached), we have prepared cost estimates for installing a median two-way left-turn lane (TWLTL) on Orangeburg between McHenry and Coffee. Based on your intimation that such an installation might be implemented on a piecemeal basis, the attached estimate provides a cost estimate breakdown on a block-by-block basis. Be advised that the installation cannot be implemented on a strictly piecemeal basis. For any block front, you will have to add about 160 feet of transition striping on either end of any changed segment, with the sole exception of doing the whole one-mile length at once, or at least one-half mile increments. The estimated cost of providing both of the necessary transitions is around \$3,400 per changed segment.

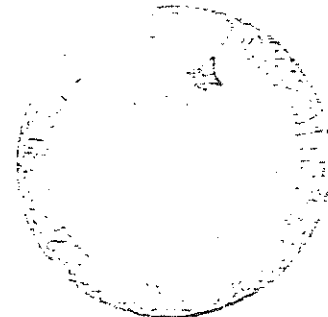
Obviously, the estimates cannot include costs associated with pavement damage, which would compound each time a "temporary" transition section was installed and then ground out for a subsequent transition section.

Other factors worth considering are the "economy of scale" that goes with larger thermoplastic projects; and the nuisance/safety factors associated with striping patterns that jump back and forth between two basic patterns. If the whole one-mile segment were one project, the estimated \$39,000 cost (not including transitions) would drop to around \$25,000 (with no transitions needed). Even taking one-half mile segments, McHenry to Sunrise and Sunrise to Coffee, would eliminate transitions and provide some "economy of scale."

From the Traffic Engineering perspective, we prefer at least a one-half mile stretch on Orangeburg be restriped at a time.

*Firoz Vohra*  
Firoz Vohra

FV:MVD:wpc  
cc: Transportation Planner



MODESTO CITY COUNCIL  
RESOLUTION NO. 90-677

A RESOLUTION ACCEPTING THE WATERLINE ON M.I.D. LATERAL NO. 6, STANDIFORD AVENUE AND DALE ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the waterline on M.I.D. Lateral No. 6, Standiford Avenue and Dale Road has been completed by Cimarron Construction in accordance with the contract agreement dated February 27, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the waterline on M.I.D. Lateral No. 6, Standiford Avenue and Dale Road

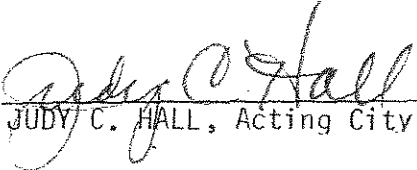
be accepted from said contractor, Cimarron Construction ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$ 60,710.97 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-678

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR RESIDENTIAL ALLEY-PAVING PROJECT NO. 16

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

SECTION 1. The plans and specifications for the residential alley paving Project No. 16

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 23, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-679

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING GOLF COURSE TURF MAINTENANCE EQUIPMENT

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

SECTION 1. The plans and specifications for furnishing golf course  
turf maintenance 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 August 27, 1990, 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.

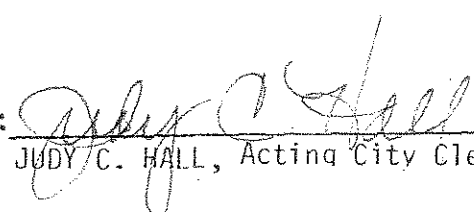
SECTION 3. After the bids are opened, they shall be tabulated and analyzed  
and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 7th day of August, 1990,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Bird, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

A RESOLUTION ACCEPTING THE BID OF GRAHAM CONTRACTORS, INC. FOR THE 1990 STREET SLURRY SEALS

WHEREAS, Resolution No. 90-631 , adopted by the Council of the City of Modesto on July 3, 1990 , approved the plans and specifications for the 1990 street slurry seals

and authorized the calling for bids; and

WHEREAS, the bids received for the 1990 street slurry seals were opened at 11:00 a.m. on July 26, 1990 , and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Graham Contractors, Inc. in the amount of \$181,994.78 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Graham Contractors, Inc. in the amount of \$181,994.78 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 7th day of August , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JUDY C. WALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-681

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KEMPER INSURANCE COMPANY TO RENEW THE CITY'S BOILER AND MACHINERY COVERAGE EFFECTIVE 7/15/90 THROUGH 7/15/91

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kemper Insurance Company to renew the City's boiler and machinery coverage effective 7/15/90 through 7/15/91

be, and it is hereby approved.

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

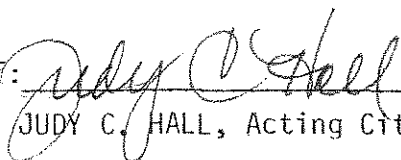
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-682

A RESOLUTION AUTHORIZING THE ISSUANCE OF CERTIFICATES OF PARTICIPATION IN CONNECTION WITH THE REFINANCING OF THE WASTE-TO-ENERGY PROJECT.

WHEREAS, the City of Modesto, California (the "City") is a municipal corporation duly organized and existing under the Constitution and laws of the State of California;

WHEREAS, the Stanislaus Waste-To-Energy Financing Agency (the "Agency") has previously issued its Solid Waste Facility Refunding Revenue Certificates (Ogden Martin Systems of Stanislaus, Inc. Project), Series 1990 (the "Certificates"), which Certificates were issued to refund the California Pollution Control Financing Authority Solid Waste Facility Adjustable Rate Revenue Bonds (Stanislaus Waste Energy Company Project), Series 1985 (the "Bonds");

WHEREAS, the Agency now desires to issue its Solid Waste Facility Refunding Revenue Certificates (Ogden Martin Systems of Stanislaus, Inc. Project), Series 1990 A (the "Series 1990 A Certificates") for the purpose of paying a portion of the arbitrage rebate obligation in connection with the refunding of the Bonds;

WHEREAS, the Series 1990 A Certificates represent undivided and proportionate interests in lease payments to be made by the Agency pursuant to a Lease Agreement, dated as of May 1, 1990, as amended by a First Supplemental Lease Agreement, dated as of August 1, 1990, between the Agency and Ogden Martin Systems of Stanislaus, Inc. (the "Company"), which lease payments are payable by the Agency from sublease payments received from the Company pursuant to a Sublease Agreement, dated as of May 1, 1990, as amended by a First Supplemental Sublease Agreement, dated as of August 1, 1990, between the Company and the Agency;

WHEREAS, as a prerequisite to the issuance of the Series 1990 A Certificates by the Agency, the City, by its authorized officer, must consent to the execution and delivery of the Series 1990 A Certificates and must certify that to the best of its knowledge no events have occurred or are occurring that constitute defaults, or with the passage of time would constitute a default, under the Service Agreement (as that term is defined in the Trust Agreement, dated as of May 1, 1990, as

amended by a First Supplemental Trust Agreement, dated as of August 1, 1990 (collectively the "Trust Agreement") by and among The Bank of New York (the "Trustee"), the Company and the Agency;

WHEREAS, in connection with the execution and delivery of the Series 1990 A Certificates the City, together with the County, wishes to acknowledge and confirm certain warranties, representations and covenants contained in the Purchase Agreement relating to the Series 1990 A Certificates between Prudential-Bache Securities, Inc., dba Prudential-Bache Capital Funding, the Company and the Agency (the "Purchase Contract"); and

WHEREAS, all acts, conditions and things required by the Constitution and laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AS FOLLOWS:

SECTION 1. Declaration of Council. The City Council hereby specifically finds and declares that the actions authorized hereby constitute, and are with respect to, public affairs of the City and that the statements, findings and determinations of the City set forth in the preambles above and of the documents approved herein are true and correct.

SECTION 2. Written Statement Pursuant to Section 2.03(c)(1) of the Trust Agreement. The City Council hereby authorizes the City Manager or his designee to execute, on behalf of the City, the statement required by Section 2.03(c)(1) of the Trust Agreement regarding consent to the execution and delivery of the Series 1990 A Certificates and the absence of default under the Service Agreement.

SECTION 3. Acknowledge and Confirm Purchase Contract. The form of Purchase Contract presented to this meeting and on file with the Clerk of the City Council is hereby approved. The Mayor of the City, the City Manager of the City, and any other City officer or official of the City authorized by the City Manager, are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and

deliver the acknowledgment and confirmation of said Purchase Contract in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

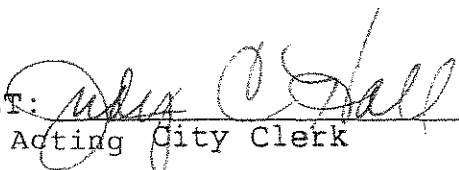
SECTION 4. Attestation and Seal. The Clerk of the City Council is hereby authorized and directed to attest the signature of the authorized signatory, and to affix and attest the seal of the City, as may be required or appropriate in connection with the execution and delivery of the Purchase Contract, the Rebate Instructions or other related certificates, as necessary.

SECTION 5. Further Actions. The Mayor, members of the City Council, the City Manager, and any other officer or official of the City authorized by the City Manager, are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate, carry out, give effect to and comply with the terms and intent of this resolution and the execution and delivery of the Series 1990 A Certificates. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

SECTION 6. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED THIS 7th day of August, 1990, by the following votes:

AYES: Councilmembers - Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers - None  
ABSENT: Councilmembers - None  
ABSTAIN: Councilmembers - None

ATTEST:   
Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

City Attorney

3192002/97

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-683

A RESOLUTION AUTHORIZING SUBMISSION OF PROJECTS AS  
CANDIDATES FOR THE STATE-LOCAL PARTNERSHIP PROGRAM.

WHEREAS, the State-Local Partnership Program is a relatively new State program to provide assistance to local agencies in funding transportation projects that increase capacity, extend service or extend useful life of the facilities, and

WHEREAS, the attached list of projects were selected because they met the program guidelines for local funding and were approved in the 90/91 CIP. The program guidelines require that local matching funds be from strictly local sources such as uniform developer fees (CFF). Gas tax funds cannot be used for the City's share under this program, and

WHEREAS, this program could provide up to \$2.36 million in State funding for the listed projects. The exact amount available will depend upon the value of project applications submitted statewide and the amount appropriated by the State Legislature for the program, and

WHEREAS, the attached list of projects are eligible for up to 50% State funding under this program. Program guidelines require a resolution from the local governing body authorizing submission of the projects for the program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that authorization is hereby granted to submit the projects identified on Exhibit "A", attached hereto and incorporated herein by reference, as candidates for the State-Local Partnership Program (SB300).

BE IT FURTHER RESOLVED that the City Manager or his designated representative is hereby authorized to execute any and all required documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

**SB300 PROJECT APPLICATIONS  
DISTRICT 10**

Agency	Location	Type of Work	Project Cost	Sources of Local Funds
City of Modesto	Carpenter Rd. (Maze Blvd. to Kansas Ave.)	Widen to 4 lanes	1,131,900	Uniform Developer Fees
" " "	Claus Rd. (750' S. of Dry Crk. Scenic Dr.)	Widen Bridge & Approaches	1,927,200	" " "
" " "	Intersection of Mitchell Rd. & Finch Rd.	Replace Traffic Controller	55,000	" " "
" " "	Intersection of Orangeburg Av. & Kearny Av.	Install Traffic Signals	121,000	" " "
" " "	Intersection of Pelandale Ave. & Sisk Rd.	Install Traffic Signals	130,000	" " "
" " "	Intersection of Coffee Rd. & Orangeburg Ave	Upgrade Traffic Signals	132,000	" " "
" " "	Citywide	Computerize Traf. Contr. Sys.	1,224,000	" " "

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-684

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1990-91 TO PROVIDE FOR A TEMPORARY LOAN OF \$113,761 FROM THE GENERAL FUND (FUND NO. 010) TO THE FIRE DEPARTMENT CAPITAL FACILITIES FEE FUND (FUND NO. 132) TO FINANCE FURNISHINGS AND EQUIPMENT FOR FIRE STATION NO. 9.

WHEREAS, the City of Modesto Fire Department Capital Facilities Fee Fund (Fund No. 132) needs an advance from the General Fund (Fund No. 010) to finance furnishings and equipment for Fire Station No. 9, and

WHEREAS, it is necessary to amend the Annual Budget of the City of Modesto for fiscal year 1990-91 to amend the General Fund (Fund No. 010) to provide the advance of \$113,761 to the Fire Department Capital Facilities Fee Fund (Fund No. 132),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sum of \$113,761 is hereby temporarily loaned from the General Fund Reserve Account No. 010-800-8000-8003 to the Fire Department Capital Facilities Fee Fund (Fund No. 132), and appropriated in the following accounts:

\$36,629	132-180-P996-6000	Fire Stn #9 Station Equipment
\$69,132	132-180-P997-6000	Fire Stn #9 Engine Equipment
\$ 8,000	132-180-P998-6000	Fire Stn #9 Safety Equipment

BE IT FURTHER RESOLVED that the loan is to be repaid from Fire Department Capital Facilities Fee revenue.

BE IT FURTHER RESOLVED that the Director of Finance 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 August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-685

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM CONTINGENCY RESERVE  
TO PROVIDE ADDITIONAL FINANCING FOR FIRE STATION #9

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

FROM: Contingency Reserve \$155,115

TO: Fire Station #9 \$155,115

Transfer needed to provide additional financing for Fire Station #9  
because completion date is earlier than originally anticipated.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 7th day of  
August, 1990, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Bird, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-686

A RESOLUTION ORDERING THE REES-TORRID REORGANIZATION TO  
THE CITY OF MODESTO (UNINHABITED).

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution No. 90-42 dated July 25, 1990, approved the proposed Rees-Torrid Reorganization to the City of Modesto upon 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 Rees-Torrid Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that the territory included in the proposed Rees-Torrid Reorganization is uninhabited territory, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution ordered that said Reorganization consist of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the Woodland Avenue Fire Protection District; (c) the annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus Local Agency Formation Commission on July 25, 1990, certified that it considered the contents of the Environmental Review Initial Study and the Negative Declaration prepared by staff as to the environmental impact of the subject Reorganization, and although the approval of this proposal could have a significant effect on the environment, measures have been included in the project which mitigate its effect on the environment, and responsibility for reporting and monitoring to ensure CEQA compliance shall be with the City of Modesto, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution designated, pursuant to Section 56852 of the Government Code of the State of California, the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization, and

WHEREAS, the reason for this annexation is to allow future single-family development, and

WHEREAS, the regular county assessment roll is utilized by the City of Modesto, and

WHEREAS, the Local Agency Formation Commission has authorized this Council to approve this annexation without notice and hearing and without an election,

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 as amended have been complied with.
2. That the area or territory designated as the Rees-Torrid Reorganization is more particularly described on Exhibit "A" attached hereto and made a part 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.
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.

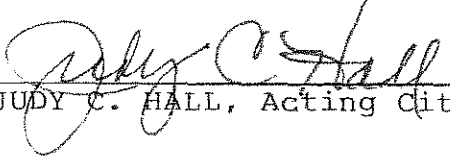
BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of this Reorganization has been reviewed and considered.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:   
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Public Works and Transportation  
Department, Engineering

# QUARTAROLI & ASSOCIATES

LAND SURVEYING • LAND PLANNING • ENGINEERING

Revised  
May 29, 1990

## Rees Torrid Reorganization To the City of Modesto

### DESCRIPTION

All that certain real property situated in the north half of Section 25, T.3S., R.8E., MDB&M in the County of Stanislaus, State of California, described as follows:

Beginning at the northeast corner of Lot Two (2) as shown on that certain map entitled Pleasant Homes filed for record the 17th day of August, 1922 in Volume Nine (9) of maps at page sixty-seven (67) Stanislaus County records said corner being on the south right of way line of Torrid Avenue, (a 50 foot wide avenue), thence along the east line of said Lot 2, also being the existing city limits of Modesto, South  $00^{\circ} 52'$  East, a distance of 235.24 feet to the southerly line of said Lot 2, thence along said southerly line and city limits line South  $75^{\circ} 27'$  West, a distance of 169.82 feet to the west line of the east half of said Lot 2, thence along said west line North  $00^{\circ} 52'$  West, a distance of 275.32 feet to the said south right of way line of Torrid Avenue, thence continuing on aforesaid course North  $00^{\circ} 52'$  West, a distance of 25 feet to the centerline of said Torrid Avenue being also the existing city limits of Modesto, along said centerline and city limits line North  $89^{\circ} 06'$  East, a distance of 165.00 feet to the prolongation of the said east line of Lot 2, thence along said east line and city limits line South  $00^{\circ} 52'$  East 25.00 feet to the point of beginning.

Containing 1.06 acre.

EXHIBIT "A"

Approved as to description

ON 6-8-90  
BY [Signature]



MODESTO CITY COUNCIL  
RESOLUTION NO. 90-687

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

WHEREAS, money is available from the Local Transportation Fund for  
use by the City of Modesto in carrying out various activities related to  
transportation, and

WHEREAS, annually these funds are allocated by the Stanislaus Area  
Association of Governments (SAAG) in accordance with established priorities,  
and

WHEREAS, the City of Modesto's claim has been prepared in accordance  
with established priorities and provides for the use of \$3,764,513 from the  
Local Transportation Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that submission of the City of Modesto's Annual Transportation Claim by the  
City Manager to the Stanislaus Area Association of Governments (SAAG) in the  
amount of \$3,764,513 for the fiscal year 1990-91 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 August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

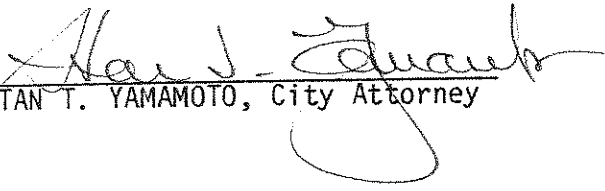
ATTEST:

  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-688

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:

Financial Analyst

Budget Officer

The specifications for the classifications of Financial Analyst (Range 435), as shown on the attached Exhibit "A", and Budget Officer (Range 435), as shown on the attached Exhibit "B", 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. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following

classification.

Budget Analyst

The revised specifications for the classification of Budget Analyst (Range 431), as shown on the attached Exhibit "C", 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 3. EFFECTIVE DATE. This resolution shall become effective on and after August 7, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

(SEAL)

APPROVED AS TO FORM:

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

FINANCIAL ANALYST

DEFINITION

To perform responsible technical and analytical work; to perform complex financial analyses; and to provide highly responsible staff support to the Director of Finance.

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.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

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:

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 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 OFFICER

DEFINITION

To plan and direct the preparation of the City's capital improvement and operating budgets; to perform highly complex technical and analytical work; to provide staff assistance to the Finance Director; and to perform other duties as required.

DISTINGUISHING CHARACTERISTICS

This is a single position class in the Budget Analyst series. The incumbent supervises staff who prepare capital improvement and operating budgets for the City and personally performs the most complex and technically difficult work, exercising considerable latitude and discretion.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

Exercises direct supervision over professional, technical and clerical staff.

EXAMPLES OF DUTIES

Plans, organizes and supervises the City's annual operating and multi-year capital improvement budget process; reviews budget manuals and approves changes.

Recommends and implements changes in budget format, procedures and processes, including the development of alternative budget systems; recommends and implements management information systems.

Prepares multi-year forecasts of revenues and expenditures.

Analyzes actual revenues and expenditures in comparison to budget estimates and allocations; prepares and presents reports.

Oversees the preparation of all budget documents including preliminary and final budget packages.

Participates in the review of capital improvement budgets, operating budgets, supplemental budget requests and mid-year budget adjustments; participates in budget presentation to council, commissions, and groups.

Performs a variety of complex statistical and financial analyses including cost/benefit and program cost analysis.

Reviews and analyzes pending and new legislation to determine fiscal impact to the City.

Consults with management on various operating and CIP budget issues; conducts studies and prepares and presents recommendations.

Reviews department budget requests and changes to ensure compliance with applicable laws, rules, regulations and policies.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Principles and practices of supervision and training.
- Principles and practices of budget preparation and administration.
- Principles and practices of organization, administration and personnel management.
- Pertinent Federal, state and local laws, regulations and policies.
- Principles and practices of municipal accounting.
- Principles and techniques of financial and statistical analysis.
- Technical report writing styles.
- Modern office procedures, methods and equipment.

Ability to:

- Prepare operating and capital improvement budgets.
- Conduct feasibility studies, analyze and review data and develop forecasts, trends, and recommendations.
- Estimate and project revenues and expenditures.
- Prepare and present a variety of financial, budgetary, statistical and narrative reports and analyses.
- Work with and control sensitive, confidential information.
- Supervise, train and evaluate assigned staff.
- 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 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 the Finance Director 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 and Council actions; research and evaluate potential revenue sources.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; 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 Office.

Serve as liaison with the accounting department to insure that internal controls are maintained and that the budget is prepared in accordance with generally accepted accounting principles.

EXAMPLES OF DUTIES (continued)

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 agendas.

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 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, 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:

One year 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.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-689

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 90-607 ENTITLED, "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE AND RESCINDING RESOLUTION NO. 88-490".

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 90-607. Exhibit "G" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 3, 1990", attached to Resolution No. 90-607, is hereby amended as shown on the amended Exhibit "G" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective August 7, 1990", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" reallocates two existing Budget Analyst positions to Financial Analyst and Budget Officer at salary range 435 and designates a reduction in the current classification of Budget Analyst from salary range 432 to salary range 431.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after August 7, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective August 7, 1990

---

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Word Processing Technician I Administrative Clerk II (Confidential)
408	
409	
410	
411	Word Processing Technician II Microfilm Services Supervisor
412	
413	Senior Personnel Clerk
414	
415	Senior Word Processing Technician Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	
420	Claims Representative Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary

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1359/WPPER

Exhibit "G"

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective August 7, 1990

---

RANGE	TITLE
421	
422	Office Supervisor
423	Word Processing System Supervisor
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	Zoning Inspector Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I
429	
430	Associate Planner Parks Construction Supervisor I
431	Administrative Analyst II Personnel Analyst Training Coordinator Chief of Survey Party Assistant Risk Manager Recycling Program Coordinator Budget Analyst

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective August 7, 1990

---

RANGE	TITLE
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Assistant Civil Engineer Senior Accountant
433	
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supv. Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Building Maintenance Supervisor Secondary Treatment Site Supv. Parks Maintenance Supervisor II Events Coordinator Operations Supervisor Landscape Designer Arborist Trees Maintenance Supv. II
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Public Information Officer Public Services Supervisor Budget Officer Financial Analyst
436	Senior Planner Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt. Associate Civil Engineer Transportation Planner Housing Program Supervisor
439	Deputy City Attorney II

072790

1359/WPPER

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective August 7, 1990

---

RANGE	TITLE
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. Parking & Traffic Supt. Parks Maintenance Supt. Risk Manager Personnel Manager Recreation Superintendent Golf Superintendent
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Finance Division Manager Sr. Deputy City Attorney II
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir.
448	
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	Assistant City Attorney
072790	

1359/WPPER

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-690

A RESOLUTION ACCEPTING IMPROVEMENTS IN CALIFORNIA CHARDONNAY UNIT NO. 1 AND  
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Kaufman and Broad of Northern California, subdividers of California Chardonnay Unit 1 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 591,200.00 and \$ 295,600.00 respectively to guarantee improvements in California Chardonnay Unit 1 and;

WHEREAS, the Director of Public Works in a memorandum dated July 31, 1990, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and


WHEREAS, the Director of Engineering 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 California Chardonnay Unit 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$591,200.00 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 \$ 295,600.00 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 7th day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-691

A RESOLUTION ACCEPTING THE BID OF NORTHWEST MOTOR WELDING FOR FURNISHING A DIESEL BUS ENGINE

WHEREAS, Resolution No. 90-641, adopted by the Council of the City of Modesto on July 10, 1990, approved the plans and specifications for the purchase of two rebuilt diesel bus engines

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of two diesel bus engines were opened at 11:00 a.m. on July 30, 1990, 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 Northwest Motor Welding in the amount of \$7,650 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Northwest Motor Welding in the amount of \$7,650 be accepted and the execution of a contract by the City's designated officials be authorized.

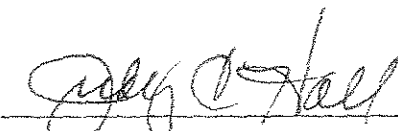
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-692

A RESOLUTION ACCEPTING THE BID OF BESST, INC. FOR FURNISHING A DIESEL BUS ENGINE

WHEREAS, Resolution No. 90-641 , adopted by the Council of the City of Modesto on July 10, 1990 , approved the plans and specifications for the purchase of two rebuilt diesel bus engines

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of two diesel bus engines were opened at 11:00 a.m. on July 30, 1990 , 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 Besst, Inc. in the amount of \$6,539 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Besst, Inc. in the amount of \$6,539 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 14th day of August , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-693

A RESOLUTION ACCEPTING THE REROOFING OF THE SENIOR CITIZENS CENTER AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the reroofing of the Senior Citizens Center

has been completed by A & B Roofing  
in accordance with the contract agreement dated May 15, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the reroofing of the Senior  
Citizens Center


be accepted from said contractor, A & B Roofing ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$24,205 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 14th day of August ,  
19 90, by Councilmember Lang , who moved its adoption, which  
motion being duly seconded by Councilmember Bird , was upon  
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-694

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ROMA DESIGN GROUP FOR ADDITIONAL COSTS FOR VILLAGE ONE SPECIFIC PLAN FINAL EIR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and ROMA Design Group for additional costs for Village One Specific Plan Final EIR

be, and it is hereby approved.

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

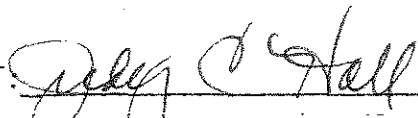
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-695

A RESOLUTION AMENDING THE 1990-91 ANNUAL BUDGET OF THE CITY OF MODESTO TO TRANSFER FIFTEEN THOUSAND (\$15,000) DOLLARS FROM THE GENERAL FUND (FUND NO. 010) TO THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 130).

WHEREAS, on October 10, 1989, the City Council approved financing two teams of consultants to prepare a Specific Plan, Environmental Impact Report (EIR), and Financing Plan for Village I, and

WHEREAS, additional funding is now needed in the amount of Fifteen Thousand and no/100ths (\$15,000) Dollars for additional services, and

WHEREAS, the sum of Fifteen Thousand and no 100/th (\$15,000) Dollars is available in the Unappropriated Fund Balance of the General Fund (Fund No. 010), and

WHEREAS, said sum will not be required for operating costs of the City during the 1990-91 fiscal year, and

WHEREAS, the Council desires to transfer said sum to the Special Fund for Capital Outlays (Fund No. 130) for additional services for the Village I Specific Plan Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1990-91 Annual Budget be amended to transfer Fifteen Thousand and no/100ths (\$15,000) Dollars from the Unappropriated Fund Balance of the General Fund (Account No. 010-800-8000-8003) to the Special Fund for Capital Outlays (Account No. 130-140-P894-6000).

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 August, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-696

A RESOLUTION APPROVING MEMBERSHIP TO THE INTEGRATED WASTE MANAGEMENT LOCAL TASK FORCE FOR STANISLAUS COUNTY.

WHEREAS, the Integrated Waste Management Act of 1989 requires the establishment of a local task force to assist in coordinating the development of city source reduction and recycling elements, and

WHEREAS, pursuant to Section 40950 of the Public Resources Code, the membership of the task force shall be determined by the board of supervisors and a majority of the cities within the county which contain a majority of the population in the county and may include representatives of the solid waste industry, environmental organizations, general public, special districts, and affected governmental agencies, and

WHEREAS, pursuant to Section 40950 of the Public Resources Code, to ensure a coordinated and cost-effective regional recycling system, the task force shall do all of the following:

- (1) Identify solid waste management issues of countywide or regional concern.
- (2) Determine the need for solid waste collection systems, processing facilities, and marketing strategies that can serve more than one local jurisdiction within the region.
- (3) Facilitate the development of multijurisdictional arrangements for the marketing of recyclable materials.
- (4) To the extent possible, facilitate resolution of conflict and inconsistencies between or among city source reduction and recycling elements.

and

WHEREAS, the task force shall develop goals, policies, and procedures which are consistent with guidelines and regulations adopted by the board, to guide the development of the siting element of the countywide integrated waste management plan, and

WHEREAS, at its meeting of August 14, 1990, the Council considered membership, as presented by City staff, to said task force,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, pursuant Section 40950 of the Public Resources Code, membership to the Integrated Waste Management Local Task Force for Stanislaus County is hereby approved as set forth on the list marked Exhibit "A" 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 14th day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

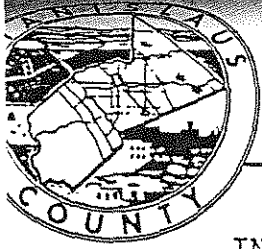
ATTEST: Judy E. Hall  
JUDY E. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

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

## Department of Environmental Resources



1716 Morgan Road  
 Modesto, California 95351-5894  
 FAX# (209) 525-4163  
 (209)

INTEGRATED WASTE MANAGEMENT LOCAL TASK FORCE MEMBERS

Robert G. Crowther  
 Proctor & Gamble  
 PO Box 4368  
 Modesto, CA 95352 PH: 538-5101

Marla den Dulk  
 American Association of University  
 Women  
 PO Box 208 PH: 579-0600  
 Modesto, CA 95353 521-6232

Richard Gilton  
 Stanislaus Disposal Association  
 722 Mono Dr.  
 Modesto, CA 95354 PH: 527-3781

Jerry Irons  
 Stanislaus County Department of  
 Public Works, 1100 H Street  
 Modesto, CA 95354 PH: 525-6550

Richard Lang, Councilmember  
 City of Modesto\*  
 PO Box 642 576-4405  
 Modesto, CA 95353 PH: 577-5223

Dale Davis. (Alternate member; may  
 vote in Mr. Lang's absence).

Jeff McKay, Councilmember  
 City of Ceres  
 37 No. Central Ave.  
 Modesto, CA 95351 PH: 537-8911

JoAnne McKissen  
 Fair Community Service District  
 PO Box 156  
 Fair, CA 95316 PH: 632-2856

Jack Patterson  
 City of Turlock  
 520 Stuart Place  
 Turlock, CA 95380 PH: 667-2184

Juan Quijano  
 Manager, Environmental Services Tri-  
 Valley Growers  
 PO Box 1211  
 Modesto, CA 95353 PH: 572-5516

Supervisor Nick Blom  
 Supervisor Rolland C. Starn  
 Stanislaus County Administration  
 Building  
 1100 H Street  
 Modesto, CA 95354 PH: 525-4494

Carl Lemmons  
 City of Riverbank  
 6706 3rd St.  
 Riverbank, CA 95367

Jerry Lo  
 City of Patterson  
 PO Box 667  
 Patterson, Ca 95363

Linda Crow  
 City of Newman  
 719 Driskeil #19  
 Newman, CA 95360

Maureen Forney  
 Ecology Action  
 1006 Hackberry Ave.  
 Modesto, CA 95350

Michael Brennan  
 City of Oakdale  
 804 Magnolia St.  
 Oakdale, CA 95361

Harry Burriss  
 City of Waterford  
 PO Box 199  
 Waterford, CA 95386

Ron Lema  
 City of Hughson  
 PO Box 391  
 Hughson, CA 95326 LTF.JUN

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-697

A RESOLUTION GRANTING A VARIANCE TO THE STANDARD SPECIFICATIONS OF THE CITY OF MODESTO RELATING TO EXPOSED AGGREGATE SIDEWALK STANDARD AT 1215 "I" STREET. (GEORGE REED, INC.)

WHEREAS, Section 7-1.301 of the Modesto Municipal Code provides that the Council shall approve standard drawings and specifications for sidewalks in the City of Modesto, and

WHEREAS, the Council has adopted Standard Specifications of the City of Modesto which include standard drawings and specifications for sidewalks, and

WHEREAS, George Reed, Inc., has requested a variance from said Standard Specifications to deviate from the sidewalk requirement in the downtown area to permit temporary construction of plain sidewalk finish to the property at 1215 "I" Street, and

WHEREAS, City staff has considered said request and recommends that said request for variance to provide for temporary construction of plain sidewalk finish to the property at 1215 "I" Street, should be approved, and

WHEREAS, at its meeting of August 14, 1990, the Council considered said request and staff recommendation and determined that the requested exception should be granted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an exception is hereby granted to Section 3.27, Exposed Aggregate Sidewalk, of the Standard Specifications of the City of Modesto, to allow temporary construction of plain sidewalk finish to the property at 1215 "I" Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-698

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ONE 110 FOOT AERIAL APPARATUS (LADDER  
TRUCK) FOR THE FIRE DEPARTMENT

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

SECTION 1. The plans and specifications for the purchase of one 110 foot  
aerial apparatus (ladder truck) for the Fire 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 September 24, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 21st day of August, 1990,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Irizarry, was upon roll call  
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird, Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-699

A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS INC. FOR THE DRY CREEK BIKE AND PEDESTRIAN BRIDGE PROJECT

WHEREAS, Resolution No. 90-599 , adopted by the Council of the City of Modesto on June 26, 1990 , approved the plans and specifications for the Dry Creek bike and pedestrian bridge project

and authorized the calling for bids; and

WHEREAS, the bids received for the Dry Creek bike and pedestrian bridge project

were opened at 11:00 a.m. on July 19, 1990 , and later tabulated by the Director of Planning for the consideration of the Council; and

WHEREAS, the Director of Planning has recommended that the bid of Western Stone Products Inc. in the amount of \$245,718.70 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Stone Produces Inc. in the amount of \$245,718.70 be accepted and the execution of a contract by the City's designated officials be authorized.

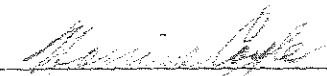
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August , 19 90 , by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Mayor Whiteside

ATTEST:

  
NORRINE COYLE, City Clerk

*Finance*

**MODESTO CITY COUNCIL  
RESOLUTION NO. 90-700**

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$75,000 FROM CONTINGENCY RESERVE TO FUND THE DRY CREEK BIKE AND PEDESTRIAN BRIDGE PROJECT**

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

FROM: Contingency Reserve (143 800 8000 8003)	\$75,000
TO: Dry Creek Bike/Pedestrian Bridge (143 140 P946 6000)	\$75,000

Funds needed to provide additional financing for the Dry Creek Bike and Pedestrian Bridge Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1990, by Councilmember Patterson, 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: Irizarry, Lang, Muratore, Patterson

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Bird, Dobbs, Mayor Whiteside

**ATTEST:** *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-701

A RESOLUTION ACCEPTING THE BID OF ORANGE COUNTY NURSERY FOR FURNISHING BARE  
ROOT TREES

WHEREAS, Resolution No. 90-640 , adopted by the Council of the City of  
Modesto on July 10, 1990 , approved the plans and specifications for the  
purchase of bare root trees

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of bare root trees  
were opened at 11:05 a.m. on July 30, 1990 , 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  
Orange County Nursery in the amount of \$28,332  
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the bid of Orange County Nursery in the amount of \$28,332  
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 21st day of August , 1990 , by  
Councilmember Lang , who moved its adoption, which motion being duly  
seconded by Councilmember Irizarry , was upon roll call carried and the  
resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird, Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

231879  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-702

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF 25 POLICE VEHICLES FROM LOVE CHEVROLET IN FOLSOM

WHEREAS, the Police Department has requested vehicles to replace vehicles that have exceeded the mileage for efficient operation; and

WHEREAS, staff feels the City should continue to purchase Chevrolet Caprices as they offer a better value for the dollar due to less down time and greater performance; and

WHEREAS, the price offered by Love Chevrolet is the lowest price the City can find for Chevrolet police vehicles.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of 25 Police vehicles is hereby waived.

BE IT FURTHER RESOLVED that purchase of 25 Police vehicles from Love Chevrolet in the amount of \$330,632.50 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird, Dobbs

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-703

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING AN AGREEMENT WITH BROWN AND CALDWELL TO PROVIDE AN ODOR CONTROL EVALUATION AND TEST STUDY FOR THE WASTEWATER TREATMENT PLANT

WHEREAS, control of odor is required by the City's NPDES discharge permit;  
and

WHEREAS, Brown and Caldwell was selected by the City in 1988-89 to evaluate the use of Ferrous Chloride for odor control at the Wastewater Treatment Plant and is acquainted with City needs and expectations and has qualified expert staff; and

WHEREAS, it is essential that this odor control study be continued to coincide with the peak of the canning season (September 1) as this time of year represents peak conditions most likely to cause plant odors, and staff feels Brown and Caldwell is the logical choice for continuing with this study.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of odor control evaluation and test study at the City's Wastewater Treatment Plant is hereby waived.

BE IT FURTHER RESOLVED that an agreement with Brown and Caldwell to provide an odor control evaluation and test study for the Wastewater Treatment Plant for the total price of \$120,000 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-704

A RESOLUTION EXTENDING THE CITY OF MODESTO'S HOUSING ELEMENT'S GOALS, POLICIES, AND PROGRAMS UNTIL SUCH TIME AS IT IS UPDATED.

WHEREAS, the City of Modesto's existing Housing Element was adopted in 1984 and covers the period from July 1, 1984 through July 1, 1989, and was prepared and adopted pursuant to State law, and

WHEREAS, State law governing the preparation and adoption of Housing Elements has been changed to stagger the adoption deadlines for updating Housing Elements by geographic region to better accommodate the review of Housing Elements by the State Department of Housing and Community Development, and

WHEREAS, Government Code Section 65588(b), establishing the deadline for the adoption of updated Housing Elements, now requires that the City of Modesto adopt an updated Housing Element by July 1, 1992, and

WHEREAS, the change of deadlines for the adoption of updated Housing Elements has resulted in a technical gap in the period of time covered by the City's Housing Element,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to State law the Goals, Policies, and Programs of the Modesto Housing Element are hereby extended to cover the period of time until the Housing Element is updated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-705

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$10,000 FROM CONTINGENCY RESERVE FOR CITY'S CONTRIBUTION TO THE U.C. CAMPUS COMMITTEE FOR THE STANISLAUS/TUOLUMNE REGION**

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

FROM: General Fund Contingency Reserve          \$10,000  
      (010 800 8000 8003)

TO: Professional Services & Other                  \$10,000  
      (010 502 6502 0235)

On May 22, 1990, the Council agreed to support efforts of U.S. Campus Expansion Committee for the Stanislaus/Tuolumne Region if local sites were included in the final eight locations. Two sites, the Mape's Ranch and Don Pedro, are among the final eight sites considered for the new U.C. Campus, and local U.C. Expansion Committee is requesting the \$10,000 to fund efforts to win approval for one of the local sites.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 19 90, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

**AYES: Councilmembers:** Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

**NOES: Councilmembers:** None

**ABSENT: Councilmembers:** Bird, Dobbs

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-706

EXTENDED

A RESOLUTION APPROVING AN/AGREEMENT BETWEEN THE CITY OF MODESTO AND OUR CONSULTANTS, DELEUW, CATHER, FOR PLANNING REMOVAL OF UNION PACIFIC RAILROAD TRAINS FROM 9TH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the extended agreement between the City of Modesto and DeLeuw, Cather, for planning removal of the Union Pacific Railroad tracks from 9th 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 21st day of August , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

770  
523

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-707

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 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON TO R-1. (R. J. HILL COMPANY)

WHEREAS, on August 28, 1990, the City Council introduced Ordinance No. 2726 -C.S. giving approval to a project relating to an amendment to Section 8-4-9 of the Zoning Map of the City of Modesto to prezone to Low Density Residential Zone, R-1, property located on the north side of Whitmore Avenue and east of Ustick 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 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 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 8-4-9 of the Zoning Map of the City of Modesto to prezone to Low Density Residential Zone, R-1, property located on the north side of Whitmore Avenue and east of Ustick Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-708

A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION  
COMMISSION "CITY REORGANIZATION QUESTIONNAIRE" FOR THE  
WHITMORE-GUTHERIE REORGANIZATION.

WHEREAS, on August 28, 1990, the City Council considered the  
Local Agency Formation Commission "City Reorganization Questionnaire" for  
the Whitmore-Gutherie Reorganization, a copy of which  
questionnaire is attached hereto, and

WHEREAS, at said meeting the City Council also considered including  
a caveat that the annexation area should include only the northerly portion of  
Whitmore Avenue beginning at the centerline and adjacent to the proposed  
annexation site,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the attached Local Agency Formation Commission "City Reorganization  
Questionnaire" for the Whitmore-Gutherie Reorganization, a copy of  
which questionnaire is attached hereto, is hereby approved with the caveat  
that the annexation area should include only the northerly portion of Whitmore  
Avenue beginning at the centerline and adjacent to the proposed annexation  
site.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY REORGANIZATION QUESTIONNAIRE

1. Name of City Modesto

2. Name of Proposed Reorganization Whitmore-Gutherie

3. Can the City provide complete City Services to the reorganization area if the proposal is approved?

Yes

4. If the proposal is approved, are there any conditions the City would like LAFCO to impose?

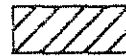
No.

5. Other comments the City would like to make.

The City Council agreed that school impacts should be fully mitigated on the "MIRA" case. The Council directed City staff to work with the school districts serving Modesto to establish a policy to mitigate school impacts. A "grace" period was established for projects submitted as complete prior to September 1, 1990. This reorganization falls under this grace period.

The City is the lead agency for environmental review on this reorganization and prezone. The Planning Commission recommended a Negative Declaration on August 6, 1990. The City Council certified the Negative Declaration on August 28, 1990.

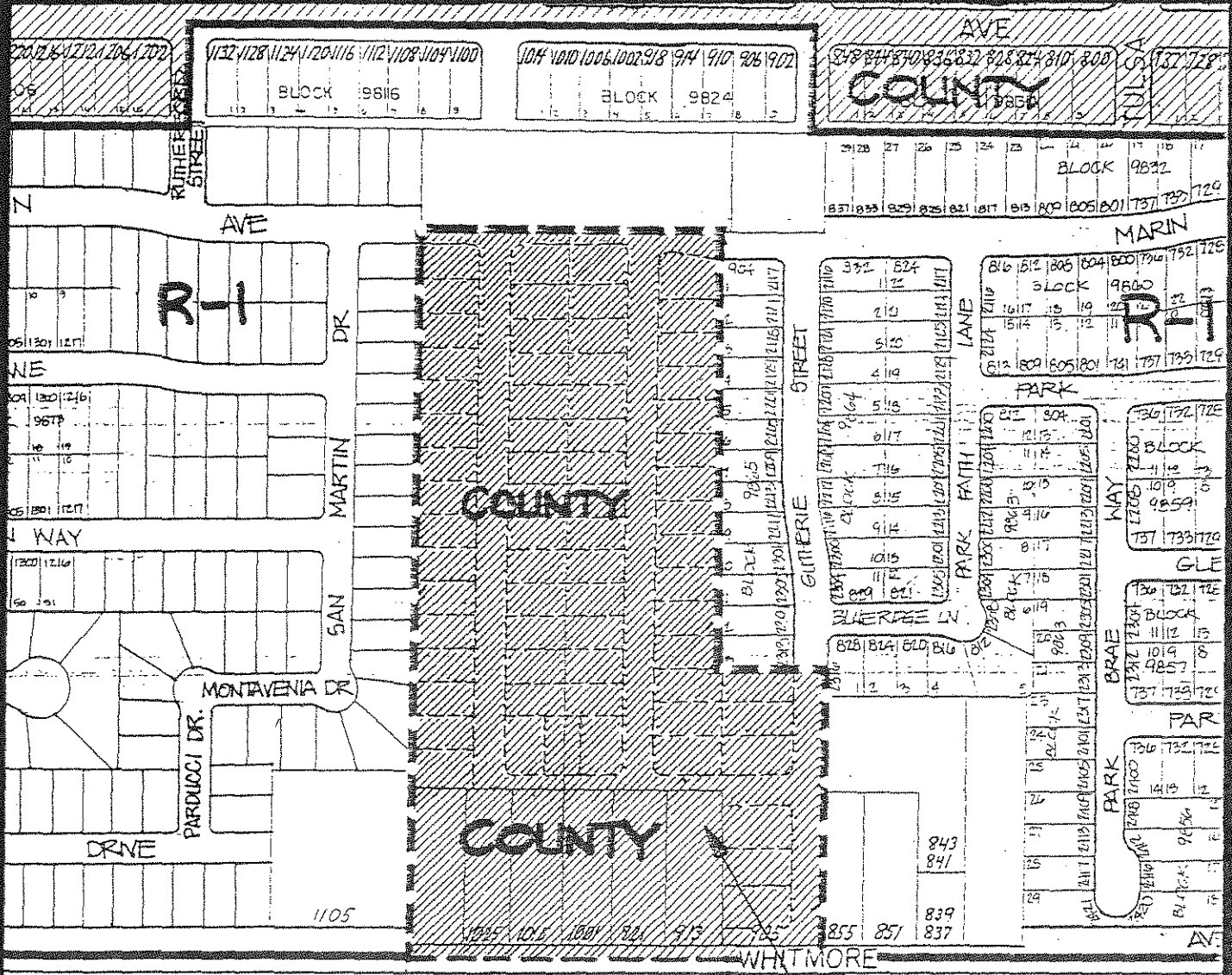
# PROPOSED WHITMORE-GUTHERIE REORGANIZATION AND PREZONE



COUNTY



PROPOSED PREZONE  
AND ANNEXATION



## PROPOSED WHITMORE-GUTHERIE REORGANIZATION AND PREZONE A-2-10 TO R-1

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-709

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 THE PROPOSED  
WHITMORE-GUTHERIE REORGANIZATION TO THE CITY OF MODESTO.

WHEREAS, on August 28, 1990, the City Council adopted  
Resolution No. 90-708 approving the Local Agency Formation Commission "City  
Reorganization Questionnaire" for the Whitmore-Gutherie Reorganization to the  
City of Modesto, 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 Reorganization,

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 the Whitmore-Gutherie Reorganization to the City of  
Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

erk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-710

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE CANAL CROSSING AT MID LATERAL NO. 4 AT  
CARPENTER ROAD

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

SECTION 1. The plans and specifications for the canal crossing at MID  
Lateral No. 4 at Carpenter 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 September 18, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 28th day of August, 1990,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Bird, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-711

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING A REPLACEMENT POLICE PRISONER TRANSPORT  
VAN

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

SECTION 1. The plans and specifications for furnishing a replacement  
Police prisoner transport van  
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 1, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 28th day of August, 1990,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Bird, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-712

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FOR FURNISHING TWO WATER ADSORPTION-FILTER  
SYSTEMS, TO BE INSTALLED AT WELL #2 AND WELL #30

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

SECTION 1. The plans and specifications for furnishing two water  
adsorption-filter systems, to be installed at Well #2 and Well #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 September 17, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 28th day of August, 1990,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Bird, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY FOR TRAFFIC SIGNAL CONSTRUCTION, STREET IMPROVEMENTS AND STRIPING MODIFICATIONS AT VARIOUS LOCATIONS

WHEREAS, Resolution No. 90-601, adopted by the Council of the City of Modesto on June 26, 1990, approved the plans and specifications for traffic signal construction and striping modifications at the following locations:

Briggsmore Avenue at Lakewood Avenue  
Carpenter Road at Kansas Avenue  
Coffee Road at Norwegian Avenue  
Coffee Road between Briggsmore Avenue and Scenic Drive  
Coffee Road between Ensenada Drive and Spanos Court

and authorized the calling for bids; and

WHEREAS, the bids received for the traffic signal construction and striping modifications at the locations listed above, were opened at 11:00 a.m. on August 9, 1990, and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Collins Electrical Company in the amount of \$410,840 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 \$410,840 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 28th day of August, 1990, by Councilmember

Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-714

A RESOLUTION ACCEPTING THE MODESTO VERDE BLOCK WALL CONSTRUCTION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the Modesto Verde block wall construction

has been completed by Thomaswall, Inc.

in accordance with the contract agreement dated December 12, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the Modesto Verde block wall

be accepted from said contractor, Thomaswall, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$80,071 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 August,  
1990, by Councilmember Lang, who moved its adoption, which  
motion being duly seconded by Councilmember Bird, was upon  
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-715

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF TRAFFIC LINE PAINT FROM PERVO PAINT COMPANY

WHEREAS, the Traffic section of Transportation Division of the Public Works and Transportation Department has requested the purchase of traffic line paint; and

WHEREAS, informal bids were solicited, with Pervo Paint Company producing the paint with the necessary fast drying time.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of traffic line paint is hereby waived.

BE IT FURTHER RESOLVED that purchase of traffic line paint from Pervo Paint Company for a total cost of \$40,000 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 August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-716

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF SEWERAGE LIFT STATION FROM J.H. PILLOW COMPANY

WHEREAS, the Public Works and Transportation Department has requested the purchase of a sewerage lift station for the Jefferson Street project; and

WHEREAS, due to the critical time schedule in upgrading the Jefferson Street subtrunk, staff recommends installing a pre-packaged lift station in order to save both time and money; and

WHEREAS, after performing an engineering analysis, it was determined that the Smith and Loveless pump distributed by J.H. Pillow Company is a superior product and an excellent value.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of a sewerage lift station is hereby waived.

BE IT FURTHER RESOLVED that purchase of a sewerage lift station from J.H. Pillow Company for a total cost of \$70,109.31 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 August, 1990, by Councilmember

Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-717

A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION COMMISSION "CITY REORGANIZATION QUESTIONNAIRE" FOR THE LEON-SOUTH REORGANIZATION, AND CERTIFYING REVIEW OF THE ENVIRONMENTAL ASSESSMENT AND DIRECTING THE FILING OF A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE PROPOSED REORGANIZATION.

WHEREAS, on August 28, 19 90, the City Council considered the Local Agency Formation Commission "City Reorganization Questionnaire" for the Leon-South Reorganization, a copy of which questionnaire is attached hereto, 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 Reorganization,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the attached Local Agency Formation Commission "City Reorganization Questionnaire" for the Leon-South Reorganization, a copy of which questionnaire is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED 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 the Leon-South Reorganization.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

CITY REORGANIZATION QUESTIONNAIRE

1. Name of City Modesto

2. Name of Proposed Reorganization Leon-South

3. Can the City provide complete City Services to the reorganization area if the proposal is approved?

Yes

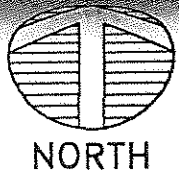
4. If the proposal is approved, are there any conditions the City would like LAFCO to impose?




No.

5. Other comments the City would like to make.

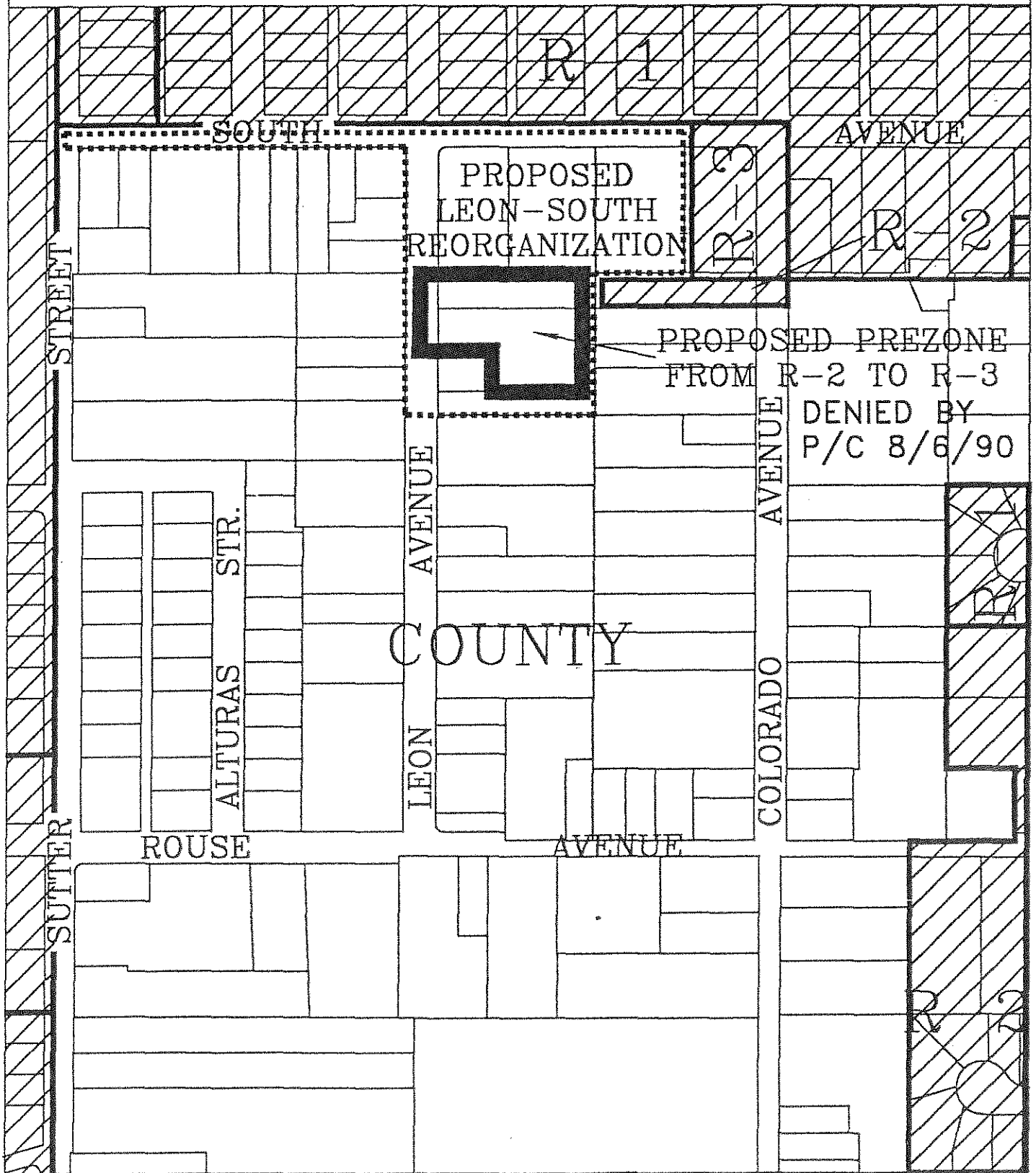
The City Council agreed that school impacts should be fully mitigated based on the "MIRA" case. The Council directed City staff to work with the school districts serving Modesto to establish a policy to mitigate school impacts. A "grace" period was established for projects submitted as complete prior to September 1, 1990. This reorganization falls under this grace period.

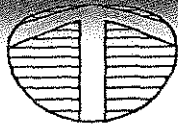
The City is the lead agency for environmental review on this reorganization and prezone. The Planning Commission certified a Negative Declaration on August 6, 1990.



-  - CITY LIMITS
-  - REORGANIZATION BOUNDARY
-  - PROPOSED PREZONE

# MAP B



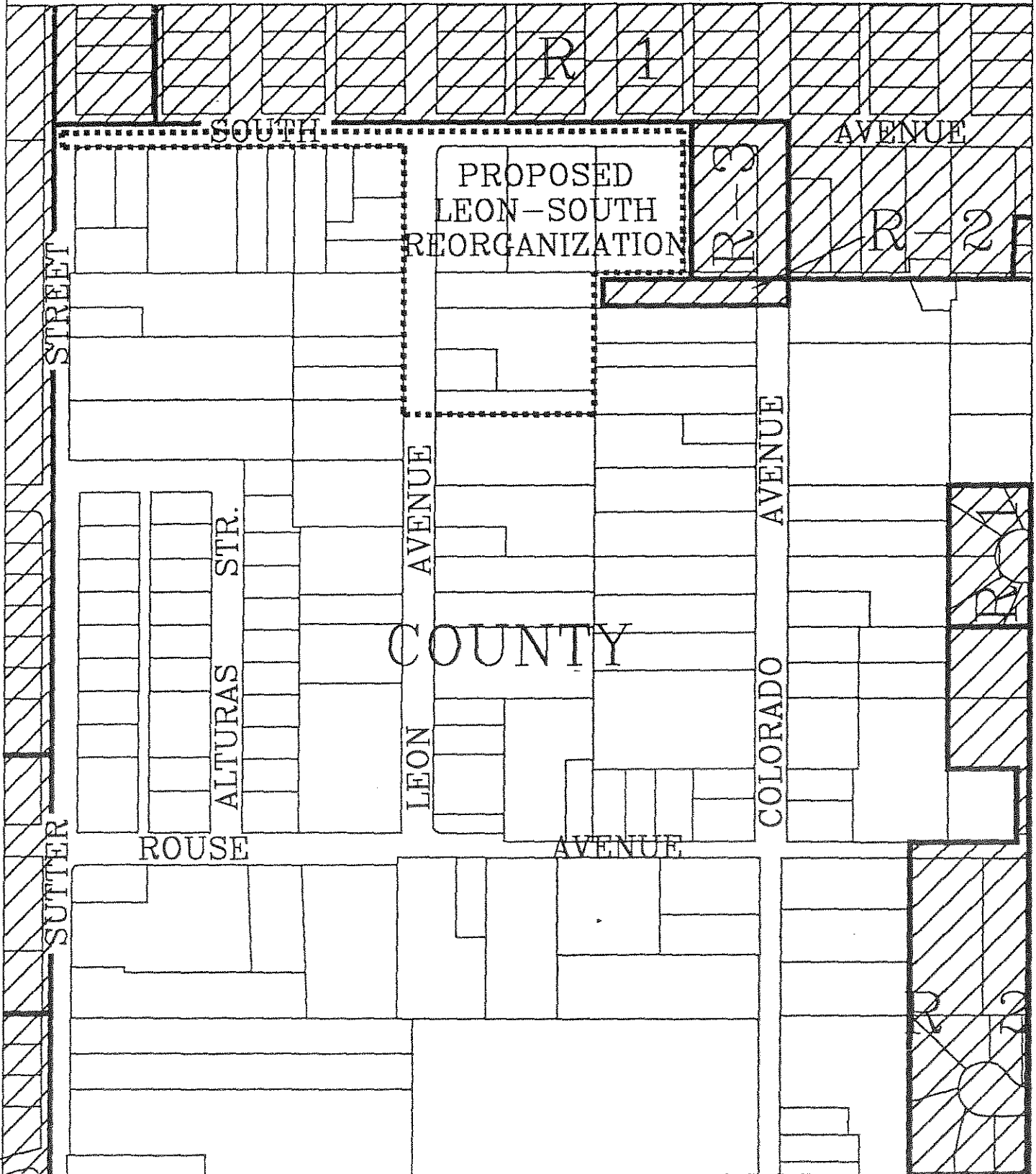


NORTH

 CITY LIMITS

 REORGANIZATION BOUNDARY

# MAP A



MODESTO CITY COUNCIL  
RESOLUTION NO. 90-718

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA (CALTRANS) FOR PLANNING FOR EXPENDITURE OF CAPITAL FACILITIES FEES IN THE STATE TRANSPORTATION IMPROVEMENT PLAN

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the State of California (Caltrans) for planning for expenditure of Capital Facilities Fees in the State Transportation Improvement Plan be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Memorandum of Understanding 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 August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-719

A RESOLUTION APPROVING A NEW COMMUNICATIONS AGREEMENT BETWEEN THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the new communications agreement between the City of Modesto and Stanislaus County 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 August, 1990, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO.90-720

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. CHARLES R. AND MRS. JEANNETTE G. MAINO FOR THE ACQUISITION OF .456 ACRES OF THEIR PROPERTY NEEDED FOR DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dr. Charles R. and Mrs. Jeanette G. Maino for the acquisition of .456 acres of their property needed for 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 28th day of August , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-721

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MOHAMMED ZUBAIR AND ABIDA ZUBAIR FOR THE ACQUISITION OF THEIR LEASEHOLD INTEREST IN THE TRANSPORTATION CENTER SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mohammed Zubair and Abida Zubair for the acquisition of their leasehold interest in the Transportation Center site

be, and it is hereby approved.

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

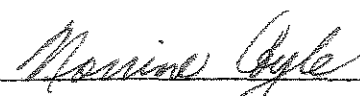
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-722

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 THE ACQUISITION OF LEASEHOLD INTEREST IN THE TRANSPORTATION CENTER SITE.

WHEREAS, the City Council, by Resolution No. 90-721 adopted on August 28, 1990, approved an agreement with Mohammed Zubair and Abida Zubair for the acquisition of their leasehold interest in the Transportation Center site, and

WHEREAS, the City Council certifies that at said meeting of August 28, 1990, 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 relating to the acquisition of leasehold interest in the Transportation Center site,

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 the acquisition of leasehold interest in the Transportation Center site.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-723

A RESOLUTION APPROVING THE FINAL MAP OF THE CALIFORNIA GARDENS SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, P & R Enterprises, a general partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 6.111 acres, known as the California Gardens Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 19th day of June, 1989, 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 California 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,

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 28th day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-724

A RESOLUTION ACCEPTING IMPROVEMENTS IN ORANGEBURG TERRACE SUBDIVISION AND  
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Vinson Chase, subdividers of Orangeburg Terrace Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 80,200.00 and \$ 40,100.00 respectively to guarantee improvements in Orangeburg Terrace Subd. and;

WHEREAS, the Director of Public Works in a memorandum dated August 20, 1990, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering 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 Orangeburg Terrace Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$80,200.00 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 \$40,100.00 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 28th day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-725

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT E. AND JOANNE L. SARGENT FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1624 SHADDOX AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Robert E. and Joanne L. Sargent for water service to property outside City limits at 1624 Shaddox 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 28th day of August , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-726

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 OCTOBER 6, 1990, AT 824 KIERNAN AVENUE, AND OCTOBER 8, 1990, AT 501 NORTH JEFFERSON.

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 October 6, and October 8, 1990, 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, October 6, 1990, at a large facility located at 824 Kiernan Avenue, and on Monday, October 8, 1990, at 501 North Jefferson, City Corporation Yard, 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 28th day of August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-727

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS AND THE MODESTO CITY SCHOOLS DISTRICT TO PROVIDE ADULT CROSSING GUARDS AT SHACKELFORD SCHOOL

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, and the Modesto City Schools District to provide adult crossing guards at Shackelford School  
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 August, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-728

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,000 FROM CONTINGENCY RESERVE TO PAY HALF THE COST OF A CROSSING GUARD AT SHACKELFORD SCHOOL**

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

FROM:	General Fund Contingency Reserve (010 800 8000 8003)	\$3,000
TO:	Services, Professional and Other (010 160 1601 0235)	\$3,000

To pay for half the cost of a crossing guard at Shackelford School. Cost will be shared by the Modesto City Schools District and County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 19<sup>90</sup>, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-729

A RESOLUTION SUPPORTING THE LEAGUE OF CALIFORNIA CITIES  
PREPARATION OF AN ACTION PLAN RELATING TO A STATEWIDE  
WATER POLICY.

WHEREAS, the cities of California are now struggling to fulfill the water needs of their constituents in the midst of an unprecedented four year drought, and

WHEREAS, a prosperous California is dependent upon quality water being available on a predictable basis statewide, and

WHEREAS, California agriculture, the most bountiful and diverse in the nation, is struggling with issues of water availability, pricing and quality, and

WHEREAS the current drought, the degradation of the Bay Delta, the loss of substantial quantities of water to Southern California from the Colorado River, and minimal water reclamation efforts have compounded the water availability problem to a virtual crisis state, and

WHEREAS, to date, water management, availability, and use policies have been dealt with in an often fragmented manner,

WHEREAS, the Annual League of California Cities Conference will be held in Anaheim, California, on October 23, 1990, and the Council of the City of Modesto desires to support a statewide action plan for addressing water related issues,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it does hereby support the proposition that the League of California Cities provide for the preparation of a Statewide Action Plan for addressing water related issues including availability, quality, and reclamation; and that the League include, as part of the annual conference, sessions relating to this matter beginning in 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-730

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR ROCKWELL STORM DRAIN REPLACEMENT - 1990

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

SECTION 1. The plans and specifications for rockwell storm drain  
replacement - 1990

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 27, 1990 at 11:05 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 4th day of September, 1990,  
by Councilmember Dobbs, who moved its adoption, which motion  
being duly seconded by Councilmember Patterson, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-731

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE UNION AVENUE RAILROAD CROSSING

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

SECTION 1. The plans and specifications for the Union Avenue railroad crossing  
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 27, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

0570  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-732

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HUGHES, HEISS AND ASSOCIATES TO PROVIDE RECRUITMENT SERVICES FOR THE POSITION OF CITY MANAGER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Hughes, Heiss and Associates to provide recruitment services for the position of City Manager

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 September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-733

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$30,000 TO PROVIDE FUNDS FOR RECRUITMENT SERVICES FOR THE POSITION OF CITY MANAGER

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

FROM:	Contingency Reserve (010 800 8000 8003)	\$30,000.00
TO:	City Manager's Selective Process (010 502 6502 0235)	\$30,000.00

The Council needs to implement recruitment proceedings to fill the position of City Manager. Funds are needed to meet expenses incurred relating to the recruitment process.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 19 90, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-734

A RESOLUTION ESTABLISHING FLAT-RATE CHARGES FOR SEWER SERVICE TO SCHOOLS, AND SUPERSEDING RESOLUTION NO. 88-546.

WHEREAS, Section 5-6.02 of the Modesto Municipal Code provides that "the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged for furnishing sewer services to governmental agencies, including school districts, private schools...", and

WHEREAS, under this section, it will be the practice to establish, by resolution, a flat-rate for sewer service to schools, and

WHEREAS, a flat-rate sewer service charge to schools is fair and equitable to both the City and the schools in respect to providing sewer service,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that flat-rate sewer service charges for schools be established according to the following formula:

A. Domestic Use -- ADA x c.f./pupil/month x 12 months x  $\frac{\$.58}{133.69 \text{ c.f.}}$

Where:

K-6 Schools -- 10 cu. ft./pupil/month  
K-8 Schools -- 13 cu. ft./pupil/month  
7-8 Schools -- 24 cu. ft./pupil/month  
High Schools -- 36 cu. ft./pupil/month  
College -- 36 cu. ft./pupil/month

BE IT FURTHER RESOLVED by the Council that annual flat-rate sewer service charges are hereby established for the schools in accordance with the formula set forth above based on the number of pupils enrolled in each school:

Empire Union School District

Grade Range

Capistrano Elementary	K-5
Christine Sipherd Elementary	K-5
Bernard Hughes Elementary	K-5

Modesto City School District

Harriet Kirschen Elementary	K-6
Elihu Beard Elementary	K-6
Fred C. Beyer High	9-12
Grace Davis High	9-12
Downey High	9-12
Enslin Elementary	K-6
Catherine Everett Elementary	K-6
Franklin Elementary	2-6
John C. Fremont Elementary	K-6
William H. Garrison Elementary and Joseph M. Kelly Center	K-6
Lakewood Elementary	K-6
La Loma Junior High	7-8
Alberta Martone Elementary	K-6
Modesto High	9-12
John Muir Elementary	K-6
Robertson Road Elementary	K-6
Roosevelt Junior High	7-8
Rose Avenue School Elementary	K-6
Sonoma Elementary	K-6
Elliott Alternative Education Center	9-12
Mark Twain Junior High	7-8
Wilson Elementary	K-6
Burbank Elementary	K-6

Salida Union School District

Mildred Perkins Elementary	K-5
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Stanislaus Union School District

Chrysler Elementary	K-6
Eisenhut Elementary	K-6
Muncy Elementary	K-6
Prescott Junior High	7-8
Agnes Baptist Elementary	K-6

Sylvan Union School District

Coleman F. Brown Elementary	K-6
Sherwood Elementary	K-6
Somerset Junior High	7-8
Standiford Elementary	K-6
Stockard Coffee Elementary	K-6
Sylvan Elementary	K-6
Woodrow Elementary	K-6

Yosemite Community College District

Grade Range

Modesto Junior College - East Campus	College
<u>Central Catholic High</u>	9-12
<u>St. Stanislaus Elementary</u>	K-8
<u>Our Lady of Fatima Elementary</u>	K-8

BE IT FURTHER RESOLVED that the flat-rate sewer service charges established hereby shall be due and payable to the City on November 1st of each year.

BE IT FURTHER RESOLVED that the determination of the number of pupils enrolled in each school shall be as of the 15th day of April of each year.

BE IT FURTHER RESOLVED that all other property owned or controlled by the schools and connected to the City sewer system shall be charged for the City sewer service on a regular flat-rate basis.

BE IT FURTHER RESOLVED that the City Council reserves the right to amend this resolution at any time.

BE IT FURTHER RESOLVED that Resolution No. 88-546 is hereby superseded.

BE IT FURTHER RESOLVED that this resolution shall become effective on November 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-735

A RESOLUTION ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICE TO SCHOOLS, AND SUPERSEDING RESOLUTION NO. 87-639.

WHEREAS, Section 11-1.11 of the Modesto Municipal Code provides that "the Council shall have the power to establish by agreement or resolution the rates to be charged for providing water services to government agencies, including school districts, private schools . . . on a basis that is fair and equitable to all the parties concerned," and

WHEREAS, under this section it has been the practice to establish flat rates for water service to schools by resolution, and

WHEREAS, there have been revisions to the water rate schedule applicable to the general public established by the Modesto Municipal Code thereby causing increases in the water rates making it desirable to update the charges for water service to schools, and

WHEREAS, a flat-rate water service charge to schools is fair and equitable to both the City and the schools in respect to providing water service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that flat-rate water service charges for schools be established according to the sum of the following two formulas:

A. Domestic Use-- $ADA \times \text{c.f./pupil/month} \times 12 \text{ months} \times \$2.90/1000 \text{ c.f.}$

Where:

Schools K - 6 -- 10 cu. ft./pupil/month  
Schools K - 8 -- 13 cu. ft./pupil/month  
Schools 7 - 8 -- 24 cu. ft./pupil/month  
High School & College -- 36 cu. ft./pupil/month

B. Irrigation

140,000 cu. ft./acre/year x no. of acres x \$2.90/1000 c.f.

BE IT FURTHER RESOLVED by the Council that annual flat-rate water service charges are hereby established for the following schools in accordance with the formulas set forth above based on the number of pupils enrolled in each school, and the area irrigated from the City water system:

<u>School</u>	<u>Grade Range</u>	<u>Acres</u>
<u>Central Catholic High School</u>	9-12	9.940
<u>Empire Union School District</u>		
Christine Sipherd Elementary	K-5	7.622
Capistrano Elementary	K-5	6.022
Bernard Hughes Elementary	K-5	.165
<u>Modesto City School District</u>		
Elihu Beard Elementary	K-6	6.269
Fred C. Beyer High	9-12	28.122
Grace Davis High	9-12	19.937
Enslin Elementary	K-6	.425
Catherine Everett Elementary	K-6	6.929
John C. Fremont Elementary	K-6	.580
William H. Garrison Elementary and Joseph M. Kelly Center	K-6	5.960
Lakewood Elementary	K-6	7.008
Alberta Martone Elementary	K-6	5.100
Modesto High	9-12	6.604
John Muir Elementary	K-6	5.751
Robertson Road Elementary	K-6	5.610
Roosevelt Junior High	7-8	1.979
Rose Avenue Elementary	K-6	6.304
Sonoma Elementary	K-6	5.609
Modesto High (North Campus)	9-12	1.463
Harriette Kirschen Elementary	K-6	2.600
<u>Salida Union School District</u>		
Mildred Perkins Elementary	K-5	1.874
<u>Stanislaus Union School District</u>		
Eisenhut Elementary	K-6	5.158
Muncy Elementary	K-6	1.461
Prescott Junior High	7-8	7.147
Agnes Baptist Elementary	K-6	5.000

<u>School</u>	<u>Grade Range</u>	<u>Acres</u>
<u>Sylvan Union School District</u>		
C. F. Brown Elementary	K-6	6.826
Sherwood Elementary	K-6	6.855
Somerset Junior High	7-8	17.644
Standiford Elementary	K-6	6.876
Stockard Coffee Elementary	K-6	8.250
Sylvan Elementary	K-6	8.011
Woodrow Avenue Elementary	K-6	6.957
<u>Yosemite Community College District</u>		
Modesto Junior College (East Campus)	College	19.243

BE IT FURTHER RESOLVED that the determination of the number of pupils enrolled in each school shall be as of the 15th day of April of each year.

BE IT FURTHER RESOLVED that the flat-rate water service charges established hereby shall be due and payable to the City in full on November 1st of each year.

BE IT FURTHER RESOLVED that the Schools shall promptly notify City of any changes in area irrigated from the City water system, and that charges shall be immediately revised in accordance with said changes. Failure to promptly notify City may be cause for immediate requirement of metering of the premises.

BE IT FURTHER RESOLVED that all other property owned or controlled by the Schools and connected to the City water system shall receive water from the City water system on a regular metered basis.

BE IT FURTHER RESOLVED that the City Council reserves the right to amend this resolution at any time.

BE IT FURTHER RESOLVED that Resolution No. 87-639, is hereby superseded.

BE IT FURTHER RESOLVED that this resolution shall become effective on November 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-736

A RESOLUTION APPROVING THE REQUEST OF HUBBARD STRUCTURES FOR REFUND OF \$1,301.90 FOR OVERPAYMENT OF BUSINESS LICENSE TAX AND BUSINESS LICENSE REGISTRATION

BE IT RESOLVED by the Council of the City of Modesto that the request of Hubbard Structures for refund of \$1,301.90 for overpayment of Business License Tax and Business License Registration 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 September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-737

A RESOLUTION OF ABANDONMENT

CITY OF MODESTO  
Local Improvement District No. 26  
(Standiford-Sisk-Dale)

RESOLVED, by the City Council (the "Council") of the City of Modesto, County of Stanislaus, State of California, that the proceedings pursuant to Resolution of Intention No. 88-149, as adopted by this Council on February 23, 1988, be, and the same are hereby, abandoned.

IT IS HEREBY ORDERED that the City Clerk shall record a certified copy of this resolution with the County Recorder of the County of Stanislaus with the request that same be indexed, as provided in Section 3117 of the Streets and Highways Code of the State of California, in the book containing the index of the Maps of Assessment and Community Facilities Districts.

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THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSTAIN/ABSENT:	Councilmembers:	None

ATTEST: Norinne Coyle  
NORINNE COYLE  
City Clerk

[SEAL]

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-738

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE AND APPROPRIATE ADDITIONAL REVENUE FOR DEVELOPER'S CONTRIBUTION TOWARD AN ENVIRONMENTAL IMPACT REVIEW AND GENERAL PLAN AMENDMENT STUDY ON THE COLLEGE WEST NEIGHBORHOOD.

WHEREAS, it has been determined that Michael Clayton and Associates entered into an agreement with the City of Modesto to prepare the General Plan Amendment and Environmental Impact Review for the College West Neighborhood, and

WHEREAS, Resource Development, Inc. entered into an agreement with the City of Modesto to pay for the consultant and staff costs of the proposed General Plan Amendment and Environmental Impact Review relating to the College West Neighborhood, and

WHEREAS, Resource Development has already contributed Eighty-eight Thousand Four Hundred and Ninety-five (\$88,495) Dollars for said project, College West EIR study. The scope of the EIR was expanded and approved by the City Council in April 1990. It is now necessary to estimate an additional revenue of Eighty-one Thousand Four Hundred and Forty-eight (\$81,448) Dollars to be paid by Resource Development and to increase the project appropriation amount,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1990-91:

SPECIAL FUND FOR CAPITAL OUTLAYS (130)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
Revenue 130-510-9510-4099.01	Developer's Contribution-Resrc Inc.	\$81,448
Expenditures 130-140-P900-6000	College West EIR Study	\$81,448

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 September, 1990, by Councilmember Irizarry, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-739

A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS TO DESIGN A NEW WATER SEWER SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM.

WHEREAS, in March of 1990, City staff contracted with Westin Engineers to produce a Water Production and Sewer Collection (SCADA) System Feasibility Report, and

WHEREAS, their recommendation is to proceed with a basic SCADA system that is expandable, and

WHEREAS, the present sewer SCADA equipment has reached its capacity and new equipment is required, and

WHEREAS, improvements are needed both in the water and the sewage collection supervisory control and data acquisition systems, and

WHEREAS, a report to the City Manager from the Acting Public Works and Transportation Director, dated August 20, 1990, states the specific improvements needed in said systems, a copy of which 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 after consideration of the report to the City Manager from the Acting Public Works and Transportation Director, dated August 20, 1990, stating the specific improvements needed in said water and sewage collection supervisory control and data acquisition systems, a copy of which report is on file in the office of the City Clerk, the Council hereby authorizes City staff to issue a request for proposals to design a new water/sewer Supervisory Control and Data Acquisition (SCADA) System.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-740

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BARTKIEWICZ, KRONICK AND SHANAHAN AS SPECIAL COUNSEL FOR THE TURLOCK IRRIGATION DISTRICT DRINKING WATER SUPPLY STUDY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bartkiewicz, Kronick and Shanahan as special counsel for the Turlock Irrigation District Drinking Water Supply 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 Modesto held on the 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-741

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TERRY D. HAMILTON AND SHARON M. HAMILTON, RICHARD C. HAMILTON AND MARY K. HAMILTON FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 425 W. HATCH ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Terry D. and Sharon M. Hamilton, and Richard C. and Mary K. Hamilton, for sewer service to property outside City limits at 425 W. Hatch Road, located on the north side of Hatch Road between Cascade and Dallas 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 September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

9770  
5-1-90  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-742

A RESOLUTION APPROVING AN EASEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC TRANSPORTATION COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE AN 18" WATER PIPELINE ACROSS THEIR RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the easement agreement between the City of Modesto and Southern Pacific Transportation Company to construct, maintain and operate an 18" water pipeline across their 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 4th day of September, 1990, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-743

A RESOLUTION GRANTING THE REQUEST OF PAUL HOLTZCLAW, ON BEHALF OF P & R ENTERPRISES, FOR A REFUND OF AN APPLICATION FEE FOR AMENDMENT TO P-D(463).

WHEREAS, in 1989, the Planning Commission and City Council approved P-D(463) for zero lot line single-family dwelling units and duplexes on the south side of Briggs Avenue at Spencer Avenue, and

WHEREAS, the approval of P-D(463) included provisions for a seven-foot high masonry wall at the end of the cul-de-sac with a seven-foot double-boarded fence along the remainder of the south property line, and

WHEREAS, the applicant's engineer looked at several alternatives in an attempt to make the seven-foot high wall work, but all proposals appeared to damage the existing irrigation and fence line, and

WHEREAS, on August 1, 1990, P & R Enterprises submitted an application to amend P-D(463) to allow a six-foot high wall and six-foot high double-boarded fence along the south property line which would minimize damage to the old irrigation line because of the shallow post depth needed for a six-foot high fence, and

WHEREAS, the applicant paid a \$620.00 application fee for amendment to P-D(463) under protest, and

WHEREAS, the amendment was approved because a seven-foot high masonry wall and double-boarded fence would require deeper posts or larger concrete footings which would likely damage the old existing irrigation line along the south property line, and

WHEREAS, by letter dated August 23, 1990, P & R Enterprises protested the payment of the \$620.00 application fee and requested a refund of

said fee on the basis that the original application fee and submittal of P-D(463) for Plan Check required the review of M.I.D.'s Engineers and City of Modesto Engineers for a masonry wall to be placed on the south property line and neither agency visualized the inherent problem of the construction and placement of a seven-foot high wall and seven-foot double-boarded fence on top of an existing irrigation line, and

WHEREAS, applicant feels penalized by having to pay the \$620.00 application fee for amendment to P-D(463), and

WHEREAS, said request was set for hearing before the City Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on September 4, 1990, at 7:30 p.m., and

WHEREAS, the City Council, at said hearing, after hearing evidence both oral and documentary, found and determined that the request of Paul Holtzclaw, on behalf of P & R Enterprises, to refund the \$620.00 application fee, should be granted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request of Paul Holtzclaw, on behalf of P & R Enterprises, to refund the \$620.00 application fee paid for amendment to P-D(463), is hereby granted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Stan T. Yamamoto  
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-744

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JERRY MATSUNAGA FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE WHEN A REPLACEMENT IS APPOINTED

WHEREAS, Jerry Matsunaga was appointed a member of the Human Relations Commission on April 16, 1985; and

WHEREAS, Jerry Matsunaga has tendered his resignation from the Human Relations Commission effective when a replacement is appointed; and

WHEREAS, Jerry Matsunaga 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 Jerry Matsunaga 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 Jerry Matsunaga 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 4th day of September, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-745

A RESOLUTION ACCEPTING FINANCIAL CONTRIBUTIONS FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE AND THE CITY OF KHMELNITSKY FOR EXPENSES INCURRED BY THE MODESTO-KHMELNITSKY BUSINESS DELEGATION TO TRAVEL TO KHMELNITSKY.

WHEREAS, the Mayor of Khmel'nitsky has invited Mayor Whiteside, or a Councilmember, if she is unavailable, to travel to Khmel'nitsky with a business delegation of individuals with expertise in the specific areas of travel/tourism, hotel management, food industry, electronics/computers, the restaurant business, and a representative from RACOR, and

WHEREAS, all Sister Cities' financial matters are taken care of by The International Friendship Committee, and the Committee has in the past paid for members to attend conferences and official functions in the United States as well as in the host countries, and

WHEREAS, the International Friendship Committee will pay the airfare for the Mayor from San Francisco to Moscow, and all USSR in-country expenses will be paid for by our Sister City, Khmel'nitsky,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts financial contributions from The International Friendship Committee and the City of Khmel'nitsky on behalf of the Modesto-Khmel'nitsky Business Delegation, for expenses incurred by the Modesto-Khmel'nitsky Business Delegation to travel to Khmel'nitsky.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-746

A RESOLUTION ADOPTING A POLICY ESTABLISHING A "HOUSE SEWER LINE REPAIR COST-SHARE PROGRAM" FOR REPAIR OF THE HOUSE SEWER LINE WITHIN THE PUBLIC RIGHT OF WAY WHERE PUBLIC IMPROVEMENTS EXIST".

WHEREAS, Section 5-6.13 (f) of the Modesto Municipal Code, provides that each user shall be responsible for the construction, maintenance and repair of the house sewer line, and

WHEREAS, the Council recognizes that the house sewer line may require repair within the public right of way where public improvements exist, and

WHEREAS, the Council recognizes that said public improvements are required by the City of Modesto Public Works Engineering Standard Specifications, and

WHEREAS, the Council recognizes that the cost of making said repairs within the public right of way where public improvements exist can be significant for property owners, and

WHEREAS, the Council agrees that it would be in the best interest of the property owner and the City to mitigate said repair costs by sharing in the cost with the property owner when the repair is located in the public right of way where public improvements exist and providing an installment payment plan to extend the time within which payment is required for the property owner's share of the repair costs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that should a house sewer line be required to be repaired within the public right of way of the City of Modesto where public improvements exist then and in that event a policy is hereby established for the purpose of implementing a "House Sewer Line Repair Cost-share Program" for sharing the repair costs incurred by those property owners required to repair the house sewer line within the public right of way, a copy of said policy is attached hereto marked Exhibit "A" and included herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1990, the Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

## EXHIBIT "A"

### PURPOSE:

To establish a "House Sewer Line Repair Cost-share Program", including an installment payment plan, as outlined below, for repair costs incurred by those property owners required to repair the house sewer line within the public right of way where public improvements exist.

### BACKGROUND:

Section 5-6.13 (f) of the Modesto Municipal Code provides that each user shall be responsible for the construction, maintenance and repair of the house sewer line. The Council recognizes that the cost of repairing the house sewer line within the public right of way where public improvements exist can be significant for property owners. To ensure timely repair and maintenance of house sewer lines and to prevent potential health hazards, the Council agrees that it would be in the best interest of the property owner and the City to mitigate said repair costs by sharing in the cost of said repairs located within the public right of way where public improvements exist.

### POLICY:

In the event that a house sewer line requires repair within the public right of way where street improvements exist, the City will share in 50% of said repair costs within the public right of way for said house sewer line for all properties inside the City limits where existing street improvements must be removed to repair the house sewer line. The remaining repair cost, 50% within the right of way and 100% on private property, shall be paid by the property owner. Requests to participate in the "Cost-share Program" may be disallowed in those cases where the house sewer line has been installed in violation of the City of Modesto Public Works Engineering Standard Specifications or when a property owner or occupant has put unacceptable material into the house sewer line causing a blockage or break, as determined by the City Engineer.

The City offers an installment payment plan for payment of the property owner's 50% share. An installment payment loan request shall be approved by the City only if the following criteria are met:

1. The property is single-family residential and located within the City limits of Modesto.
2. The criteria for the "House Sewer Line Repair Cost-share Program" as specified above is met.
3. The damage to the house sewer line is located within the public right of way where public improvements exist.

The approved loan shall be repaid to the City of Modesto in equal monthly payments spread over a period of two (2) years at an interest rate of Twelve percent (12%) per annum.

The owner's property will be encumbered with a lien for the amount of the loan for the house sewer line repair including any applicable interest charges. In addition, the property owner shall pay a lien release charge in the amount of Nine dollars and no/100 (\$9.00) which shall be included in the loan payments for purposes of releasing said property lien when payment is received in full by the City of Modesto for said loan.

By adopting this policy it is not the intent of the Council to alter the provisions for responsibility, repair and maintenance of the house sewer line as established by Section 5-6.13 (f) of the Modesto Municipal Code.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-747

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWENTY USED, FOUR-DOOR AND TWO-DOOR 1990 SEDANS FROM GOLDEN GATE AUCTION AND BAY CITIES AUTO AUCTION

WHEREAS, the Public Works and Transportation Department, Service Division, has requested the purchase of twenty used, four-door and two-door 1990 sedans to replace vehicles that have high mileage and are frequently down for repairs; and

WHEREAS, for the past few years, Golden Gate Auto Auction in Fremont has been selected by the City to furnish vehicles of this type because they have a wide selection of vehicles at a lower acquisition cost, and a high quality that has served the City well; and

WHEREAS, the City has selected Bay Cities Auto Auction in Hayward as an additional source because two auction sources for vehicles will provide a greater inventory for selecting the best vehicles.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of twenty used, four-door and two-door 1990 sedans is hereby waived.

BE IT FURTHER RESOLVED that purchase of twenty used, four-door and two-door 1990 sedans from Golden Gate Auction and Bay Cities Auto Auction for a total cost not to exceed \$259,000, 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 September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-748

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PARSONS BRINCKERHOFF QUADE & DOUGLAS, INC., TO PROVIDE ARCHITECTURAL/ENGINEERING SERVICES FOR THE DOWNTOWN TRANSPORTATION CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Parsons Brinckerhoff Quade & Douglas, Inc., to provide architectural/engineering services for the Downtown 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 11th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-749

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,000 FROM CONTINGENCY RESERVE TO COMPLETE A STRUCTURAL EVALUATION OF HANGAR #1 AT THE MODESTO CITY-COUNTY AIRPORT

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

FROM: Airport Contingency Reserve           \$3,000  
      (631 800 8000 8003)

TO:    Outside Repair and Maintenance       \$3,000  
      (631 480 5412 0223)

Funds are needed to complete a structural evaluation of Hangar #1 at the Modesto City-County Airport.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 19 90, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:           Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES:           Councilmembers: None

ABSENT:         Councilmembers: None

ATTEST: Norrine Coyle  
          NORRINE COYLE, City Clerk

27A  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-750

A RESOLUTION EXPRESSING SUPPORT FOR "THE GREAT COVER-UP II", A DAY WHEN VOLUNTEER CITIZENS WILL JOIN WITH VARIOUS GROUPS AND AGENCIES TO PAINT OVER GRAFFITI IN THE CITY OF MODESTO.

WHEREAS, "The Great Cover-Up" is a once a year project developed by Senator Dan McCorquodale and administered by his staff to paint over graffiti in the City of Modesto, including block walls near major streets and other surfaces containing a high concentration of graffiti, and

WHEREAS, Saturday, October 13, 1990, has been designated as the day for "The Great Cover-Up II" project, when approximately 300 citizen volunteers will paint over graffiti found on private property in various locations around the City of Modesto, and

WHEREAS, City staff will participate in the project by providing Senator McCorquodale's staff with a list of properties within the City that need work and by identifying ownership of said properties,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council does hereby support "The Great Cover-Up II" and the efforts of Senator McCorquodale, his staff, and the citizen volunteers who will paint over graffiti in the City of Modesto, and hereby authorizes City staff to participate in the project by providing Senator McCorquodale's staff with a list of properties within the City that need work and by identifying ownership of said properties.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-750-A

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,000 FROM CONTINGENCY RESERVE FOR EXPENSES IN THE EVENT CALLED "THE GREAT COVER-UP II"

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

FROM:	Contingency Reserve (01 800 8000 8003)	\$1,000
TO:	Real Property Maintenance and Repair Supplies (01 020 0212 0360)	\$1,000

Funds are needed to increase the City's Graffiti Removal Program budget to offset expenses for "The Great Cover-Up" graffiti removal project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 19 90, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-751

A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION COMMISSION CITY REORGANIZATION QUESTIONNAIRE" FOR THE FLORENCE-PANAMA REORGANIZATION

BE IT RESOLVED by the Council of the City of Modesto that the attached Local Agency Formation Commission "City Reorganization Questionnaire" for the Florence-Panama Reorganization, 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 September , 1990 , By Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

CITY REORGANIZATION QUESTIONNAIRE

1. Name of City Modesto

2. Name of Proposed Reorganization Florence-Panama

3. Can the City provide complete City Services to the reorganization area if the proposal is approved?

Yes

4. If the proposal is approved, are there any conditions the City would like LAFCO to impose?

No.

5. Other comments the City would like to make.

The City is in the process of amending its Zoning Ordinance to require rezoning of all annexations. If this reorganization obtains LAFCO approval before the new ordinance requiring rezoning is in effect, then the present conversion table would apply. The conversion table automatically converts the County zoning to comparable zoning in the City. This annexation area would be zones City R-3 under the conversion table.

The Modesto City School District submitted a letter requesting denial of this project until such time that the proponent agrees to fully mitigate the school impacts. The school district cited the 1988 "MIRA" case from San Diego that allows denial of projects based on unmitigated school impacts. Local agencies can require mitigation measures for school impacts on projects that are legislative decisions, such as rezones, prezones, General Plan amendments, and annexations. The case does not apply to quasi-judicial decisions such as tentative maps, site plans, or conditional use permits.

On July 3, 1990, the City Council considered the school impact issue and agreed that the school impact should be mitigated. On August 21, 1990, the Council considered a policy for the mitigation of school impacts from residential development in conjunction with a legislative decision. A continuance was granted to allow the Building Industry Association and Modesto School District to modify the wording to their satisfaction. Staff expects the policy will be brought back to the Council for adoption before the end of September.

Stanislaus LAFCO will be the lead agency for environmental review since no rezoning was required or submitted. The school mitigation policy will not apply if LAFCO accepts the reorganization as complete prior to the policy being adopted.



NORTH

REORGANIZATION BOUNDARY

CALIFORNIA AVENUE

DRIVE

R-3

FLORENCE PANAMA REORGANIZATION

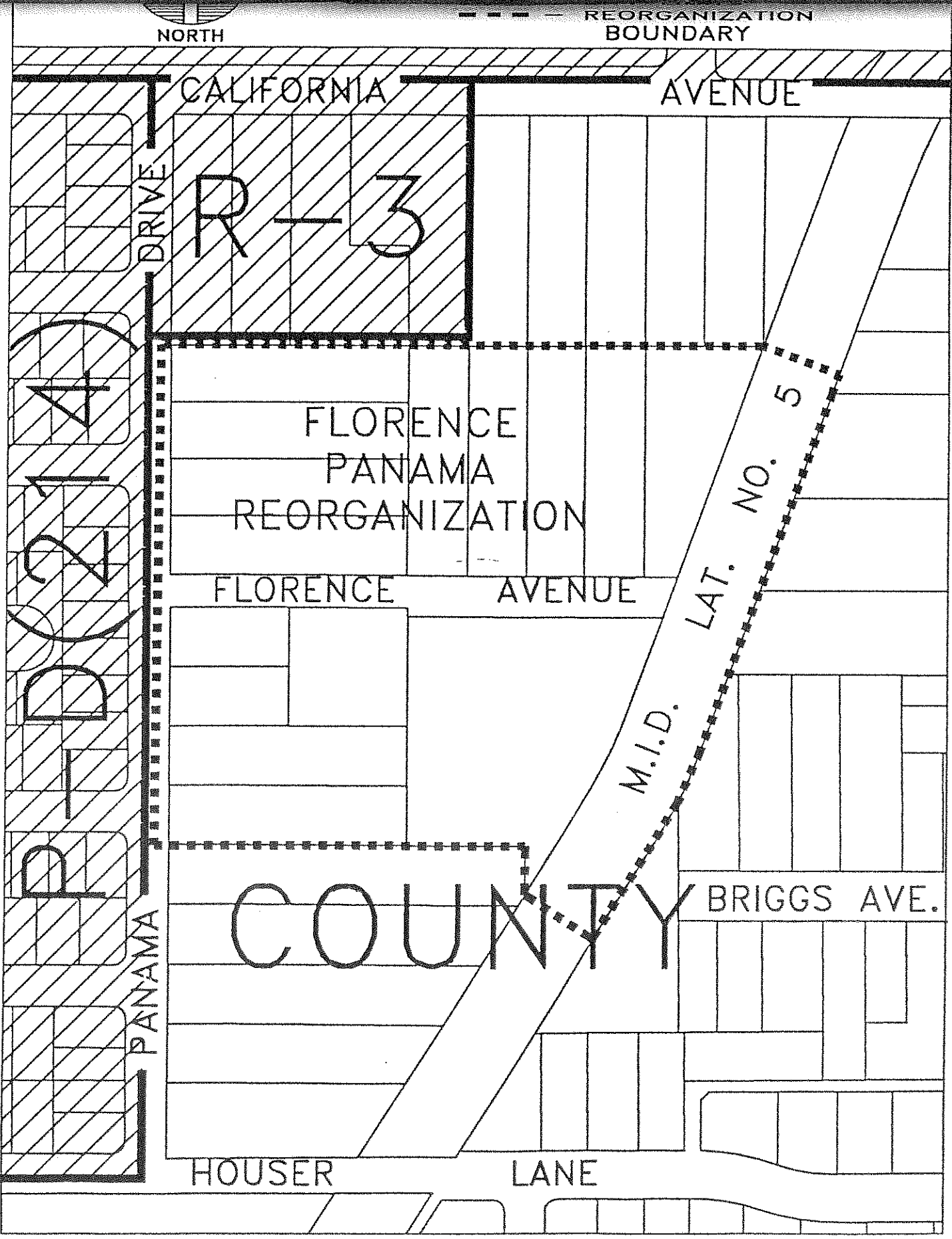
FLORENCE AVENUE

M.I.D. LAT. NO. 5

COUNTY BRIGGS AVE.

HOUSER LANE

PANAMA



MODESTO CITY COUNCIL  
RESOLUTION NO. 90-752

AMENDED

A RESOLUTION APPROVING AN/AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT AND DEL ESTE WATER COMPANY FOR THE SURFACE WATER STUDY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Modesto Irrigation District and Del Este Water Company for the surface water 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 Modesto held on the 11th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-753

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$56,000 FROM SEWER FUND RESERVE TO ADD A SENIOR CIVIL ENGINEER POSITION

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

FROM:	Sewer Fund Reserve (621-800-8000-8003)	\$56,000
TO:	Salaries, benefits, training, equipment pool rental) 621-480-5212-110, 160, 290, 218)	\$56,000

Funds are needed to add one additional Senior Civil Engineer position to provide technical and management expertise for the storm drainage program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Mayor Whiteside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Mayor Whiteside
NOES:	Councilmembers:	Patterson
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-754

**A RESOLUTION APPROVING APPROPRIATION TRANSFER** OF \$46,894 FROM THE WATER RESERVES TO PROVIDE FUNDS FOR A PUMP MECHANIC POSITION AND RELATED EQUIPMENT

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

FROM: Water Contingency Reserves \$46,894

TO: Salaries and Wages, Fringe Benefits, \$46,894  
Equipment Pool Rental, Repair and Maint.,  
Laundry and Cleaning, Pipe Locators.

A pump mechanic position and related equipment are needed to maintain or improve the level of service in the Water Division. These items are needed before scheduled supplemental budget requests in September-October.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 19 90, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

**NOES:** Councilmembers: Irizarry and Patterson

**ABSENT:** Councilmembers: None

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-755

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN LETTER OF INTENT AND ANY OTHER DOCUMENTS RELATING TO THE APPLICATION FOR FUNDING UNDER THE STATE'S DRINKING WATER BOND LAW.

WHEREAS, the City of Modesto has the authority to construct, operate, and maintain the City of Modesto potable water system, and

WHEREAS, the City of Modesto desires to assure that the City of Modesto potable water system meets minimum safe drinking water standards.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, pursuant and subject to all of the terms and provisions of the California Safe Drinking Water Bond Law and all amendments thereto, application be made to the California Department of Water Resources ("DWR") for funding to assure that the City of Modesto potable water system meets minimum safe drinking water standards.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee of said City of Modesto is hereby authorized and directed to cause the necessary data to be prepared, investigations to be performed, and application to be signed and filed with the California Department of Water Resources ("DWR").

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-756

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$13,500 FROM CONTINGENCY RESERVE FOR INTERIM LIBRARY FUNDING TO COVER THE PERIOD FROM JULY 1 THROUGH SEPTEMBER 30, 1990

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

FROM:	Contingency Reserve (010 800 8003)	\$13,500
TO:	Stanislaus County Library Contribution (010 502 6502 0460)	\$13,500

Additional funding required to maintain library services under the current staffing and hours through September 30, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Morrine Coyle  
MORRINE COYLE, City Clerk

CITY COUNCIL  
RESOLUTION NO. 90-757

A RESOLUTION OF THE MODESTO CITY COUNCIL MAKING FINDINGS, ADOPTING A MITIGATION MONITORING PROGRAM, AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE VILLAGE ONE GENERAL PLAN AMENDMENT, SPECIFIC PLAN, AND FINANCING PLAN

WHEREAS, the City of Modesto's General Plan, the Modesto Urban Area General Plan adopted April 16, 1974 and amended from time to time, establishes land use categories for all the land within the City's Sphere of Influence, including areas outside the current sewer service area classified "Urban Reserve"; and

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 3, 1989, the Modesto City Council adopted Urban Growth Management policies that reflected recommendations of the Tier I and II Urban Growth Policy Review Committee; and

WHEREAS, the Urban Growth Management policies call for future development of the City's "Urban Reserve" to be planned as "villages" using Specific Plans; and

WHEREAS, these growth management policies require that the village planning process address environmental concerns; address the cost of growth so that new growth pays for itself; analyze citywide capital improvement needs; and provide the public with a comprehensive development plan instead of sewer extensions; and

WHEREAS, these growth management policies also require that the village planning process address Modesto's long-term employment needs and jobs/housing balance by designating from 10 to 15 percent of the land for business park development; and that it include an affordable housing program using a variety of techniques including but not limited to housing trusts, inclusionary zoning, and density bonuses as needed to provide affordable housing; and

WHEREAS, in October of 1989, the City of Modesto initiated the process to prepare a Specific Plan for Village One, the first village to be developed in the Urban Reserve, and assigned the lead agency responsibility for overall guidance of the Village One planning program to the Modesto Planning Commission; and

WHEREAS, in October of 1989, the City of Modesto hired two consulting firms, ROMA Design Group and Economic Planning Systems, to help the Planning Commission and city staff prepare the Village One General Plan Amendment, Specific Plan, Financing Plan, and Environmental Impact Report ("EIR"); and

WHEREAS, a "Scoping Session," attended by representatives of various local agencies and city departments, was held on October 27, 1989 to identify issues that should be addressed by the Village One Specific Plan and Village One Specific Plan EIR; and

WHEREAS, the City of Modesto issued a Notice of Preparation on February 22, 1990 announcing that the City of Modesto was preparing an EIR for the Village One Specific Plan and seeking the input of state and local agencies in the identification of issues that should be addressed in the Village One EIR; and

WHEREAS, on April 30, 1990, the Draft Village One Specific Plan and Draft Village One Financing Plan was presented to a joint meeting of the City Council and Planning Commission; and

WHEREAS, the Draft Village One Specific Plan and Draft Village One Financing Plan reflected the concerns and issues of the City Council, Planning Commission, area residents, city staff and other agency staff involved in the many meetings held with these groups and consultants between October 10, 1989 and April 30, 1990; and

WHEREAS, the Draft Village One EIR ("Draft EIR") was available for public review and comment beginning June 15, 1990 for the 45 day review period required by law; and

WHEREAS, the Draft Village One General Plan Amendment (text and map) were included in Appendix C of the Draft EIR as part of the project description, and has been available for public review and comment since that date; and

WHEREAS, a duly noticed public hearing was held jointly by the City Council and Planning Commission to receive comments on the Draft EIR on July 23, 1990, at which time all interested persons were heard; and

WHEREAS, public agencies, individuals, and groups submitted written comments on the Draft EIR, that are included in the draft of the Village One Final EIR ("Final EIR"); and

WHEREAS, the Final EIR, which responds to all the comments received during the review period including those received during the joint City Council/Planning Commission public hearing of July 23, 1990, was presented to the City Council and Planning Commission at August 27, 1990 joint Village One planning meeting; and

WHEREAS, the Village One Draft General Plan Amendment, Draft Specific Plan and Draft Financing Plan have been available for public review and comment since April 30, 1990; and

WHEREAS, changes to the April 30th Village One Draft Specific Plan and Draft Financing Plan have been revised by consultants and staff to address issues raised during the public review of these documents, and to accommodate mitigation measures identified in the Final EIR; and

WHEREAS, the Planning Commission, following a duly noticed public hearing on September 4, 1990, recommends that the City Council certify the Final EIR as complete and adequate.

WHEREAS, Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines require the City Council certify that the Final EIR as having been completed in compliance with CEQA, and that it has reviewed and considered the information contained in the Final EIR prior to making a decision on the project; and

WHEREAS, the City Council at a duly noticed public hearing held for the purpose of receiving comments on the Village One General Plan Amendment, did hear and consider comments concerning the Village One Final EIR.

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

SECTION 1. The City Council has reviewed and considered the information contained in the Final EIR and hereby certifies that the Village One Final EIR ( the Draft EIR, and Responses to Comments - Draft Village One EIR, which together comprise the Final EIR on file in the City Clerk's Office and incorporated by reference) is complete and adequate and has been completed in compliance with CEQA.

SECTION 2. The City Council adopts the findings required by Section 15091(a)(1) of the 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 EIR, which are appended hereto as Exhibit B and on file in the City Clerk's Office and incorporated by reference and adopted.

SECTION 3. The City Council adopts the findings required by Section 1509(a)(3) of the Guidelines that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR, which are appended hereto as Exhibit C and are on file in the City Clerk's Office and are incorporated by reference and adopted.

SECTION 4. The City Council adopts the Mitigation Monitoring Program required by Section 21081.6 of the Public Resources Code for the monitoring and

reporting on the implementation of mitigation measures, on file in the City Clerk's Office, and incorporated by reference.

SECTION 5. The City Council hereby approves the "Final Environmental Impact Report -- Village One Specific Plan" and directs the Planning and Community Development Director to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the project.

The foregoing resolution was introduced at a special meeting of the City Council of the City of Modesto held on the 11th day of September, 1990 by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

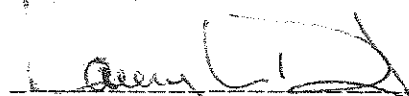
AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

  
-----  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By:   
-----  
STAN T. YAMAMOTO

Attachments:

Exhibit B Findings of Changes or Alterations to Reduce Impacts  
Exhibit C Findings of Infeasible Mitigation Measures and Alternatives

## 4.1 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 *potentially significant impact*.

### Mitigation Measures

Implementation of Mitigation Measures 4.1.3(a) through 4.1.3(c) will reduce this impact to a less-than-significant level.

*4.1.3(a) The City shall adopt a Right-To-Farm Ordinance.*

*4.1.3(b) Provide buffers between existing agricultural uses planned to remain and new residential areas.*

*Existing agricultural uses planned to remain are located north of Sylvan Avenue and east of the Santa Fe Rail line. However, only those uses north of Sylvan are located adjacent to proposed new residential uses.*

*4.1.3(c) When ownership of property is transferred, the City shall require all deeds to parcels in or adjacent to an agricultural zone to bear a statement that: agriculture is the preferred use and that "residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke, and other impacts, that 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 and uses, as normal and necessary; and that grantee acknowledges the need to avoid activities that conflict with nearby farm uses."*

### 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 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.

### Potential Urban/Agricultural Use Conflicts

Land use conflicts between new urban development and existing on site uses could occur during the period prior to build out of the Village One Specific Plan and after buildout. This is considered to be a *potentially significant impact*.

#### Mitigation Measures

4.1.4(a) *Maintain buffers between the existing industrial operations on the east side of Claus Road and new residential uses.*

4.1.4(b) *Maintain buffers between the ranchette area and new residential uses.*

4.1.4(c) *Establish truck routes such that truck traffic from the Pure-Gro facility and other industrial and agricultural uses will not be routed through residential neighborhoods.*

4.1.4(d) *Upon annexation of the site to the City of Modesto, require submittal to the City of an emergency response plan for the Pure-Gro facility, as required by state law, including measures to respond to a spill or other accident on the site or during transportation of materials.*

#### 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 measures that will be implemented in the Village One Specific Plan area will maintain a distance between agricultural uses and the impacts resulting from the conversion of former agricultural/open space areas to urban development.

#### Land Use Conflicts Between Existing and New Development

Land use conflicts between new urban development and existing adjacent uses could occur. This is considered to be a *potentially significant impact*.

#### Mitigation Measures

Implementation of Mitigation Measure 4.1.5 will reduce this impact to a less-than-significant level.

4.1.5 *Prior to 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 for a distance of at least 350 feet, and prohibit 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.*

## 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.

## 4.2 POPULATION, EMPLOYMENT AND HOUSING

### Population and Employment

The project would result in an increase in population of 22,000 people, approximately 3,000 people less than projected for the site under the Modesto Urban Area General Plan, and would result in employment on the project site at buildout of a total of approximately 5,570 jobs. Growth due to the project would have significant physical impacts on the environment due to increased traffic, demand on public services, and related changes. This is considered *a significant impact*.

### Mitigation Measures

4.2.1 *See mitigation measures for traffic, noise, air quality, and public services impacts.*

## 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. Village One is intended to be virtually self-mitigating by incorporating a wide range of environmentally sensitive design and policy features.

### Cumulative Housing Affordability

The project would contribute to a cumulative impact on affordable housing. This is *a significant cumulative impact*.

The proposed Specific Plan would not provide a full proportional share of the estimated project need for affordable housing. To the extent that any development leaves some of the need for affordable housing unmet, the

goals become less attainable citywide. The project could contribute to a cumulative lack of affordable housing to meet the need.

### Mitigation Measures

4.2.5 *At the time of the Modesto Urban Area General Plan Housing Element Update, reevaluate Specific Plan affordable housing goals for conformity with the updated Housing Needs Determination and new Housing Element policies.*

### 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. This mitigation measure is intended to insure that the Village One affordable housing program remains consistent with the City's overall housing goals and resources.

## 4.3 URBAN DESIGN AND VISUAL QUALITY

### Block Views of Mountains/Farmlands

As the Village One project is built, it will eliminate existing views of the valley and the distant mountains from adjacent areas, and reduce the area's visual open space. This will change the existing new from one of agricultural land, to one of urbanization, and is considered *a potentially significant impact.*

### Mitigation Measures

4.3.2(a) *Implementation of the policies proposed in the Specific Plan Community Design Element would reduce this impact to a less-than-significant level.*

### 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. Adoption and 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.

### Light and Glare Impacts

The use of night lighting on the Village Center development may result in undesirable light and glare to adjacent residences, particularly Key Observation Points A and B directly adjacent to the Village Center. This is considered *a potentially significant impact*.

### Mitigation Measures

4.3.3(a) *Implementation of mitigation measures contained in the Community Design Element of the Specific Plan (Chapter 7) would reduce this impact to a less-than-significant level.*

### 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. Policies and design standards incorporated into the Village One Specific Plan will prevent light and glare from impacting adjoining properties.

## 4.4 TRAFFIC & CIRCULATION

### Daily Traffic Impacts Existing and Phase 1

The impacts of Phase 1 development on daily traffic volumes are indicated on Figure 18 and Table 21. The most significant impact of Phase 1 of the project on daily volumes would be on the Briggsmore Expressway, where volumes would increase by approximately 3,600 vehicles at Oakdale Road and 500 vehicles at Mc Henry Avenue. The volume/capacity ratios in Table 21 are revised for this section of Standiford east of McHenry to 0.64 for existing conditions and 0.68 for existing plus Phase 1 conditions. Traffic volumes on Standiford Avenue would increase by 1,200 daily vehicles at McHenry Avenue, resulting in an increase in V/C from 1.11 to 1.18. The increase in daily traffic on Standiford Avenue is *a significant impact*.

### Mitigation Measures

4.4.1 *Widening of Standiford Avenue from two lanes to four lanes is the suggested mitigation. Since this condition is an existing deficiency, the widening of Standiford between Dale and Prescott is not considered a project mitigation and will be funded separately as an FAU project by the City of Modesto.*

### 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 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.

### Peak Hour Impacts - Phase 1

The addition of peak hour traffic generated by Phase 1 of the Village One Specific Plan to existing conditions would result in a decrease in Level of Service at each of the study area intersections, as shown in Table 22. All five of the intersections would operate at Level of Service F under the existing roadway configurations. This is *a significant impact*.

### Mitigation Measures

The implementation of mitigation measures associated with Phase 1 development at Village One shown below and on Figure 19 would reduce this impact to a less-than-significant level.

#### *Roadway Segment Improvements:*

4.4.2(a) *Widening of Oakdale Road on the north and south approaches to the Briggsmore Expressway to provide six through lanes.*

4.4.2(b) *Widening of the Briggsmore Expressway to provide six through lanes on the east and west approaches at Oakdale Road and four through lanes from the east approach at Oakdale Road to Claus Road.*

4.4.2(c) *Widening of Claus Road on the north and south approaches to the Briggsmore Expressway to four lanes.*

4.4.2(d) *Widening of Roselle Avenue from the Briggsmore Expressway to Sylvan Avenue to provide four through lanes.*

4.4.2(e) *Widening of Sylvan Avenue from Oakdale Road to Claus Road to provide four through lanes.*

#### *Intersection Improvements:*

4.4.2(f) *Widening of the eastbound and westbound approaches of the Briggsmore/Oakdale intersection. This would provide a second left-turn lane in the eastbound and westbound directions.*

4.4.2(g) *Widening of the eastbound, southbound, and westbound approaches of the Briggsmore/Roselle intersection. This would provide two exclusive eastbound left-turn lanes, and an exclusive southbound right-turn lane.*

4.4.2(h) *Widening of the northbound, southbound, and westbound approaches of the Oakdale/Floyd intersection. This would provide a second northbound left-turn lane, a second southbound left-turn lane, and a second westbound left-turn lane.*

4.4.2(i) *Widening of the eastbound approach of the Oakdale/Sylvan intersection. This would provide an exclusive eastbound right-turn lane.*

4.4.2(j) *The provision of left turn lanes on all four approaches of the Sylvan/Roselle intersection is designated in the Draft Specific Plan. In addition, widening of the northbound approach of the Sylvan/Roselle intersection is recommended. This would provide a second northbound left-turn lane.*

4.4.2(k) *The provision of left turn lanes on all four approaches of the Floyd/Roselle intersection is designated in the Draft Specific Plan. In addition, widening of the eastbound and westbound approaches of the Floyd/Roselle intersection. This would provide an exclusive eastbound and westbound right-turn lane.*

### 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 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 - Phase 1

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 impact.

### Mitigation Measures

The following mitigation measures would reduce this impact to a less-than-significant level.

*4.4.3 Expand transit service to serve the Village One Specific Plan area.*

### 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 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.

### Year 2010 Without Village One-Peak Hour Impacts

The future peak hour traffic levels generated by adding cumulative traffic to existing conditions would result in an increase in service level at three of the nine study area intersections. This is considered *a significant impact*.

### Mitigation Measures

*4.4.4(a) None identified.*

### Programmed Mitigation Measures

The suggested cumulative improvements in the study area are shown on Figure 21. They include the elements described below. Implementation of Mitigation Measures 4.4.4(b) through 4.4.4(d) would reduce cumulative impacts to a less-than-significant level.

*4.4.4(b) Widening of Oakdale Road from north of the Briggsmore Expressway to south of Sylvan to provide six through lanes. The widening of Oakdale Road between the Briggsmore Expressway and Merle is funded through an assessment district. Any additional widening along Oakdale Road would be conducted by individual property owners as projects are developed. Any widening by property owners would be in accordance with the city's major street standards, which now require only 100 feet of right-of-way for a four-lane major street. If a six-lane street section is adopted for Oakdale Road, an additional 24 feet of right-of-way would be required.*

4.4.4(c) *Widening of the north and south approaches of the Briggsmore/Roselle intersection. This would provide a second through lane in the northbound and southbound directions. This section of Roselle, south of Briggsmore, has sufficient width to provide for a five-lane section (two through lanes in each direction and northbound left-turn lane) as suggested. This mitigation measure would require additional signage and pavement striping.*

4.4.4(d) *Widening of the east approach of the Briggsmore/Claus intersection. This would provide a second through lane in the eastbound and westbound direction. The widening of the Briggsmore Expressway from two to four lanes, between Roselle Avenue and Claus Road, is included in the Capital Facilities Fee program.*

### 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 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.

### Cumulative Daily Traffic Impacts

The most significant impact of cumulative traffic on daily volumes would be on the Oakdale Road, Sylvan-Standiford, and the Briggsmore Expressway, as shown in Table 24. The daily volumes on Oakdale Road would increase over existing conditions by approximately 25,000 vehicles north of Sylvan Avenue and 1,100 vehicles south of the Briggsmore expressway. The Sylvan-Standiford corridor would experience increases in volumes of approximately 16,000 vehicles west of Oakdale Road and 1,000 vehicles west of McHenry Avenue. Finally, the Briggsmore Expressway would experience increases of 18,000 daily trips west of Oakdale Road and 19,000 daily trips west of McHenry Avenue. The impacts of cumulative development on daily traffic volumes are indicated on Figure 20. These increases in daily traffic represent a significant impact.

### Mitigation Measures

*Implementation of Mitigation Measures 4.4.4(a) through 4.4.4(d) above and shown on Figure 21 would reduce these cumulative impacts to a less-than-significant level.*

## 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 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.

## Cumulative Peak Hour Impacts

The addition of peak hour traffic generated by cumulative traffic and the buildout of the Village One Specific Plan to existing conditions would result in an increase in service level at all of the nine study area intersections. This is considered a *significant impact*.

## Mitigation Measures

### *Roadway Segment Improvements:*

4.4.7(a) *Widening of Oakdale Road on the north and south approaches to Sylvan Avenue to provide six through lanes.*

4.4.7(b) *Widening of the Briggsmore Expressway from Oakdale Road to Roselle Avenue to provide six through lanes.*

4.4.7(c) *Widening of Oakdale Road from Sylvan Avenue to Pelandale to provide six through lanes.*

### *Intersection Improvements:*

4.4.7(d) *Widening Claus Road from Briggsmore to Sylvan to six through lanes.*

4.4.7(e) *Widening of the northbound and eastbound approaches of the Briggsmore/Claus intersection. This would provide a second left-turn lane in the northbound and eastbound directions.*

4.4.7(f) *Widening of the northbound approach of the Briggsmore/Roselle intersection. This would provide an exclusive right-turn lane in the northbound direction.*

4.4.7(g) *Widening of the northbound and southbound approach of the Oakdale/Sylvan intersection. This would provide a second left-turn lane in*

*the northbound and southbound directions as well as an exclusive right-turn lane in the southbound direction.*

*4.4.7(h) Widening of northbound, southbound and westbound approaches of the Floyd/Roselle intersection. This would provide a second through lane in each direction on the westbound approach as well as an exclusive right-turn lane on the northbound and southbound approaches.*

*4.4.7(i) Widening of the eastbound westbound and southbound approaches of the Sylvan/Roselle intersection. This would provide an exclusive right-turn lane on the eastbound and westbound approaches, as well as an exclusive right-turn lane on the southbound approach.*

*4.4.7(j) Widening of the southbound northbound and westbound approaches of the Floyd/Claus intersection. This would provide a second left-turn lane on the southbound and northbound approaches an exclusive right-turn lane on the southbound approach a second left-turn lane on the westbound approach and an exclusive right-turn lane on the westbound approach.*

*4.4.7(k) Realignment of the Sylvan/Claus intersection to provide for a connection to the Kiernan-Claribel Expressway. This would involve the construction of a fourth leg on the east side of the intersection with a separate left-turn and through lane. Additional widening would be required on the northbound southbound and eastbound approaches. This would provide a second northbound left-turn lane an exclusive southbound left-turn lane and a second eastbound left-turn lane.*

*4.4.7(l) None required.*

*4.4.7(m) Widening of Roselle Avenue on the north and south approaches to Sylvan Avenue to provide four through lanes.*

*4.4.7(n) Widening of the eastbound and northbound approaches of the Oakdale/Floyd intersection. This would provide an exclusive right-turn on the eastbound and northbound approaches.*

*4.4.7(o) Widening of the northbound and southbound approaches of the Oakdale/Briggsmore intersection. This would provide a second left-turn lane in the northbound and southbound direction.*

### 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 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.

### Buildout Transit Impacts

It is estimated that the build-out of Village One would generate approximately 850 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. This is considered a significant impact.

### Mitigation Measures

Implementation of the following mitigation measure will reduce this impact to a less-than-significant level.

*4.4.8 Develop additional transit routes as shown in the Specific Plan to serve the Village One Specific Plan area.*

### 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 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.

## **4.5 CLIMATE AND AIR QUALITY**

### Construction 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,

NO<sub>x</sub>, ROG, and CO due to the project is considered to be a *potentially significant impact*.

### Mitigation Measures

4.5.1(a) *Require watering of exposed earth surfaces at least twice daily during clearing, grading, earthmoving, and other site preparation activities.*

4.5.1(b) *Use tarpaulins or other effective covers for haul trucks which travel on public streets.*

4.5.1(c) *All clearing, grading, earth moving, and excavation activities should cease during periods of high winds (i.e. greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust from being generated.*

4.5.1(d) *Face masks should be used by all employees involved in grading or excavation operations during dry periods to reduce inhalation of dust which may contain the fungus which causes San Joaquin Valley Fever.*

4.5.1(e) *The area disturbed clearing, grading, earth moving or excavation operations should be minimized so as to prevent excessive amount of dust.*

4.5.1(f) *All inactive portions of construction sites should be seeded and watered until ground cover has been reestablished.*

4.5.1(g) *Vehicle speed should be limited to 15 mph in unpaved areas.*

4.5.1(h) *Use of petroleum-based dust palliatives shall meet the road oil requirements of Stanislaus County APCD Rule 409.5, Cutback Asphalt.*

4.5.1(i) *Streets which are adjacent to the project shall be swept as needed to remove silt which may have accumulated from construction activities so as to prevent excessive amounts of dust.*

### 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 measures will insure that PM<sub>10</sub>, NO<sub>x</sub>, ROG, and CO generated during the construction phase of the project is reduced to a minimum.

## 4.6 NOISE

### Noise and Land Use Compatibility-Traffic

The Specific Plan shows single- and multifamily residences exposed to an Ldn of greater than 60 dBA. Noise levels inside the housing would exceed 45 dBA with windows open for ventilation. This is considered to be a *significant impact*.

### Mitigation Measures

Implementation of Mitigation Measures 4.6.1(a), (b), and (c) would reduce this impact to a less than significant level.

*4.6.1(a) Seven-foot walls are proposed for by the Specific Plan for Claus and Oakdale where residential areas will back up onto those streets.*

*4.6.1(b) As a general guideline, a 6- to 8-foot high soundwall should be required to provide the 5 dBA of noise reduction necessary at the 70 dBA contour distance.*

*A noise barrier could be an earth berm, an earth berm with a solid wood soundwall. To be effective as a noise barrier, the wall must have a minimum surface weight of 3 to 4 pounds per square foot and be constructed airtight over the face and at the base of the wall.*

*4.6.1(c) All multifamily housing located within the 65 dBA Ldn contour distance shall be designed such that the indoor Ldn, shall not exceed 45 dBA. The designs for the housing shall be reviewed by a qualified acoustical engineer and the necessary noise control treatments incorporated into the designs. All such units shall be provided with forced-air conditioning and heating systems so that windows may be kept closed at the discretion of the occupants for noise control. Additional noise control treatments could include sound rated windows and doors. A report shall be prepared following the requirements of Title 24, Part 2, of the California Administrative Code for all multi-family housing within the 60 dBA contour distances. A similar report shall be provided for single-family housing to the City of Modesto when located within the 65 dBA contour..*

### 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 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.

Noise and Land Use Compatibility -- ATSF Railroad

The maximum noise levels generated by trains passing the project site range from 85-95 dBA at a distance of 200 feet. Noise levels inside bedrooms facing the railroad tracks would exceed 50 dBA. This is considered to be a *significant impact*.

Mitigation Measures

Implementation of Mitigation Measure 4.6.2 would reduce this impact to a less-than-significant level.

*4.6.2 All single- and multi-family housing located within 400 feet of the railroad tracks shall be reviewed to ensure that the designs would result in maximum A-weighted indoor noise levels not exceeding 50 dBA as railroad trains pass by. The designs for the housing shall be reviewed by a qualified acoustical engineer and the necessary noise control treatment incorporated into the designs. All such units shall be provided with forced-air conditioning and heating systems so that windows may be kept closed at the discretion of the occupants for noise control. Additional noise control treatments could include sound rated windows and doors. This information shall be included in the acoustical reports required above.*

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 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.

**4.7 GEOLOGY AND SOILS**

Other Geological Hazards - Expansive Soils

Project development could be affected if expansive soils cause damage to foundations. This is considered to be a *potential significant impact*.

Mitigation Measures

The implementation of Mitigation Measure 4.7.2 would reduce this impact to a less than-significant level.

*4.7.2 The significant effects of expansive soils can be controlled by recognition of the condition and appropriate design. Detailed site specific soil and foundation investigations should be performed by a registered Civil Engineer practicing in Geotechnical Engineering to evaluate soil conditions and develop design mitigation for expansive soils in accordance with California's 1973 Uniform Building Code adopted by the City of Modesto.*

### 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. Soil reports, normally required in conjunction with tentative maps, will alert an applicant to design changes necessary to address expansive soils.

### Other Geologic Hazards - Hardpan

Project implementation could be subject to soil constraints due to hardpan underlying the San Joaquin-Madera Association. This is considered to be a *significant impact*.

### Mitigation Measure

The implementation of Mitigation Measure 4.7.4 would reduce this impact to a less-than significant level.

*4.7.4 Limitations on landscaping created by shallow soils, and underlying hardpan can be reduced through overexcavation or ripping of areas to be landscaped to a depth adequate for plant survival followed by the importation of topsoil and the use of drought-tolerant or shallow-rooted landscaping. If soils are high in salinity (as is the case with dairy operations, and irrigated agricultural) following overexcavation or ripping of the hardpan, gypsum can be added to chemically modify the hardpan soils to reduce impacts.*

### 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. Soil reports required in conjunction with tentative maps and other major infrastructure projects will identify when this mitigation measure will be needed to insure the long-term survival of street trees and other landscaping.

## 4.8 HYDROLOGY

### Drainage Impacts

Increased surface runoff would be generated due to project development. This is considered to be a significant impact.

### Mitigation Measures

Implementation of Mitigation Measure 4.8.3(a) would reduce this impact to a less-than-significant level.

*4.8.3(a) Implement the proposed positive drainage facilities plan for the project area.*

### 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. Positive drainage is a City standard for new development, which requires that storm water be safely conveyed stormwater away from buildings and structures.

### Water Quality

Increases in impermeable surfaces generated by proposed development could affect water quality. This is considered to be a *potentially significant impact*.

### Mitigation Measures

Implementation of Mitigation Measure 4.8.4(a) would reduce this impact to a less-than-significant level.

*4.8.4(a) Implement stormwater retention basin to collect flows and allow for percolation through the soil profile into the groundwater table.*

*Maintaining stormwater flows on site and allowing for groundwater recharge would prevent the need for discharge into any surface water avoiding potential stormwater treatment.*

### 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. 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

Any potential contamination identified on the Pure-Gro Chemical Plan could potentially impact the proposed project area. This is considered to be a *potentially significant impact*.

### Mitigation Measures

Implementation of Mitigation Measures 4.8.6(a) and 4.8.6(b) would reduce this impact to a less-than-significant level.

*4.8.6(a) If contamination is identified while the plant is in operation, the appropriate agencies (including but not limited to the County, RWQCB and the State Department of Health Services) shall be notified by the site owners to help determine the proper remediation activities in accordance with all applicable federal, state and local regulations.*

*If contamination were to be identified during the operating life of the plant, appropriate remediation activities would be required to mitigate the potential impacts in the proposed project area, including impacts to human health.*

*4.8.6(b) Should the facility be closed to accommodate proposed development planned for the site, a Phase I site assessment shall be implemented by project developers to identify the potential for any contamination on the site. Based on the results of the Phase I investigation, further studies may be required by the developer to further quantify the extent of any identified potential for contamination. All studies would be required to be in compliance with applicable federal, state and local regulations.*

*Prior to redevelopment of the Pure-Gro facility the appropriate investigations should be performed to attempt to identify any potential contamination on the site which could affect human health and the environment.*

### 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. 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.

## 4.9 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 *potentially significant impact*.

### Mitigation Measures

Implementation of Mitigation Measure 4.9.1 will reduce this impact to a less-than-significant level.

*4.9.1 Prior to development, breeding season surveys will be conducted by a qualified biologist to determine the presence or absence of active raptor nests. This will include, but not be limited to, a survey for tree twig nests, tree cavity nests, ground nests, and burrow nests that may be used by raptors.*

*All identified raptor nest sites on the site will be designated to be avoided during their breeding cycle. The breeding cycle begins with nest building and ends with the fledgling of young. Additionally, disruption to the nest sites and the surrounding foraging habitat will also be avoided.*

### 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 this mitigation 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 a *potentially significant impact*.

### Mitigation Measures

Implementation of Mitigation Measure 4.9.4 will reduce this impact to a less-than-significant level.

*4.9.4 Project-specific wetland delineations, to determine the existence and extent of COE or DFG jurisdictional wetlands, will be conducted by a qualified*

*biologist utilizing the methodology outlined in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Unified Federal Method). The wetland delineation will be submitted to COE for verification.*

*Prior to the start of any construction activities that affect any delineated wetlands, the acquisition of appropriate COE permit(s) will be required. Additionally, the development and implementation of a mitigation plan will be required to ensure that no net loss of wetlands occurs.*

*If construction or other activities will result in impacts to the bed, channel, or bank of a river, stream, lake, or riparian/streambed corridor (the riparian corridor extends as far as the 100-year floodplain), then the acquisition of a DFG Streambed Alteration Agreement will be 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. 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 impact.*

### Mitigation Measures

Implementation of Mitigation Measure 4.9.5 will reduce this impact to a less-than-significant level.

*4.9.5 The City of Modesto will develop and implement a citywide wildlife 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.*

### 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 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.

### Cumulative Loss of Foraging Habitat for Raptors

The development of this project will contribute to the overall cumulative loss of foraging habitat for raptors as a result of this and future development in the City of Modesto. This is considered to be *a significant impact*.

### Mitigation Measures

*Implementation of Mitigation Measure 4.9.5 would reduce this impact to a less-than-significant level.*

### 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 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.

## 4.10 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 potentially significant impact*.

### Mitigation Measures

*4.10.1 A Safety Center will be constructed as part of the Modesto Village One project. The Safety Center will house a fire station and a police substation.*

### 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. A public safety center is planned and will be financed by the Village One Specific Plan and Financing Plan.

### Cumulative Fire Services Impact

Portions of cumulative development could be located outside the 1.5-mile radius for the nearest fire stations. This is considered to be a *potentially significant impact*.

### Mitigation Measures

The following mitigation measure will reduce cumulative impacts to a less-than-significant level:

*4.10.2 The City should consider adopting a mitigation fund to offset cumulative impacts on fire protection and other public services. Project developers would be required to contribute to that fund in proportion with the sizes of approved projects.*

### 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. Fees collected from this project will provide funds to purchase fire facilities and equipment.

### Police Services Impacts

The proposed project would result in an increased population of approximately 22,000 persons. The need for 41 additional police personnel would be created. This would be considered to be a *potentially significant impact*.

### Mitigation Measures

*4.10.3 A Safety Center will be constructed as part of the Modesto Village One project. The Safety Center will house a police substation with appropriate staffing to serve the Village One Specific Plan population.*

### 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. A public safety center is planned and will be financed by the Village One Specific Plan and Financing Plan.

Cumulative Police Services Impact

Cumulative development (within the City's Sphere of Influence) would result in an increased population of approximately 191,000 persons. The need for 382 additional police personnel would be created. This would be a *potentially significant impact*.

Mitigation Measures

The following mitigation measure will reduce cumulative impacts to a less-than-significant level:

*4.10.4 The City should consider adopting a mitigation fund to offset cumulative impacts on police protection and other public services. Project developers would be required to contribute to that fund in proportion with the sizes of approved projects.*

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. This is a cumulative impact associated with the full development of the City's sphere of influence. Programs to address the funding needed to maintain City operations will be reviewed and implemented before future villages are approved so that necessary public facilities can be provided.

Cumulative Solid Waste Impacts

Cumulative development would generate a demand for approximately 410 tons per day average. This would account for approximately 50 percent of the daily capacity of the Waste-to-Energy Plant. This is considered to be a *significant impact*.

Mitigation Measures

The following mitigation measures will reduce this impact to a less-than-significant level.

4.10.6(a) *Negotiate contracts with the City's refuse disposal contractors to implement curbside recycling programs for newspaper, glass, and organic materials.*

4.10.6(b) *Require on-site drop-off areas for recycling in commercial/retail, office and multifamily residential developments*

#### 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. City programs for trash collection and recycling will be extended to Village One as the area develops.

#### Cumulative Parks and Recreation Services

Cumulative development will result in a demand for an additional 540 acres of public parks. This is considered to be *a significant impact*.

#### Mitigation Measures

The following mitigation measures will reduce cumulative impacts to a less-than-significant level:

4.10.8 *Developers will pay Parks Capital Facilities Fees which are based on meeting the General Plan park standards for cumulative development.*

#### 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 City's Capital Facilities Fees for parks will insure that adequate funds for new park facilities are collected as the City grows.

#### 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 potentially significant impact*.

#### Mitigation Measures

The following mitigation measures will reduce this impact to a less-than-significant level.

4.10.9(a) *New water sources shall meet or exceed the California Department of Health Services Title 22 regulations for water quality.*

4.10.9(b) *The use of City water supplies for commercial agricultural uses shall be prohibited.*

4.10.9(c) *New wells shall be sited and be of sufficient size to accommodate areas of approximately one square mile.*

4.10.9(d) *Prior to design and construction of water transmission lines, the Public Works Department shall be consulted regarding potential expansion of the water system and alternative sources of water.*

4.10.9(e) *New development shall meet fire flow requirements as established by the Fire and Public Works Department.*

4.10.9(f) *All main transmission lines shall be looped and lines of lesser diameter shall be looped to the extent feasible.*

4.10.9(g) *The use of drought-resistant plants shall be required in conjunction with public streets and rights-of-way to reduce water needs.*

4.10.9(h) *New developments shall be required to minimize water consumption by using low-flow showerheads and faucets, and the principles of xeriscape in landscape plantings.*

4.10.9(i) *All new water connections shall be metered, excluding those connections designed solely for the purpose of fire protection.*

4.10.9(j) *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.*

4.10.9(l) *To reduce overdraft of groundwater supplies and reduce the future potential for unnecessary treatment of water supplies, the Village One Specific Plan area will use a separate water system for irrigation of median strips and larger open-space areas. As storage facility will be located within a portion of the storm drainage basin.*

### 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 potentially significant impact*.

### Mitigation Measures

*4.10.10 Mitigation Measures 4.10.9(a) through 4.4.10.9(l) will reduce this impact to a less-than-significant Level*

### 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 impact*.

### Mitigation Measures

4.10.11(a) *The Lakewood and Sonoma trunklines shall be extended northerly through the site to Sylvan Avenue.*

4.10.11(b) *The storm drainage system shall not be cross-connected to the sanitary sewer system.*

4.10.11(c) *One pump station shall be required to serve the northerly portion of the business park area located east of Claus Road.*

4.10.11(d) *Necessary sewer conduits shall be extended across the entire frontage of a developing area.*

4.10.11(e) *To the extent possible, the sewer system shall use gravity systems.*

4.10.11(f) *Developers of land shall be responsible for the extension of collection lines not specifically funded by the Capital Improvement Program for the Village One area.*

4.10.11(g) *Curved sewer collection lines shall meet manufacturer's recommendations for minimum radii and as otherwise determined by the Public Works Department.*

### 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. Fees collected for new development will insure that there are funds available in the future to expand the City's sewage treatment facilities.

### Cumulative Wastewater Impacts

Cumulative development wastewater flows would be an estimated 20 mgd or approximately 40 percent of the City's wastewater treatment facilities. 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 impact*.

### Mitigation Measures

4.10.12(a) *The storm drainage system for new development shall not be cross-connected to the sanitary sewer system.*

4.10.12(b) *Necessary sewer conduits shall be extended across the entire frontage of a developing area.*

4.10.12(c) *To the extent possible, the sewer system shall use gravity systems.*

4.10.12(d) *Curved sewer collection lines shall meet manufacturer's recommendations for minimum radii and as otherwise determined by the Public Works Department.*

#### 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. Compliance with City standards will address this issue. In addition, conservation measures implemented to reduce water consumption will also lead to a reduction in per capita effluent that requires treatment. The prevention of cross connections to the drainage system will also reduce the volume of effluent that requires treatment.

#### 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 impact*.

#### Mitigation Measures

The following mitigation measures will reduce this impact to a less-than-significant

4.10.13(a) *Developers in future villages shall finance school facilities necessary to accommodate new students.*

4.10.13(b) *Developers shall notify the School Districts as far in advance as possible of specific building plans. This would allow enough lead time for the District to begin application for any relevant funding sources and to coordinate facility expansion/construction, if possible.*

#### 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. City policy requires that school facilities be financed as a part of the village planning process.

## 4.11 FISCAL IMPACTS

### Fiscal Impacts

The Specific Plan would have a significant impact on the City budget at project buildout. This negative net balance is considered to be *a significant impact*.

### Mitigation Measures

*4.11.1 Development of the Specific Plan would have a significant impact on the City budget. To mitigate this impact, the City should consider establishing a special district to help finance some of the operating costs associated with the Specific Plan. Such a district could be established to help fund specific services (such as police services) or ongoing maintenance costs (such as parks, street trees, or street maintenance) that have been identified in the fiscal analysis as major City expenditures associated with the project.*

### 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 fiscal impact of Village One development is based on a variety of assumptions about the mix and pace of Village One development. Because of the uncertain nature of these assumptions, it will be necessary to carefully monitor the effect that Village One development will have on the City's operating budget. If operating budget deficits occur as expected, the City Council will need to exercise the options described in the Village One Financing Plan to address any operating budget shortfalls. These include the formation of various districts to raise funds to cover operation and maintenance needs.

## 1 LAND USE

### Loss of Farmland

Loss of approximately 860 acres of agricultural land designated as prime Farmlands, 560 acres of agricultural land designated as land of Unique Importance, and 235 acres of agricultural land designated as land of Local Importance would occur as a result of development of the project site. This is considered to be a *significant impact*.

### Mitigation Measures

4.1.1 *No mitigation measures are available to reduce the impact of the loss of farmland resources.*

### Findings

The loss of 860 acres of agricultural land 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 carryout 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.

### Cumulative Loss of Farmland

Development of the project would contribute to future development and continuing cumulative loss of prime farmland on the site and in the surrounding areas. This is considered to be a *significant cumulative impact*.

### Mitigation Measures

4.1.2 *No mitigation measures are available to reduce the impact of the cumulative loss of farmland resources.*

### Findings

The Village One Final EIR identifies the additional lost of agricultural land that will take place in the event that the City expands in other areas within its Sphere of Influence. Because the City of Modesto is situated on and completely surrounded by agricultural land, this future loss of agricultural land is unavoidable and cannot be mitigated. There are no alternatives that would completely avoid the loss of agricultural lands and accommodate future population and economic growth. However, the soils east of Modesto are known to be less valuable for agriculture than other areas within the City's Sphere of Influence. As a result, the City's growth policies have given priority to these areas which are environmentally superior to other locations surrounding the City that contain much better agricultural soils.

In deciding to carryout the Village One project that will contribute to the unavoidable, cumulative 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.

#### 4.5 CLIMATE AND AIR QUALITY

##### Decreased Regional Air Quality

Buildout of the Village One Specific Plan could contribute to violation of the state ambient 8-hour Carbon Monoxide standard. This is considered *a significant impact*.

##### Mitigation Measures

*4.5.2 Implement Specific Plan policies encouraging pedestrian transportation in order to reduce vehicle trips within Village One.*

##### Findings

The Final EIR indicates that the Village One project 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 for many daily trips, the proposed mitigation measure is the project itself since it is the environmentally superior alternative. However, the project is not self-mitigating because even in a pedestrian-oriented community some air quality degradation is unavoidable. In determining to carryout 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 buildout of Village One would exacerbate the existing ozone, PM10, and carbon monoxide violations in the Modesto area. This is considered to be *a significant impact*.

### Mitigation Measures

4.5.3(a) *Implement Specific Plan policies encouraging pedestrian transportation in order to reduce vehicle trips within Village One.*

4.5.3(b) *Employers located within the Village One Specific Plan area should be required to provide transit incentives, such as bus passes, should limit the amount of employee parking; employers should charge for employee parking to encourage ridesharing and alternatives modes of transportation.*

4.5.3(c) *All fireplaces and wood stoves in residential units shall be equipped with EPA-approved inserts to control emissions.*

### Findings

The Final EIR indicates that the Village One project 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. As a result the cumulative air quality impacts from the Village One project are, to some extent, unavoidable. As noted above, Village One is specifically designed to function with less dependence on the automobile and provide greater opportunities for nonpolluting forms of transportation than is typical of conventionally designed communities. For this reason, it is considered the environmentally superior alternative in spite of the potential cumulative air quality degradation.

In deciding to carryout 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.

## 4.6 NOISE

### Traffic Noise Increases -- Project Related

Traffic resulting from the proposed project would result in a 3 to 4 dBA increase in the Ldn at existing residences along Sylvan Avenue west of Roselle and Floyd Avenue west of Roselle. This is considered to be *a significant impact*.

### Mitigation Measures

These noise impacts are significant and potentially unavoidable.

4.6.4 *The housing along Sylvan and Floyd front on the streets. Driveway access makes it very difficult to shield these homes from street noise with noise barriers. A possible mitigation measure would be to reduce the speed on Sylvan from approximately 50 to 55 mph to 35 to 40 mph. If this were done, then the increase in traffic noise resulting from project could be offset by the reduction in noise resulting from the reduction in speed. The travel speeds along Floyd is currently 30 to 35 mph and a reduction in speed would, therefore, not be feasible.*

### Findings

The Final 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 soundwalls infeasible and the mitigation measure to reduce the speed of traffic on Floyd and Sylvan is not considered feasible given the permanent role of these streets in carrying traffic from the project and surrounding area. 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 on from increased noise on a 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

Cumulative projects in the area would result in traffic noise level increases of greater than 3 dBA at existing residences. This is considered to be *a significant impact*.

### Mitigation Measures

4.6.5(a) *The front yards of the ranchettes could be shielded in certain cases by the use of front yard fences or walls. These would need to be evaluated on a case-by-case*

*basis to determine whether or not access requirements to driveways could be retained without substantially compromising the mitigation provided by the noise barriers. Continuous roadside sound walls are not feasible because of the driveway access requirements.*

*4.6.5(b) Cumulative traffic volumes were not available for Lakewood Drive without the bridge. The retention of the existing street network could substantially reduce this cumulative noise impact. Noise barriers along Lakewood are not feasible because of the driveway access requirements and the close proximity of the yards to the roadway.*

### Findings

The Final 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 soundwall or soundbarriers 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 buildout.

In deciding to carryout the proposed project, the City Council seeks to balance the impact on 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.

### Construction Noise Impacts

During the buildout of the Specific Plan area, construction noise levels would periodically generate greater than a 10 dBA increase in noise at existing residences. This impact is considered to be significant. Construction of the proposed developments would involve grading and utility work, foundation and building erection activities, and grading and paving. These activities would require the use of hammers, saws, nail guns, graders, scrapers, front loaders, pavers, trucks, and other ancillary equipment associated with construction. Trucks would be required to deliver and remove material from the site and to pump concrete. Piledrivers would not be required for this project. During the various phases of construction, average noise levels could be as high as 75 dBA when measured 50 feet from the

center of construction activities. When construction is occurring near one of the existing residences, at times average noise levels could increase by as much as 15 to 25 dBA over existing noise levels, a significant short-term noise impact.

Mitigation Measures Mitigation Measures 4.6.6(a) through (c) would substantially reduce the noise impacts but would not reduce the construction noise impacts to a less-than-significant level.

*4.6.6(a) Noise-generating construction equipment, including truck traffic coming to and from the site for any purpose, should be limited to the hours of 7:00 AM to 7:00 PM per the Modesto Municipal Code. Trucks should be restricted to Briggsmore, Claus, Oakdale, and Sylvan. Furthermore, no individual piece of equipment shall produce a noise level exceeding 85 dBA at any point outside the boundaries of the project.*

*4.6.6(b) All construction equipment powered by internal combustion engines should be properly muffled and maintained.*

*4.6.6(c) All stationary noise-generating construction equipment, such as air compressors, should be located as far as practical from existing residents. Such equipment should be acoustically shielded where possible using wooden screens or other available barriers such as construction trailers. "Quiet" construction equipment, particularly air compressors, shall be selected whenever possible. The prudent selection of such equipment, along with the use of proper mufflers, should result in maximum construction-related noise generated by a particular piece of equipment of no more than 85 dBA when measured at a distance of 50 feet from a piece of equipment operating at its noisiest mode.*

### Findings

Noise generated during the construction phase of the Village One project, estimated to last for from five to seven years for residential - commercial development, is identified as a significant impact. Although mitigation measures are suggested and will be implemented to help reduce construction noise, they may not fully reduce noise levels to a less than significant level. As a result, this impact is considered to be unavoidable.

In deciding to carryout the proposed project, the City Council seeks to balance the impact on from construction related noise 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 in to 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 period 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.

CITY COUNCIL  
RESOLUTION NO. 90-758

A RESOLUTION OF THE MODESTO CITY COUNCIL AMENDING THE MODESTO URBAN AREA GENERAL PLAN BY ADOPTING THE VILLAGE ONE GENERAL PLAN TEXT AND MAP AMENDMENT, MAKING FINDINGS OF OVERRIDING CONSIDERATIONS REGARDING ENVIRONMENTAL IMPACTS, AND CERTIFYING COPIES THEREOF

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

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, 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 (Amendment to 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 (Circulation Element)
- No. 89-6322, adopted on June 13, 1989 (Amendment to Land Use and Circulation Elements Map - Brete 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)

WHEREAS, the City of Modesto's General Plan, the Modesto Urban Area General Plan adopted April 16, 1974 and amended from time to time, establishes land use categories for all the land within the City's Sphere of Influence, including areas outside the current sewer service area classified "Urban Reserve"; and

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 3, 1989, the Modesto City Council adopted Urban Growth Management policies that reflected recommendations of the Tier I and II Urban Growth Policy Review Committee; and

WHEREAS, the Urban Growth Management policies call for future development of the City's "Urban Reserve" to be planned as "villages" using Specific Plans; and

WHEREAS, these growth management policies require that the village planning process address environmental concerns; address the cost of growth so that new growth pays for itself; analyze citywide capital improvement needs; and provide the public with a comprehensive development plan instead of sewer extensions; and

WHEREAS, these growth management policies also require that the village planning process address Modesto's long-term employment needs and jobs/housing balance by designating from 10 to 15 percent of the land for business park development; and that it include an affordable housing program using a variety of techniques including but not limited to housing trusts, inclusionary zoning, and density bonuses as needed to provide affordable housing; and

WHEREAS, in October of 1989, the City of Modesto initiated the process to prepare a Specific Plan for Village One, the first village to be developed in the Urban Reserve, and assigned the lead agency responsibility for overall guidance of the Village One planning program to the Modesto Planning Commission; and

WHEREAS, in October of 1989, the City of Modesto hired two consulting firms, ROMA Design Group and Economic Planning Systems, to help the Planning Commission and city staff prepare the Village One General Plan Amendment, Specific Plan, Financing Plan, and Environmental Impact Report ("EIR"); and

WHEREAS, a "Scoping Session," attended by representatives of various local agencies and city departments, was held on October 27, 1989 to identify issues that should be addressed by the Village One Specific Plan and Village One Specific Plan EIR; and

WHEREAS, the City of Modesto issued a Notice of Preparation on February 22, 1990 announcing that the City of Modesto was preparing an EIR for the Village One Specific Plan and seeking the input of state and local agencies in the identification of issues that should be addressed in the Village One EIR; and

WHEREAS, on April 30, 1990, the Draft Village One Specific Plan and Draft Village One Financing Plan was presented to a joint meeting of the City Council and Planning Commission; and

WHEREAS, the Draft Village One Specific Plan and Draft Village One Financing Plan reflected the concerns and issues of the City Council, Planning Commission, area residents, city staff and other agency staff involved in the

many meetings held with these groups and consultants between October 10, 1989 and April 30, 1990; and

WHEREAS, the Draft Village One EIR ("Draft EIR") was available for public review and comment beginning June 15, 1990 for the 45 day review period required by law; and

WHEREAS, the Draft Village One General Plan Amendment (text and map) were included in Appendix C of the Draft EIR as part of the project description, and has been available for public review and comment since that date; and

WHEREAS, a duly noticed public hearing was held jointly by the City Council and Planning Commission to receive comments on the Draft EIR on July 23, 1990, at which time all interested persons were heard; and

WHEREAS, public agencies, individuals, and groups submitted written comments on the Draft EIR, that are included in the draft of the Village One Final EIR ("Final EIR"); and

WHEREAS, the Final EIR, which responds to all the comments received during the review period including those received during the joint City Council/Planning Commission public hearing of July 23, 1990, was presented to the City Council and Planning Commission at August 27, 1990 joint Village One planning meeting; and

WHEREAS, the Village One Draft General Plan Amendment, Draft Specific Plan and Draft Financing Plan have been available for public review and comment since April 30, 1990; and

WHEREAS, changes to the April 30th Village One Draft Specific Plan and Draft Financing Plan are recommended by consultants and staff to address issues raised during the public review of these documents, and to accommodate mitigation measures identified in the Final EIR; and

WHEREAS, the Planning Commission, held a duly noticed public hearing on September 4, 1990, and adopted Resolution No. 90-75 recommending that the City Council certify the Village One Final EIR and adopt the Village One General Plan Text and Map Amendment; and

WHEREAS, the City Council has adopted Resolution No. 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 Village One Final EIR identifies one or more significant environmental effects that cannot be mitigated to a level of less-than-significance, and

WHEREAS, Section 15093 of the CEQA Guidelines require that the City Council adopt a Statement of Overriding Considerations when approving a project that has one or more significant environmental effects that cannot be mitigated to a level of less-than-significance; and

WHEREAS, the City Council held a duly noticed public hearing on September 11, 1990, at 7:30 p.m. for the purpose of receiving public comment on the Village One General Plan Amendment, at which time all interested persons were heard, and all oral and written testimony considered.

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

SECTION 1. The City Council has reviewed and considered the information contained in the Final EIR prior to approving the Village One General Plan Amendment.

SECTION 2. The City Council hereby finds that the proposed Village One General Plan Text and Map Amendment is internally consistent with the City of Modesto's General Plan, the 1974 Modesto Urban Area General Plan as amended from time to time.

SECTION 3. The City Council hereby adopts the Village One General Plan Text and Map Amendment, appended hereto as Exhibits B-1 for the Text Amendment and Exhibits B-2 for the General Plan Map Amendment and incorporated by reference.

SECTION 4. In adopting the Village One General Plan Text and Map Amendment, the City Council hereby adopts the Statement of Overriding Consideration, appended hereto as Exhibit B and hereby incorporated by reference.

SECTION 5. This resolution shall become effective 30 days from the date it was passed.

SECTION 6. 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.

The foregoing resolution was introduced at a special meeting of the City Council of the City of Modesto held on the 11 th day of September, 1990 by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

  
-----  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By:   
STAN T. YAMAMOTO

Attachments:

- Exhibit A-1 Village One General Plan Text Amendment
- Exhibit A-2 Village One General Plan Map Amendment
- Exhibit B Statement of Overriding Considerations

Draft of General Plan Text Amendment (Land Use Element, Page 16) Accompanying Village One Specific Plan; Addresses Urban Reserve, Growth Management and Village Concept:

#### Urban Reserve Designation

The purpose of the Urban Reserve designation (shown on the Land Use Map) is to prevent the premature conversion of land to urban uses and to ensure that future urban development within Modesto's Sphere of Influence is orderly, consistent with City policy, and supported by adequate public facilities. The Urban Reserve designation, a significant component of the City's Growth Management Policy, is applied to that portion of the City's Sphere of Influence which has not yet been formally classified for urban development but which will be used to meet the City's long-term urban development needs.

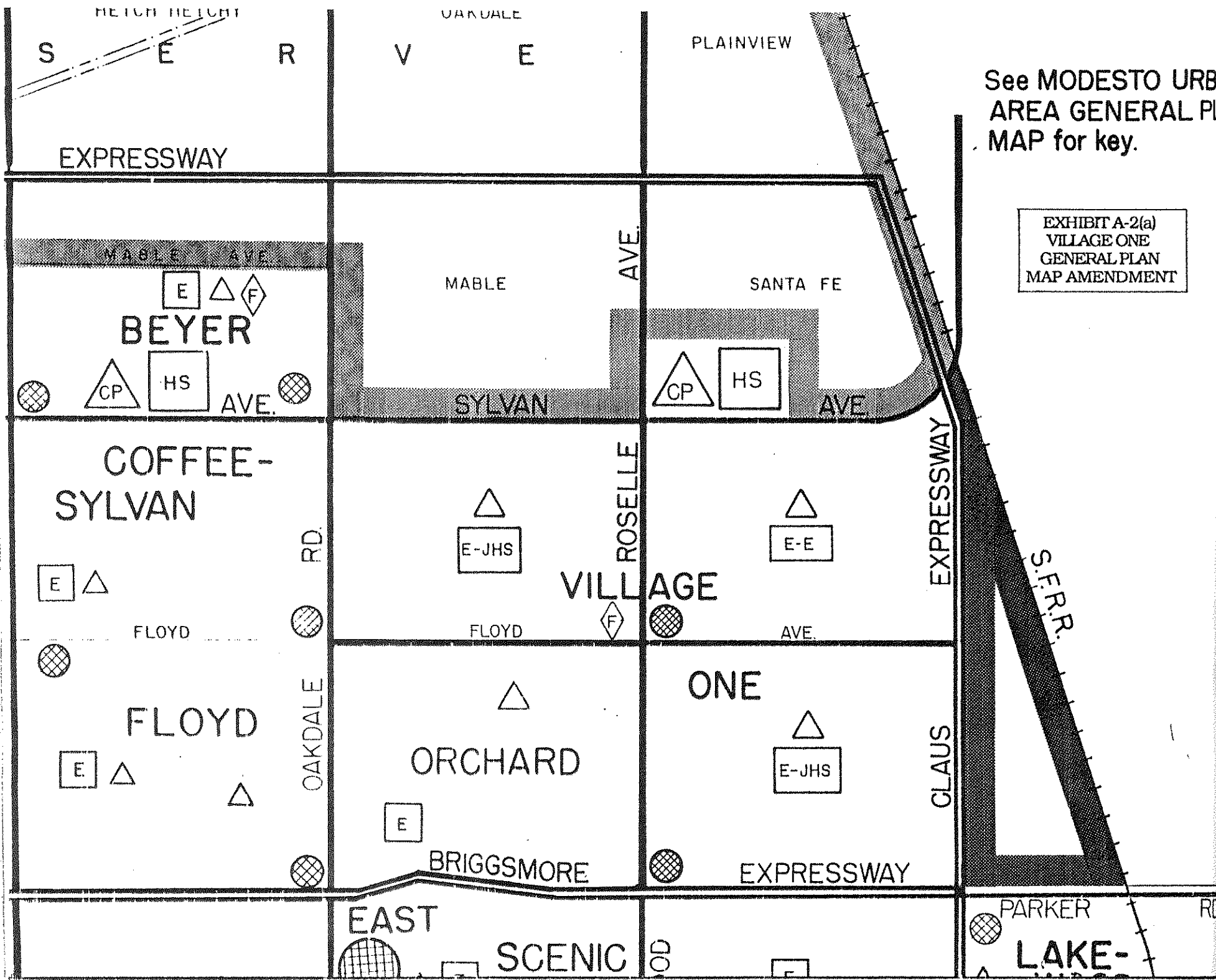
It is the City's policy that land designated Urban Reserve be used for agricultural uses until its use and development is established through the approval of a General Plan Amendment, rezoning, and annexation to the City, or alternatively, through the approval of a General Plan Amendment, Specific Plan and annexation in the case of the "villages" where the preparation of a Specific Plan prepared by the City will precede urban development.

#### Urban Growth Management Policy -- Village Expansion

Consistent with the City of Modesto's Urban Growth Policy and Modesto Citizen's Advisory Growth Management Act (Measure A), urban expansion into the Urban Reserve shall occur in comprehensively planned areas known as "villages." These villages which distinguish themselves from the traditional neighborhood planning areas by their generally larger size, wider mix of uses, self-supporting financing programs, and overall unique identity, shall be planned using "Specific Plans" as provided for in the Government Code (Sec. 65451 et. seq.).

Each village's Specific Plan and Financing Plan, together with any General Plan Amendment, and Environmental Impact Report shall be reviewed and approved by the City Council before submitting the matter of extending sewer service to the voters in a Measure A election, or in the case of the West Trunk Service Area, proceeding with annexation and development since no Measure A vote is required in this area. The general boundaries, phasing and sewer service priorities of each village shall be established by the City Council in conjunction with its annual Urban Growth Policy review.

Because of their size, shape and proximity to existing areas developed under the "Neighborhood Prototype" policy, the Village Expansion policy shall not apply to the northern portions of the McKinney Colony, Aqueduct, Northwest McHenry, Northeast McHenry, and Beyer Neighborhoods that are designated Urban Reserve.

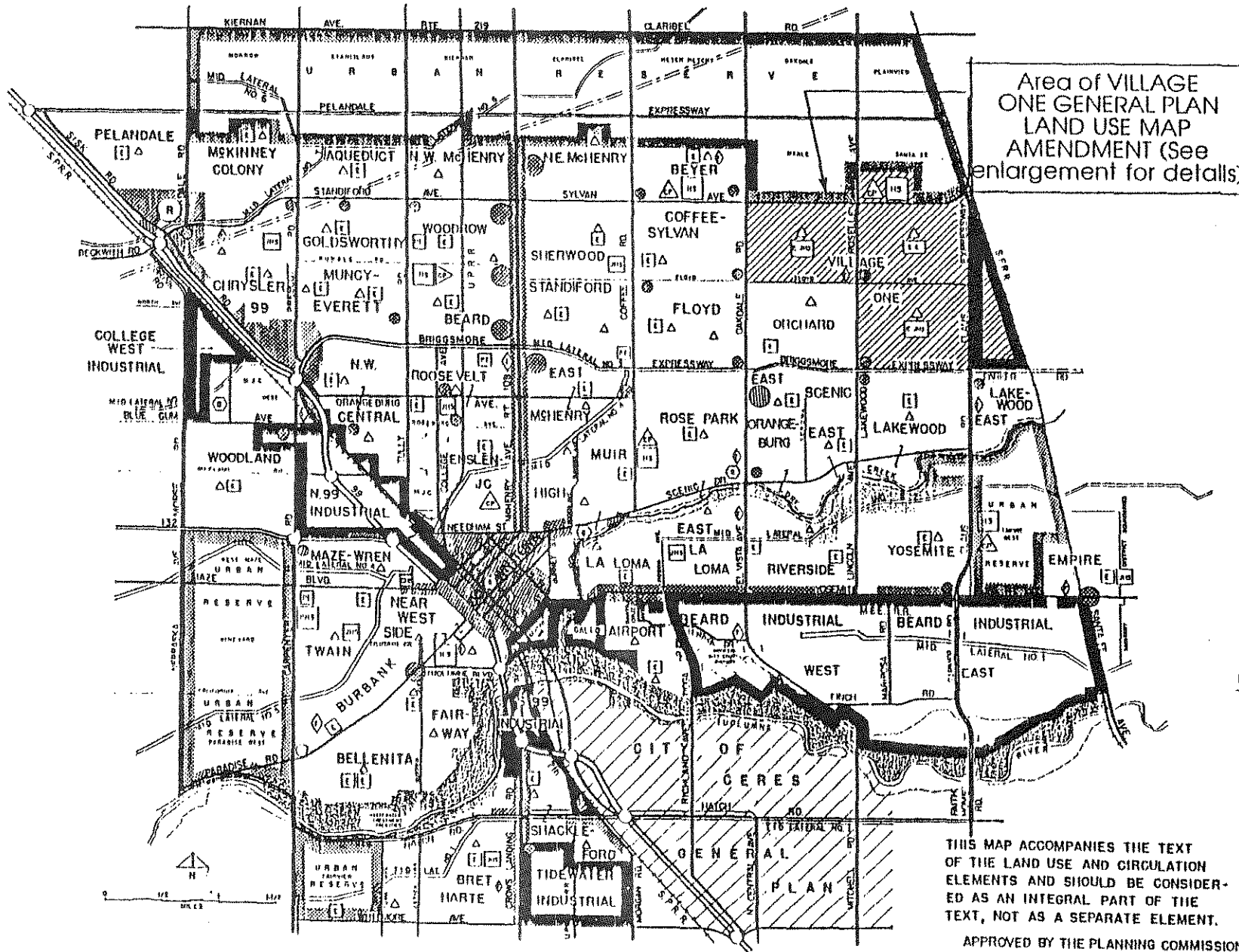


See MODESTO URBAN AREA GENERAL PLAN MAP for key.

EXHIBIT A-2(a)  
VILLAGE ONE  
GENERAL PLAN  
MAP AMENDMENT

# MODESTO URBAN AREA GENERAL PLAN

EXHIBIT A-2  
VILLAGE ONE  
GENERAL PLAN  
MAP AMENDMENT



Area of VILLAGE ONE GENERAL PLAN LAND USE MAP AMENDMENT (See enlargement for details)

- LAND USE**
- RESIDENTIAL
  - URBAN RESERVE
  - COMMERCIAL
    - NEIGHBORHOOD CENTER
    - COMMUNITY CENTER
    - REGIONAL CENTER
    - GENERAL COMMERCIAL
  - INDUSTRIAL
  - MAJOR OPEN SPACES
- PUBLIC AREAS**
- PUBLIC SCHOOLS
    - ELEMENTARY
    - JUNIOR HIGH/MIDDLE SCHOOL
    - HIGH
    - CONTINUATION HIGH
  - PRIVATE SCHOOLS
    - ELEMENTARY
    - HIGH
  - PARKS
    - COMMUNITY
    - NEIGHBORHOOD
  - GOVERNMENT OFFICES
  - FIRE STATIONS
- CIRCULATION**
- FREEWAYS (WITH INTERCHANGES)
  - EXPRESSWAY
  - MAJOR STREET
  - COLLECTOR STREET
  - RAILROAD
  - HETCH HETCHY (AQUEDUCT)
  - CANAL
  - FLOODWAY AS DESIGNATED BY THE STATE RECLAMATION BOARD.

THIS MAP ACCOMPANIES THE TEXT OF THE LAND USE AND CIRCULATION ELEMENTS AND SHOULD BE CONSIDERED AS AN INTEGRAL PART OF THE TEXT, NOT AS A SEPARATE ELEMENT.

APPROVED BY THE PLANNING COMMISSION ON MARCH 5, 1990

APPROVED BY THE CITY COUNCIL ON APRIL 24, 1990

STATEMENT OF OVERRIDING CONSIDERATIONS  
VILLAGE ONE GENERAL PLAN TEXT AND MAP AMENDMENT

The California Environmental Quality Act (CEQA) requires that decision making bodies balance the benefits of proposed projects against their unavoidable environmental effects. When project benefits outweigh the unavoidable adverse effects, the adverse 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 project, made possible by the approval of the Village One General Plan Text and Map Amendment, will result in the following unavoidable significant environmental effects: loss of farm land, cumulative loss of farmland, decreased regional air quality, 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 EIR and were found by the City Council, pursuant to Section 15090 of the Guidelines, to be unavoidable as a result of not having mitigation measures or by mitigation measures that do not reduce their effects to a less-than-significant level.

In approving the Village One General Plan Text and Map Amendment, the City Council finds that the following benefits outweigh the unavoidable significant environmental effects identified in the Final EIR:

1. Need for Additional Land to Accommodate Urban Growth

In 1989 the City had an estimated 1,236 acres available within the City limits for urban growth and development. At the average rate of land absorption experience over the past decade, the City will run out of land by 1992. The orderly and planned development of the Village One area would add an additional 1,775 acres and permit continued growth and development of the community.

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 nonconstruction jobs when secondary employment multipliers are included. Village One total employment is expected to add \$29,929,333 to the local economy from wages and salaries alone, and contribute \$47,109,610 from 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 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 Development

Village One represents an important departure from past development policies that characterize newer areas of Modesto. In this regard, the Village One project is an environmentally superior design, particularly when compared to the Neighborhood Prototype of the Modesto General Plan. Village One offers environmentally sound design and development principles including: potential for light rail, pedestrian-oriented design; bicycle lanes and pedestrian trails developed in conjunction with major and minor streets; metered water service; dual water system for public landscaping; greater open space and park facilities ranging from mini-parks to a community park; generous landscaping and landscaped medians on neighborhood connector streets and other major streets; includes a village center complete with shopping and public facilities (police, fire and library); offers nearby employment and a better future jobs/housing balance; and livable streets.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-759

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF ALLEYS IN CERTAIN BLOCKS IN THE CITY OF MODESTO (BLOCKS 6012, 6016 AND 6728)

WHEREAS, Chapter 27 of Part 3 of Division 7 of Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Superintendent of Streets did, on August 10 1990, order the construction of alleys in certain blocks in the City of Modesto, giving notice requiring the construction of such improvements; and

WHEREAS, the Superintendent of Streets did set the 18th day of September, 1990, at 7:30 o'clock p.m., in the Council Chambers, as the time and place for a hearing for the purpose of passing upon objections or protests, if any, which may be raised by the property owners or other interested persons relating to the proposed work; and

WHEREAS, the Superintendent of Streets has caused notices to be posted and mailed as required by the Streets and Highways Code; and

WHEREAS, at the time set for hearing the protests and objections to the proposed work, the said Council proceeded to hear the same.


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 notices on file in the office of the City Clerk, 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 in accordance with the provisions of Chapter 27, Part 3, of Division 7 of 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 18th day of September, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-760

A RESOLUTION GRANTING THE APPEAL FILED BY NATIONAL MEDICAL ENTERPRISES, RELATING TO CONDITION NO. 2 OF PLANNING COMMISSION RESOLUTION NO. 90-66, WHICH GRANTED A REVISED DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE P-D(317).

WHEREAS, Ordinance No. 2080-C.S., which was introduced on September 8, 1981, finally adopted on September 22, 1981, and which became effective on October 22, 1981, granted P-D(317) to allow hospital and related facilities and a medical office building, and

WHEREAS, City Council Resolution No. 81-780, adopted on September 8, 1981, approved the development plan, subject to certain conditions, for P-D(317), and

WHEREAS, Section 10-2.1709 of the Municipal Code authorizes the Planning Commission to approve revisions to the development plan of a Planned Development Zone, and

WHEREAS, on August 1, 1988, the Planning Commission approved a comprehensive development plan for expansion of P-D(317), Doctors Medical Center, including two-and-four story "tower" additions and the Women and Children's Center nearing completion on the north side and on the east side of the hospital, and

WHEREAS, National Medical Enterprises, Inc., has filed an application for an amendment to P-D(317) for approval of a one-story 3,000 square foot addition to the emergency services portion of Doctors Medical Center on the north side of Orangeburg Avenue West of Florida Avenue, said building addition would be along the south side of the building complex near the center, and

WHEREAS, said matter was set for public hearing before the Planning Commission on August 20, 1990, 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 Planning Commission adopted Resolution No. 90-66 which approved a revised development plan with conditions of approval for Planned Development Zone, P-D(317), and

WHEREAS, an appeal to Condition No. 2 of Planning Commission Resolution No. 90-66, relating to required road improvements was filed by Doctors Medical Center by letter dated August 28, 1990, and

WHEREAS, said appeal was set for public hearing before the City Council on September 18, 1990, at 7:30 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time evidence both oral and documentary was taken and introduced, and

WHEREAS, after said public hearing, the Council of the City of Modesto found and determined that the appeal to Condition No. 2 of Planning Commission Resolution No. 90-66, relating to required road improvements on Sherwood Avenue, should be granted for the following reason:

Street improvements including curb, gutter, and sidewalk currently exist along Sherwood Avenue adjacent to Doctors Medical Center, and with only emergency and utility access to Sherwood Avenue, the Doctors Medical Center traffic impact on this portion of Sherwood Avenue is little enough so as not to warrant reconstruction of the roadbed.

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

SECTION 1. APPEAL GRANTED. The appeal filed by Doctors Medical Center from required road improvements to Sherwood Avenue specified in Condition No. 2 of Planning Commission Resolution No. 90-66 which granted a revised Development Plan for Planned Development Zone, P-D(317), is granted for the reason set forth above, subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Doctors Medical Center Modesto E.R. Expansion" as amended in red, stamped approved by the City Council on September 18, 1990.
2. The West Orangeburg Avenue and Florida Avenue frontages shall be improved to 80-foot modified major and residential street standards, respectively, 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.
3. Prior to start of construction, 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.
4. Prior to start of construction, the developer shall dedicate 10-foot public utility easements along Florida Avenue as required by the utility companies and the Public Works and Transportation Director.
5. On-site drainage shall be approved by the Public Works and Transportation Director.
6. All conditions of City Council Resolution 81-780 as amended by Planning Commission Resolutions 84-198, 88-89, and 89-18, not in conflict with this action 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 18th day of September, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-761

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(477). (UNION SAFE DEPOSIT BANK)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Union Safe Deposit Bank on December 7, 1989, to reclassify from Professional Office Zone, P-O, to Planned Development Zone, P-D, to allow an office/bank facility, property located on the northwest corner of Oakdale Road and East Orangeburg Avenue, described as follows:

P-O to P-D

All that certain real property situate in a portion of the Northeast quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the Northeast corner of Section 22, a point lying on the centerline of 100.00 foot wide Oakdale Road; thence South 0°45'00" East along said centerline a distance of 1006.90 feet to the point of intersection of said centerline and the prolongation of the North line of Parcel "C" as shown on that certain map recorded in Volume 34 of parcel maps, at page 27, Stanislaus County Records, on June 23, 1983; thence leaving said centerline South 89°52'15" West along said prolongation a distance of 50.0 feet, to the Northeast corner of said Parcel "C", said corner being the point of beginning for this description; thence South 0°45'00" East along the East line of said Parcel "C" a distance of 266.44 feet to a tangent curve concave to the Northwest having a radius of 15.00 feet; thence Southwesterly 23.73 feet along said curve, through an angle of 90°39'35" to a tangent line; thence South 89°54'35" West along the South line of said Parcel "C" a distance of 215.28 feet; thence leaving said South line North 0°05'25" West, a distance of 281.44 feet to a point on the North line of said Parcel "C"; thence North 89°52'15" East, a distance of 227.21 feet along the North line of said Parcel "C" to the point of beginning.

Including also all the Western 50.0 feet of Oakdale Road and the Northern 35.0 feet of East Orangeburg Avenue and all immediately adjacent to the above described property.

and

WHEREAS, said application was set for a public hearing before the Planning Commission on August 20, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on August 20, 1990, 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. 90-70, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D zone for a financial institution conforms to accepted locational criteria and a location policy for such uses adopted by the City Council.
2. The proposed P-D zone for a financial institution will include traffic impact mitigation including important design considerations such as access restrictions, reciprocal accessways, and medians.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on Sept. 18, 1990, at 7:30 p.m., and

WHEREAS, after a public hearing held on Sept. 18, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Union Safe Deposit Bank 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. 90-70 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2729-C.S. on the 18th day of September, 1990, reclassifying the above-described property from Professional Office Zone, P-0, to Planned Development Zone, P-D(477).

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(477), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Bank Building for Union Safe Deposit Bank" as amended in red, stamped approved by the Planning Commission on August 20, 1990.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. The East Orangeburg Avenue frontage shall be improved to collector-major street standards 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.
5. As traffic mitigation measures, the developer shall widen and restripe Oakdale Road north of Orangeburg to a width of 85 feet, a transition to a width of 80 feet, and relocate utilities, as shown in concept in Figure 6 of the Traffic Impact Study by DKS, dated June 1990, 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. As traffic mitigation measures, the developer shall widen and restripe Oakdale Road south of Orangeburg to a width of 74 feet, a transition to a width of 70 feet, and relocate utilities, as shown in concept in Figure 6 of the Traffic Impact Study by DKS, dated June 1990, 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. As traffic mitigation measures, the developer shall install a median on Oakdale Road north and south of Orangeburg in accordance with City Council Policy 3.016 ("A Policy on Curbed

Medians on Major Streets"), and as shown in concept in Figure 6 of the Traffic Impact Study by DKS, dated June 1990, 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.

8. As traffic mitigation measures, 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, the developer shall relocate and modify existing traffic signal control equipment as required at the Oakdale/Orangeburg intersection, including, but not limited to, signal mast arms, signal poles, detector loops, signal heads, signs, electrical conduits, and wiring. To the extent that the required signal modifications are determined by the Director of Public Works and Transportation to be included in those planned as part of the CFF signal modification projects list, the developer will be given credit up to, but not exceeding, the amount of his CFF payments for Traffic Signals.
9. 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. All street, intersection, traffic signal improvements and modifications shall be constructed in accordance with the approved plans.
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. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
12. 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.
13. The developer shall, in a manner approved by the City Attorney, provide a vehicular access way for on-site traffic circulation for the benefit of the property to the north and west, substantially as shown in red on the plot plan.
14. 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.

15. 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.
16. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
17. That the developer shall defend, indemnify, and hold harmless the City of Modesto and its agents, officers, and employees from any claim, action, and proceeding against the City of Modesto and its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City of Modesto and its advisory agency, appeal board, or legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code 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.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(477):

The entire construction program be accomplished in one phase, construction to begin on or before August 20, 1992, and completion to be not later than August 20, 1993.

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(477), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-762

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 MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-0 TO P-D(477). (UNION SAFE DEPOSIT BANK)

WHEREAS, on September 18, 1990, the City Council introduced Ordinance No. 2729 -C.S. giving approval to a project relating to an amendment to Section Map 22-3-9 of the Zoning Map of the City of Modesto to reclassify from Professional Office Zone, P-0, to Planned Development Zone, P-D(477), property located on the northwest corner of Oakdale Road and East Orangeburg 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 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 Map 22-3-9 of the Zoning Map of the City of Modesto to reclassify from Professional Office Zone, P-0, to Planned Development Zone, P-D(477), property located on the northwest corner of Oakdale Road and East Orangeburg Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1990, by Councilmember Lang, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-763

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR ADDITIONAL RIP RAP REPAIR AT THE STORAGE PONDS  
ON JENNINGS ROAD

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

SECTION 1. The plans and specifications for additional rip rap repair  
at the storage ponds on Jennings 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 October 11, 1990 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 18th day of September, 1990,  
by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-764

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$30,000 TO PROVIDE FUNDS FOR ADDITIONAL RIP RAP REPAIR AT THE STORAGE PONDS ON JENNINGS ROAD

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

FROM:	Sewer Reserves (621 800 8000 8003)	\$30,000
TO:	Additional Rip Rap Repair (621 480 P836 6000)	\$30,000

This project was anticipated but not funded in the current Capital Improvement Program due to the uncertainty at that time of the amount of sewer funds available. Funds are now available to do this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 19 90, by Councilmember Lang, 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:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-765

A RESOLUTION ACCEPTING THE BID OF DUKE EQUIPMENT CO. FOR FURNISHING GOLF COURSE  
TURF MAINTENANCE EQUIPMENT

WHEREAS, Resolution No. 90-679 , adopted by the Council of the City of Modesto on August 7, 1990 , approved the plans and specifications for the purchase of golf course turf maintenance equipment

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of golf course turf maintenance equipment

were opened at 11:00 a.m. on August 27, 1990 , 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 Duke Equipment Company in the amount of \$44,807

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Duke Equipment Company in the amount of \$44,807 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 18th day of September , 1990 , by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

90-766  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-766

A RESOLUTION ACCEPTING THE BID OF JENKINS MACHINERY INC. FOR FURNISHING GOLF COURSE TURF MAINTENANCE EQUIPMENT

WHEREAS, Resolution No. 90-679 , adopted by the Council of the City of Modesto on August 7, 1990 , approved the plans and specifications for the purchase of golf course turf maintenance equipment

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of golf course turf maintenance equipment

were opened at 11:00 a.m. on August 27, 1990 , 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 Jenkins Machinery Inc. in the amount of \$52,063

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Jenkins Machinery Inc. in the amount of \$52,063 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 18th day of September , 1990 , by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-767

A RESOLUTION ACCEPTING THE BID OF H.V. CARTER COMPANY FOR FURNISHING GOLF COURSE  
TURF MAINTENANCE EQUIPMENT

WHEREAS, Resolution No. 90-679 , adopted by the Council of the City of Modesto on August 7, 1990 , approved the plans and specifications for the purchase of golf course turf maintenance equipment

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of golf course turf maintenance equipment

were opened at 11:00 a.m. on August 27, 1990 , 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 H.V. Carter Company in the amount of \$20,604

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of H.V. Carter Company in the amount of \$20,604 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 18th day of September , 1990 , by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-768

A RESOLUTION ACCEPTING THE BID OF HAZARD MANAGEMENT SERVICES, INC. OF MODESTO FOR FURNISHING AS ASBESTOS INVENTORY MITIGATION REPORT

WHEREAS, Resolution No. 90-662 , adopted by the Council of the City of Modesto on July 24, 1990 , approved the plans and specifications for the asbestos inventory mitigation report

and authorized the calling for bids; and

WHEREAS, the bids received for the asbestos inventory mitigation report were opened at 11:00 a.m. on September 11, 1990 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 Hazard Management Services, Inc. in the amount of \$38,400 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Hazard Management Services, Inc. of Modesto in the amount of \$38,400 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 18th day of September , 1990 , by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-769

A RESOLUTION VACATING AND ABANDONING A PORTION OF THE 120-FOOT DRAINAGE BASIN EASEMENT IN BLOCK 5180 OF THE WEST CAMPUS BUSINESS CENTER NO. 1 SUBDIVISION IN THE CITY OF MODESTO.

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate easements, and

WHEREAS, there is an easement on the real property located in Block 5180 in the City of Modesto, described in Exhibit "A" attached hereto, which is a portion of the Drainage Basin Easement in Block 5180 of the West Campus Business Center No. 1 Subdivision, in the City of Modesto, and

WHEREAS, the West Campus Business Center Owner's Association has requested the abandonment of a portion of the 120-foot Drainage Basin Easement in Block 5180 to an 80-foot easement, and

WHEREAS, the Council finds and declares that:

1. The vacation is made pursuant to Chapter 4 (Sections 8330 et seq.) 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 portion of the 120-foot Drainage Basin Easement in Block 5180 of the West Campus Business Center No. 1 Subdivision in the City of Modesto, is no longer necessary. This portion of the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the vacation.

3. That from and after the date this resolution is recorded, a portion of the drainage basin easement vacated will no longer constitute a drainage basin easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 120-foot Drainage Basin Easement located in Block 5180 of the West Campus Business Center No. 1 Subdivision in the City of Modesto which is described in Exhibit "A", which is attached hereto and incorporated by reference herein, be and it is hereby vacated and abandoned, such vacation and abandonment to be 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 18th day of September, 1990; by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Robert L. Christians  
Public Works and Transportation  
Department, Engineering

LD 90-C  
Parcel 5180-1,2

VACATE AND ABANDON A PORTION OF THE DRAINAGE  
BASIN EASEMENT IN BLOCK 5180

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the North half of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

PARCEL 5180-1

Commencing at the Southeastern corner of Lot 1 in Block 5180 of the WEST. CAMPUS BUSINESS CENTER NO. 1 Subdivision, as per map filed October 15, 1980 in Book 29 of Maps, Page 47, Stanislaus County Records; thence along the Eastern line of said Lot 1, North  $0^{\circ}49' 29''$  West, 40.00 feet, to a point on a line which is parallel with and 40.00 feet, measured at right angles, Northerly from the Southern line of said Lot 1 and the true point of beginning of this description; thence along said parallel line, South  $89^{\circ}10' 31''$  West, 520.00 feet, to a point on the Western line of Lot 2 in Block 5180 of said West Campus Business Center No. 1 Subdivision; thence along said Western line of Lot 2, North  $0^{\circ}49' 29''$  West, 20.00 feet, to a point on a line which is parallel with and 60.00 feet, measured at right angles, Northerly from the Southern line of said Lots 2 and 1; thence along said last mentioned parallel line, North  $89^{\circ}10' 31''$  East, 520.00 feet, to a point on said Eastern line of Lot 1; thence along the Eastern line of Lot 1, South  $0^{\circ}49' 29''$  East, 20.00 feet, to the point of beginning.

PARCEL 5180-1

Commencing at the Northeastern corner of Lot 4 in Block 5180 of said West Campus Business Center No. 1 Subdivision; thence along the Eastern line of said Lot 4, South  $0^{\circ}49' 29''$  East, 40.00 feet, to a point on a line which is parallel with, and 40.00 feet, measured at right angles, Southerly from the Northern line of said Lot 4, and the true point of beginning of this description; thence along said parallel line, South  $89^{\circ}10' 31''$  West, 520.00 feet, to a point on the Western line of Parcel "A", as per map filed February 19, 1988 in Book 40 of Parcel Maps, Page 53, Stanislaus County Records; thence along said Western line of said Parcel "A", South  $0^{\circ}49' 29''$  East, 20.00 feet, to a point on a line which is parallel with and 60.00 feet, measured at right angles, Southerly from the Northern line of Parcels "A" and "B" of said Parcel Map filed in Book 40 of Parcel Maps, Page 53, and the Northern line of said Lot 4 in Block 5180; thence along said last mentioned parallel line, North  $89^{\circ}10' 31''$  East, 520.00 feet, to a point on said Eastern line of Lot 4; thence along the Eastern line of Lot 4, North  $0^{\circ}49' 29''$  West, 20.00 feet, to the point of beginning.

BLOCK Lot 2

PCL. "A"

PCL. "D"

PCL. "B"  
32-PM-7

PCL. "B"  
31-PM-63

PCL. "C"

35'35"

1"=150'

CUMMINS DR.

BLOCK WEST CAMPUS

LOT 2 BK. 29 LOT 1

BUSINESS CENTER No. 1

OF MAPS Pg. 47

(5180-1)

WEST CAMPUS  
BUSINESS  
CENTER CON-  
DOMINIUMS No.

1  
BK. 29 OF MAPS, Pg. 140

N 89° 10' 31" E 520.00'

← 20.00' → 20.00'

← 40.00' S 89° 10' 31" W 320.00' 40.00' →

← 40.00' S 89° 10' 31" W 520.00' 40.00' →

← 20.00' → 20.00'

N 89° 10' 31" E 320.00'

(5180-2)

PCL. "A" PCL. "B" LOT 4  
40-PM-53

5180

CUMMINS DR.

PCL. 2 PCL. 1  
33-PM-12

LOT 10 LOT 11 LOT 12 LOT 13

5181

20' Alley

RECOMMENDED BY:

DATE BY

CITY OF MODESTO  
PUBLIC WORKS - TRANSPORTATION  
VAN W. SWITZER, ACTING DIRECTOR  
R.E. 22055

VACATE AND ABANDON  
A POR. OF THE DRAINAGE  
BASIN EASEMENT IN

FLD. BK. & PG.

By JERRY H. BUTLER, Deputy

W. O. NO.

DATE DRAWN CHECKED  
Aug, 1990 J. Christiansen

BLOCK 5180-LD90-C 4-A-738

FILE NUMBER

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-770

AMENDED

A RESOLUTION APPROVING AN/AGREEMENT BETWEEN THE CITY OF MODESTO AND RECHT, HAUSRATH AND ASSOCIATES FOR UNIT COSTS OF ONGOING SERVICES RELATING TO CAPITAL FACILITIES FEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Recht, Hausrath and Associates for unit costs of ongoing services relating to Capital Facilities 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 18th day of September , 19 90 , by Councilmember Lang , 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-771

A RESOLUTION APPROVING HOURLY RATES FOR SERVICE, RECHT  
HAUSRATH AND ASSOCIATES FOR JULY 1, 1990 TO DECEMBER 31,  
1991.

WHEREAS, a September 18, 1990, amendment to a June 5, 1990 agreement  
with Recht Hausrath and Associates calls for adjustment in the staff hourly  
rates as approved by the City Council by resolution from time to time, and

WHEREAS, "1990 Billing Rate Schedule", attached is the rate  
recommended for July 1, 1990 through December 31, 1991.

NOW, THEREFORE BE IT RESOLVED that the City Council approves the  
attached "1990 Billing Rate Schedule" for July 1, 1990 through December 31,  
1991.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 18th day of September,  
1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

**1990 BILLING RATE SCHEDULE**  
**RECHT HAUSRATH & ASSOCIATES**

---

Standard  
Hourly Rates

Principal  
*Including J.R. Recht*

\$100-110 per Hour

Project Manager  
*Including C. Wornum*

\$75-85

Senior Economist

\$60-70

Staff Economist  
*Including D. Amenta*

\$45-55

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-772

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION ACCEPTING \$65,000 IN GRANT FUNDS FOR THE DRY CREEK TRAIL PROJECT

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 Department of Parks and Recreation, accepting \$65,000 in grant funds for the Dry Creek Trail 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 September, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-773

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE AND APPROPRIATE STATE GRANT REVENUE FOR A NEW CIP PROJECT, DRY CREEK PARK TRAIL.

WHEREAS, it has been determined that a State Grant was applied for and accepted in the amount of Sixty-five Thousand (\$65,000) Dollars, and

WHEREAS, this State grant is for the construction of the Dry Creek Park trail under El Vista Avenue. This Grant requires no matching funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1990-91:

STATE PARKS AND RECREATIONS (170)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
Revenue 170-510-9510-3134	State Grant Funds	\$65,000
Expenditures 170-310-P837-6000	Dry Creek Park Trail	\$65,000

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 18th day of September, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-774

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 THE DRY CREEK TRAIL PROJECT.

WHEREAS, the City Council, by Resolution adopted on September 18, 1990, accepted \$65,000 in State grant funds for the Dry Creek Trail Project and approved a project agreement for a pedestrian/bicycle trail under El Vista Avenue at Dry Creek, and

WHEREAS, the City Council certifies that at said meeting of September 18, 1990, it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in two negative declarations in regard to the environmental impact relating to the Dry Creek Trail 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 two Notices of Determination in regard to the environmental impact of the subject project relating to the Dry Creek Trail Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-775

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER AN INCREASE IN TIPPING FEES AT THE WASTE-TO-ENERGY FACILITY TO FUND AB 939, CONCERNING A SOURCE REDUCTION AND RECYCLING ELEMENT AND A HOUSEHOLD HAZARDOUS WASTE PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that October 2, 1990, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an increase in tipping fees at the Waste-To-Energy facility to fund AB 939, concerning a source reduction and recycling element and a household hazardous waste program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1990, by Councilmember Muratore, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-776

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PETER PALOMINO FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1810 LAS VEGAS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Peter Palomino for sewer service to property outside City limits at 1810 Las Vegas, located on the east side of Las Vegas between Glenn Avenue and Butte Avenue be, and it is hereby approved.

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

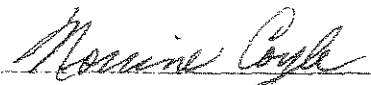
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-777

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM G. SCHMITZ FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1208 HOUSER LANE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William G. Schmitz for water service to property outside City limits at 1208 Houser Lane, located on the south side of Houser Lane between Wilma Drive and Panama Drive 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 September , 1990 , by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-778

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CENTER FOR SENIOR EMPLOYMENT/SENIOR AIDES PROGRAM FOR A GRANT OF \$25,000

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/Senior Aides Program for a grant of \$25,000 to provide services which are the sponsorship of the Senior Aides Program with funding from the National Council of Senior Citizens to place low income senior citizens into jobs under the 1990-91 Community Development Block Grant 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 18th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-779

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE VOLUNTEER CENTER OF STANISLAUS FOR A GRANT OF \$15,000

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Volunteer Center of Stanislaus for a grant of \$15,000 to provide coordination of one-to-one tutoring for low income persons under the 1990-91 Community Development Block Grant 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 18th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-780

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SENIOR OPPORTUNITY SERVICE PROGRAM/SENIOR NUTRITION PROGRAM FOR A GRANT OF \$25,000

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/Senior Nutrition Program for a grant of \$25,000 to provide continuation of a senior nutrition program to prevent cutbacks in service under the 1990-91 Community Development Block Grant Program, 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 September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

0877  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-780A

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SENIOR OPPORTUNITY SERVICE PROGRAM/COMBINED SERVICES PROGRAM FOR A GRANT OF \$5,000

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/ Combined Services Program for a grant of \$5,000 to provide combined services for four nonprofit agencies for low income persons at 1020 15th Street, under the 1990-91 Community Development Block Grant 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 18th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

2011  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-781

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SENIOR OPPORTUNITY SERVICE PROGRAM/MINOR HOME REPAIR PROGRAM FOR A GRANT OF \$10,000

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/ Minor Home Repair Program for a grant of \$10,000 to provide minor repairs of homes of low income senior citizens who are unable to do or secure these repairs themselves under the 1990-91 Community Development Block Grant 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 18th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

0877  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-782

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS WOMEN'S REFUGE CENTER/HAVEN FOR A GRANT OF \$7,500

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus Women's Refuge Center/Haven for a grant of \$7,500 to provide bilingual service to battered/abused women and their children who need shelter under the 1990-91 Community Development Block Grant 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 18th day of September , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL  
RESOLUTION NO. 90-783

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 MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-0. (TIMOTHY S. FISHER/ARCHITECTURE PLUS)

WHEREAS, on September 25, 1990, the City Council introduced Ordinance No. 2732 -C.S. giving approval to a project relating to an amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-0, property located at 303 East Orangeburg 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 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 Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-0, property located at 303 East Orangeburg Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 1989, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-784

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR RESIDENTIAL ALLEY PAVING PROJECT NO. 16

WHEREAS, Resolution No. 90-678 , adopted by the Council of the City of Modesto on August 7, 1990 , approved the plans and specifications for the residential alley paving project No. 16

and authorized the calling for bids; and

WHEREAS, the bids received for the residential alley paving project No. 16 were opened at 11:00 a.m. on August 23, 1990 , 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 George Reed, Inc. in the amount of \$124,785 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 \$124,785 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 25th day of September , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-785

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE RESIDENTIAL ALLEY PAVING ASSESSMENT REVENUE, INITIATE A TRANSFER FROM CDBG DIRECT GRANT FUNDS AND TO APPROPRIATE A NEW CIP PROJECT, RESIDENTIAL ALLEY PAVING PROJECT #16.

WHEREAS, whenever property owners request that their adjacent alleys be paved, the City has a policy which allows it to perform residential alley paving, and

WHEREAS, the cost of such alley paving is fully borne by the adjacent property owners, and

WHEREAS, it has been determined that five of the eight alleys in Residential Alley Paving Project #16 are located in target areas in West Modesto and are eligible for CDBG funding, and

WHEREAS, the Citizen Housing and Community Development Committee has approved the funding of these alleys, and

WHEREAS, the remaining three of the eight alleys will be funded by assessments levied on the adjacent property owners, which assessment is payable upfront or may be placed on the tax rolls over a three-year period, and an interest rate of 7% per year will apply to assessments placed on said tax rolls,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, to provide financing for the Residential Alley Paving Project #16, the following adjustments shall be made to the Annual Budget of the City of Modesto, Fiscal Year 1990-91:

GAS TAX FUND (070)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
<u>Revenue</u>		
070-510-9510-4054	Alley Improvements Assessments	\$ 52,265
070-700-7000-7113	Transfer in from Fund 111	\$ 85,000
<u>Expenditures</u>		
113-700-7000-9070	Transfer out to Fund 070	\$ 85,000
113-140-1454-0496	CDBG-Direct Grants	\$(85,000)
070-430-G816-6000	Residential Alley Paving Proj. #16	\$137,265

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 25th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-786

A RESOLUTION ACCEPTING A RIGHT OF ENTRY FROM SCENIC ROAD PROPERTIES TO FACILITATE CONSTRUCTION OF A BICYCLE BRIDGE WITH BIKE PATH FROM COVENA TO COFFEE/SCENIC AND KEWIN PARK TO EL VISTA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way entry from Scenic Road Properties to facilitate construction of a bicycle bridge with bike path from Covena to Coffee/Scenic and Kewin Park to El Vista be, and it is hereby accepted.

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

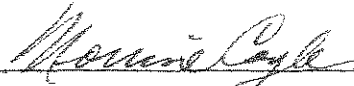
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 1990, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

10/2/90  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-787

A RESOLUTION ACCEPTING A RIGHT OF ENTRY FROM GRANT CONSTRUCTION COMPANY TO FACILITATE CONSTRUCTION OF A BICYCLE BRIDGE WITH BIKE PATH FROM COVENA TO COFFEE/SCENIC AND KEWIN PARK TO EL VISTA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way entry from Grant Construction Company to facilitate construction of a bicycle bridge with bike path from Covena to Coffee/Scenic and Kewin Park to El Vista be, and it is hereby accepted.

BE IT FURTHER RESOLVED that the execution of said right of way document 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 September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL  
RESOLUTION NO. 90-788

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR  
PUBLIC RESOURCES ACCOUNT, YOUTH PROGRAM SUPERVISOR.

WHEREAS, the Legislature and Governor of the State of California  
have approved a grant for the project shown above, and

WHEREAS, the State Department of Parks and Recreation has been  
delegated the responsibility for the administration of the grant project,  
setting up necessary procedures, and

WHEREAS, said procedures established by the State Department of  
Parks and Recreation require the applicant to certify by resolution the  
approval of application before submission of said application to the state, and

WHEREAS, said application contain assurances that the applicant must  
comply with, and

WHEREAS, the applicant will enter into an agreement with the State  
of California for subject project,

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

1. Approves the filing of an application for Public Resources  
Account assistance for the above project, and
2. Certifies that said agency understands the assurances and  
certification in the application form, and
3. Certifies that said agency has or will have sufficient  
funds to operate and maintain the project, and
4. Certifies that said agency has reviewed and understands  
the General Provision contained in the State/local  
agreement shown in the Procedural Guide.

BE IT FURTHER RESOLVED by the Council that the City Manager or Deputy/Acting City Manager is hereby appointed as agent 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-789

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 classification:

Youth Program Supervisor

The specifications for the classification of Youth Program Supervisor (Range 432), 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 September 25, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

YOUTH PROGRAM SUPERVISOR

DEFINITION

To plan and implement a study of recreational programs available to teenagers and young adults; to identify "at risk" youths; to identify unmet recreational needs; to identify, plan and implement recreational programs to address unmet needs; to secure sponsors and funding sources; to assist in promoting and supervising recreation programs; to advise teenagers and families; to serve as a community resource for teen programs; and to perform other duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Assistant Director of Parks and Recreation.  
Exercises direct supervision over professional, technical and clerical staff.

EXAMPLES OF DUTIES: Duties may include, but are not limited to, the following:

Investigate, analyze, develop and prepare special studies; plan and conduct surveys; compile, analyze and interpret information and prepare recommendations.

Research youth and young adult issues; identify and meet with teenagers who are involved in deviant or high risk behavior; investigate recreational and other programs of interest to this group.

Recommend and develop recreational and other programs for teens and young adults; coordinate programs with schools, social service agencies, private agencies and the public; assist in implementing new and modified programs.

Supervise, promote, implement and evaluate recreation activities in area of assignment.

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for recreation activities; implement policies and procedures.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Plan, prioritize, assign, supervise and review the work of staff involved in recreation activities.

Maintain close contact with school officials and community groups regarding program offerings and coordination of services; establish contacts with community groups and private business in an effort to secure financial co-sponsorships.

## EXAMPLES OF DUTIES (Continued)

Serve as a community liaison; coordinate citizens advisory groups and task forces.

Advise youths on available recreational, social and related programs and resources; refer youths to job training, educational programs and other services.

Answer questions and provide information to the public, outside agencies and City staff; investigate complaints and recommend solutions.

Attend City Council, commission board and community meetings.

Prepare and present agenda items to the City Council; prepare and present a variety of written and oral reports; prepare grant proposals; prepare a variety of reports, memoranda and letters.

Perform related duties as assigned.

QUALIFICATIONSKnowledge of:

Principles, methods and techniques of conducting surveys; research methodologies.

Technical report writing procedures and grant proposal development.

Principles and practices of organization, administration, and management.

Evaluation and modification of social and recreational programs to meet community needs.

Language mechanics including English usage, grammar, punctuation and spelling.

Public relations, marketing and program coordination.

Recreational and social needs of teenagers and young adults.

Procedures for developing and implementing a variety of recreational, senior services and related activities and programs through community participation.

Multi-phase recreational, social and cultural programs for youths and adults.

Program content for specialized community recreation activities

Principles of supervision, training and performance evaluation.

Ability to:

Identify and understand community and individual needs and concerns in a variety of recreation areas and recommend programs to meet needs.

Prepare and present a variety of written and oral communications and reports.

Gather, compile, and analyze information and prepare effective recommendations.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with others.

Coordinate, organize, and implement recreation and leisure time activities and specialized events.

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 would be qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years of responsible experience in youth, recreation or community service program management work.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public or business administration, recreation, education, counseling sociology or a related field.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-790

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 90-607 ENTITLED, "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE AND RESCINDING RESOLUTION NO. 88-490".

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 90-607. Exhibit "G" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective", attached to Resolution No. 90-607, is hereby amended as shown on the amended Exhibit "G" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective September 25, 1990", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adds Youth Program Servisor to the Class Range Table, salary range 432.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after September 25, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective September 25, 1990

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RANGE	TITLE
421	
422	Office Supervisor
423	Word Processing System Supervisor
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	Zoning Inspector Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I
429	
430	Associate Planner Parks Construction Supervisor I
431	Administrative Analyst II Personnel Analyst Training Coordinator Chief of Survey Party Assistant Risk Manager Recycling Program Coordinator Budget Analyst

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective September 25, 1990

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RANGE	TITLE
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Assistant Civil Engineer Senior Accountant Youth Program Supervisor
433	
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supv. Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Building Maintenance Supervisor Secondary Treatment Site Supv. Parks Maintenance Supervisor II Events Coordinator Operations Supervisor Landscape Designer Arborist Trees Maintenance Supv. II
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Public Information Officer Public Services Supervisor Budget Officer Financial Analyst
436	Senior Planner Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt. Associate Civil Engineer Transportation Planner Housing Program Supervisor
439	Deputy City Attorney II

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective September 25, 1990

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RANGE	TITLE
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. Parking & Traffic Supt. Parks Maintenance Supt. Risk Manager Personnel Manager Recreation Superintendent Golf Superintendent
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Finance Division Manager Sr. Deputy City Attorney II
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir.
448	
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	Assistant City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-791

A RESOLUTION APPROVING INCREASING BY \$100,000 THE DISTRIBUTION OF \$165,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS TO THE CITY OF MODESTO DEPARTMENT OF PARKS AND RECREATION TO PROVIDE HANDICAPPED ACCESSIBILITY TO RESTROOMS IN CITY PARKS.

WHEREAS, at its meeting of March 28, 1990, the City Council approved distribution of \$165,000 of Community Development Block Grant Program funds to the City of Modesto Department of Parks and Recreation to make restrooms in City parks accessible to the handicapped, and

WHEREAS, the U. S. Department of Housing and Urban Development has established the requirement that Community Development Block Grant funds provide a minimum of 51% benefit to low to moderate income persons, and

WHEREAS, the U. S. Department of Housing and Urban Development has established that benefit to handicapped persons is considered 100% benefit to low to moderate income persons, and

WHEREAS, this recommended grant of money is consistent with the established program and goals of the Handicapped Barrier Removal Program as previously approved by this Council, and

WHEREAS, the City of Modesto Department of Parks and Recreation has determined that an additional \$100,000 is necessary to complete this handicapped barrier removal project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the added distribution of Community Development Block Grant Program funds to the City of Modesto Department of Parks and Recreation, in the amount of \$100,000, to make restrooms in five City parks

accessible to the handicapped, as recommended by the Citizens Housing and Community Development Committee, from funds in the Fiscal Year 1990-91 budget, the five City parks are identified as follows:

Westside Neighborhood Park  
Davis Community Park  
Downey Community Park  
Roosevelt Neighborhood Park  
East La Loma Neighborhood Park

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-792

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$100,000 TO COVER HIGHER ESTIMATED COSTS OF MAKING RESTROOMS IN FIVE CITY PARKS ACCESSIBLE TO HANDICAPPED PERSONS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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

FROM:	CDBG Direct Grants (113 140 1454 0496)	\$100,000
TO:	CDBG Restroom Remodel/Parks (113 140 6158)	\$100,000

Transfer of funds are to cover higher estimated costs by Parks and Recreation Department and outside architect for making restrooms in five City parks accessible to handicapped persons under the Community Development Block Grant Program for 1990-91 program year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-793

A RESOLUTION EXPRESSING APPRECIATION AND GRATITUDE TO GARTH LIPSKY UPON HIS RETIREMENT

WHEREAS, Garth R. Lipsky has served our community in the capacity of City Manager from December 29, 1973 to September 28, 1990; and

WHEREAS, he has provided leadership of the highest ethical standard and commitment to the elected officials, employees and citizens of the City of Modesto throughout his tenure; and

WHEREAS, he has administered, with unwavering dedication, the development and/or implementation of significant city programs, innovations and capital projects that ensure the provision of quality public services to Modestans; and

WHEREAS, he had distinguished himself in his career through his dedication and active participation in the International City Management Association, the League of California Cities City Managers' Department and the Central Valley Division City Managers' Association.

NOW, THEREFORE BE IT RESOLVED that the Modesto City Council adopt this resolution of appreciation and gratitude in recognition of the service of Garth R. Lipsky.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-794

A RESOLUTION APPROVING THE FINAL MAP OF THE CHRISTINE HEIGHTS UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Susan L. Schwartz and David A. Schwartz, husband and wife is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.513 acres, known as the Christine Heights Unit No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 21st day of August, 1989, 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 Christine Heights 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,

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 25th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-795

A RESOLUTION DESIGNATING TRUCK ROUTES IN THE CITY OF  
MODESTO AND RESCINDING RESOLUTION NO. 75-465.

WHEREAS, Section 3-2.1301(d) of the Modesto Municipal Code of the  
City of Modesto authorizes the Council to determine and designate truck routes  
by resolution, which designation shall become effective when appropriate signs  
are placed giving notice of said designations to the public,

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

SECTION 1. Truck routes are hereby designated as shown on the  
attached maps entitled "Modesto Truck Routes", marked Exhibit "A".

SECTION 2. The Public Works and Transportation Director is hereby  
directed to cause the truck routes to be marked and designated in accordance  
with the provisions of this resolution.

SECTION 3. The provisions of this resolution shall be subject to  
the provisions of Section 3-2.815 of the Modesto Municipal Code requiring the  
approval of the State Department of Public Works insofar as they pertain to  
the regulations of traffic upon State highways within the City.

SECTION 4. Resolution No. 75-465 adopted by the Council on  
April 14, 1975 is hereby rescinded.

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 25th day of September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-796

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 THE DESIGNATION OF TRUCK  
ROUTES IN THE CITY OF MODESTO.

WHEREAS, on September 25,, 1990 the City Council adopted  
Resolution No. 90-795 which approved the designation of truck routes in the  
City of Modesto, and

WHEREAS, the City Council certifies that at its meeting of  
September 25,, 1990, 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  
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 the approval of designated truck routes in 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 September, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-797

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF KAMRUDDIN SHAMS FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE SEPTEMBER 25, 1990

WHEREAS, Kamruddin Shams was appointed a member of the International Friendship Committee on March 18, 1986; and

WHEREAS, Kamruddin Shams has tendered his resignation from the International Friendship Committee effective September 25, 1990; and

WHEREAS, Kamruddin Shams 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 Kamruddin Shams 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 Kamruddin Shams for his outstanding service to the community.

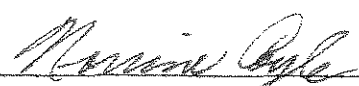
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 1990, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

11/20/95  
L. COYLE  
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**MODESTO CITY COUNCIL  
RESOLUTION NO. 90-798**

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,500 FROM CONTINGENCY RESERVE FOR FUNDING REQUIRED FOR LIBRARY SERVICES THROUGH FISCAL YEAR 1990-91**

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

FROM: Contingency Reserve \$3,500  
(010 800 8003)

TO: Stanislaus County Library \$3,500  
Contribution (010 502 6502 0460)

Additional funding required to maintain library services under the current staffing and hours through Fiscal Year 1990-91.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 19 90, by Councilmember Patterson, 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: Bird, Dobbs, Irizarry, Muratore, Patterson,  
Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Lang

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-799

A RESOLUTION REVISING THE TIPPING FEES 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, Stanislaus County has proposed to enter into a county-wide cooperative agreement with all nine cities within the county for the initial implementation of Assembly Bill 939 and a household hazardous waste program, and

WHEREAS, to fund these programs, it will be necessary to increase the tipping fees at the City-County Waste-to-Energy facility, and

WHEREAS, it will be necessary for the County to create two new special revenue accounts to receive transfer of funds from the Waste-to-Energy Enterprise Fund to fund said programs, and

WHEREAS, the Board of Supervisors of the County of Stanislaus, at a meeting on September 25, 1990, unanimously approved a tipping fee increase of \$3.00 per ton at the Waste-to-Energy facility, and

WHEREAS, it is the recommendation of staff and the Council Solid Waste Committee to concur with Stanislaus County to increase tipping fees at the City-County Waste-to-Energy facility and to further concur that Stanislaus County establish two new special revenue accounts to receive transfer of funds from the Waste-to-Energy Enterprise Fund to fund these programs, and

WHEREAS, it is appropriate for the City of Modesto to consider the revision of said tipping fees at the Waste-to-Energy facility, and

WHEREAS, by Resolution No. 90-775, adopted by the Council on the 18th day of September, 1990, the Council set October 2, 1990, at 7:30 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, as the time and place for consideration of an increase in tipping fees at the Waste-to-Energy facility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby concurs with Stanislaus County to increase tipping fees at the City-County Waste-to-Energy facility, said tipping fees to be increased from \$22.00 per ton to \$25.00 per ton, said fees to be effective October 1, 1990, and further concurs that Stanislaus County establish two new special revenue accounts to receive transfer of funds from the Waste-to-Energy Enterprise Fund to fund said programs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-800

A RESOLUTION ACCEPTING THE BID OF H. MAX LEE, INC. FOR THE CONSTRUCTION OF MID LATERAL NO. 4 CANAL CROSSING AT CARPENTER ROAD.

WHEREAS, Resolution No. 90-710 , adopted by the Council of the City of Modesto on August 28, 1990 , approved the plans and specifications for the construction of MID Lateral No. 4 canal crossing at Carpenter Road

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of MID Lateral No. 4 canal crossing at Carpenter Road were opened at 11:00 a.m. on September 18, 1990 and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of H. Max Lee, Inc. in the amount of \$83,210 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of H. Max Lee, Inc. in the amount of \$83,210 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 2nd day of October , 1990 , by Councilmember Patterson , 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: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST:   
NORRINE COYLE City Clerk

8:10:41  
8/10/90  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-801

A RESOLUTION APPOINTING DEPUTY CITY MANAGER PAUL BAXTER TO THE POSITION OF ACTING CITY MANAGER AND PROVIDING FOR ACTING PAY.

WHEREAS, upon the retirement of Garth Lipsky, City Manager, it is appropriate that Deputy City Manager Paul Baxter be appointed to serve in the position of Acting City Manager until such time as the appointment of a new City Manager is made and the new City Manager assumes said position,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Paul Baxter, Deputy City Manager, is hereby appointed to the position of Acting City Manager in the absence of the City Manager.

BE IT FURTHER RESOLVED that an increase of 15% Acting Pay, effective October 2, 1990, is hereby granted to the Acting City Manager, and said acting pay shall continue until such time as the appointment of a new City Manager is made and the new City Manager actually assumes said position.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1990, by Councilmember Patterson, 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: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto  
STAN T. YAMAMOTO, City Attorney  
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MODESTO CITY COUNCIL  
RESOLUTION NO. 90-802

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RECREATION SYSTEMS, INC. FOR LANDSCAPE DESIGN SERVICES FOR TUOLUMNE RIVER REGIONAL PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Recreation Systems, Inc. for landscape design services for Tuolumne River Regional 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 2nd day of October, 1990, by Councilmember Patterson, 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: Bird, Dobbs, Irizarry, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

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**MODESTO CITY COUNCIL  
RESOLUTION NO. 90-803**

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$12,000 FROM CONTINGENCY RESERVE TO COVER COST OF LANDSCAPE DESIGN SERVICES FOR THE TUOLUMNE RIVER REGIONAL PARK**

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

FROM:	Contingency Reserve (890 800 8000 8003)	\$12,000
TO:	Services, Professional & Other (890 310 3912 0235)	\$12,000

Funds are needed to contract with Recreation Systems, Inc. for design services for a portion of the Tuolumne River Regional Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1990, by Councilmember Patterson, 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:

<b>AYES:</b>	<b>Councilmembers:</b>	Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	Lang

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-804

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR PLAN CHECKING AND INSPECTION RESPONSIBILITIES FOR THE ROSELLE MIDDLE SCHOOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County for plan checking and inspection responsibilities for the Roselle Middle School

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 2nd day of October , 1990 , by Councilmember Patterson , 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: Bird, Dobbs, Irizarry, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL  
RESOLUTION NO. 90-805

A RESOLUTION ESTABLISHING CONDITIONS FOR ISSUING ENCROACHMENT PERMITS TO PLACE NEWS RACKS IN THE SIDEWALK-PLANTING STRIPS AND SUPERSEDING RESOLUTION NO. 77-1081.

WHEREAS, Section 7-1.104 of the Modesto Municipal Code authorizes the Public Works and Transportation Director to issue encroachment permits for placement of "News Racks" in the sidewalk-planting strip in accordance with certain conditions established by the City Council from time to time by resolution, and

WHEREAS, "News Racks" are defined, for purposes of this resolution, as any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display and sale or distribution, without charge, of newspapers or news periodicals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a master encroachment permit may be issued by the Public Works and Transportation Director for placement of News Racks within the sidewalk-planting strip as defined in Section 7-1.102 (g) of the Modesto Municipal Code subject to the following terms and conditions:

1. The applicant shall supply the name, address and telephone number of those responsible for installation, use and maintenance of the News Rack(s) and shall describe in detail the location(s) for placement of said News Rack(s).
2. No News Rack shall be installed, used or maintained in any location where such installation, use or maintenance endangers the safety of persons or property or unreasonably interferes with public utility, public transportation or other public use. In addition, said News Rack(s) shall not unreasonably interfere with or impede the flow of pedestrians, bicyclists, wheelchairs or vehicular traffic, access to or from any residence, place of business or any legally parked or stopped

vehicle. In addition, said News Rack(s) shall not interfere with the use or visibility of traffic signs or signals, hydrants, emergency call boxes or mailboxes.

3. Multi-unit News Racks shall be permanently affixed to the ground. Permanent single unit News Racks may be permanently affixed to the ground or may be skirted and weighted in such a manner preventing movement of the News Rack or may be chained to other News Racks with a noncorrosive coated chain in a manner preventing movement of the News Rack. In no case shall the News Rack be chained or otherwise attached to a bus shelter, bus bench, street light, parking meter posts, utility pole, sign pole, tree, shrub or other plant or situated upon any landscaped area.
4. News Racks shall only be placed near a curb or adjacent to the wall of a building and shall be parallel to said curb or wall. The back of the News Rack placed near a curb shall be no less than eighteen (18) inches and no more than twenty-four (24) inches from the face of the curb. The back of a News Rack placed adjacent to the wall of a building shall be no more than six (6) inches from the wall. No News Rack shall be located opposite another News Rack.
5. The following minimum distances shall be maintained for the placement, installation, use or maintenance of any News Rack(s). No News Rack shall be placed:
  - a. Within three (3) feet of any marked crosswalk.
  - b. Within fifteen (15) feet of the curb return of any unmarked crosswalk.
  - c. Within five (5) feet of any fire hydrant, fire call box, police call box or other emergency facility.
  - d. Within three (3) feet of any driveway, building entrance or sidewalk leading to the entrance of a building.
  - e. Within three (3) feet ahead of, or five (5) feet to the rear of, any sign marking a designated bus stop.
  - f. Within three (3) feet of any bus bench.
  - g. At any location where the clear space for the passageway of pedestrians is reduced to less than five (5) feet.
6. In no case shall any News Rack which exceeds three (3) feet in height be permitted within the "Clear Vision Triangle" which is defined as that triangular area of a corner location formed by

lines measured twenty-five (25) feet from the property line along each street and joining the points of those extended lines to form a triangle. This three (3) foot height limit shall be measured from the lowest curb elevation within the triangular area.

7. Each News Rack shall be in good repair and shall be maintained in a clean, safe, neat condition at all times.
8. News Racks that have been damaged shall be replaced or repaired as soon as is practical, unless the permit holder chooses to abandon the location, in which event the permit holder shall immediately remove the News Rack. Should a News Rack be removed, for any reason, the location shall be restored to an acceptable condition in accordance with the City of Modesto Public Works Engineering Standard Specifications by the person(s) responsible for its installation and maintenance.
9. No News Rack shall be used for advertising signs or publicity purposes other than one concerned with the display, sale or distribution of the newspaper or news periodical distributed from it.
10. In the event any News Rack is placed in violation of this resolution, the person(s) responsible for its installation and maintenance shall be notified by the Public Works and Transportation Director and be given five (5) working days from the receipt of notice to remedy the violation or to request a hearing before the Public Works and Transportation Director. If the violation is not remedied, CITY may seize the News Rack(s) and store in a safe place. Immediate seizure of the News Rack by the City may be allowed in the event that said News Rack poses an immediate danger to pedestrians or vehicles, as determined by the City Engineer. The permit holder will be given written notice of said seizure within five (5) working days after said seizure. In the event of such a seizure, the person(s) responsible for the installation and maintenance of said News Rack shall pay to the City the cost of removal and storage of said News Rack from the date of said seizure.
11. If a News Rack remains empty for thirty (30) consecutive days or is not claimed within thirty (30) days of seizure, said News Rack(s) shall be deemed abandoned, except that a News Rack remaining empty due to labor strike or a temporary interruption of distribution or publication by the newspaper sold from that News Rack shall not be deemed abandoned. Abandoned News Racks shall be removed from the public right of way by the permit holder within five (5) working days from the receipt of written notice from the Public Works and Transportation Director. Should said abandoned News Rack not be removed within five (5)

working days from the receipt of said written notice from City, the City may remove said News Rack and permit holder shall pay the cost for City to remove and store said abandoned News Rack.

12. News Racks shall be of a standard type in trade use with individual cases with a display window and automatic coin return. News Racks shall not exceed five (5) feet in height from the ground to the top surface of the News Rack, except that the News Rack shall not exceed three (3) feet in height when placed in an area where a three (3) foot height limitation exists as required by the Modesto Municipal Code.
13. The applicant shall have a copy of the policy or certificate of insurance for public liability and property damage in an amount specified by Modesto Municipal Code Section 7-1.109 on file with the City Clerk during the term of said encroachment permit.
14. The applicant agrees to be responsible for any and all claims and liabilities for damages from the extent they arise from the installation, maintenance, operation or use of said encroachment and, in the event any such claim or liability for damages is made against or imposed upon the City or any department, officer or employee thereof, the applicant agrees to defend, indemnify and hold each of them harmless from such claim or liability.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that no fees or bonds shall be required to apply for or secure an encroachment permit for the placement of News Racks within the public right of way.

BE IT FURTHER RESOLVED that Modesto City Council Resolution No. 77-1081 is hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1990, by Councilmember Patterson, 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: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-806

A RESOLUTION APPROVING THE FINAL MAP OF THE MAC ESTATES  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Turner-Edwards Development, a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.758 acres, known as the Mac Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 16th day of January, 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 Mac Estates 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 2nd day of October, 1990, by Councilmember Patterson, 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: Bird, Dobbs, Irizarry, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-807

A RESOLUTION ACCEPTING IMPROVEMENTS IN OXFORD PLACE SUBDIVISION AND  
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Florsheim Bros. , subdividers of  
Oxford Place Subdivision have filed subdivision bonds  
for faithful performance and labor and materials in the amount of \$605,400.00  
and \$302,700.00 respectively to guarantee improvements in Oxford Place  
Subd. and;

WHEREAS, the Director of Public Works in a memorandum dated September 25, 1990,  
indicates that all work required by the subdivision agreement has been completed  
to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering 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 Oxford Place Subdivision are hereby  
accepted.
2. The City Clerk is hereby authorized to release the subdivision bond  
for faithful performance in the amount of \$605,400.00 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 \$302,700.00 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 2nd day of October , 1990 , by Council-  
member Patterson , 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:	Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-808

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EQUALITY COUNCIL FOR HOUSING OPPORTUNITIES OF STANISLAUS FOR A GRANT OF \$20,000 UNDER THE 1990-91 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Equality Council for Housing Opportunities of Stanislaus for a grant of \$20,000 to continue fair housing testing and counseling activities, under the 1990-91 Community Development Block Grant 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 2nd day of October, 1990, by Councilmember Patterson, 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: Bird, Dobbs, Irizarry, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-809

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF A THOROUGHBRED HORSE FROM THE GREATER MODESTO COMMUNITY FOUNDATION TO THE CITY OF MODESTO.

WHEREAS, out of affection and regard for the greater Modesto community, Dean Hagstrom has donated Mio Dee, a 6 year and 4 month old thoroughbred horse, to the Greater Modesto Community Foundation, and

WHEREAS, the donor desires that the horse be used in the Modesto Police Department for appropriate law enforcement operations or related activities, or for such other uses as the Council of the City of Modesto or the Modesto Police Department may determine to be suitable, and

WHEREAS, said horse is needed by the Modesto Police Department to replace one horse in the equestrian unit which has gone lame,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Dean Hagstrom's generous gift of a thoroughbred horse to the Greater Modesto Community Foundation and then transferred from the Foundation to the City of Modesto, as intended by the donor, is hereby accepted with appreciation.

BE IT FURTHER RESOLVED that, as desired by the donor, the horse shall be used by the Modesto Police Department for appropriate law enforcement operations or related activities, or for such other use as may be determined suitable by the Council of the City of Modesto or the Modesto Police Department.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the necessary documents to accept said gift, Mio Dee, a 6 year and 4 month old thoroughbred horse.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Lang, who moved its 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, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Corrected October 16, 1990

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-810

A RESOLUTION 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, 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:

1. That the City Manager of the City of Modesto 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.

2. That the City Manager of the City of Modesto 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.

3. 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.

4. That the City Manager of the City of Modesto is authorized to set forth and execute affirmative disadvantaged business policies in connection with the Program of Projects.

5. That the City Manager of the City of Modesto 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FY 1990/91  
SECTION 9  
PROGRAM OF PROJECTS

Urbanized Area: Modesto, California	Anticipated	
Designated Recipient: California	Apportionment for FY 1990/91:	\$1,249,234
Department of Transportation	Carryover funds:	402,222*
Grantee: City of Modesto	Transfer funds: -0-	
	Total Federal Funds Available:	\$1,651,456

\* Includes \$342,222 deobligated from CA-90-X265 and CA-90-X385 for operating assistance and \$60,000 deobligated from CA-90-X365 "Rebuild Buses."

<u>Project Description</u>	<u>Local</u>	<u>Federal</u>	<u>Total</u>
I. <u>CAPITAL PROJECTS</u>			
1. Additional Funding for Transportation Center	\$ 267,890	\$ 289,770	\$ 557,660
2. Purchase and install bus stop signs	\$ 7,200	\$ 28,800	\$ 36,000
3. Purchase Automobile	\$ 2,600	\$ 10,400	\$ 13,000
SUBTOTAL	\$ 277,690	\$ 328,970	\$ 606,660
II. <u>OPERATING ASSISTANCE</u> for period from 7/1/90 to 6/30/91			
SUBTOTAL	\$1,753,887	\$1,325,258	\$3,079,145
TOTAL	\$2,031,577	\$1,654,228	\$3,685,805

EXHIBIT A

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-810

A RESOLUTION 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, 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:

1. That the City Manager of the City of Modesto is authorized to execute and file an amendment to 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.

2. That the City Manager of the City of Modesto is authorized to execute and file with such amendment to 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.

3. That the Transit Manager is authorized to furnish such additional information as the U. S. Department of Transportation may require in connection with the amendment to application for the Program of Projects and budget.

4. That the City Manager of the City of Modesto is authorized to set forth and execute affirmative disadvantaged business policies in connection with the Program of Projects.

5. That the City Manager of the City of Modesto 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FY 1990/91  
SECTION 9  
PROGRAM OF PROJECTS

Urbanized Area: Modesto, California Designated Recipient: California Department of Transportation Grantee: City of Modesto	Anticipated Apportionment for FY 1990/91: \$1,249,234 Carryover funds: 402,222* Transfer funds: -0- Total Federal Funds Available: \$1,651,456
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\* Includes \$342,222 deobligated from CA-90-X265 and CA-90-X385 for operating assistance and \$60,000 deobligated from CA-90-X365 "Rebuild Buses."

<u>Project Description</u>	<u>Local</u>	<u>Federal</u>	<u>Total</u>
<b>I. CAPITAL PROJECTS</b>			
1. Additional Funding for Transportation Center	\$ 267,890	\$ 289,770	\$ 557,660
2. Purchase and install bus stop signs	\$ 7,200	\$ 28,800	\$ 36,000
3. Purchase Automobile	\$ 2,600	\$ 10,400	\$ 13,000
SUBTOTAL	\$ 277,690	\$ 328,970	\$ 606,660
<b>II. OPERATING ASSISTANCE for period from 7/1/90 to 6/30/91</b>			
SUBTOTAL	\$1,753,887	\$1,325,258	\$3,079,145
TOTAL	\$2,031,577	\$1,654,228	\$3,685,805

EXHIBIT A

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-811

A RESOLUTION DESIGNATING THE MODESTO ASH TREE LOCATED AT THE CORNER OF 3RD STREET AND SIERRA 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 October 16, 1989, 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. 6, that the Modesto Ash Tree 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 October 9, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Modesto Ash Tree 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 Modesto Ash Tree located on property at the corner of 3rd Street and

Sierra Street has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. The original Modesto Ash, planted before 1911, is culturally significant in that this tree is unique to Modesto. All other Modesto Ash trees have been grafted from this tree.
2. The Modesto Ash tree is located in West Side Park and is maintained by the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, 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: Dobbs, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-812

A RESOLUTION DESIGNATING THE MODESTO PUMP STATION LOCATED AT 10TH STREET AND NEEDHAM 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 October 16, 1989, 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. 5, that the Modesto Pump Station No. 9 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 October 9, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Modesto Pump Station No. 9 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 Modesto Pump Station No. 9 located on property at 10th Street and

Needham Avenue has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. It is architecturally significant as a fine example of the California Mission Revival style.
2. It was designed by A. O. Carley after a pump station in Sunol which was designed by Willis Polk.
3. Financially, it is owned and maintained by the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, 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: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-813

A RESOLUTION DESIGNATING THE F. W. WOOLWORTH SIGN LOCATED  
AT 1014 10TH 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 October 16, 1989, 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. 4, that the F. W. Woolworth Company sign 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 October 9, 1990, in the City  
Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council  
found and determined that the F. W. Woolworth Company sign 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 F. W. Woolworth Company sign located on property at 1014 10th Street

has historic and architectural significance and is hereby designated a  
Landmark Preservation Site for the following reasons:

1. The F. W. Woolworth Company sign, installed in 1949 is historically significant as a symbol of the Woolworth store's "new image" at that time as a reflection of its change from the 5 and 10 era.
2. It is economically viable since it indicates the Woolworth store.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, 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: Dobbs, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-814

A RESOLUTION DESIGNATING FIRE STATION NO. 2 LOCATED AT 629  
SECOND 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 October 16, 1989, 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. 7, that Fire Station No. 2 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 October 9, 1990, in the City  
Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council  
found and determined that Fire Station No. 2 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 Fire Station No. 2 located on property at 629 Second Street has historic

and architectural significance and is hereby designated a Landmark

Preservation Site for the following reasons:

1. Fire Station No. 2, built in 1924, is significant as the only remaining fire houe in Modesto of this vintage. It is a good example of a fire house of the 1920's.
2. It is economically viable since it is owned and maintained by the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, 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: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-815

A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS, INC. FOR THE UNION AVENUE RAILROAD CROSSING

WHEREAS, Resolution No. 90-731 , adopted by the Council of the City of Modesto on September 4, 1990 , approved the plans and specifications for the Union Avenue railroad crossing and authorized the calling for bids; and

WHEREAS, the bids received for the Union Avenue railroad crossing were opened at 11:00 a.m. on September 27, 1990 , 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 Western Stone Products, Inc. in the amount of \$30,018 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Stone Products, Inc. in the amount of \$30,018 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 October, 1990, by Councilmember Lang , 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, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Whiteside

ATTEST: \_\_\_\_\_

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-816

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$8,500 NEEDED TO COMPLETE THE UNION AVENUE RAILROAD CROSSING PROJECT

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

FROM:	Gas Tax Reserves (070 800 8000 8003)	\$8,500.00
TO:	TSRR Crossing at Union Avenue (070 430 G288 9000)	\$8,500.00

Funds are needed to complete the City's portion of the Union Avenue railroad crossing project. Factors contributing to the shortfall: 1) long delay waiting for Railroad to complete their work; 2) Engineer's estimate too low for sidewalk and curb; and 3) Railroad requirement for additional insurance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Whiteside

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-817

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ART AND CHARLENE BORNSTEIN FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1814 LAS VEGAS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Art and Charlene Bornstein for sewer service to property outside City limits at 1814 Las Vegas Avenue, located on the east side of Las Vegas between Glenn and Butte 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 9th day of October, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

770  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-818

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COMPUTIL CORPORATION FOR THE PROCESSING OF PARKING CITATIONS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Computil Corporation for the processing of parking citations

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 October, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-819

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND AD VENTURES OF STOCKTON TO PROMOTE/ADVERTISE MODESTO'S CITY TRANSIT SYSTEMS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ad Ventures of Stockton, to promote/advertise Modesto's City transit systems

be, and it is hereby approved.

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

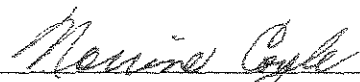
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

5000  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-820

A RESOLUTION ADOPTING THE TRANSIT DIVISION'S DISADVANTAGED BUSINESS ENTERPRISE 1990-91 FISCAL YEAR GOAL OF 13% PARTICIPATION IN TRANSIT CONTRACT AWARDS

WHEREAS, on May 2, 1988, the Council of the City of Modesto adopted the Transit Section's Disadvantaged Business Enterprise Program entitled, "Disadvantaged Business Enterprise Program - Transit", with a 1988-89 and 1989-90 goal of 13% participation; and

WHEREAS, the Urban Mass Transportation Administration requires each grantee to submit its goal for Disadvantaged Business Enterprise participation in contract awards on an annual basis, and has recommended adoption of a 13% goal for Modesto; and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the Transit Division's goal of 13% for Disadvantaged Business Enterprise participation in contract awards for 1990-91.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Lang , 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, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Whiteside

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-821

A RESOLUTION APPROVING A CONTRACT AMENDMENT TO EXTEND THE STATE GRANT FOR THE TRANSPORTATION CENTER THROUGH JUNE 30, 1992

WHEREAS, the State granted the City of Modesto \$160,000 for the Transportation Center requiring completion of the Transportation Center by June 30, 1988; and

WHEREAS, an amendment to the grant contract was approved on April 5, 1988, extending the contract through June 30, 1989, and again on April 4, 1989, extending the contract through December 30, 1990; and

WHEREAS, the Transportation Center will not be completed by December 30, 1990, and it is necessary to request the grant contract be extended through June 30, 1992.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a contract amendment to extend the State grant in the amount of \$160,000 for the Transportation Center through June 30, 1992, and authorizes the Acting City Manager to execute the amended grant agreement 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 9th day of October, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

4/8  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-822

A RESOLUTION WAIVING THE FRANCHISE REQUIREMENT OF A SIXTY-DAY NOTICE TO THE CITY OF MODESTO PRIOR TO A CABLE FRANCHISE RATE INCREASE.

WHEREAS, it is a requirement of the cable franchise that Post Newsweek provide subscribers with 30 days' notice of a rate increase, and

WHEREAS, it is also a requirement of the cable franchise that Post Newsweek provide the City of Modesto with 60 days' notice of a rate increase, and

WHEREAS, the City of Modesto recently enacted a utility user tax on cable which will become effective on November 1, 1990, and

WHEREAS, Post Newsweek had planned to increase their rates effective January, 1991, and

WHEREAS, in order to avoid having cable bills increase twice in two months, Post Newsweek is now planning to make their rate increase effective at the same time as the City's utility user tax, and

WHEREAS, by increasing their rates at the same time the City's utility user tax goes into effect, Post Newsweek will be able to satisfy the requirement of notification to subscribers 30 days in advance but will not be able to provide formal notification to the City 60 days in advance, and

WHEREAS, this change in the effective date of the Post Newsweek rate increase is precipitated by the City's action on the utility user tax, and

WHEREAS, staff has recommended approval of a one-time waiver of the 60-day notice to the City of a rate increase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a one-time waiver of the formal 60-day

notification to the City of Modesto of a rate increase.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT± Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-823

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THEODORE M. COOK FOR THE LEASE OF 500 NINTH STREET, SUITE H

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Theodore M. Cook, for the lease of 500 Ninth Street, Suite H

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 October , 1990 , by Councilmember Lang , 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, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

1, 58  
7-28-90

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-824

AMENDED

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HENDLEY-SKYTREK FUEL, INC. AT THE 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 Hendley-Skytrek Fuel, Inc. to reflect a change in the fuel flowage fee charged to the fuel supplier 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 9th day of October, 1990, by Councilmember Lang, 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, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-825

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MULTI-CULTURAL CENTER FOR A GRANT OF \$25,000 UNDER THE 1990-91 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Multi-Cultural Center for a grant of \$25,000 to provide continuation of a Job Readiness and Job Development Program, under the 1990-91 Community Development Block Grant 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 9th day of October, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson,  
Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-826

A RESOLUTION AMENDING CITY COUNCIL RESOLUTION NO. 82-855, AS AMENDED BY RESOLUTION NO. 90-24, TO ADD NEW AREAS TO THE MODESTO, CALIFORNIA REDEVELOPMENT SURVEY AREA, AND REDESCRIBING THE BOUNDARIES OF SAID REDEVELOPMENT SURVEY AREA.

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) provides authority for the designation and description by resolution of survey areas, and

WHEREAS, the City Council by Resolution No. 82-855, adopted on November 23, 1982, designated a redevelopment survey area and determined that said area required study to determine if a redevelopment project or projects within the area would be feasible, and

WHEREAS, the City Council by Resolution No. 90-24 adopted on January 16, 1990, adopted a revised redevelopment survey area which included the downtown grid and commercial and industrial areas adjacent to downtown Modesto; and also included County Center 3, at the request of the County of Stanislaus, and the commercial strip along Paradise Road, and

WHEREAS, in September 1990, the City received a request, jointly made by Modesto City Schools, the Yosemite Community College District, and the County Superintendent of Education, to include additional lands in the survey area, said additional lands to include the west campus of Modesto Junior College, Modesto High School, and the Modesto City Schools administrative offices and property on Locust Street, and

WHEREAS, in addition to the school areas, City staff has recommended minor modifications to include several City parks that are adjacent to the survey area, and to connect Modesto High School to the downtown area, and

WHEREAS, the City Council desires to have the additional areas described in this resolution studied to determine if a redevelopment project or projects within said areas would be feasible,

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

SECTION 1. The map and the description of the area described in Resolution No. 82-855 as amended by Resolution No. 90-24, are hereby amended to add additional areas to the redevelopment survey area as shown on the "Map of Amended Redevelopment Survey Area," attached hereto and marked as Exhibit "A", and described as set forth in the "Redevelopment Survey Area," attached hereto and marked as Exhibit "B", which exhibits include the redevelopment survey area designated by City Council Resolution No. 82-855, and as amended by Resolution No. 90-24.

SECTION 2. The City Council hereby finds and determines that the areas described in Section 1 of this resolution require study to determine if a redevelopment project or projects within said areas are feasible.

SECTION 3. All other provisions of said City Council Resolution Nos. 82-855, and 90-24 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 October, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By John L. Christensen  
Public Works and Transportation  
Department, Engineering Division

REDEVELOPMENT SURVEY AREA  
(County Center No. 3)

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Blocks 1300 and 1319 of the City of Modesto and those portions of Oakdale Road and Scenic Drive bordering said Blocks.

*Exhibit "B"*

REDEVELOPMENT SURVEY AREA  
(Paradise Road Area)

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 31, Township 3 South, Range 9 East, and the North half of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Southeastern corner of Block 3093 of the City of Modesto, said point being on the South line of said Section 31;

1. thence Westerly and Northwesterly along the Southern boundary of said Block 3093 and the alley in Block 3092 to Paradise Road;
2. thence Southwesterly along said Paradise Road to the Western line of Block 3091 of the WALNUT GROVE Subdivision, as per map filed November 14, 1958 in Volume 19 of Maps, Page 9, Stanislaus County Records;
3. thence Southerly along said Western line of Block 3091 to its intersection with a line which is parallel with and 250.00 feet, measured at right angles, Southeasterly from the Southeastern line of former 50.00 foot Paradise Road;
4. thence Southwesterly along said parallel line to the Southeastern corner of Assessor's Parcel 37-08-11;
5. thence Westerly along the Southern line of said Parcel 37-08-11 to a Northeastern corner of Assessor's Parcel 37-08-02;
6. thence Southerly along the most Easterly line of said Parcel 37-08-02 to the Southeastern corner thereof;
7. thence Westerly along the Southern line of Parcel 37-08-02 to Wade Avenue;
8. thence Northerly along said Wade Avenue to Paradise Road;
9. thence Southwesterly along said Paradise Road to the Northeastern line of Parcel 2, as per map filed December 18, 1989, in Book 42 of Parcel Maps, Page 60, Stanislaus County Records;
10. thence Northwesterly along said Northeastern line of Parcel 2 to Beverly Drive;
11. thence Easterly along said Beverly Drive to the Western line of Assessor's Parcel 37-04-39;
12. thence Northerly and Easterly along the boundary of said Parcel 37-04-39 to Harris Avenue;
13. thence Northerly along said Harris Avenue to the alley in Block 4028 of the AMENDED MAP OF PARADISE ORCHARD TRACT, as per map filed December 3, 1946 in Volume 16 of Maps, Page 3A, Stanislaus County Records;

14. thence Northeasterly along the alleys in Blocks 4028, 4029, and 4030 and the Southeasterly line of Lot 14 and the Northwestern line of Lots 13, 12, and 11 of Block 4030 of said Amended Map of Paradise Orchard Tract to a point on the Western line of Lot 10 in said Block 4030;
15. thence Northerly along said Western line of Lot 10 in Block 4030 to Chicago Avenue;
16. thence Easterly along said Chicago Avenue to the Southwestern corner of the ELLEN TRACT, as per map filed May 25, 1939 in Volume 11 of Maps, Page 60, Stanislaus County Records;
17. thence Northerly along the Western line of said Ellen Tract to the Northwestern corner thereof;
18. thence Easterly along the Northern line of the Ellen Tract and the Northern line of Assessor's Parcel 30-21-09 to a point on the Western line of Parcel "B", as per map filed October 30, 1980 in Book 30 of Parcel Maps, Page 172, Stanislaus County Records;
19. thence Northerly along said Western line of Parcel "B" to Briggs Avenue;
20. thence Easterly along said Briggs Avenue to North Martin Luther King Drive;
21. thence Southerly along said North Martin Luther King Drive to the Northern line of the C-1 Zone in Block 343 of the City of Modesto;
22. thence Easterly along said last-mentioned Northern line to the Northern corner of Lot 2 in said Block 343;
23. thence Southeasterly along the Northeastern line of Lot 2 in Block 343 to Paradise Avenue;
24. thence Southwesterly along said Paradise Avenue to its intersection with the Northerly extension of the Eastern line of the Western 2.00 feet of Lot 8 in Block 353 of the City of Modesto;
25. thence Southerly along said Northerly extension of and the Eastern line of the Western 2.00 feet of Lot 8 in Block 353 to the East-West alley in Block 353;
26. thence Westerly along said East-West alley in Block 353 to Sutter Avenue;
27. thence Southerly along said Sutter Avenue to said Southeastern corner of Block 3093 and the point of beginning.
28. Including those portions of Paradise Road, Wade Avenue, Beverly Drive, Harris Avenue, Mayette Avenue, Florette Avenue, Chicago Avenue, Ellen Avenue, Briggs Avenue, North Martin Luther King Drive, Paradise Avenue, Tuolumne Boulevard, and Sutter Avenue bordering the above-described property.

REDEVELOPMENT SURVEY AREA  
(Major Area)

All that real property in the State of California, County of Stanislaus, being a portion of Sections 24 and 25, Township 3 South, Range 8 East, and Sections 19, 27, 28, 29, 30, 31, 32 and 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the intersection of the centerlines of Carpenter Road and Kansas Avenue;

1. thence Westerly 670 feet, more or less, along said centerline of Kansas Avenue to its intersection with the Southerly extension of the Eastern line of the PHEASANT VALLEY Subdivision, as per map filed March 16, 1988 in Volume 32 of Maps, Page 76, Stanislaus County Records;
2. thence Northerly 1,146 feet, more or less, along said Southerly extension of and the Eastern line of said Pheasant Valley Subdivision to the Northwestern corner of Parcel "2", as per map filed June 27, 1974, in Book 19 of Parcel Maps, Page 50, Stanislaus County Records;
3. thence Northeasterly 158 feet, more or less, along a Northwestern line of Parcel "2";
4. thence Southeasterly 10 feet, more or less, along a Northeasterly line of Parcel "2";
5. thence Northerly 101 feet, more or less, to the centerline of Torrid Avenue;
6. thence Easterly 340 feet, more or less, along said centerline of Torrid Avenue to its intersection with said centerline of Carpenter Road;
7. thence Northerly 990 feet, more or less, along said centerline of Carpenter Road to the Southeastern corner of Lot 1 in Block 1 of the PLEASANT HOMES Subdivision, as per map filed August 17, 1922 in Volume 9 of Maps, Page 67, Stanislaus County Records;
8. thence Westerly 165 feet, more or less, along the Southern line of said Lot 1 of Block 1 of the Pleasant Homes Subdivision;
9. thence Northerly 350 feet, more or less, to the centerline of Woodland Avenue and the North line of said Section 25;
10. thence Easterly 165 feet, more or less, along said centerline of Woodland Avenue and said North line of Section 25 to the centerline of Carpenter Road;
11. thence Northerly 1,330 feet, more or less, along the centerline of Carpenter Road to the Southeastern corner of Lot 10 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records;

12. thence Westerly 1,992 feet, more or less, along the Southern line of Lots 10, 9 and 8 of said Carmichael Colony to the Southwestern corner of Parcel "2", as per map filed July 30, 1982, in Book 33 of Parcel Maps, Page 12, Stanislaus County Records;
13. thence Northerly 1,327 feet, more or less, along the Western line of Parcel "2" and the centerline of Prichard Avenue to the centerline of former 40.00-foot Blue Gum Avenue and the East-West quarter section line of said Section 24;
14. thence Westerly 1990 feet, more or less, along said centerline of Blue Gum Avenue and said East-West quarter section line to the West line of the East half of the Northwest quarter of Section 24 and the Southerly extension of the Western line of 40.00-foot Poust Avenue;
15. thence Northerly 2,649 feet, more or less, along said Southerly extension and said Western line of Poust Avenue, to the North line of Section 24;
16. thence Easterly 2,510 feet, more or less, along said North line of Section 24, to the Southwestern line of the 100.00-foot Southern Pacific Railroad Right-of-Way;
17. thence Southeasterly 2,072 feet, more or less, along said Southwestern line of the Southern Pacific Railroad Right-of-Way to the centerline of Carpenter Road;
18. thence Northerly along the centerline of Carpenter Road and the East line of Section 24, to its intersection with the Southwestern line of Freeway 99;
19. thence Southeasterly along said Southwestern line of Freeway 99 to a Southeastern line of the NORTH 99 ADDITION (195), as per description filed June 28, 1966, as Instrument 23028, Stanislaus County Records;
20. thence Northeasterly 329 feet, more or less, along said Southeastern line of ADDITION (195) to a point on the Northern line of Clayton Avenue;
21. thence Easterly 305 feet, more or less, along said Northern line of Clayton Avenue to its intersection with the Northerly extension of the Western line of the CAMPUS EDGE ADDITION (71), as per description filed July 24, 1956, as Instrument 20020, Stanislaus County Records;
22. thence Southerly 712 feet, more or less, along said Northerly extension and the Western line of ADDITION (71), to the Southwestern corner of ADDITION (71);
23. thence Easterly 874 feet, more or less, along the Southern line of ADDITION (71) to the centerline of Carver Road;
24. thence Northerly 67 feet, more or less, along said centerline of Carver Road to its intersection with the centerline of West Roseburg Avenue;

25. thence Easterly 411 feet, more or less, along said centerline of West Roseburg Avenue to its intersection with the Northerly extension of the Eastern line of Parcel "1", as per map filed March 14, 1985 in Book 36 of Parcel Maps, Page 39, Stanislaus County Records;
26. thence Southerly 946 feet, more or less, along said Northerly extension of the Eastern line of Parcel "1"; the Eastern line of Parcels "1" and "2" and the Southerly extension of said Eastern line of Parcel "2" to a point on the Northern line of Parcel "B" as per map filed March 26, 1976 in Book 22 of Parcel Maps, Page 78, Stanislaus County Records;
27. thence Easterly 1,123 feet, more or less, along said Northern line of Parcel "B" and its Easterly extension and the Northern Line of property conveyed to the City of Modesto (J.M. Pike Park) by deed recorded July 22, 1948, as Instrument 15495, Stanislaus County Records, to the centerline of Kearney Avenue;
28. thence Southerly 820 feet, more or less, along said centerline of Kearney Avenue to the Northwestern corner of Lot 8 of the EVERGREEN ACRES Subdivision, as per map filed September 21, 1912 in Volume 7 of Maps, Page 9, Stanislaus County Records;
29. thence Easterly 264 feet, more or less, along the Northern line of said Lot 8 of Evergreen Acres to the Northeastern corner of Lot 8;
30. thence Southerly 550 feet, more or less, along the Eastern line of Lot 8, said line also being the Western line of Lots 7 and 9, of said Evergreen Acres to the Northwestern corner of Lot 21 of Evergreen Acres;
31. thence Easterly 776 feet, more or less, along the Northern line of said Lot 21, 20, 19, 18 and 17 of Evergreen Acres to the Northeastern corner of Lot 17 of Evergreen Acres;
32. thence Southerly 59 feet, more or less, along the Eastern line of said Lot 17 of Evergreen Acres to the Northwestern corner of Lot 16 of Evergreen Acres;
33. thence Easterly 281 feet, more or less, along the Northern line of said Lot 16 of Evergreen Acres to the centerline of Tully Road;
34. thence Southerly 1,324 feet, more or less, along said centerline of Tully Road to its intersection with the centerline of Stoddard Avenue;
35. thence Easterly 620 feet, more or less, along said centerline of Stoddard Avenue to its intersection with the Northwesterly extension of the Northeastern boundary of the COLLEGE PARK TRACT NO. 2, as per map filed September 13, 1940 in Volume 14 of Maps, Page 3, Stanislaus County Records;
36. thence Southeasterly 622 feet, more or less, along said Northeasterly boundary of said College Park Tract No. 2;

37. thence Southeasterly along a curve to the left having a Radius of 371.77 feet to its point of tangency on the Northwesterly line of the 120-foot wide Modesto Irrigation District Lateral No. 4;
38. thence Southwesterly along said Northwesterly line of said Lateral No. 4 to its intersection with the Northerly extension of the centerline of Nellie Avenue;
39. thence Southerly along said Northerly extension of the centerline of Nellie Avenue and the centerline of Nellie Avenue to its intersection with a line which is parallel with and 172.5 feet, measured at right angles, Northerly from the centerline of former 65-foot Needham Street;
40. thence Easterly 199 feet, more or less, along said parallel line to the centerline of the alley in Block 506 of the CITY OF MODESTO, as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records;
41. thence Northerly 17 feet, more or less, along said alley centerline to its intersection with a line which is parallel with and 189.24 feet, measured at right angles, Northerly from said centerline of former 65-foot Needham Street;
42. thence Easterly 187 feet, more or less, along said last-mentioned parallel line to the centerline of College Avenue;
43. thence Southerly 51 feet, more or less, along said centerline of College Avenue to its intersection with a line which is parallel with and 138.1 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;
44. thence Easterly 187 feet, more or less, along said last-mentioned parallel line to the centerline of the alley in Block 509 of said City of Modesto;
45. thence Southerly 2 feet, more or less, along said last-mentioned alley centerline to its intersection with a line which is parallel with and 136.5 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;
46. thence Easterly 186 feet, more or less, along said last-mentioned parallel line to the centerline of Olive Avenue;
47. thence Southerly 0.4 feet, more or less, along said centerline of Olive Avenue to its intersection with a line which is parallel with and 136.1 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;
48. thence Easterly 186 feet, more or less, along said last-mentioned parallel line to the centerline of the alley in Block 510 of said City of Modesto;

49. thence Southerly 1 foot, more or less, along said last-mentioned alley centerline to its intersection with a line which is parallel with and 134.9 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;
50. thence Easterly 186 feet, more or less, along said last-mentioned parallel line to the centerline of Orange Avenue;
51. thence Northerly 25 feet, more or less, along said centerline of Orange Avenue to its intersection with a line which is parallel with and 159.1 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;
52. thence Easterly 186 feet, more or less, along said last-mentioned parallel line to the centerline of the alley in Block 515 of said City of Modesto;
53. thence Southerly 2 feet, more or less, along said last-mentioned alley centerline to its intersection with a line which is parallel with and 157.5 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;
54. thence Easterly 186 feet, more or less, along said last-mentioned parallel line to the centerline of Virginia Avenue;
55. thence Southerly 50 feet, more or less, along said centerline of Virginia Avenue to its intersection with a line which is parallel with and 107.3 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;
56. thence Easterly 186 feet, more or less, to the centerline of the alley in Block 516 of said City of Modesto;
57. thence Southerly 107 feet, more or less, along said last-mentioned alley centerline to said centerline of 65.00-foot Needham Avenue;
58. thence Easterly 932 feet, more or less, along said centerline of 65.00-foot Needham Street to the centerline of Park Avenue;
59. thence Northerly 1,277 feet, more or less, along said centerline of Park Avenue to the centerline of Stoddard Avenue;
60. thence Easterly 375 feet, more or less, along said centerline of Stoddard Avenue to the centerline of Sycamore Avenue;
61. thence Southerly 1,276 feet, more or less, along said centerline of Sycamore Avenue, to said centerline of Needham Street;
62. thence Easterly 1,127 feet, more or less, along said centerline of 65.00-foot Needham Street to the centerline of McHenry Avenue;
63. thence Southerly 57 feet, more or less, along said centerline of McHenry Avenue to the centerline of Downey Avenue;

64. thence Easterly 998 feet, more or less, along said centerline of Downey Avenue to the centerline of Semple Street;
65. thence Northerly 180 feet, more or less, along said centerline of Semple Street to the centerline of the alley in Block 579 of said City of Modesto;
66. thence Easterly 338 feet, more or less, along said last-mentioned alley centerline to the centerline of Kimble Street;
67. thence Northerly 60 feet, more or less, along said centerline of Kimble Street to the centerline of an East-West alley in Block 580 of said City of Modesto;
68. thence Easterly 180 feet, more or less, along said last-mentioned alley centerline to the centerline of the North-South alley in said Block 580;
69. thence Northerly 75 feet, more or less, along said last-mentioned alley centerline to the centerline of an East-West alley in Block 580;
70. thence Easterly 180 feet, more or less, along said last-mentioned alley centerline to the centerline of High Street;
71. thence Northerly 100 feet, more or less, along said centerline of High Street to the centerline of an East-West alley in Block 587 of said City of Modesto;
72. thence Easterly 180 feet, more or less, along said last-mentioned alley centerline to the centerline of the North-South alley in said Block 587;
73. thence Northerly 75 feet, more or less, along said last-mentioned alley centerline to the centerline of an East-West alley in Block 587;
74. thence Easterly 180 feet, more or less, along said last-mentioned alley centerline to the centerline of Melrose Street;
75. thence Northerly 102 feet, more or less, along said centerline of Melrose Street to the centerline of the East-West alley in Block 590 of the City of Modesto;
76. thence Easterly 180 feet, more or less, along said last-mentioned alley centerline to the centerline of the North-South alley in said Block 590;
77. thence Northerly 160 feet, more or less, along said last-mentioned alley centerline to its intersection with the Westerly extension of the Northern line of Lot 23 in Block 590;

78. thence Easterly 407 feet, more or less, along said Westerly extension of said Northern line of Lot 23, the Northern line of Lot 23 and the Easterly extension of the Northern line of Lot 23 to its intersection with the Eastern line of Block 595 of said City of Modesto;
79. thence Southerly along said Eastern line of Block 595 to the centerline of Scenic Drive;
80. thence Easterly 1,332 feet, more or less, along said centerline of Scenic Drive to its intersection with the Southerly extension of the Eastern line of the ST. STANISLAUS CEMETERY, as per map filed March 12, 1941, in Volume 14 of Maps, Page 13, Stanislaus County Records;
81. thence Northerly 575 feet, more or less, along said Southerly extension of said Eastern line and the Eastern line of said St. Stanislaus Cemetery to a point on a Southern line of the GRANT TRACT, as per map filed May 26, 1950, in Volume 16 of Maps, Page 74, Stanislaus County Records;
82. thence Easterly 500 feet, more or less, along said Southern line of the Grant Tract;
83. thence Northeasterly 389 feet, more or less, along a Southeastern line of said Grant Tract and its Northeasterly extension to the centerline of Coffee Road, said point also being the Northwestern corner of Lot 27 of SUNNYSIDE ACRES, as per map filed May 24, 1911, in Volume 5 of Maps, Page 45, Stanislaus County Records;
84. thence Northeasterly 410 feet, more or less, along the Northwestern line of said Lot 27, Lot 28 and Lot 29 of said Sunnyside Acres to the Northeastern corner of Lot 29 of Sunnyside Acres;
85. thence Southerly 315 feet, more or less, along the Eastern line of said Lot 29 to the centerline of Scenic Drive;
86. thence Northeasterly 85 feet, more or less, along said centerline of Scenic Drive to its intersection with the Northwesterly extension of the Northeastern line of Assessor's Parcel 34-15-02;
87. thence Southeasterly 171 feet, more or less, along said Northwesterly extension and the Northeastern line of said Assessor's Parcel 34-15-02 to a point on the Northern line of Assessor's Parcel 34-18-03;
88. thence Westerly 236 feet, more or less, along said Northern line of Assessor's Parcel 34-18-03 to the Northwestern corner thereof;
89. thence Southerly 268 feet, more or less, along the Western line of said Assessor's Parcel 34-18-03 to the centerline of Dry Creek;
90. thence Southwesterly 3,600 feet, more or less, along said centerline of Dry Creek to the centerline of La Loma;

91. thence Westerly 50 feet, more or less, along said centerline of La Loma, to the centerline of North Morton Boulevard;
92. thence Northerly 734 feet, more or less, along said centerline of North Morton Boulevard, to a point on the Westerly extension of the Southern line of Block 597 of the City of Modesto;
93. thence Easterly along said Westerly extension to the Southwestern corner of said Block 597;
94. thence Northerly 330 feet, more or less, along the Western line of Block 597 to its intersection with the Easterly extension of the Southern line of the East-West alley in Block 596 of the City of Modesto;
95. thence Westerly 190 feet, more or less, along said Easterly extension of and said Southern line of said alley and the Westerly extension of the Southern line of said alley to the centerline of Bodem Street;
96. thence Southerly 90 feet, more or less, along said centerline of Bodem Street to its intersection with the Easterly extension of the Southern line of an East-West alley in Block 589 of the City of Modesto;
97. thence Westerly 180 feet, more or less, along said Easterly extension of and the Southern line of said alley to the centerline of the North-South alley in said Block 589;
98. thence Southerly 70 feet, more or less, along said alley centerline to the Southern line of an East-West alley in Block 589;
99. thence Westerly 217 feet, more or less, along said Southern alley line and its Westerly extension to the centerline of Melrose Avenue;
100. thence Southerly 170 feet, more or less, along said centerline of Melrose Street to the centerline of Downey Street;
101. thence Westerly 223 feet, more or less, along said centerline of Downey Street to the centerline of James Street;
102. thence Southerly 754 feet, more or less, along said centerline of James Street to the centerline of "G" Street;
103. thence Westerly 275 feet, more or less, along said centerline of "G" Street to its intersection with the Northerly extension of the Western line of Assessor's Parcel 107-06-21;
104. thence Southerly 190 feet, more or less, along said Northerly extension of and the Western line of Assessor's Parcel 107-06-21 to the Southern line of Lot 7 in Block 205 of said City of Modesto;
105. thence Westerly 165 feet, more or less, along said Southern line and its Westerly extension to the centerline of Burney Street;

106. thence Southerly 1,693 feet, more or less, along said centerline of Burney Street to the centerline of Jennie Street;
107. thence Easterly 1,190 feet, more or less, along said centerline of Jennie Street to the centerline of North Morton Boulevard;
108. thence Southerly along said centerline of North Morton Boulevard to the centerline of Grand Street;
109. thence Southerly along the centerline of South Morton Boulevard to the Northern line of Beard Brook Park;
110. thence Easterly along said Northern line of Beard Brook Park to the Westerly line of Dry Creek;
111. thence Southerly along said Westerly line of Dry Creek to the Southeasterly corner of Beard Brook Park;
112. thence Westerly along the Southerly line of Beard Brook Park and the Southern line of South Morton Boulevard, to the centerline of South Ninth Street;
113. thence Southeasterly along said centerline of South Ninth Street to its intersection with a Northwestern line of the Primary Floodway of the Tuolumne River, as designated by the State Reclamation Board;
114. thence Southwesterly along said Northwestern line of the Primary Floodway of the Tuolumne River to the centerline of South Seventh Street;
115. thence Northerly along said centerline of South Seventh Street to its intersection with the Northeasterly extension of a Southeastern line of Assessor's Parcel 102-16-01;
116. thence Southwesterly 190 feet, more or less, along said Northeasterly extension of and a Southeastern line of said Assessor's Parcel 102-16-01;
117. thence Southeasterly 132 feet, more or less, along a Northeastern line of Parcel 102-16-01;
118. thence Southwesterly 43 feet, more or less, along a Southeastern line of Parcel 102-16-01;
119. thence Northwesterly 185 feet, more or less, along a Southwestern line and its Northwesterly extension to the centerline of Tuolumne Boulevard;
120. thence Southwesterly 110 feet, more or less, along said centerline of Tuolumne Boulevard to its intersection with the Southeastern extension of the Northeastern line of Lot 27 in Block 305 of said City of Modesto;

121. thence Northwesterly 260 feet, more or less, along said Southeastern extension of and said Northeastern line of and the Northwestern extension of said Northeastern line of Lot 27 in Block 305 to its intersection with the centerline of an alley in Block 305;
122. thence Northeasterly 93 feet, more or less, along said alley centerline;
123. thence continuing Northerly 525 feet, more or less, along the centerline of the alley in Block 305 and its Northerly extension to a point on the centerline of "C" Street;
124. thence Northeasterly 75 feet, more or less, along said centerline of "C" Street to its intersection with the Southeasterly extension of the centerline of the alley in Block 28 of said City of Modesto;
125. thence Northwesterly 960 feet, more or less, along said Southeasterly extension of and the centerline of the alley in Blocks 28 and 29 and the Northwesterly extensions of said alley centerlines to the centerline of "E" Street;
126. thence Southwesterly 760 feet, more or less, along said centerline of "E" Street extended to its intersection with the Southeasterly extension of the centerline of the alley in Block 13 of said City of Modesto;
127. thence Northwesterly 1,300 feet, more or less, along said Southeasterly extension of and the centerline of the alley in Block 13, 14 and 15 and the Northwesterly extensions of said alley centerlines to the intersection with the Northeasterly extension of the Southeastern line of Lot 29 in said Block 15;
128. thence Southwesterly 950 feet, more or less, along said Northeasterly extension of and the Southeastern line of said Lot 29 in Block 15, the Southeastern line of Lots 4 and 29 in Block 10, the Southeastern line of Lots 4 and 29 in Block 4 and the Southwesterly extensions of said lot lines to the centerline of Second Street;
129. thence Northwesterly 50 feet, more or less, along said centerline of Second Street to its intersection with the Northeasterly extension of the Southeastern line of Lot 2 in Block 2 of the City of Modesto;
130. thence Southwesterly 190 feet, more or less, along said Northeasterly extension of and the Southeastern line of said Lot 4 and its Southwesterly extension to the centerline of the alley in said Block 2;
131. thence Southeasterly 430 feet, more or less, along said centerline of the alley in Block 2 and its Southeasterly extension to the Northwestern line of Block 2 of the City of Modesto;
132. thence Southwesterly and Southerly along the Northwestern and Western line of said Block 2 and the Southerly extension of said Western line to the centerline of Sierra Drive;

133. thence Westerly 360 feet, more or less, along said centerline of Sierra Drive to the centerline of Rosedale Avenue;
134. thence Southerly 1,235 feet, more or less, along said centerline of Rosedale Avenue to the centerline of Tuolumne Boulevard;
135. thence Westerly 660 feet, more or less, along said centerline of Tuolumne Boulevard to the centerline of Yosemite Avenue;
136. thence Northerly 660 feet, more or less, and Northwesterly 250 feet, more or less, along said centerline of Yosemite Avenue to the centerline of "H" Street;
137. thence Northeasterly along said centerline of "H" Street to the centerline of South Jefferson Street;
138. thence Northerly along said centerline of South Jefferson Street to the centerline of Vine Street;
139. thence Easterly 430 feet, more or less, along said centerline of Vine Street to the centerline of South Washington Street;
140. thence Southerly along said centerline of South Washington Street to the centerline of First Street;
141. thence Southeasterly along said centerline of First Street to its intersection with the Southwesterly extension of the Southeastern line of Lot 21 in Block 1 of the City of Modesto;
142. thence Northeasterly 570 feet, more or less, along said Southwesterly extension of and the Southeastern line of Lots 21 and 12 in said Block 1, and the Northeasterly extensions of said lot lines to the centerline of Second Street;
143. thence Southeasterly 25 feet, more or less, along said centerline of Second Street to its intersection with the Southwesterly extension of the Southeastern line of Lot 20 in Block 5 of the City of Modesto;
144. thence Northeasterly 190 feet, more or less, along said Southwesterly extension of and the Southeastern line of Lot 20 and its Northeasterly extension to the centerline of the alley in said Block 5;
145. thence Northwesterly 525 feet, more or less, along said centerline of Block 5 and the centerline of the alley in Block 6 and the Northwesterly extension of said alley centerlines to the intersection with the Southwesterly extension of the Northwestern line of Lot 13 in said Block 6 of said City of Modesto;
146. thence Northeasterly 760 feet, more or less, along said Southwesterly extension of and the Northwestern line of said Lot 13 in Block 6, the Northwestern line of Lots 20 and 13 in Block 8, the Northwestern line of Lot 20 in Block 17 and the Northeasterly extensions of said Lot lines to the centerline of the alley in Block 17 of said City of Modesto;

147. thence Northwesterly 1,115 feet, more or less, along said alley centerline in Block 17, the alley centerline in Blocks 18 and 19 and the Northwesterly extensions of said centerlines to the intersection with the Easterly extension of the alley centerline of Block 418 of said City of Modesto;
148. thence Westerly 1,962 feet, more or less, along said Easterly extension of the alley centerline in Block 418, the alley centerlines in Blocks 419, 420 and 4095 of the City of Modesto, and the Westerly extensions of said alley centerlines to a point on the Western line of Lot 1 of the SPENCER COLONY, as per map filed December 16, 1904 in Volume 2 of Maps, Page 3, Stanislaus County Records;
149. thence Northerly 173 feet, more or less, along said Western line of Lot 1 and its Northerly extension to the centerline of Maze Boulevard;
150. thence Easterly along said centerline of Maze Boulevard to its intersection with the Southerly extension of the Eastern line of Assessor's Parcel 29-25-16;
151. thence Northerly 185 feet, more or less, along said Southerly extension of and the Eastern line of said Parcel 29-25-16 to a point on the Southern line of Assessor's Parcel 29-25-17;
152. thence Easterly 23 feet, more or less, along said Southern line of Parcel 29-25-17 to the Southeastern corner thereof;
153. thence Northerly 193 feet, more or less, along the Eastern line and the Northerly extension of the Eastern line of Parcel 29-25-17 to the centerline of Locust Street;
154. thence Westerly 303 feet, more or less, along said centerline of Locust Street to its intersection with the Southerly extension of the Western line of the Modesto City School District property (Assessor's Parcel 29-27-01);
155. thence Northerly 459 feet, more or less, along said Western line of the Modesto City School District property to the Southern line of the Modesto Irrigation District Lateral No. 4 Right-of-Way;
156. thence Easterly and Northeasterly along said Southern line of Lateral No. 4 to the centerline of North Martin Luther King Drive;
157. thence Southerly along said centerline of North Martin Luther King Drive to the intersection with the Westerly extension of the alley centerline in Block 421 of the City of Modesto;
158. thence Easterly 1,297 feet, more or less, along said Westerly extension of and said alley centerlines in Blocks 421, 422 and 423 of the City of Modesto, and the Easterly extension of said alley centerlines to a point on the former centerline of Washington Street;
159. thence Northerly along said former centerline of Washington Street to the centerline of Freeway 99;

160. thence Northwesterly along said centerline of Freeway 99 to its intersection with the Easterly extension of the Northern line of the LAUREL AVENUE NO. 3 REORGANIZATION (477), as per description filed May 12, 1988, as Instrument 030760, Stanislaus County Records;
161. thence Westerly along said Easterly extension of and the Northern line of said REORGANIZATION (195) to the centerline of Bennett Avenue;
162. thence Southerly 250 feet, more or less, along said centerline of Bennett Avenue to the centerline of Laurel Street;
163. thence Westerly 935 feet, more or less, along said centerline of Laurel Street to the centerline of North Emerald Avenue;
164. thence Northerly 973 feet, more or less, along said centerline of North Emerald Avenue to the Southern line of Future State Highway 132;
165. thence Westerly along said Southern line of Future State Highway 132 to the centerline of Carpenter Road;
166. thence Northerly along said centerline of Carpenter Road to said centerline of Kansas Avenue and the end of this description.
167. Including those portions of Kansas Avenue, Torrid Avenue, Carpenter Road, Woodland Avenue, Prichard Avenue, Blue Gum Avenue, Poust Avenue, Shoemake Avenue, Brink Avenue, Clayton Avenue, Carver Road, West Roseburg Avenue, Kearney Avenue, Tully Road, Stoddard Avenue, Nellie Avenue, Needham Street, College Avenue, Olive Avenue, Orange Avenue, Virginia Avenue, Park Avenue, Sycamore Avenue, McHenry Avenue, Downey Street, Semple Street, Kimble Street, High Street, Melrose Street, Scenic Drive, La-Loma Avenue, North Morton Boulevard, Bodem Street, Downey Avenue, James Street, "G" Street, Burney Street, Jennie Street, South Morton Boulevard, Grand Street, South Ninth Street, South Seventh Street, Tuolumne Boulevard, "C" Street, "E" Street, First Street, Second Street, Sierra Drive, Rosedale Avenue, Yosemite Avenue, "H" Street, South Jefferson Street, Vine Street, South Washington Street, Maze Boulevard, Locust Street, North Martin Luther King Drive, Bennett Avenue, Laurel Avenue and North Emerald Avenue bordering the above described property.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-827

A RESOLUTION AMENDING SECTION 1 OF MODESTO CITY COUNCIL RESOLUTION NO. 80-344 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D(262)."

WHEREAS, City Council Ordinance No. 1939-C.S., which became effective on May 18, 1980, granted a Planned Development Zone, P-D(262), to allow a roller skating rink and batting cage, property located on the south side of Floyd Avenue east of Oakdale Road, and

WHEREAS, City Council Resolution No. 80-344, which was adopted on April 15, 1980, approved a development plan for P-D(262) and contained the conditions of approval for the development of said uses on the P-D(262) property, and

WHEREAS, a verified application for an amendment to P-D(262) was filed by Gregg Duffin on April 9, 1990, to allow conversion of the roller skating rink to business/professional office space, and

WHEREAS, said application was set for a public hearing before the Planning Commission on September 17, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on September 17, 1990, 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. 90-78, that amendment of P-D(262) to allow business and professional office uses as allowed in the P-O, Professional Office Zone, in addition to the skating rink and batting cage, is required by public necessity, convenience and general welfare for the following reasons:

1. That the proposed office conversion is in accordance with community objectives as set forth in the General Plan, which provides for office locations near centers of activity.
2. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated May 2, 1990, should be certified as adopted.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on October 16, 1990, at 7:30 p.m., and

WHEREAS, after said public hearing held on October 16, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Greg Duffin to amend P-D(262) to allow business and professional offices uses as allowed in the P-O, Professional Office Zone, in addition to the skating rink and batting cage, should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 90-78 and quoted above, and

WHEREAS, on October 16, 1990, the Council introduced Ordinance No. 2735 -C.S. amending Planned Development Zone, P-D(262), to allow business and professional office uses as allowed in the P-O, Professional Office Zone, in addition to the skating rink and batting cage,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 80-344 entitled "A Resolution Approving A Development Plan For Planned-Development Zone, P-D(262)" is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(262), is hereby approved to allow business and professional office uses as allowed in P-0, Professional Office Zone, in addition to the skating rink and batting cage, subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Office Building Floyd and Oakdale Road, Modesto, California" as amended in red, stamped approved by the City Council on October 16, 1990.
2. The Floyd Avenue frontage shall be improved to major street standards prior to the occupancy of the office building or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
3. Prior to occupancy of the office building, 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.
4. The developer shall dedicate to the City of Modesto a street tree planting easement along the Floyd Avenue frontage as required by the Parks and Recreation Director.
5. Prior to occupancy of the office building the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.
6. That prior to occupancy of the office building, the developer shall pay storm drainage fees as established for the Orchard Storm Drain Area.
7. Prior to occupancy of the office building, the developer shall obtain certification from the Parks and Recreation Director that the landscaping and irrigation systems generally conform to City standards and/or any previously approved plans.

BE IT FURTHER RESOLVED that all other provisions of Council

Resolution No. 80-344 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 October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-828

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 P-D(262) PROPERTY LOCATED ON THE SOUTH SIDE OF FLOYD AVENUE EAST OF OAKDLE ROAD. (DUFFIN)

WHEREAS, on October 16, 1990, the City Council introduced Ordinance No. 2735-C.S. giving approval to a project relating to an amendment to Planned Development Zone, P-D(262), property located on the south side of Floyd Avenue East of 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 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 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 Planned Development Zone, P-D(262), property located on the south side of Floyd Avenue east of Oakdale Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-828A

A RESOLUTION OF THE MODESTO CITY COUNCIL ADOPTING THE VILLAGE ONE SPECIFIC PLAN AND VILLAGE ONE FINANCING PLAN, AND MAKING FINDINGS OF OVERRIDING CONSIDERATIONS.

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 3, 1989, the Modesto City Council adopted Urban Growth Management policies that reflected recommendations of the Tier I and II Urban Growth Policy Review Committee, and

WHEREAS, the Urban Growth Management policies call for future development of the City's "Urban Reserve" to be planned as "villages" using Specific Plans, and

WHEREAS, these Growth Management policies require that the village planning process address environmental concerns; address the cost of growth so that new growth pays for itself; analyze citywide capital improvement needs; and provide the public with a comprehensive development plan instead of sewer extensions, and

WHEREAS, these Growth Management policies also require that the village planning process addresses Modesto's long-term employment needs and jobs/housing balance by designating from 10 to 15 percent of the land for business park development; and that it includes an affordable housing program using a variety of techniques including but not limited to housing trusts, inclusionary zoning, and density bonuses as needed to provide affordable housing, and

WHEREAS, in October of 1989, the City of Modesto initiated the process to prepare a Specific Plan for Village One, the first village to be

developed in the Urban Reserve, and assigned the responsibility for overall guidance of the Village One planning program to the Modesto Planning Commission, and

WHEREAS, in October of 1989, the City of Modesto hired two consulting firms, ROMA Design Group and Economic Planning Systems, to help the Planning Commission and city staff prepare the Village One General Plan Amendment, Specific Plan, Financing Plan, and Environmental Impact Report ("EIR"), and

WHEREAS, a "Scoping Session," attended by representatives of various local agencies, city departments, and property owners, was held on October 27, 1989 to identify issues that should be addressed by the Village One Specific Plan, Village One Financing Plan and Village One Specific Plan EIR, and

WHEREAS, the City of Modesto issued a Notice of Preparation on February 22, 1990 announcing that the City of Modesto was preparing an EIR for the Village One Specific Plan and seeking the input of state and local agencies in the identification of issues that should be addressed in the Village One EIR, and

WHEREAS, on April 30, 1990, the Draft Village One Specific Plan and Draft Village One Financing Plan was presented to a joint meeting of the City Council and Planning Commission, and

WHEREAS, the Draft Village One Specific Plan and Draft Village One Financing Plan reflected the concerns and issues of the City Council, Planning Commission, area residents, city staff and other agency staff involved in many meetings held with these groups and consultants between October 10, 1989 and April 30, 1990, and

WHEREAS, changes to the April 30th Village One Draft Specific Plan and Draft Financing Plan are recommended by consultants and staff to address

issues raised during the public review of these documents, and to accommodate mitigation measures identified in the Final EIR, and

WHEREAS, the Planning Commission, held a duly noticed public hearing on September 4, 1990, and adopted Resolution No. 90-75 recommending that the City Council certify the Village One Final EIR, adopt the Village One General Plan Text and Map Amendment, and adopt the Village One Specific Plan and Village One Financing Plan, and

WHEREAS, the 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 City Council adopted Resolution No. 90-757, which contained findings that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR, pursuant to Section 15091(a)(1) of the Guidelines, and

WHEREAS, the Village One Final EIR identifies one or more significant environmental effects that cannot be mitigated to a level of less-than-significance, and

WHEREAS, Section 15093 of the CEQA Guidelines requires that the City Council adopt a Statement of Overriding Considerations when approving a project that has one or more significant environmental effects that cannot be mitigated to a level of less-than-significance, and

WHEREAS, the City Council held a duly noticed public hearing on September 11, 1990, at 7:30 p.m., for the purpose of receiving public comment on the Village One General Plan Amendment at which time all interested persons were heard, and all oral and written testimony considered, and

WHEREAS, the City Council passed Resolution No. 90-758 on September 11, 1990, adopting the Village One General Plan Amendment, which requires that each "village" be accompanied by a Specific Plan and a Financing Plan, and

WHEREAS, the Village One General Plan Amendment became effective on October 12, 1990, thirty days after its approval by the City Council, and

WHEREAS, the City Council held a duly noticed public hearing on October 16, 1990, at 7:30 p.m., for the purpose of receiving public comment on the Village One Specific Plan and Financing Plan, at which time all interested persons were heard and all oral and written testimony considered,

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 EIR prior to adoption of the Village One Specific Plan and Financing Plan.

SECTION 2. The City Council hereby reaffirms the findings made pursuant to Section 15091(a)(1) of the Guidelines regarding the changes or alterations that have been made in the project to avoid or substantially lessen significant environmental effects contained in City Council Resolution No. 90-757, adopted September 11, 1990.

SECTION 3. The City Council hereby reaffirms the findings made pursuant to Section 15091(a)(3) of the Guidelines regarding the specific economic, social, or other conditions that make infeasible certain mitigation measures or project alternatives contained in City Council Resolution No. 90-757, adopted September 11, 1990.

SECTION 4. The City Council hereby finds that the proposed Village One Specific Plan and Financing Plan are internally consistent with the City of Modesto's General Plan, the 1974 Modesto Urban Area General Plan as amended from time to time.

SECTION 5. The City Council hereby adopts the Village One Specific Plan and Financing Plan, marked as Exhibit A-1 for the Specific Plan and Exhibit A-2 for the Financing Plan, copies of which are on file in the Office of the City Clerk.

SECTION 6. In adopting the Village One Specific Plan and Financing Plan, the City Council hereby adopts the Statement of Overriding Considerations, attached hereto as Exhibit B and hereby incorporated by reference.

SECTION 7. This resolution shall become effective 30 days from the date it was passed.

SECTION 8. The City Clerk is hereby authorized and directed to certify copies of said Specific Plan and Financing Plan to the Board of Supervisors of the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

The California Environmental Quality Act (CEQA) requires that decision making bodies balance the benefits of proposed projects against their unavoidable environmental effects. When project benefits outweigh the unavoidable adverse effects, the adverse 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 project, made possible by the approval of the Village One General Plan Text and Map Amendment, will result in the following unavoidable significant environmental effects: loss of farm land, cumulative loss of farmland, decreased regional air quality, 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 EIR and were found by the City Council, pursuant to Section 15090 of the Guidelines, to be unavoidable as a result of not having mitigation measures or by mitigation measures that do not reduce their effects to a less-than-significant level.

In approving the Village One General Plan Text and Map Amendment, the City Council finds that the following benefits outweigh the unavoidable significant environmental effects identified in the Final EIR:

1. Need for Additional Land to Accommodate Urban Growth

In 1989 the City had an estimated 1,236 acres available within the City limits for urban growth and development. At the average rate of land absorption experience over the past decade, the City will run out of land by 1992. The orderly and planned development of the Village One area would add an additional 1,775 acres and permit continued growth and development of the community.

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 nonconstruction jobs when secondary employment multipliers are included. Village One total employment is expected to add \$29,929,333 to the local economy from wages and salaries alone, and contribute \$47,109,610 from 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

housing will be affordable to low and moderate income groups with 50 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 Development

Village One represents an important departure from past development policies that characterize newer areas of Modesto. In this regard, the Village One project is an environmentally superior design, particularly when compared to the Neighborhood Prototype of the Modesto General Plan. Village One offers environmentally sound design and development principles including: potential for light rail, pedestrian-oriented design; bicycle lanes and pedestrian trails developed in conjunction with major and minor streets; metered water service; dual water system for public landscaping; greater open space and park facilities ranging from mini-parks to a community park; generous landscaping and landscaped medians on neighborhood connector streets and other major streets; includes a village center complete with shopping and public facilities (police, fire and library); offers nearby employment and a better future jobs/housing balance; and livable streets.

# EXECUTIVE SUMMARY

This Specific Plan for Village One provides for a new mixed-use planned community on approximately ~~1,775~~ 1,784 acres of land within Modesto's Sphere of Influence. As set forth by state law, it establishes the objectives and policies to guide the location, intensity and character of land uses, the circulation pattern and necessary infrastructural improvements, the organization and design of the community, and the implementation actions required to realize plan recommendations. It is separately accompanied by a Financing Plan, an Environmental Impact Report, and a General Plan Amendment.

More specifically, the plan calls for the development of:

- A predominantly single-family residential community with up to 8,000 dwelling units within three primary residential districts to the west of Claus.
- Approximately 700,000 square feet of commercial uses primarily organized within a pedestrian-oriented Village Center.
- Up to 2.3 million square feet of industrial/business uses, which will generate employment activities located along the rail tracks and which will serve as a transition to agricultural areas to the east.
- A variety of community facilities which will not only serve the specific needs of the new residential area, but will also help to structure the development and add to the overall quality of life of the village as it evolves over time.

The Specific Plan places emphasis on the creation of a sociable, pedestrian-oriented community which is responsive to larger environmental issues affecting development in the Central Valley. It organizes the entire community around the Village Center, with residential districts focused on parks and schools. Linkages between activity centers within the village are made along heavily landscaped streets which provide for pedestrian, bicycle and transit use as well as vehicular access. Innovative approaches to residential design are set forth to achieve more attractive, livable neighborhoods.

# PLAN OVERVIEW

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## PURPOSE OF THE SPECIFIC PLAN

The Village One Specific Plan is the first Specific Plan to be prepared in Modesto, and it represents new beginnings for the city as a whole. In expanding the city boundaries to the Sphere of Influence, this Specific Plan will set a precedent for the village planning efforts to follow. The Village One Specific Plan represents an effort conducted over approximately ~~five months~~ one year to prepare a plan for approximately ~~1,775~~ 1,784 acres of rural land at the northeastern edge of the city. It has been prepared in an attempt to address numerous issues and concerns which have arisen over the past few years, related primarily to the quality and character of new development, the sequencing of community facilities and infrastructure, the affordability of new housing, and the creation of jobs along with housing. It is intended to establish in more specific terms the nature, character and location of activities and development; to guide the orderly growth of the area; and to provide the basis for future implementing actions, including annexation of the site presently in the city's Sphere of Influence, extension of necessary utilities and services, and processing of development applications. The implementation of the Specific Plan will involve modification of city zoning, commitments to public and private improvements and to precise development plans consistent with Specific Plan policies and design guidelines.

## SCOPE OF THE PLAN

Specific Plans are set forth under California law (Government Code Section 65451 et. seq.) to provide a greater level of specificity in planning sites of special interest or value to a community. As required under California law, a Specific Plan is to contain:

- (a) a text and diagram or diagrams which specify all of the following in detail:
  - (1) The distribution, location and extent of the uses of land, including open space, within the area covered by the plan.

and precise plans reflecting specific development proposals for the site will be considered by the City of Modesto. The Implementation Element describes in greater detail the next steps in the annexation and development process.

- (2) The proposed distribution, location and extent and intensity of major components of public and private transportation, sewerage, water, drainage, solid waste disposal, energy and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
- (3) Standards and criteria by which development will proceed and standards for the conservation, development and utilization of land resources, where applicable.
- (4) A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out paragraphs 1, 2 and 3 above.

(b) ...a statement of the relationship of the Specific Plan with the General Plan.

The Specific Plan process creates the opportunity to plan for a site comprehensively, as well as on the basis of more specific information than possible in a General Plan or ordinance. A General Plan is, by its nature, broad based and unlikely to address site-specific issues in great detail. On the other hand, zoning promulgates specific rules to be applied generically within a community and, therefore, seldom addresses the unique conditions and problems of a particular area in great depth. In contrast, a specific plan provides a forum for community input and discussion on specific issues and more detailed potential solutions. For an extremely important site on the fringe of the city, such as Village One, it creates the vehicle for further examination of the implications of growth and development.

The Village One Specific Plan is organized into the following elements: Land Use; Housing Affordability; Circulation; Community Facilities; Community Design; Utilities and Storm Drainage; and Implementation. Each element includes background information, plan objectives and policies, and standards as appropriate. Additionally, illustrations are provided to further indicate plan policies.

## PLANNING PROCESS

The planning process for Village One has followed a series of steps, leading from the identification of opportunities and constraints and including the definition and review of development strategies, to the selection and refinement of a concept for the site and the preparation of this specific plan, separately accompanied by the Program EIR.

Public involvement in the planning process has involved numerous community workshops, Planning Commission study sessions, as well as joint Planning Commission/City Council meetings to address concerns and identify preliminary objectives; to review opportunities and constraints and confirm basic data; to consider the alternative development strategies; and to present the proposed design guidelines and development standards.

Upon certification of the EIR and adoption of the specific plan, the extension of sanitary sewer services to the village will be subject to an advisory vote by city residents. Upon favorable approval to proceed by the City Council, annexation proceedings will follow,

(2) The proposed distribution, location and extent and intensity of major components of public and private transportation, sewerage, water, drainage, solid waste disposal, energy and other essential facilities proposed to be located within the area

and precise plans reflecting specific development proposals for the site will be considered by the City of Modesto. The Implementation Element describes in greater detail the next steps in the annexation and development process.

## PLANNING APPROACH

The Village One Specific Plan marks an unprecedented step toward planning the future of Modesto. For the first time since the late 1800's, the City has developed a plan for a large piece of land (~~1,775~~ acres) prior to annexation and the granting of development approvals. The purpose of this effort is to marshal the forces of growth in realizing positive change and improvement within the community. Rather than responding to the incremental and uncoordinated effects of development by individual builders and developers, the Village One Specific Plan provides the opportunity to think about a large site in a comprehensive and far-sighted fashion, balancing public objectives and community values with the multiple interests and considerations of private property owners.

The planning approach which has been taken for Village One goes beyond functional considerations to address the qualitative issues which directly affect the character of a community. A fundamental premise of the plan is that urban form greatly influences social opportunity, and it takes great care to ensure that the friendly sociability that now characterizes life in Modesto is reinforced in the future. As a result, the plan is fairly specific, not only in terms of the location of desired land uses, but also in terms of the design and character of the elements which comprise the village — the Village Center, the streets, community facilities (schools and parks), and residential neighborhoods and buildings.

The relationship between physical form and social opportunity has long been recognized by city builders. Since earliest times, cities have been designed to reflect the values and aspirations of residents, or their leaders. However, over the past several years, American suburbs have been laid out less in consideration of a larger vision than in response to conveniences made possible by this technological age. The automobile has been the primary force that has shaped the suburbs, particularly since World War II, but it has been accompanied by other technological innovations such as the lawn mower, irrigation sprinkler and the air conditioner, which have similarly contributed to the suburban lifestyle and appearance of developing areas. The spread-out appearance of residential areas, with detached single-family homes individually placed on relatively large lots and surrounded by lawn, became characteristic of the postwar suburb. Advances in construction techniques further enabled the mass production of homes, and affected the look of developing areas as well as the affordability of housing and the rate of growth.

As the first in a series of villages envisioned at the periphery of the current city limits, Village One offers the chance to establish a new direction for Modesto which builds on the city's traditions and responds to current issues and problems. The opportunity to rethink standard approaches and develop innovative solutions on specific sites of special significance is appropriate to the role of a specific plan, and it is, in large part, what the original specific plan legislation was intended to accomplish. The challenge of the Village

The village is organized in a hierarchical fashion comprised of well-defined but inter-related districts and neighborhoods. Creating a clear and comprehensive hierarchy of land use and transportation is a key element of the plan.

One Specific Plan is to achieve a quality living environment that promotes a more balanced, self-sufficient community that includes affordable housing and which can adapt over time to various lifestyles and new technologies.

Throughout the planning process, Modestans repeatedly stated their desire to reinforce the small town "feel" and friendly, extroverted character of the community in planning for Village One. The ability to recognize neighbors, to share common experiences, and be linked into a larger web of human relations are all contributing factors to the quality of life held dear in Modesto. The question is, how can small town livability be realized in a rapidly changing valley town, where tremendous growth has occurred over the past several years; where people increasingly travel long distances for work; where family composition and size are shifting; and where housing prices continue to rise?

The Village One Specific Plan poses new direction to these issues. The plan calls for the development of a pedestrian-oriented mixed-use village that focuses community life within the community. Even though people may be driving long distances for work, when they are "at home," they should not have to rely upon the automobile for everyday errands—be it shopping, picking up the children from school, visiting friends, or going to a park for relaxation or exercise. The development of a Village Center and a fine-grain mix and diversity of uses in Village One fosters a sense of belonging and identity and can encourage an environment where face-to-face encounters amongst neighbors are a part of daily life. Furthermore, the plan encourages the development of living and working environments, providing an opportunity for a balance to be achieved over time, thus reducing automobile dependency and leading to a more vital, active and sustainable community.

The success of the Village One Specific Plan depends to a great extent on its ability to respond to existing needs, values and available technologies. It also is designed to be flexible, with the capability to adapt over time in response to changes in technology and community values. Major shifts are taking place in the way in which people live and work today, and an important function of the plan is to anticipate lifestyle trends and create a framework that can be successful now and in the future. Towards this end, streets are designed to accommodate potential future transit (along the most logical "desire lines" of travel), parks and open spaces can accommodate the possible increase in density of the area over time, parking areas within the Village Center can be adapted to eventual building sites, and the Santa Fe rail tracks on the eastern edge of the site are maintained for future use in linking distant regions with one another.

## SUMMARY OF VILLAGE PLAN PRINCIPLES

There are a number of basic principles that underlie the Village One Specific Plan:

- The village is defined not by its edges nor by isolation from the rest of the city, but rather by a focus of activities that are common to the village as a whole.

- The village is organized in a hierarchical fashion comprised of well-defined but inter-related districts and neighborhoods, creating a clear and comprehensible structure and a more meaningful community identity.
- The village is characterized by streets which serve as structuring elements and significant open spaces that can contribute to the overall quality of life as well as fulfill the needs for vehicular, bicycle and pedestrian circulation.

There are a number of basic elements which give structure and identity to Village One. They include the Village Center, the districts, the neighborhoods, the streets, the individual residential parcels and the Industrial Business Park. These are reviewed in turn below.

**Village Center.** The Village Center is planned at the geographic heart of the community to create a higher density, mixed-use activity center that is pedestrian oriented in character. The Village Center will include local neighborhood shopping facilities, some office uses, and higher density housing, as well as a village green adjoined by a nearby fire/police station and other community facilities. The Village Center will not only serve as a convenient place for local shopping, but will also contribute greatly to the social life of the community. It provides a place which is common to the entire village and an attractive setting for all village residents to get together and socialize.

**Districts.** A district is given its identity by the central location and clustering of the schools and parks which serve it. Three residential districts, of approximately three-quarter mile by one mile in size, make up Village One, and within them, the necessary schools and parks have been combined into three joint campuses for a better utilization of land resources, for more efficient sharing of facilities, and to more equally distribute students from surrounding neighborhoods. Four elementary (K-5) schools are planned, together with two middle schools, and they are easily accessible by foot from surrounding residential neighborhoods.

**Neighborhoods.** The individual neighborhoods within Village One vary in size, but are roughly one-quarter mile by one-quarter mile areas. Diversity between residential neighborhoods is encouraged within established standards. Rather than designating specific zones for each housing type, the plan requires a minimum density densities with a variety of possible solutions that developers can choose to pursue. Village One will be predominantly single-family detached homes of a slightly higher density than the current standard. These higher densities will encourage a more compact pattern and greater conservation of surrounding valuable farmlands.

Small parks play an important role in the character of these neighborhoods. Averaging about one-half acre in size, these parks are planned to serve every 150 single-family residences, and will be distributed evenly throughout the neighborhoods to serve the special recreational and social needs of residents. Some may be designed to be more active in nature and include, for instance, swimming pools and tennis courts, whereas others may be more passive in nature.

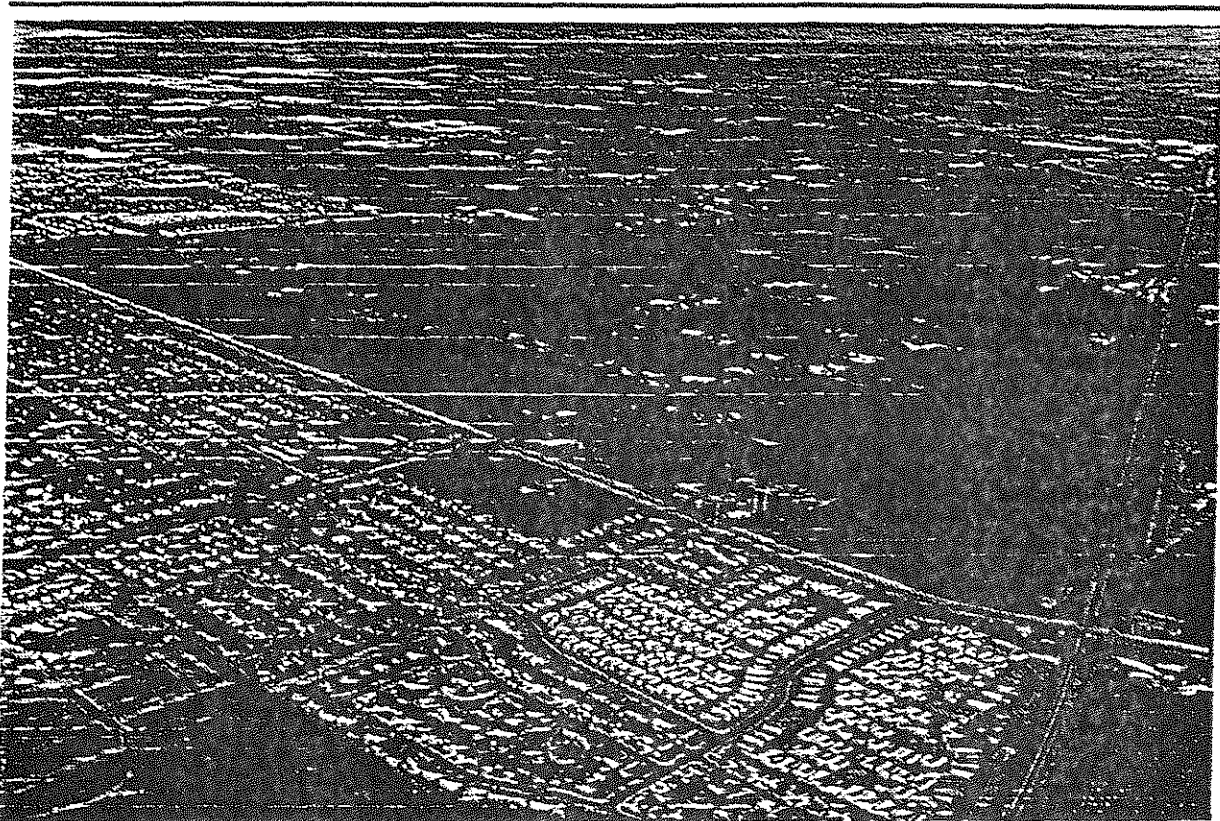
**Streets.** Streets bind the various elements of the urban framework together. Roselle and Floyd are the major gateway streets that traverse the site for access to the village to the north and to the planned Claus Expressway to the east. Certain connector streets are linking elements within the village, with the axial streets connecting the major activity centers (i.e., the schools and parks with the Village Center) and the ring road looping around the village connecting the various districts and the schools and parks with one another. The combination of grid, axial and curving alignments responds to the existing conditions of the area but, at the same time, will create a well-ordered village pattern that is legible and easily understandable by residents as well as visitors.

At the neighborhood scale, streets will be continuously landscaped — not broken up by numerous driveways nor dominated by garage doors. Instead, the residential streets will establish a positive relationship to adjoining residences by locating habitable rooms along the street, encouraging transitional elements (such as porches and stoops) to the front yards, and de-emphasizing storage and service functions. In addition, garages will be minimized in terms of size and located back from the main portion of the house or recessed from the rear. In this way, the street space will become a friendly, interactive place with gracious transitions between public and private areas.

**Residential Lots.** Individual residential parcels are planned to maximize livability and to enhance the attractiveness of neighborhoods. Since many of the single-family lots will be smaller than the current standard, special efforts will be required to make sure that they add to the appearance and character of neighborhoods. In particular, it is important that the garage size, location and design be carefully handled so that it does not dominate the streetscape. Design solutions for the smaller lots require garages to be located to the rear of the parcel or minimized in size so as not to give the street the feeling of a service corridor, but rather a welcoming pedestrian area and public domain for the neighborhood as a whole.

**Industrial Business Park.** A large portion of the overall village has been set aside at the eastern edge of the site for employment-generating uses. A wide range of industrial and business uses are encouraged in this area, at a maximum Floor Area Ratio of 0.25. This area of the site is planned as a transition between agricultural uses to the east and residential uses to the west.

# THE SITE AND ITS CONTEXT



*View northwest to Village One site.*

## HISTORICAL CONTEXT

Modesto was first established over 100 years ago, in 1870, as the county seat in the midst of a rich wheat growing region. Modesto Village, as it was then known, was laid out in 300 by 400-foot blocks and divided into standard parcels of 25-foot width, with alleys providing mid-block access. All streets were laid out on grid pattern centered on the railroad tracks and terminal and were of a standard 80-foot width. Outside the downtown area, the grid

was rotated at a 45-degree angle to create a true north-south alignment. The linkage from the original grid to the new one was made through landscaped corridors and major open spaces.

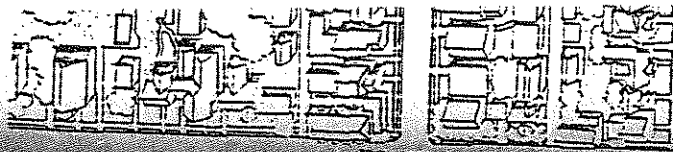
The Central Valley was traversed by a ribbon of rail tracks built in the late 1800's to transport agricultural products, in particular, wheat to seaports for shipping to distant markets. In 1896, the San Francisco and San Joaquin Valley Railroad crossed the Stanislaus and was completed to Bakersfield in 1897. The railroad was incorporated in 1897 by Claus Spreckles and others to compete with the Central Pacific in the San Joaquin Valley and was sold to the Atchison, Topeka and the Santa Fe Railroad the following year. As a result of the railroad, a railroad stop and post office were established on the Village One site and named Clauston in 1901. The town of Clauston had existed before 1895 and the establishment of the post office gave it a legitimacy. The town name was changed in 1902 to Claus and closed in 1907.

## VILLAGE ONE LOCATION AND EXISTING USES

Village One encompasses approximately ~~1,775~~ 1,784 acres of the land, east of the city limits but within the city's Sphere of Influence. The site boundaries include Sylvan Avenue to the north (and a 75-acre area to the north of Sylvan along Roselle); the Santa Fe Railroad tracks to the east; Parker Road, Briggsmore Avenue and Floyd Avenue (to the west of Roselle) to the south; and west to Oakdale Road.

The majority of the site is in agricultural use, and some new, nonagricultural uses on the site include larger homes on estate-size parcels (i.e., ranchettes) and several churches. Anticipating the growth of the area, a post office has recently been constructed along Sylvan, and sites for a junior high school and neighborhood park have been purchased by the City and school district. Residential subdivisions border the southern and western site boundary.

Village One was selected as the first in a series of villages to be planned in Modesto because its soils are considered to be less valuable for agriculture as compared with other areas adjoining the existing city limits (City of Modesto Conservation Element, 1978; and the Stanislaus Area Association of Governments' Environmental Resources Management Element, 1974). Even though a good portion of the area is classified as prime farmlands, the majority is categorized as nonprime farmlands (USDA Soil Survey: Eastern Stanislaus Area, California, 1964). The area is generally within a larger association of poorer soils (the Madera Association), which is underlain by a hardpan at a depth of between 18 to 35 inches. In contrast to other undeveloped lands skirting the city boundary of Modesto, this area is not in predominant orchard use, but rather has been used primarily as irrigated pasture and small grain production. These soils cover a smaller area proportionately than they do other areas adjoining the existing city limits. Many agricultural parcels within the site are currently subject to Williamson Act contracts; however, upon annexation, all of these contracts will be terminated.



## OWNERSHIP

Unlike some of the new Central Valley towns currently being planned at Mapes Ranch, Weston Ranch, Mountain House and Lakeborough, or any of the major new communities planned elsewhere in the state such as Irvine and other parts of southern California, Village One is not under one single ownership, but instead is comprised of ~~145~~ 153 separate owners, with parcel sizes averaging approximately 11 acres each. Many of the smaller ownerships of less than 10 acres are generally located at the exterior edges of the three districts, and the larger parcels tend to be located centrally within these areas, and particularly clustered along the east side of Roselle Avenue north of Floyd Avenue and to the west side of Claus between Merle and Sharon.

A number of the parcels in Village One are in public or semi-public ownership. The Modesto Irrigation District has two facilities in the area, the railroad owns right-of-way along its tracks, and the Sylvan and Modesto School Districts ~~have~~ has already purchased sites in anticipation of the future growth in the area.

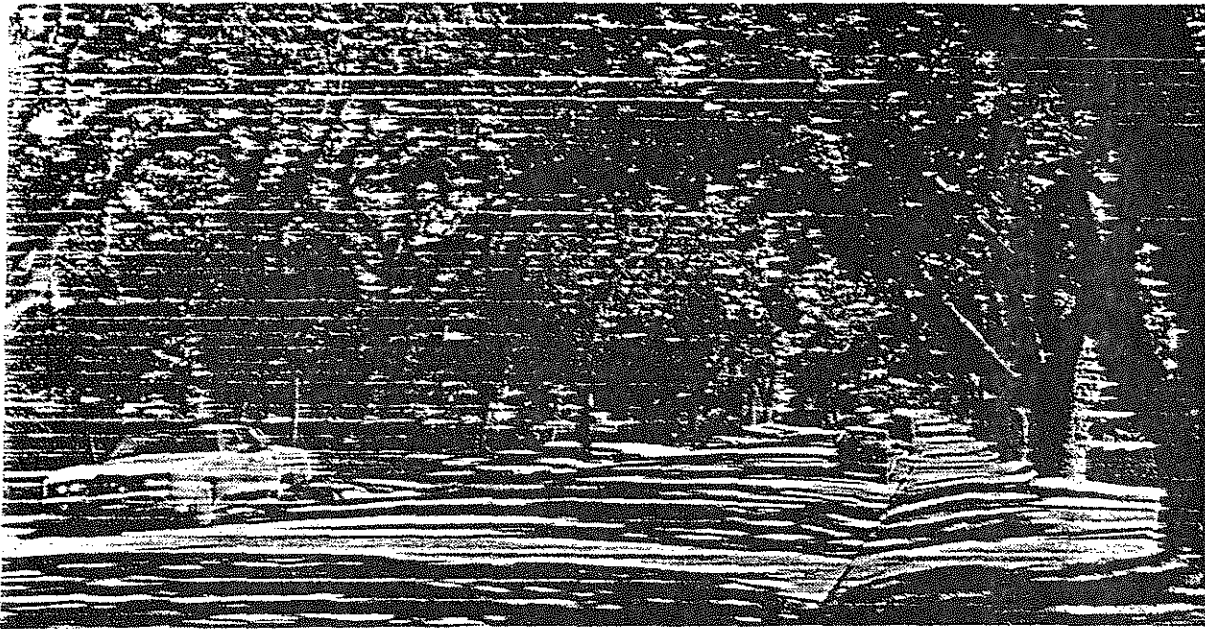
## TWO HISTORIC NEIGHBORHOODS — GRACEADA PARK AND THE COLLEGE DISTRICT

To better understand the special identity of Modesto, the Graceada Park and College Areas were studied as part of planning for Village One. Both areas were built in the early 1900's and reflect many traditional qualities associated with the city. Like many older neighborhoods in town, the attractive appearance of both these areas comes to a great extent from the mature street trees planted along well-scaled streets. Street rights-of-way are characterized by planting along a landscaped strip adjacent to the curb. By placing the street tree next to the curb and between the parking strip and front yard, the traditional parkway planting strip provides enclosure and scale to the street and, at the same time, provides a safe and attractive place for pedestrians to walk in a transitional space between the street and adjacent private yard areas.

The Graceada Park neighborhood, immediately adjacent to downtown, is laid out on a rectilinear configuration, with smaller lots but a greater amount of public park space than the College Area. In Graceada Park, lots average around 7,000 square feet in size and are narrow and long (50 feet by 140 feet). Residential parcels are rear accessed from alleys. The use of alleys and resulting absence of curb cuts allows an uninterrupted pattern of tree planting, increases on-street parking, and establishes a front yard space that is protected from vehicles entering and exiting on driveways. In addition, the long-narrow lot configuration yields a larger and more protected private yard space, which also improves the long-term livability of the community.

The College Area is organized around arching streets and has a more garden-like appearance, with larger (9,500 square foot) lots. Back alleys are also provided, but houses are "accessed from the front", with many garages set back to the rear of the property line.

The location of garages to the rear of the lot or off of the alley is an effective way of dealing with the automobile, allowing the front of the house to relate in a more positive way to the street.



## A MODERN MODESTO NEIGHBORHOOD

The Orchard Neighborhood, immediately adjacent to the site, can be contrasted against the Graceada Park area and the College Neighborhood to illustrate more recent development standards and approaches. The densities and lot sizes of the Orchard Neighborhood are comparable to those found in the Graceada Park area (6,000 square feet in the Orchard Neighborhood versus 7,000 square feet in the Graceada Park Area); lot configurations show a striking contrast. The Graceada Park lot is narrow and long in comparison to the wider and more shallow Orchard Neighborhood lot. The narrow-long lot configuration is one which has received quite a bit of renewed interest in the building community. In general, what this kind of lot produces is a more public orientation of buildings to the street. However, the benefits of more narrow lot widths are defeated with the standard two and three-car garages, because these tend to consume the entire frontage and create the appearance of an auto-oriented service corridor, which is not conducive to pedestrians nor to the public spirit of the community. Therefore, as in the Graceada example, the alley becomes an effective way of dealing with the automobile and with the service requirements of individual homes. The absence of garages enables the front of the house to relate in a more positive way to the street.

While the street rights-of-way in the Graceada Park Area is identical in width are generally similar in scale to the street in the Orchard Neighborhood, the difference comes from the way in which the section is handled. For one thing, the paved area of the street is more narrow (by six feet) in the traditional street, and it is better enclosed by street trees planted along the curb. The "monolithic" curb-sidewalk construction which typifies newly developed

# LAND USE ELEMENT

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## BACKGROUND

A number of sociological changes have occurred over the past several years that have dramatically altered the nature of American communities. The traditional nuclear family, comprised of two parents and their children, has been replaced by a tremendous diversity in the nature and composition of households. An increasing proportion of households are now headed by single persons or two or more persons with no legal or biological ties to one another. Further, since women have entered the work force in such large numbers, most parents of small children are both employed. As a consequence, it is anticipated that 80 percent of children in the 1990's and beyond will be placed in day care facilities for their early years by their parents.

When suburban communities in the United States underwent explosive growth in the years following World War II, lifestyles were much the same amongst residents. From each household, a single breadwinner commuted from outlying areas into a central city for employment, and transportation improvements were made to accommodate fairly simple or direct relationships between a core area and the expanding region around it. Rapidly growing areas, such as California, faced three "waves" of suburban development, beginning first with the expansion of residential areas onto raw land, followed by the construction of major shopping facilities (i.e., the shopping mall) to serve these areas, and most recently by the development of large employment centers (suburban activity centers) rivaling traditional downtown areas. With a diversity of new employment centers and more than 50 percent of married women working today, commute patterns have become extremely complex, with many households traveling in separate directions for work.

Another factor influencing the form and character of new communities is the increasing cost of land. Over the past few years, land prices have risen by more than 25 percent, making less expensive areas on the urban fringe even more attractive for housing. To compensate for diminishing affordability, builders have begun to look toward the development of smaller lots, and residential densities have naturally increased. The 6,000 square foot lot which once prevailed as the standard suburban lot throughout California is viewed as an estate in areas such as Orange County, where low-density residential lots begin at

4,000 square feet. New approaches to the configuration of these smaller lots have been developed, with the proliferation of narrow/long and wide/shallow lots as well as zigzag, zipper or "Z"-lot configurations, that attempt to fit the modern suburban house with its large garage and standard front and back yards on a parcel of decreasing size.

The concept of the low-density residential suburb is one that has emerged relatively recently in the United States. It was only about 100 years ago that the idea of the "romantic suburb" in a pastoral retreat captivated the imaginations of Americans, partly in reaction to the blight of industrial cities and the unhealthy living environment which they created. Up through the mid-1800's, the 25-foot lot was standard and minimum required setbacks did not exist. Houses were typically built as attached units even in small towns, until transportation advances facilitated growth of outlying areas and values changed to embrace the concept of the detached house in its own garden setting on a large lot and surrounded by lawn.

Today, an entirely new set of values have come into being as a result of diminishing resources, rising costs of land, changing family structure, and the time and costs involved in long distance commuting. The suburban community that has been built since World War II no longer appears responsive to the needs and demands of modern life. Instead, the traditional American small town, with its friendly sociability, pedestrian scale and sense of community, has become more the model of what a community can be in the future than the garden suburb of the past. In striving to attain these same qualities, Village One in Modesto holds promise in setting a new direction for other new communities to follow.

## LOCAL TRENDS AND DEVELOPMENT ISSUES

Modesto is unique in that it never has been a suburban community subservient to a larger metropolitan center. Rather, it has traditionally served a role as the center city within a larger agricultural region. Unlike many suburbs, Modesto has maintained a small town character, with a higher residential density, a mix of office, commercial and industrial uses, and a strong commitment to the quality of community life.

The changes that have occurred elsewhere in the state, however, are also beginning to affect Modesto. Growth is taking place at a relatively rapid pace, housing prices are increasing dramatically, and lifestyles are shifting as an increasing number of residents travel greater and greater distances to work. The dynamics of growth and change together with Modesto's location at the threshold to the Bay Region have placed it in a key position with respect to more urbanized areas to the west and the agricultural areas which surround it.

In the future, Modesto will have to face new issues and challenges. Some of these in particular include: how can the city maintain its small town livability and continue to be an attractive environment for families; how can it continue to house a diversity of residents when new housing is affordable by only a small percentage of people; how can it ensure that community services and facilities keep pace with development; and how can further traffic congestion be avoided so that residents can circulate freely within and through their community?

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## GOALS, OBJECTIVES AND POLICIES

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Establish a self-sufficient, pedestrian-oriented community with a mixture of uses within Village One.

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The general breakdown of land area by land use is described below. For a more detailed breakdown of the land uses within Village One, refer to Table 3.2.

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# LAND USE ELEMENT

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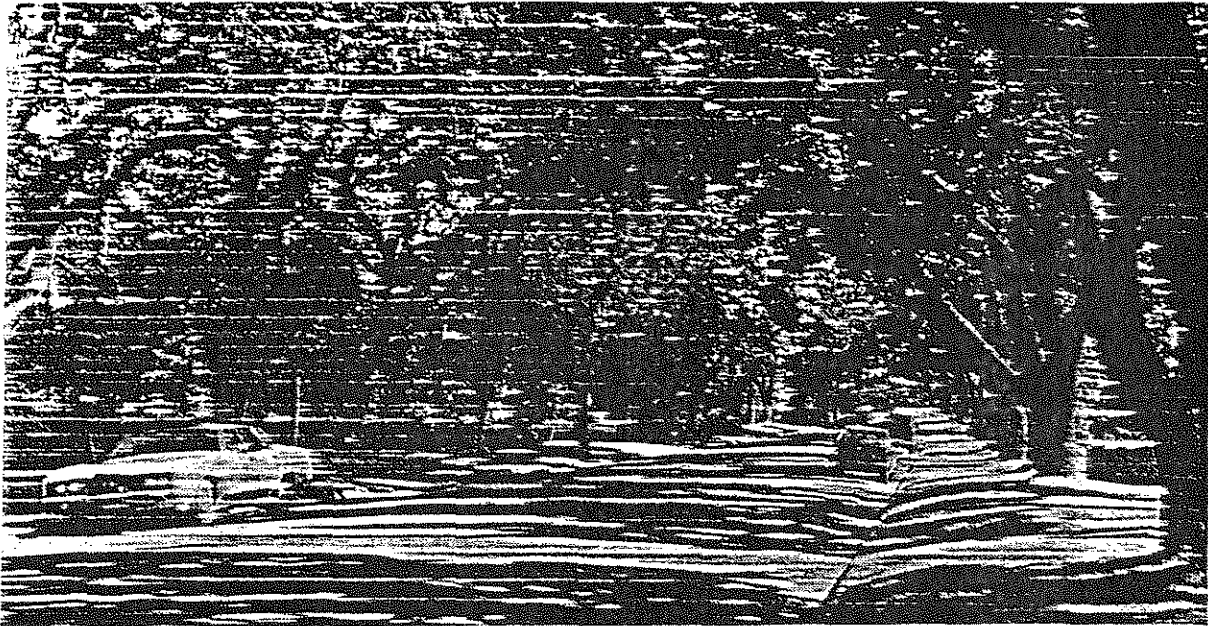
## BACKGROUND

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When suburban communities in the United States underwent explosive growth in the years following World War II, lifestyles were much the same amongst residents. From each household, a single breadwinner commuted from outlying areas into a central city for employment, and transportation improvements were made to accommodate fairly simple or direct relationships between a core area and the expanding region around it. Rapidly growing areas, such as California, faced three "waves" of suburban development, beginning first with the expansion of residential areas onto raw land, followed by the construction of major shopping facilities (i.e., the shopping mall) to serve these areas, and most recently by the development of large employment centers (suburban activity centers) rivaling traditional downtown areas. With a diversity of new employment centers and more than 50 percent of married women working today, commute patterns have become extremely complex, with many households traveling in separate directions for work.

Another factor influencing the form and character of new communities is the increasing cost of land. Over the past few years, land prices have risen by more than 25 percent, making less expensive areas on the urban fringe even more attractive for housing. To compensate for diminishing affordability, builders have begun to look toward the development of smaller lots, and residential densities have naturally increased. The 6,000 square foot lot which once prevailed as the standard suburban lot throughout California is viewed as an estate in areas such as Orange County, where low-density residential lots begin at

The location of garages to the rear of the lot or off of the alley is an effective way of dealing with the automobile, allowing the front of the house to relate in a more positive way to the street.



## A MODERN MODESTO NEIGHBORHOOD

The Orchard Neighborhood, immediately adjacent to the site, can be contrasted against the Graceada Park area and the College Neighborhood to illustrate more recent development standards and approaches. The densities and lot sizes of the Orchard Neighborhood are comparable to those found in the Graceada Park area (6,000 square feet in the Orchard Neighborhood versus 7,000 square feet in the Graceada Park Area); lot configurations show a striking contrast. The Graceada Park lot is narrow and long in comparison to the wider and more shallow Orchard Neighborhood lot. The narrow-long lot configuration is one which has received quite a bit of renewed interest in the building community. In general, what this kind of lot produces is a more public orientation of buildings to the street. However, the benefits of more narrow lot widths are defeated with the standard two and three-car garages, because these tend to consume the entire frontage and create the appearance of an auto-oriented service corridor, which is not conducive to pedestrians nor to the public spirit of the community. Therefore, as in the Graceada example, the alley becomes an effective way of dealing with the automobile and with the service requirements of individual homes. The absence of garages enables the front of the house to relate in a more positive way to the street.

While the street rights-of-way in the Graceada Park Area is identical in width are generally similar in scale to the street in the Orchard Neighborhood, the difference comes from the way in which the section is handled. For one thing, the paved area of the street is more narrow (by six feet) in the traditional street, and it is better enclosed by street trees planted along the curb. The "monolithic" curb-sidewalk construction which typifies newly developed



was rotated at a 45-degree angle to create a true north-south alignment. The linkage from the original grid to the new one was made through landscaped corridors and major open spaces.

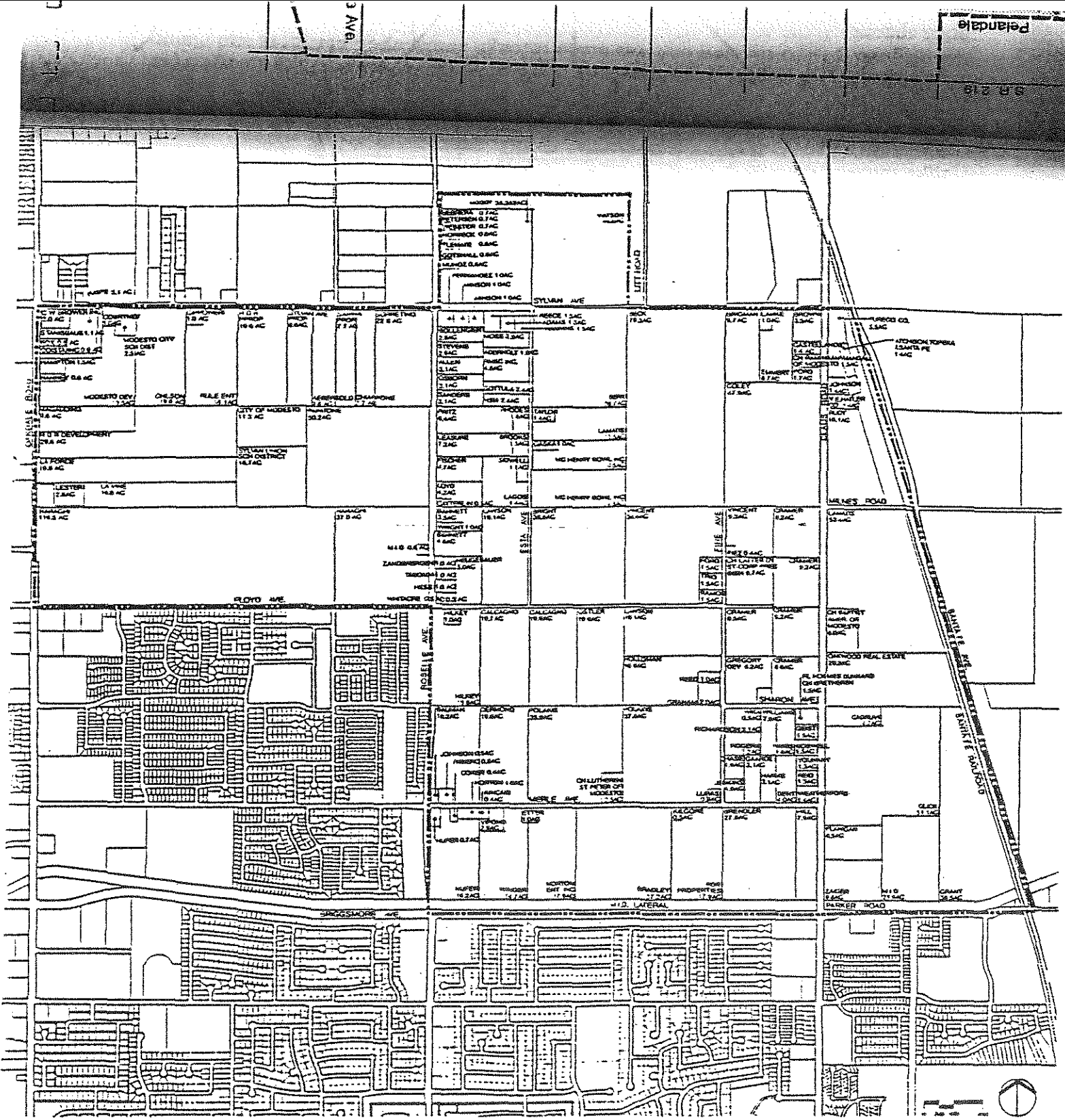
The Central Valley was traversed by a ribbon of rail tracks built in the late 1800's to transport agricultural products, in particular, wheat to seaports for shipping to distant markets. In 1896, the San Francisco and San Joaquin Valley Railroad crossed the Stanislaus and was completed to Bakersfield in 1897. The railroad was incorporated in 1897 by Claus Spreckles and others to compete with the Central Pacific in the San Joaquin Valley and was sold to the Atchison, Topeka and the Santa Fe Railroad the following year. As a result of the railroad, a railroad stop and post office were established on the Village One site and named Clauston in 1901. The town of Clauston had existed before 1895 and the establishment of the post office gave it a legitimacy. The town name was changed in 1902 to Claus and closed in 1907.

## VILLAGE ONE LOCATION AND EXISTING USES

Village One encompasses approximately ~~1,775~~ 1,784 acres of the land, east of the city limits but within the city's Sphere of Influence. The site boundaries include Sylvan Avenue to the north (and a 75-acre area to the north of Sylvan along Roselle); the Santa Fe Railroad tracks to the east; Parker Road, Briggsmore Avenue and Floyd Avenue (to the west of Roselle) to the south; and west to Oakdale Road.

The majority of the site is in agricultural use, and some new, nonagricultural uses on the site include larger homes on estate-size parcels (i.e., ranchettes) and several churches. Anticipating the growth of the area, a post office has recently been constructed along Sylvan, and sites for a junior high school and neighborhood park have been purchased by the City and school district. Residential subdivisions border the southern and western site boundary.

Village One was selected as the first in a series of villages to be planned in Modesto because its soils are considered to be less valuable for agriculture as compared with other areas adjoining the existing city limits (City of Modesto Conservation Element, 1978; and the Stanislaus Area Association of Governments' Environmental Resources Management Element, 1974). Even though a good portion of the area is classified as prime farmlands, the majority is categorized as nonprime farmlands (USDA Soil Survey: Eastern Stanislaus Area, California, 1964). The area is generally within a larger association of poorer soils (the Madera Association), which is underlain by a hardpan at a depth of between 18 to 35 inches. In contrast to other undeveloped lands skirting the city boundary of Modesto, this area is not in predominant orchard use, but rather has been used primarily as irrigated pasture and small grain production. These soils cover a smaller area proportionately than they do other areas adjoining the existing city limits. Many agricultural parcels within the site are currently subject to Williamson Act contracts; however, upon annexation, all of these contracts will be terminated.



Total Acres: 1,784

Figure 2.3  
Property Ownership



## OWNERSHIP

Unlike some of the new Central Valley towns currently being planned at Mapes Ranch, Weston Ranch, Mountain House and Lakeborough, or any of the major new communities planned elsewhere in the state such as Irvine and other parts of southern California, Village One is not under one single ownership, but instead is comprised of ~~445~~ 153 separate owners, with parcel sizes averaging approximately 11 acres each. Many of the smaller ownerships of less than 10 acres are generally located at the exterior edges of the three districts, ~~and the larger parcels tend to be located centrally within these areas, and particularly clustered along the east side of Roselle Avenue north of Floyd Avenue and to the west side of Claus between Merle and Sharon.~~

A number of the parcels in Village One are in public or semi-public ownership. The Modesto Irrigation District has two facilities in the area, the railroad owns right-of-way along its tracks, and the Sylvan ~~and Modesto~~ School Districts ~~have~~ has already purchased sites in anticipation of the future growth in the area.

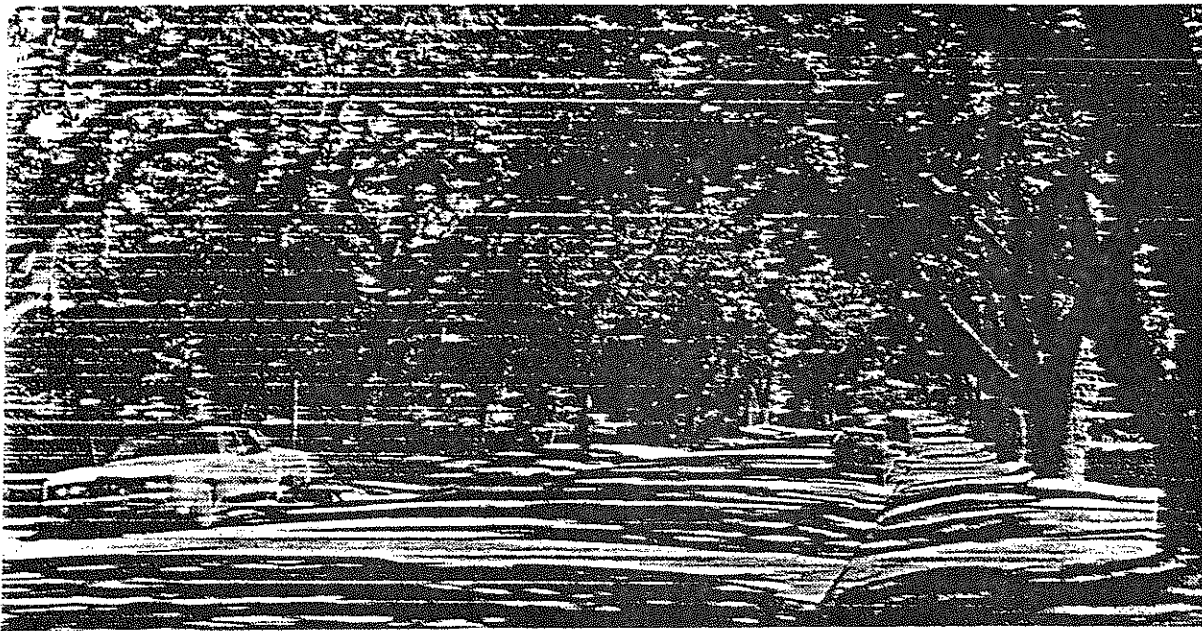
## TWO HISTORIC NEIGHBORHOODS — GRACEADA PARK AND THE COLLEGE DISTRICT

To better understand the special identity of Modesto, the Graceada Park and College Areas were studied as part of planning for Village One. Both areas were built in the early 1900's and reflect many traditional qualities associated with the city. Like many older neighborhoods in town, the attractive appearance of both these areas comes to a great extent from the mature street trees planted along well-scaled streets. Street rights-of-way are characterized by planting along a landscaped strip adjacent to the curb. By placing the street tree next to the curb and between the parking strip and front yard, the traditional parkway planting strip provides enclosure and scale to the street and, at the same time, provides a safe ~~and~~ attractive place for pedestrians to walk in a transitional space between the street and adjacent private yard areas.

The Graceada Park neighborhood, immediately adjacent to downtown, is laid out on a rectilinear configuration, with smaller lots but a greater amount of public park space than the College Area. In Graceada Park, lots average around 7,000 square feet in size and are narrow and long (50 feet by 140 feet). Residential parcels are rear accessed from alleys. The use of alleys and resulting absence of curb cuts allows an uninterrupted pattern of tree planting, increases on-street parking, and establishes a front yard space that is protected from vehicles entering and exiting on driveways. In addition, the long-narrow lot configuration yields a larger and more protected private yard space, which also improves the long-term livability of the community.

The College Area is organized around arching streets and has a more garden-like appearance, with larger (9,500 square foot) lots. Back alleys are also provided, but houses are "accessed from the front", with many garages set back to the rear of the property line.

The location of garages to the rear of the lot or off of the alley is an effective way of dealing with the automobile, allowing the front of the house to relate in a more positive way to the street.

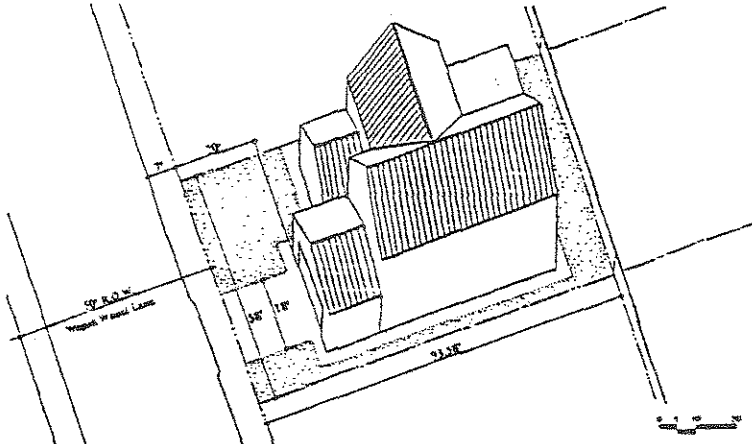
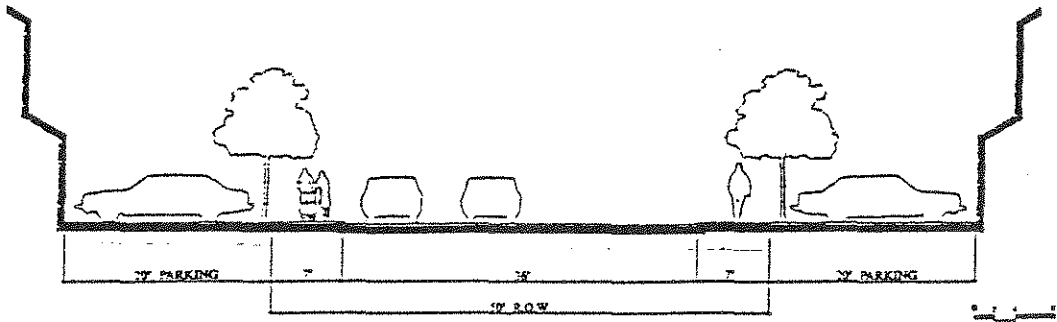
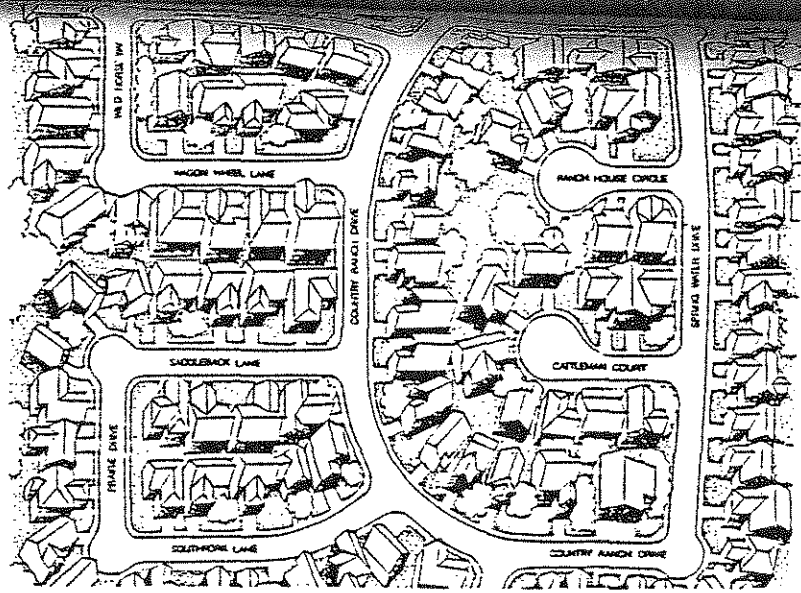


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areas, such as the Orchard Neighborhood, results in the appearance of more private front yard space and is somewhat simpler to build and maintain. However, by placing the street tree closer to the curb, the traditional parkway planning provides better



LOT SIZE: 60'X100'  
 HOUSE SIZE: 2,400 S.F.  
 DENSITY(NET): 6.7 D.U./AC  
 F.A.R.=0.40

Figure 2.6  
 Contemporary Neighborhood Analysis: Orchard Neighborhood Area

# LAND USE ELEMENT

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## BACKGROUND

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Another factor influencing the form and character of new communities is the increasing cost of land. Over the past few years, land prices have risen by more than 25 percent, making less expensive areas on the urban fringe even more attractive for housing. To compensate for diminishing affordability, builders have begun to look toward the development of smaller lots, and residential densities have naturally increased. The 6,000 square foot lot which once prevailed as the standard suburban lot throughout California is viewed as an estate in areas such as Orange County, where low-density residential lots begin at

4,000 square feet. New approaches to the configuration of these smaller lots have been developed, with the proliferation of narrow/long and wide/shallow lots as well as zigzag, zipper or "Z"-lot configurations, that attempt to fit the modern suburban house with its large garage and standard front and back yards on a parcel of decreasing size.

The concept of the low-density residential suburb is one that has emerged relatively recently in the United States. It was only about 100 years ago that the idea of the "romantic suburb" in a pastoral retreat captivated the imaginations of Americans, partly in reaction to the blight of industrial cities and the unhealthy living environment which they created. Up through the mid-1800's, the 25-foot lot was standard and minimum required setbacks did not exist. Houses were typically built as attached units even in small towns, until transportation advances facilitated growth of outlying areas and values changed to embrace the concept of the detached house in its own garden setting on a large lot and surrounded by lawn.

Today, an entirely new set of values have come into being as a result of diminishing resources, rising costs of land, changing family structure, and the time and costs involved in long distance commuting. The suburban community that has been built since World War II no longer appears responsive to the needs and demands of modern life. Instead, the traditional American small town, with its friendly sociability, pedestrian scale and sense of community, has become more the model of what a community can be in the future than the garden suburb of the past. In striving to attain these same qualities, Village One in Modesto holds promise in setting a new direction for other new communities to follow.

## LOCAL TRENDS AND DEVELOPMENT ISSUES

Modesto is unique in that it never has been a suburban community subservient to a larger metropolitan center. Rather, it has traditionally served a role as the center city within a larger agricultural region. Unlike many suburbs, Modesto has maintained a small town character, with a higher residential density, a mix of office, commercial and industrial uses, and a strong commitment to the quality of community life.

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Major Streets and Roads	193	11

## Residential Objectives

### OBJECTIVE 1

**Provide for predominantly residential uses in Village One.**

Residential uses are the substance of a community. More than any other use, they reflect the multifaceted personality and individual character of the people who inhabit the community. They provide the proper setting for the development of a sense of place.

There exists tremendous demand for residential uses within Stanislaus County, and Modesto, as the major city in the county, would traditionally be the location for residential development to occur. One of the important purposes of this plan is to set forth a coordinated vision for an area prior to the Measure A Advisory Vote. Without the extension of services and annexation of lands, Modesto is expected to run out of land to be developed by the end of 1991.

These three quadrants of the village — known as the Merle, Roselle and Claus neighborhoods, have long been envisioned by the City for residential use. They would be in keeping with residential neighborhoods to the south and west, and can easily form a part of a larger, coherent urban pattern.

### POLICY 1

**Concentrate residential uses to the west of the proposed Claus Expressway and organize these within a hierarchy of districts and neighborhoods.**

The proposed Claus Expressway makes an appropriate edge to the residential uses within Village One, not only because of the projected trips and attendant noise impacts but also because of the triangular shape and its constrained situation, wedged between the railroad tracks to the east and the future expressway to the west.

The residential community will be organized in a hierarchical fashion, with smaller developments forming neighborhoods and larger neighborhoods grouping together to create a tight, interrelated pattern within the village, and will thus help to establish a strong sense of identity and community. Each of the districts will be focused on schools and parks and will be closely tied to one another by a well-structured street system.

### POLICY 2

**Allow up to 8,000 dwelling units with a mix of densities and unit types.**

In keeping with its role as a center city in a large agricultural region, Modesto has long supported a variety of housing types, at higher overall densities than would be ordinarily found in traditional suburban communities. Currently, the densities are approximately

seven d.u./net acre overall in the city, and the most standard lot size being built today averages around 5,000 square feet. The City's goals, as expressed in the Urban Growth Management Policy, are to raise the density overall to an average of 7.5 d.u.'s/acre.

At the same time, as land prices increase in California, the trend is toward the construction of smaller and smaller lot sizes and increasingly higher densities, which can be more easily afforded by prospective homebuyers. As a result, the plan accommodates a mix of housing types and densities. Although predominantly (89 74 percent) single family, it includes the provision for multiple family, for an overall average of slightly greater than 10 2 d.u.'s/net acre. Higher densities are achieved by a larger proportion of smaller single-family lots, with 30 percent assumed to be lots less than 5,000 square feet in size. A higher level of design control is required in higher density single-family residential neighborhoods to ensure that the automobile does not dominate the streetscape nor the building frontages and to ensure that a friendly, pedestrian-oriented environment is developed.

A more detailed breakdown of the illustrative residential development program is illustrated shown in Table 3.3.

### POLICY 3

Encourage a fine-grain mixture of residential densities.

Housing choice and general affordability can be improved by increasing the number and diversity of housing types within Village One.

A range of housing types would include multiple family, single-family attached and single-family detached. The recommended mix is generally as follows for approximately 74 percent to be in single-family (attached and detached) with 26 percent in multiple-family.

- ~~50% Lots larger than 5,000 square feet~~
- ~~30% Lots smaller than 5,000 square feet~~
- ~~20% Multiple family and senior housing~~

In order to avoid an overconcentration of any one type of housing, and to increase the overall interest and variety of the community, an even distribution of housing types would be suggested. At the same time, it makes sense to locate more traditionally transit-dependent residents in housing closer in to the Village Center and Roselle, and to frame the Village Center with a higher density ring of smaller lot single-family as well as multiple-family dwellings and senior housing, as shown on the Land Use Plan and Regulatory Framework maps. In addition, higher density attached units are called for along Roselle Avenue, the proposed transit street, and large 12,000 square foot lots are required along Floyd Avenue, Claus Road, and Oakdale Avenue to better respond to noise impacts on adjacent roadways, as identified in the EIR.

it would take advantage of the opportunities in this particular location for the establishment of a small, relatively unique, new urban prototype that is complementary in intensity and scale with its surroundings.

## POLICY 9 12

Require that new residential development meet high standards for quality to ensure that they are not only attractive, but that they also are livable and have the capability to increase in value over time.

Residential development not only responds to a need for shelter, but it, more than any other element, can contribute to the quality of life and the overall sense of community. There are a variety of specific design issues and concerns that are addressed more fully in the Community Design element of this plan, related to such considerations as:

- Usable Open Space
- Garage Location
- Setbacks
- Transitions in Housing Type and Density
- Architectural Character

## Commercial Objectives

Commercial objectives relate to the broad range of uses, including both retail shopping facilities which serve the local resident population within the village as well as general commercial uses, office and industrial/business park uses, which comprise approximately 13 percent of the overall land area of the village.

### Illustrative Village Center Commercial Program

	Square Feet
Grocery store/food shops	45,000
Neighborhood-serving retail	35,000
Restaurants/food service	20,000
Theaters	30,000
Athletic Club	25,000
Neighborhood services	25,000
Civic uses	20,000
<b>Total Program</b>	<b>200,000</b>

POLICY 7

Provide for higher density single family residential uses in the Village Center.

Higher density single-family residential uses are envisioned within the Village Center where they can take advantage of transit connections along Roselle and the retail activities focused within the heart of the community. These higher density single-family residential uses should achieve a net density of approximately ten dwelling units per acre, and they could be either attached or detached housing units.

POLICY 7.9

Designate multiple-family sites (at a maximum density of 21 d.u.'s/net acre) in locations where they can best benefit from community amenities, where access to connectors is good, and where assembly of land can be accommodated.

Based upon information provided by local builders, it is anticipated that most of the multiple-family projects will be relatively large in size, with a minimum of 150 units each for ease of operations and maintenance; however, none would exceed 225 units in size.

The plan calls for ~~eight~~ ten multiple-family sites, totaling approximately 1,300 units. These would be distributed throughout the village. Because of their relatively less amount of private open space, multiple-family sites would be generally located closer to proposed public parks.

They would also be located along connector roadways in order to minimize through-traffic within single-family residential areas. Finally, sites are identified which would be easier to assemble, due to a fewer number of property owners.

POLICY 8.10

Designate senior housing sites (at maximum density of 50 d.u.'s/net acre) within the Village Center.

There is a need to provide senior housing in the City of Modesto, and the Village Center area provides a tremendous opportunity for seniors to reside within walking distance of community amenities (village green), medical/emergency facilities, shopping facilities and active public places. Senior housing can also be a great resource for a community, diversifying its composition and adding to the activity of public spaces. Each of the senior housing complexes is anticipated to include approximately 150 units.

POLICY 11

Provide for mixed-use (residential and retail) development within the Village Center.

A small development with retail on the ground floor and approximately fifty units of residential development on upper floors is envisioned within the higher density Village Center. While this type of development is relatively unconventional in the Central Valley.

**POLICY 4**

Ensure that single-family residential uses occupy the majority share of the overall housing program to maintain the existing single-family character of Modesto.

Modesto has been and continues to be a predominantly single-family residential community, and the city prides itself as a place which is attractive and supportive of family life. In general, in most places in the United States today, it is the single-family residential dwelling which is the most preferred form. For everyone to have their own house on their own lot is an accepted part of the "American dream."

The village single-family residential areas should be comprised of lot sizes, as follows will be required to achieve minimum densities of 7.5 d.u.'s/acre (adjacent to required setback areas) and 8.5 d.u.'s/acre elsewhere.

In the residential areas with a minimum density of 7.5 d.u.'s/acre the following is an illustrative breakdown of lot sizes:

- 20 40% - Larger Lot (Greater than 5,000 square feet)
- 45 25% - Standard Lot (5,000 square feet)
- 35% - Smaller Lot (Less than 5,000 square feet)

In the 8.5 d.u.'s/acre minimum density areas, the following composition of lot sizes is suggested:

- 35% - Larger Lot (Greater than 5,000 square feet)
- 25% - Standard Lot (5,000 square feet)
- 40% - Smaller Lot (Less than 5,000 square feet)

It is not, however, the intent of the plan to mandate the specific mix of single-family lot sizes. Instead, the plan allows flexibility for individual developers to decide upon their program mix, while still achieving the required minimum density. The illustrative mix of lot sizes can be combined effectively to achieve neighborhood diversity within the minimum required density, but is not necessary to conform to that specific mix for approval.

**POLICY 5**

Establish a minimum density of 7.5 d.u.'s/net acre for single-family residential areas adjacent to required setback areas.

Establishing a minimum density is one of the tools commonly employed to conserve surrounding agricultural areas by accommodating a certain number of people or dwelling units within designated development areas. It also helps generally to achieve a greater affordability of housing within the community, and supports the potential for higher levels of transit ridership.

seven d.u.'s/net acre overall in the city, and the most standard lot size being built today averages around 5,000 square feet. The City's goals, as expressed in the Urban Growth Management Policy, are to raise the density overall to an average of 7.5 d.u.'s/acre.

At the same time, as land prices increase in California, the trend is toward the construction of smaller and smaller lot sizes and increasingly higher densities, which can be more easily afforded by prospective homebuyers. As a result, the plan accommodates a mix of housing types and densities. Although predominantly (80 74 percent) single family, it includes the provision for multiple family, for an overall average of slightly greater than 40 9 d.u.'s/net acre. Higher densities are achieved by a larger proportion of smaller single-family lots, with 30 percent assumed to be lots less than 5,000 square feet in size. A higher level of design control is required in higher density single family residential neighborhoods to ensure that the automobile does not dominate the streetscape nor the building frontages and to ensure that a friendly, pedestrian-oriented environment is developed.

A more detailed breakdown of the illustrative residential development program is illustrated shown in Table 3.3.

**POLICY 3**

**Encourage a fine-grain mixture of residential densities.**

Housing choice and general affordability can be improved by increasing the number and diversity of housing types within Village One.

A range of housing types would include multiple family, single-family attached and single-family detached. The recommended mix is generally as follows for approximately 74 percent to be in single-family (attached and detached) with 26 percent in multiple-family.

- ~~50% Lots larger than 5,000 square feet~~
- ~~30% Lots smaller than 5,000 square feet~~
- ~~20% Multiple family and senior housing~~

In order to avoid an overconcentration of any one type of housing, and to increase the overall interest and variety of the community, an even distribution of housing types would be suggested. At the same time, it makes sense to locate more traditionally transit-dependent residents in housing closer in to the Village Center and Roselle, and to frame the Village Center with a higher density ring of smaller lot single-family as well as multiple-family dwellings and senior housing, as shown on the Land Use Plan and Regulatory Framework maps. In addition, higher density attached units are called for along Roselle Avenue, the proposed transit street, and large 12,000 square foot lots are required along Floyd Avenue, Claus Road, and Oakdale Avenue to better respond to noise impacts on adjacent roadways, as identified in the EIR.

## **Residential Objectives**

### **OBJECTIVE 1**

**Provide for predominantly residential uses in Village One.**

Residential uses are the substance of a community. More than any other use, they reflect the multifaceted personality and individual character of the people who inhabit the community. They provide the proper setting for the development of a sense of place.

There exists tremendous demand for residential uses within Stanislaus County, and Modesto, as the major city in the county, would traditionally be the location for residential development to occur. One of the important purposes of this plan is to set forth a coordinated vision for an area prior to the Measure A Advisory Vote. Without the extension of services and annexation of lands, Modesto is expected to run out of land to be developed by the end of 1991.

These three quadrants of the village — known as the Merle, Roselle and Claus neighborhoods, have long been envisioned by the City for residential use. They would be in keeping with residential neighborhoods to the south and west, and can easily form a part of a larger, coherent urban pattern.

### **POLICY 1**

**Concentrate residential uses to the west of the proposed Claus Expressway and organize these within a hierarchy of districts and neighborhoods.**

The proposed Claus Expressway makes an appropriate edge to the residential uses within Village One, not only because of the projected trips and attendant noise impacts but also because of the triangular shape and its constrained situation, wedged between the railroad tracks to the east and the future expressway to the west.

The residential community will be organized in a hierarchical fashion, with smaller developments forming neighborhoods and larger neighborhoods grouping together to create a tight, interrelated pattern within the village, and will thus help to establish a strong sense of identity and community. Each of the districts will be focused on schools and parks and will be closely tied to one another by a well-structured street system.

### **POLICY 2**

**Allow up to 8,000 dwelling units with a mix of densities and unit types.**

In keeping with its role as a center city in a large agricultural region, Modesto has long supported a variety of housing types, at higher overall densities than would be ordinarily found in traditional suburban communities. Currently, the densities are approximately

Land Use Program  
Revised September 26, 1990

Land Use			Acres
Residential	7,000-8,000 d.u.'s		979
School	Elementary School (x4)		40
	Middle School (x 2)		37
	High School		50
Park	Neighborhood Park (x3)		45
	Neighborhood Mini-Park		20
	Community Park		25
	Claus Road Linear Trail		6
	Floyd Avenue Gateway Park		10
	Town Center Park		2
Commercial	Village Center	Retail/Service Commercial	26
		Office	
	General Commercial		26
	Approved Commercial		16
Business Park		224	1.4-2.3 m.s.f.
Other Community Facilities	Churches (5 existing)		21
	Civic Center (Town Hall, Fire, Police Station)		3
Utilities	M.I.D. Substation (2 existing)		23
	Retention Basin		38

the quality of life in the city as a whole. Together with the Community Design Element, the Land Use Element establishes specific criteria for plan policies and objectives to be achieved.

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## GOAL

Establish a self-sufficient, pedestrian-oriented community with a mixture of uses within Village One.

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Piecemeal development of the city in individual subdivisions and commercial projects has produced an urban pattern that is not responsive to many community concerns. The comprehensive planning of Village One calls for a new pattern which builds up on some of the special qualities found in Modesto today and draws upon lessons learned from other planned communities while, at the same time, addressing modern planning issues in an innovative and creative fashion. It establishes an efficient use of land for development in an area that is of less significance and value for agricultural use. It further provides for a mix of uses that gives the opportunity to create a more self-sufficient community that is integrated with the existing city and serves as a buffer to more valuable farmland to the east.

The general breakdown of land area by land use is described below. For a more detailed breakdown of the land uses within Village One, refer to Table 3.2.

Table 3.1:  
General Land Use Overview  
Revised September 26, 1990

	Acres	Percent
Total Gross Area	1,784	100
Residential	979	55
School	127	7
Park	108	6
Commercial	68	4
Business Park	224	13
Churches	21	1
Civic Use, Safety Center	3	
Retention Basin	38	2
M.I.D. Substation	23	1
Major Streets and Roads	193	11

Land Use Program  
Revised September 26, 1990

Land Use		Acres		
Residential	7,000-8,000 d.u.'s		979	
School	Elementary School (x4)	40	127	
	Middle School (x 2)	37		
	High School	50		
Park	Neighborhood Park (x3)	45	108	
	Neighborhood Mini-Park	20		
	Community Park	25		
	Claus Road Linear Trail	6		
	Floyd Avenue Gateway Park	10		
	Town Center Park	2		
Commercial	Village Center	Retail/Service Commercial	26	200,000 s.f.
		Office		50,000 s.f.
	General Commercial	26	250,000 s.f.	
	Approved Commercial	16	200,000 s.f.	
Business Park		224	1.4-2.3 m.s.f.	
Other Community Facilities	Churches (5 existing)	21	24	
	Civic Center (Town Hall, Fire, Police Station)	3		
Utilities	M.I.D. Substation (2 existing)	23	61	
	Retention Basin	38		

## Residential Objectives

### OBJECTIVE 1

**Provide for predominantly residential uses in Village One.**

Residential uses are the substance of a community. More than any other use, they reflect the multifaceted personality and individual character of the people who inhabit the community. They provide the proper setting for the development of a sense of place.

There exists tremendous demand for residential uses within Stanislaus County, and Modesto, as the major city in the county, would traditionally be the location for residential development to occur. One of the important purposes of this plan is to set forth a coordinated vision for an area prior to the Measure A Advisory Vote. Without the extension of services and annexation of lands, Modesto is expected to run out of land to be developed by the end of 1991.

These three quadrants of the village — known as the Merle, Roselle and Claus neighborhoods, have long been envisioned by the City for residential use. They would be in keeping with residential neighborhoods to the south and west, and can easily form a part of a larger, coherent urban pattern.

### POLICY 1

**Concentrate residential uses to the west of the proposed Claus Expressway and organize these within a hierarchy of districts and neighborhoods.**

The proposed Claus Expressway makes an appropriate edge to the residential uses within Village One, not only because of the projected trips and attendant noise impacts but also because of the triangular shape and its constrained situation, wedged between the railroad tracks to the east and the future expressway to the west.

The residential community will be organized in a hierarchical fashion, with smaller developments forming neighborhoods and larger neighborhoods grouping together to create a tight, interrelated pattern within the village, and will thus help to establish a strong sense of identity and community. Each of the districts will be focused on schools and parks and will be closely tied to one another by a well-structured street system.

### POLICY 2

**Allow up to 8,000 dwelling units with a mix of densities and unit types.**

In keeping with its role as a center city in a large agricultural region, Modesto has long supported a variety of housing types, at higher overall densities than would be ordinarily found in traditional suburban communities. Currently, the densities are approximately

**POLICY 4**

Ensure that single-family residential uses occupy the majority share of the overall housing program to maintain the existing single-family character of Modesto.

Modesto has been and continues to be a predominantly single-family residential community, and the city prides itself as a place which is attractive and supportive of family life. In general, in most places in the United States today, it is the single-family residential dwelling which is the most preferred form. For everyone to have their own house on their own lot is an accepted part of the "American dream."

The village single-family residential areas should be comprised of lot sizes, as follows will be required to achieve minimum densities of 7.5 d.u.'s/acre (adjacent to required setback areas) and 8.5 d.u.'s/acre elsewhere.

In the residential areas with a minimum density of 7.5 d.u.'s/acre the following is an illustrative breakdown of lot sizes:

- 40% - Larger Lot (Greater than 5,000 square feet)
- 45 25% - Standard Lot (5,000 square feet)
- 35% - Smaller Lot (Less than 5,000 square feet)

In the 8.5 d.u.'s/acre minimum density areas, the following composition of lot sizes is suggested:

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Establishing a minimum density is one of the tools commonly employed to conserve surrounding agricultural areas by accommodating a certain number of people or dwelling units within designated development areas. It also helps generally to achieve a greater affordability of housing within the community, and supports the potential for higher levels of transit ridership.

It would take advantage of the opportunities in this particular location for the establishment of a small, relatively unique, new urban neighborhood.

**POLICY 8**

Provide for higher density single family residential uses in the Village Center.

Higher density single-family residential uses are envisioned within the Village Center where they can take advantage of transit connections along Roselle and the retail activities focused within the heart of the community. These higher density single-family residential uses should achieve a net density of approximately ten dwelling units per acre, and they could be either attached or detached housing units.

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Based upon information provided by local builders, it is anticipated that most of the multiple-family projects will be relatively large in size, with a minimum of 150 units each for ease of operations and maintenance; however, none would exceed 225 units in size.

The plan calls for ~~eight~~ <sup>ten</sup> multiple-family sites, totaling approximately 1,300 units. These would be distributed throughout the village. Because of their relatively less amount of private open space, multiple-family sites would be generally located closer to proposed public parks.

They would also be located along connector roadways in order to minimize through-traffic within single-family residential areas. Finally, sites are identified which would be easier to assemble, due to a fewer number of property owners.

**POLICY 8 10**

Designate senior housing sites (at maximum density of 50 d.u.'s/net acre) within the Village Center.

There is a need to provide senior housing in the City of Modesto, and the Village Center area provides a tremendous opportunity for seniors to reside within walking distance of community amenities (village green), medical/emergency facilities, shopping facilities and active public places. Senior housing can also be a great resource for a community, diversifying its composition and adding to the activity of public spaces. Each of the senior housing complexes is anticipated to include approximately 150 units.

**POLICY 11**

Provide for mixed-use (residential and retail) development within the Village Center.

A small development with retail on the ground floor and approximately fifty units of residential development on upper floors is envisioned within the higher density Village Center. While this type of development is relatively unconventional in the Central Valley.

it would take advantage of the opportunities in this particular location for the establishment of a small, relatively unique, new urban prototype that is complementary in intensity and scale with its surroundings.

**POLICY 9 12**

Require that new residential development meet high standards for quality to ensure that they are not only attractive, but that they also are livable and have the capability to increase in value over time.

Residential development not only responds to a need for shelter, but it, more than any other element, can contribute to the quality of life and the overall sense of community. There are a variety of specific design issues and concerns that are addressed more fully in the Community Design element of this plan, related to such considerations as:

- Usable Open Space
- Garage Location
- Setbacks
- Transitions in Housing Type and Density
- Architectural Character

**Commercial Objectives**

Commercial objectives relate to the broad range of uses, including both retail shopping facilities which serve the local resident population within the village as well as general commercial uses, office and industrial/business park uses, which comprise approximately 13 percent of the overall land area of the village.

Illustrative Village Center  
Commercial Program

	<u>Square Feet</u>
Grocery store/food shops	45,000
Neighborhood-serving retail	35,000
Restaurants/food service	20,000
Theaters	30,000
Athletic Club	25,000
Neighborhood services	25,000
Civic uses	20,000
<b>Total Program</b>	<b>200,000</b>

**OBJECTIVE 2**

Develop a pedestrian-oriented Village Center which serves as a shopping, social and recreational center for the surrounding community.

The Village Center will house the major concentration of retail uses within the village and will also serve as the living room of the community and focus of social activities.

**POLICY 1**

Locate the Village Center at the geographic heart of the community, with direct connections to the village districts.

The Village Center is envisioned as a place where people go on an everyday basis to shop, conduct business, socialize with neighbors, and gather for community events. It serves as one of the fundamental elements for creating a strong sense of community. Therefore, direct access from throughout Village One on both primary and secondary roads is essential.

The Village Center is a compact district with a hierarchy of streets, sidewalks and pedestrian passageways. Commercial buildings are clustered around key intersections and along streets which lead directly into adjacent residential neighborhoods. Historical precedents for certain design aspects of the Village Center include the traditional Main Street or Commons that forms the focus of small towns throughout the United States.

The Village Center is essentially a hybrid form of commercial development that includes the best pedestrian-oriented features of the traditional small town and the automobile orientation of strip shopping centers. By locating the Village Center at the heart of the community and concentrating commercial uses within it, the number of daily trips related to automobile traffic can be substantially reduced.

**POLICY 2**

Provide for a concentration and mixture of uses within the Village Center. Plan to accommodate initially approximately 200,000 square feet of commercial (retail and office) uses within the core area. Additionally, create an appropriate environment for the inclusion of higher density single-family residential dwellings, senior housing, a small open space, and community facilities.

The Village Center includes a diverse mixture of uses that are concentrated in a distinct district. Boundaries between properties and uses are soft and not clearly delineated. Retail shops, general commercial establishments and some professional offices will comprise the majority of the local-serving commercial uses. The suggested commercial program for the Village Center is outlined in the table above; however, it is illustrative of an initial phase only. Intensification of the Village Center and expansion of the commercial program, with the conversion of surface to structured parking, are encouraged.

Higher density single-family and senior housing should ring the Village Center. In addition, selected parcels within the predominantly commercial core and adjacent to the small village green (approximately two and a half acres in size) are planned to accommodate mixed-use or higher density residential apartments or condominiums.

### POLICY 3

Place emphasis on pedestrian activities and linkages, and provide for the possibility of future transit along Roselle Avenue to serve the Village Center.

The Village Center should be people oriented and easily accessible to all residents of the Village One by foot or bicycle. Due to its important role within the community, the Village Center must also accommodate the required flow of automobile traffic and provide ease of access and parking convenience. However, it is important that the image of the Center is not dominated by the automobile.

Parking areas should be located so as not to interrupt pedestrian movement along streets and passageways wherever possible. Off-street parking lots should be located behind buildings or screened by landscaping, so that the dominant image of the Center is one of buildings and pedestrian activity. Over time, as market demand increases and intensification occurs, these surface parking lots should be connected to building sites with structured parking. The Village Center is a logical location for future transit service due to its concentration of uses, higher density housing and central location.

### POLICY 4

Establish an attractive image and identity for the Village Center through the unique configuration of streets and open spaces. Maintain detailed design guidelines that establish a consistent character and quality standards for buildings.

The creation of an attractive image and identity for the Village Center will add to the potential success of the commercial activities, but also can lend an image and identity to the entire Village One, providing a stronger sense of place and orientation. The design of individual buildings and open spaces can reinforce the role of the place, not only for shopping, but also as a people-oriented gathering place.

### OBJECTIVE 3

Restrict commercial development within the boundaries of Village One to the specifically zoned Village Center district and to selected areas as designated below.

### POLICY 1

Limit commercial development on sites not designated by the City for that purpose.

Typically, cities are overzoned for commercial purposes. The result is that the supply of available retail space exceeds demand, thus reducing the overall viability of many enterprises.

**OBJECTIVE 4**

Establish a major new employment center in Village One comprised of commercial office and industrial uses, which will provide the opportunity to achieve a jobs/housing balance over time.

**POLICY 1**

Locate the employment center to the east of Claus Road.

Claus Road, a designated expressway, will, in the future, provide good accessibility to the Village One area, making the potential for office and industrial uses quite good.

The area to the east of the railroad tracks not only is well located with respect to Claus, but it also would be inappropriate for residential, due to the location of the railroad tracks, the proximity of the mosquito abatement airfield to the east, and the triangular configuration of the parcel. This use creates an excellent transition between residential uses to the west and existing agricultural lands to the east.

**POLICY 2**

Provide for a variety of office and industrial uses.

To take best advantage of the future opportunities which may exist in the future, and to allow flexibility to respond to potential market changes over time, designations of specific commercial office and industrial uses are not set forth. Certain institutional (or public/semi-public) uses, such as a city corporation yard may be permitted in the area, however, residential and retail commercial uses would be specifically prohibited.

As described in the Implementation Element, there will be the requirement for preparation of a Precise Plan outlining specific uses prior to development in this area.

**POLICY 3**

Allow development in the Industrial/Business Park at a maximum intensity of 0.25 Floor Area Ratio (FAR).

It is anticipated that development intensity would be overall relatively low in this area, however, it would allow a higher density, associated more with office business parks (0.25 FAR), for greater flexibility.

The development of employment uses would create a base of employees with the potential to live close to their places of work. By achieving a better jobs/housing balance, the plan sets the framework for a more viable, self-sufficient community.

# AFFORDABLE HOUSING

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## INTRODUCTION

Affordable housing is defined as housing units with prices or rents not exceeding 30 percent of income for households earning less than 120 percent of the median income for the region. There are three levels of housing within the affordable category. Very low income households are defined as those earning less than 50 percent of the median; low income households between 50 percent and 80 percent of the regional median; and moderate income households between 80 percent and 120 percent of the regional median income.

As housing prices have escalated in recent years as a result of strong economies and restrictions on new development in many places, it has become very difficult to produce and retain housing for much of the population. Fewer affordable units have been produced in recent years. This is partly because of decreasing amounts of federal involvement as well as changes in the tax code which have made private ownership of rental housing less advantageous than in the past. Housing demand in Modesto has increased dramatically. This high demand is partly locally generated, and partly a result of Bay Area households moving toward less expensive housing markets, even if they still make long commutes back to Bay Area jobs.

Village One is anticipated to accommodate development in Modesto for several years, and the City wishes to make it a successful component of the community. It is expected to achieve several of the goals expressed in the 1984 Housing Element, namely: encouraging the availability of housing at affordable prices, and maximizing housing choice throughout the community. In including the full range of housing opportunities, Village One will only be expected to meet its fair proportion of affordable housing. Achieving affordable housing in Village One is but one component of an evolving overall city plan for affordable housing. It is also essential that affordable housing not diminish the high quality residential environment planned for Village One.

The following sections lay out the affordable housing objectives, policies, and implementation procedures for Village One.

**OBJECTIVE 1**

**Maintain 15 percent of Village One housing as affordable units, and encourage that an additional 10 percent of the units be provided initially at affordable prices.**

The affordable housing goals have two components: maintaining 15 percent of Village One housing as affordable by policy for 30 years, and encouraging an additional 10 percent of the housing to be built at prices which make them initially affordable without assistance or subsidy. At present, market rents for many apartments in Modesto are affordable to small low or moderate income households, and this should be encouraged to continue. The following policies shall guide the development of Village One affordable housing:

**POLICY 1**

**Include a mix of housing prototypes to provide increased opportunity for diverse income groups.**

The Specific Plan for Village One contains a variety of potential housing types, ranging from senior housing in the Village Center to multi-family housing to single-family housing on lots ranging from 2,750 square feet to half an acre. The senior housing, multi-family housing, and small lot homes will make it possible to produce and maintain affordable housing.

**POLICY 2**

**Maintain the 15 percent designated affordable units as affordable for no less than 30 years.**

It is important that units not just be affordable at construction, but that they remain affordable. State law requires that affordable units produced through provision of density bonuses remain affordable for 30 years. This is an appropriate standard to set for all units designated to remain affordable; however, because of the potential negative effect on below-market residents at year 30, the City should also consider either a permanent affordable designation or a 5 to 10-year transition beyond the 30 years to bring units from affordable status to full market price or rent.

**POLICY 3**

**Determine the mix of affordable units for very low, low, and moderate income households on a project-by-project basis, generally consistent with needs established in the City Housing Element.**

The 1983 Housing Needs Report produced by the Stanislaus Area Association of Governments indicated that Modesto's affordable housing needs were distributed 39 percent very low income, 29 percent low income, and 32 percent moderate income. Until new data are available from the Census and a Housing Element is updated in 1992 as required by State law, the City could use this ratio for overall guidance. It is not realistic, however, to impose the same ratio on each housing type.

**Table 4.1:**  
**Modesto Village One**  
**Affordable Housing Goals by Need Category**  
 Revised October 4, 1990

Housing Prototype	Density (d.u.'s/ac.)	Total Units	Affordable Goals				
			Percent	Number	Very Low	Low	Moderate
Senior Housing	53.5	375	100	375	225	75	75
Multi-Family	21.0	1,470	50	441	221	150	70
	25.0	50	30	15	0	15	0
Single-Family	<u>Lot Size</u>						
	Ranchette	80	0	0	0	0	0
	>5,000 s.f.	1,975	5	99	0	30	69
	5,000 s.f.	1,317	6	79	0	24	55
	<5,000 s.f.	2,159	6	130	0	39	91
<b>Totals</b>		<b>7,426</b>	<b>15</b>	<b>1,138</b>	<b>446</b>	<b>332</b>	<b>360</b>
Percent of Affordable Units					39	29	32

Because the subsidies required to make a low-density house on a large lot affordable to very low income households are so large, units for very low income households are likely to be restricted to higher density rental multi-family and senior housing developments. Housing for low income households can be produced in senior and multi-family units with little or no initial subsidy, or a limited number can be made available in single-family homes. Units for moderate income households can be integrated with all housing types, and include sales as well as rental units (see Table 4.1).

#### POLICY 4

**Locate senior housing in close proximity to Village Center services in high-density and mixed-use developments.**

An aging population suggests an increasing need for senior housing. The segment of the senior population needing housing assistance can best be accommodated in higher density units in the Village Center, with good access to amenities, shopping, and transit service. Such housing could achieve densities of 50 to 60 units per acre in three to four-story elevator buildings, including mixed-use buildings over retail or service uses. Standard parking requirements can be reduced for such housing.

responsible for approximately half of the affordable housing objectives ~~through inclusionary requirements or in-lieu fees~~. The remaining portion will involve the City accessing federal and state assistance and tax incentive programs, encouraging density bonus provisions, and taking other potential actions to assist developers in the provision of affordable housing. It will be important that the specific affordability requirements to be met by each developer be clearly set forth in the development agreement executed for each project.

## Institutional Actions

### OBJECTIVE 3

Implement a variety of institutional actions by the City that will help achieve greater housing affordability.

#### POLICY 1

~~The City will~~ Designate specific staff with the responsibility for ensuring development of affordable housing.

~~This~~ City staff must be aware of all available federal and state programs to assist with affordable housing, and have the responsibility to ensure that affordable housing programs are implemented.

#### POLICY 2

~~The City will~~ Take steps to establish or attract a nonprofit developer, a Housing Development Corporation, or explore the potential of greater utilization of the Stanislaus County Housing Authority to assist in production of affordable housing.

Experience in other communities has indicated that nonprofit developers can contribute significant efforts to achieving affordable housing goals, either handling projects themselves or in conjunction with for-profit developers. Quasi-public housing development corporations have also been used, particularly where development fees or public revenues are available for investment in affordable housing. The Stanislaus County Housing Authority has a good record in the construction and management of affordable housing and is a potential community resource for the Village One affordable housing program.

#### POLICY 3

~~The City will~~ Pursue the full range of state, federal, and private assistance and incentive programs available at the time of implementation.

Although the federal role in production of affordable housing is diminishing, there are still funds available for Section 202 Senior Housing, and limited funds for other assistance

programs such as Section 8 rent assistance. Federal incentive programs, such as mortgage revenue bonds, low income tax credits, and mortgage credit certificates, are examples of sources available at this time, although with great restrictions.

Current state housing assistance programs include Proposition 77 and 84 funds, and examples of private programs include foundation or corporate grants and Community Reinvestment Act low interest loans from financial institutions.

POLICY 4

~~The City shall~~ Use in-lieu fees collected from developers to assist with affordable housing production in Village One by such means as acquiring appropriate sites within Village One and providing subsidy assistance.

Although the program should encourage the direct production of affordable units by developers, the affordable housing program will generate in-lieu fees that will be used to assist in the production of affordable housing in Village One. Examples could include the public purchase of a site for reduced price sale to a nonprofit developer, or city provision of a low interest loan in exchange for a commitment of greater affordability in the development.

POLICY 5

~~Require a maximum density for multi-family housing without a density bonus will be of 21 units per acre, and the City will promote a 25 percent density bonus in exchange for greater affordability as specified in state law.~~

Government Code Sections 65913.4, 65915 and 65917 contain the State Density Bonus Law as of January 1, 1990, which stipulates that a jurisdiction will allow a density bonus of at least 25 percent over the otherwise maximum allowable residential density plus an additional concession or incentive in exchange for making 20 percent of the development's units available for low income households or 10 percent for very low income households.

POLICY 6

~~Utilize mixed-use development and reduced parking requirements can be utilized in order to achieve affordability in senior housing developments.~~

Housing over Village Center retail or a community facility can reduce the land cost associated with a senior housing development, thus reducing the need for additional subsidies. Reduced parking requirements would also allow greater site utilization.

Establish criteria for eligibility for affordable housing.

Demand for affordable housing units is always very high, and the City will need to establish and monitor the guidelines and procedures for selecting tenants and buyers and verifying continued eligibility for residents. The City should also consider establishing a requirement that Modesto residents be given priority for the affordable housing created in Village One.

## Developer Requirements

### OBJECTIVE 4

Establish specific requirements for developers to assist in the implementation of affordable housing.

### POLICY 1

Village One developers will be responsible for approximately half of the the Plan's long-term affordable housing objectives. Developer requirements to meet this objective will be established by the City Council prior to the approval of any Precise Plans, and shall be based on the recommendations of a Village One Affordable Housing Task Force. In making its recommendations to the City Council, the Village One Affordable Housing Task Force shall review a wide variety of housing programs that will accomplish this objective, including but not limited to: inclusionary zoning, in lieu fees, Mortgage Credit Certificates, housing trust, HUD's Joint Venture for Affordable Program, Proposition 84 Funds, and other HUD, HCD, and CHFA. The Affordable Housing Program of Village One Specific Plan shall be amended to reflect the program or programs selected by the City Council to implement this objective.

Table 4.2:  
Modesto Village One  
Affordable Housing Goals by Need Category  
Revised October 4, 1990

Housing Prototype	Density (d.u./s/ac.)	Total Units	Affordable Goals		Developer Requirement	
			Percent	Number	Percent	Number
Senior Housing	53.5	375	100	375	15	56
Multi-Family	22.0	1,470	30	441	15	221
	25.0	50	30	15	15	8
Single-Family	<u>Lot Size</u>					
	Ranchette	80	0	0	6	5
	> 5,000 s.f.	1,975	5	99	6	119
	5,000 s.f.	1,517	6	79	6	79
	< 5,000 s.f.	2,159	6	150	6	150
<b>Totals</b>		<b>7,426</b>	<b>15</b>	<b>1,158</b>	<b>8</b>	<b>616</b>

# CIRCULATION

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## REGIONAL ISSUES

Modesto is located along State Route 99 approximately midway between Sacramento and Fresno. Regional access to the area is provided by S.R. 99 and State Route 132. S.R. 99 runs in a north-south alignment from its junction with Interstate 5 near Bakersfield to a northerly junction with I-5 near Red Bluff. Through the Modesto area, S.R. 99 is a four to six-lane facility.

S.R. 132 provides east-west access from Interstate 580 east through Modesto to Coulterville. The portion of S.R. 132 that runs from Modesto to I-580 provides a major connection from the Modesto area to the San Francisco Bay Area. Along this portion of the route, S.R. 132 is a two-lane facility.

A recent assessment of existing traffic conditions throughout the City of Modesto indicates that 14 individual segments are deficient in terms of their defined capacity. Four of these 14 roadways are along the regional access routes to the Village One site. This includes Standiford Avenue, the Briggsmore Expressway, Oakdale Road, and Scenic Drive. Since three of these four routes serve east-west travel between S.R. 99 and the Village One site, this comprises the primary existing constraint.

A transportation improvement program, which is the basis for the recently adopted traffic impact fees, has been developed by the City of Modesto to address these future transportation needs. This program identifies suggested roadway sections and ultimate right-of-way dimensions for all of the major streets that either have current or future deficiencies.

## CONTEXT

Streets are extremely important elements of a community, not only as a means of getting from one place to the next, but as places where people can meet and gather for social and recreational purposes. They are open spaces as well as corridors of movement, and they

are instrumental in helping to structure a community and provide visual clarity and a sense of orientation. The way in which they are designed reflects the attitude that a community has towards itself and its neighbors.

The circulation plan for Village One establishes a hierarchy of streets that serves as a conduit for through-traffic around the community as well as local access to individual neighborhoods. The system includes ~~four~~ five standard street sections that are designated as expressways, major streets (arterials), neighborhood connectors (collectors), ~~and~~ neighborhood (residential) and minor neighborhood (residential) streets. The circulation plan provides a further differentiation within the individual standard sections based on the contribution of individual streets to the overall system. As such, the hierarchy is established on the basis of roadway treatment as well as function. The function of the expressways and major streets is to carry through-traffic, while the neighborhood connectors and streets serve local residential travel.

The street sections are designed to provide for bicycle, transit and pedestrian needs as well as vehicular access and parking needs. As such, bikeways are incorporated in the design of all major streets and neighborhood connectors in the Village One area. The pedestrian needs of the residents, employees, and visitors of Village One are accommodated through the provision of sidewalks on all major streets, neighborhood connectors, and neighborhood streets. Jogging trails are also provided along Roselle Avenue and all of the neighborhood connectors between the outside curb and the sidewalk and a linear trail is provided as part of the citywide trail system along Claus.

The two expressways that serve ~~the study area~~ Village One are Briggsmore Avenue and Claus Road. These facilities will ultimately serve the major east-west traffic demands. The Briggsmore Expressway will serve east-west project traffic until the Claus Expressway is completed. The Claus Expressway will ultimately serve a substantial proportion of the project traffic destined for Highway 99. Since the expressways are high volume roadways that have limited access to adjacent residential neighborhoods, the street sections do not incorporate facilities for pedestrians or bicyclists.

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. Through-traffic within neighborhoods is limited through the elimination of long, linear streets, the termination of collector streets at T-intersections, the use of a variety of discontinuous alignments, necking down the intersections of minor residential streets and the use of ~~multi-way stop signs~~ traffic circles and raised crosswalks where appropriate.

## GOALS, OBJECTIVES AND POLICIES

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### GOAL

Establish a circulation system that creates and preserves a pedestrian-oriented community while providing an adequate major street system.

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### Major Street System Objectives

#### OBJECTIVE 1

Provide a system of major streets to serve both project traffic with external destinations and community-wide through-traffic.

The predominant use in Village One is residential. Since it is anticipated that the majority of new homebuyers in Modesto work outside of the community, this results in longer commute distances and greater demands on the major street system. The commercial and industrial uses in Village One will require an adequate major street system to serve their transportation needs.

#### POLICY 1

Upgrade the expressway system. 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.

Install the complete six-lane section of the proposed Claus Expressway between Briggsmore Expressway and Sylvan Road. Widen Briggsmore Expressway from a two-lane to a six-lane section (with median) between Oakdale Road and Claus Road. Reserve right-of-way along the proposed Claus Expressway at the junctions with Sylvan Road, Floyd Road, and the Briggsmore Expressway for the installation of urban interchange facilities.

#### POLICY 2

Complete the major street system 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.

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 near 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.

### POLICY 3

Develop improvements 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 Expressway/Sylvan Avenue, Claus Expressway/Floyd Avenue, Claus Expressway/Briggsmore Expressway, Roselle Avenue/Sylvan Avenue, Roselle Avenue/Briggsmore Expressway, Oakdale Road/Sylvan Avenue, Oakdale Road/Floyd Avenue, and Oakdale Road/Briggsmore Expressway. The specific lane configurations for these intersections are shown in the Appendix.

## Neighborhood Street System Objectives

### OBJECTIVE 2

Develop a circulation network that establishes the neighborhood character of the residential uses. The presence of heavy through-traffic movements on neighborhood streets diminishes the quality of life for residents.

### POLICY 1

Develop a hierarchy of streets that serves the Village One community. The street classifications are designed to provide a differentiated system of roadways designed principally to serve either long-range through-traffic or short-range local traffic. The roadway standards for neighborhood streets are designed to feature landscaped areas while maintaining as minimal a roadway width as possible. The roadways are aligned to give structure to the community and to connect important public facilities.

The major streets on the periphery of Village One have four to six-lane sections (with median) and provide for the major movement of through-traffic in the area. Two special major streets include the two gateways—of Floyd and Roselle—where curb cuts for driveways would be limited, front yard setbacks larger than average (minimum 25 feet), and curb-to-curb dimensions carefully planned to give precedence to transit and pedestrian use. The neighborhood connector is a two-lane facility with an expanded cross section to provide for a center median, bike lanes, on-street parking, and a jogging path in the landscape buffer between the curb and sidewalk.

The neighborhood street is a standard two-lane roadway that connects the majority of the residential uses to the neighborhood connectors. The location of all driveways relative to intersections will adhere to city standards for proper spacing.

## POLICY 2

Develop a circulation system that limits through-traffic in the residential neighborhoods. The presence of substantial levels of through-traffic, which is typically characterized by high volumes and high speeds, is not compatible with the desire to provide a pedestrian-oriented community nor is it consistent with neighborhood values.

Limit the use of long, linear streets through residential areas. Terminate junctions of neighborhood connector streets at T-intersections where possible. Add a variety of discontinuous alignments to residential streets where appropriate. ~~Use multi-way stop signs to control intersections in the interior sections of residential neighborhoods.~~

The kinds of traffic that are specifically undesirable in residential neighborhoods include traffic using the street as shortcuts, detours or overflow; excessive traffic speed and use of curb parking by drivers with destinations outside the neighborhoods. While dead-end cul-de-sacs are generally discouraged because they do not enhance a sense of orientation and linkage, there are a variety of alternative approaches that should be encouraged to limit through-traffic movement on residential streets. These include reducing the perceived size of the street by narrowing the curb-to-curb widths to 22 feet and 30 feet; "necking down" the street size at intersections; providing on-street parking in bays; slowing down traffic speed by incorporating raised crosswalks, pavement undulations, and rumble strips; and introducing traversable barriers and traffic circles.

Neighborhood streets should be reduced in width to 30 feet curb to curb (such as along Magnolia today) and even to 22 feet (for homes that are not served off an alley) in order to give a stronger sense of hierarchy and as long as these streets do not connect to a neighborhood connector and are not over 1,200 feet in length. In both situations, parking will need to be carefully handled. For the 30-foot street, one-sided parking or parking in bays would be required; and in the 22-foot street, parking in bays would be required.

## POLICY 3

Develop a circulation network that provides a connection between the Village Center and other Village One uses.

Develop a series of neighborhood connectors in a radial fashion that connect the Village Center with school and park uses in adjacent neighborhoods. Provide a system of neighborhood connectors that provides links to major streets, thereby establishing convenient linkages for all modes of travel between residence locations and the Village Center.

#### POLICY 4

Design a system of neighborhood connectors that meet the criteria established through guidelines in *A Policy on Geometric Design of Highways and Streets (1984)* published by the American Association of State Highway and Transportation Officials (AASHTO). The neighborhood connectors should be designed on the basis of a 30 mph design speed.

This AASHTO publication is the widely accepted manual for establishing minimum design standards for transportation facilities. The neighborhood connectors in Village One fall into the category described as urban collectors in the guidelines. The design speed of 30 mph would allow for the posting of 25 mph speed limits along the neighborhood connectors.

#### POLICY 5

Develop an access system to the Village Center that includes three separate signalized connections to Roselle Avenue. Primary inbound access to the Village Center would be provided via Floyd Avenue while egress from the mixed-use area would be provided via connections to the outer village connector road.

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 exiting traffic will be directed by a signing plan 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 will be signalized to provide full access.

### Transit System Objectives

#### OBJECTIVE 3

**Provide a circulation system that allows for efficient transit service to Village One.**

#### POLICY 1

**Establish a network of primary transit streets to serve Village One.**

Roselle Avenue is designed as a four-lane street (with median) with bus turnouts. It is designated as the primary north-south transit corridor for providing transit service to the Village One area. Floyd Avenue is designed as a four-lane, divided street. It would be a major transit corridor for east-west travel between Oakdale Road and the Claus Expressway.

The junctions of Roselle Avenue and Floyd Avenue with neighborhood connectors and streets occur at one-quarter mile intervals to provide an adequate number of bus stop

locations for local service. Bus turnouts will be provided along Roselle Avenue at all junctions with major streets or neighborhood connectors. The design of all neighborhood connectors shall allow for the installation of far side bus stops.

## **POLICY 2**

**Provide for alternative future transit systems.**

Reserve right-of-way along Roselle Avenue between the Briggsmore Expressway and Sylvan Road for the potential future installation of a light rail system or express bus service. In the interim, this right-of-way will be used for bus turnouts and a jogging trail.

Design the land use and circulation plans to allow for the implementation of alternative future transit systems. This involves the development of a higher density community core (i.e., the Village Center) and a pedestrian-oriented system that provides a focused linkage from this area to the surrounding residential neighborhoods. It also includes the potential for coordinating with a future regional mass transit system along the Santa Fe Railroad alignment.

## **Bicycle System Objectives**

### **OBJECTIVE 4**

**Provide a bicycle system that allows for the safe and convenient use of the bicycle as an alternative mode of transportation.**

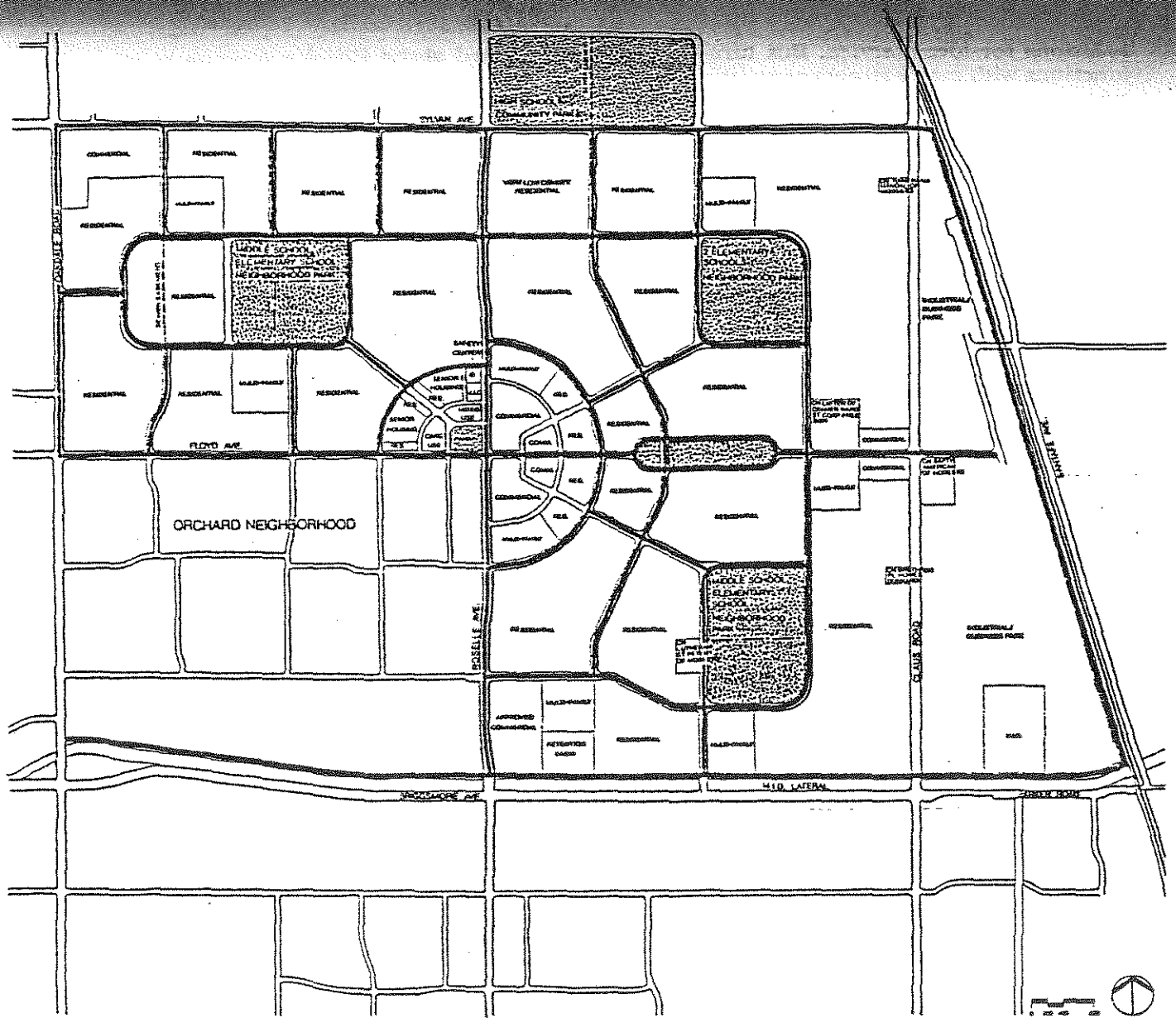
### **POLICY 1**

**Incorporate bikeways into the circulation system of Village One.**

Install a Class 1 bikeway along the Briggsmore Expressway as indicated in the Bike Master Plan. Install a Class 1 bikeway along the west side of the ~~Sante Fe Railroad tracks on the eastern boundary of Village One~~ Claus Expressway within the noise setback area between the residential uses and the expressway right-of-way. This section of bikeway serves as a segment of a planned trail around the periphery of the City of Modesto.

Install Class 2 bikeways on all of the major streets on the periphery of Village One. This does not include expressways such as the Claus Expressway and the Briggsmore Expressway, which do not include on-street bikeway facilities. Install Class 2 bikeways on all of the neighborhood connectors within Village One.

Install Class 3 bikeways on several of the key neighborhood streets within Village One.



———— Bicycle Paths

**Figure 5.11**  
**Bicycle Routes**

Note: This figure indicates off-street bike paths or those within the street which are separately designated for bicycle use. Bicycle movement can also be accommodated within local neighborhood streets.

## **Parking Objectives**

### **OBJECTIVE 5**

**Provide parking facilities to adequately serve both residential and commercial needs.**

### **POLICY 1**

**Establish parking requirements for all Village One uses.**

The Village Center area provides 5 parking spaces per 1,000 square feet of commercial building space. This exceeds current standards for commercial uses in order to provide the opportunity for intensification of uses as the center develops. In the interim, a portion of the area designated for parking could be established as a landscaped "reserve" area.

Restrict parking on all major streets in the study area except Floyd Avenue. The single-family residential units provide a maximum of two garage spaces per lot. An exception is provided for the largest residential lots, where additional garage spaces may be provided. All future uses in the business park will provide a supply of parking to meet the minimum city standards.

# COMMUNITY FACILITIES ELEMENT

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## BACKGROUND

Since earliest times, public facilities and buildings have played an important role in the design of cities. In ancient Rome, places were not accorded city status if they did not include a major public space as well as a number of individual facilities for sports, legal administration, debate and sanitation. In medieval Europe, the churches and public spaces associated with them became the dominant element of city planning, and in the Renaissance, secular governmental complexes expressed the structure and function of the community. During the Industrial Revolution in Europe and the United States, the great public works projects and showcases of industry and commerce (such as the Crystal Palace in London) reflected the values and concerns of the community. A measure of the significance which these facilities have had in their respective communities is their endurance over time. Even in the most scanty ruins of ancient civilizations across the world, the public buildings and monuments are those that have survived, not private homes and individual buildings that make up the fabric of the community.

Up until World War II, some of the best examples of civic design in the United States were associated with public buildings and facilities. During the 1930's, for instance, the Works Project Administration built a variety of public works projects which became the hallmark of Modesto and many other communities. The San Antonio Riverwalk dates from those days and created a revitalized downtown focused on a special amenity and, at the same time, a public improvement that would protect against flooding. However, in the past several years, there has been a shift in attitude toward community facility planning and design. More often today, community facilities are seen as functional elements which serve a particular specialized need, rather than as centers of activity that can also help to give structure to the community. With limited public funds available to finance community facilities, fiscal and financial considerations in selecting and siting facilities often take

precedence over the larger community design considerations. More innovative approaches are required to help fund new facilities that will also achieve public objectives for building a sense of community and reinforcing the quality of the environment.

## The Need for Community Facilities in Village One

In the United States today, public facility planning is primarily oriented toward police, fire, school and recreational facilities, but it also includes governmental, religious and utility facilities (which are described in the Utilities Element) as well. The purpose of this element is to ensure that needed services and facilities are provided and that they play an important role in the social and physical composition of the community.

In Village One, the plan calls for the development of four elementary schools, two middle schools, one high school, one community park, three neighborhood parks, a safety center (with fire and police facilities), a library, and a ~~town~~ village meeting hall. In addition, a number of existing churches would remain in their present location.

Schools and parks clearly consume the largest share of land for community facilities within Village One. Of the total ~~4,775~~ 1,784 acres of land in the village, approximately 127 acres would be devoted to schools and approximately ~~419~~ 124 acres would be set aside and developed as parks, including those which may be privately developed and maintained. Approximately three acres of the site are planned for other community facilities (including the ~~town~~ village meeting hall, fire and police station, library, and community health center).

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, and it is assumed in Village One that there will be the need for four new elementary schools, less than one middle school, and less than one high school (see Table 1). These will be accommodated on site as discussed above, and an additional middle school will be built within Village One in order to serve existing developed areas. A site has already been purchased by the Sylvan School District in the northwestern quadrant of the site and a new middle school is currently being designed for that location. In addition, the Sylvan School District is pursuing the acquisition of an elementary school site in the south-eastern district.

The need for specific park facilities is also 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, and it is also consistent with the minimum required under the State standards contained in the Government Code (Quimby Act). With roughly ~~20,000~~ 18,000 new residents in Village One, ~~60~~ 55 acres of new community and neighborhood parks would be required.

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 the community with augmented park space when school is out. 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, 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 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.

The need for other facilities has been identified by affected city departments and other groups. The fire department has determined the need for an additional fire station centrally located within the Village One area for optimum response time. The police department estimates the need for an additional beat to be added to police patrols as well as expanded office facilities, either in a central location downtown or on the site. One-half acre is required for each of these facilities. In addition to a library, community uses such as meeting rooms, child care and community health services have also been identified as a need that should be satisfied within Village One. The opportunity for additional churches in the Village Center as well as at key intersections within village residential districts will also be provided.

## Location and Character of Planned Facilities

Public facilities have the responsibility to help structure and shape the public realm. This is not only true in terms of the activities which they house, but also in terms of the siting and distribution of facilities and the design of specific buildings. For this reason, public and semi-public buildings are prominent within the village landscape and reinforce the larger community concept by creating focal points within residential districts. Rather than spreading out buildings and demanding a large amount of land area for buildings, a tighter and more efficient utilization of land is made through the use of shared campuses and facilities and by encouraging a stronger and more positive relationship to the surrounding neighborhoods.

After exploring a number of alternative sites with the City and school district staff, the four sites were selected as campuses to serve Village One. These school sites are central to the design and organization of the entire community. The street system establishes the pattern around which the residential districts are organized. 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.

GOALS, OBJECTIVES AND POLICIES

**GOAL**

**Provide the community facilities to serve the future population of Village One and to contribute to the structure and organization of residential districts.**

**OBJECTIVE 1**

**Provide for the development of new schools which are geographically centered within an appropriate walking radius of new homes and which can, together with accompanying parks, become the residential districts.**

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 which 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 districts.

**POLICY 1**

**Provide for four new elementary (K-5) schools, two new middle schools, and one new high school.**

Based upon Village One's projected school-age population, four elementary schools will be needed. In addition, two middle schools would 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 village to the north.

**POLICY 2**

**Develop joint campuses on specific sites and utilize the schools as organizing elements within the community.**

The lower 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 districts (see the Community Facilities map). Two will combine elementary/middle school facilities, and the last (located in the northeastern district of the site) will combine two elementary schools in one location. These schools are linked to one

...to a parking road and through main streets directly to the Village Center. In addition, the high school is located at the juncture of two villages, to create a strong connection between the two communities and to better serve both within a campus capable of accommodating 3,000 3,500 students.

## OBJECTIVE 2

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 more diminished private open space further increases the need for public parks. As a result, approximately 118 acres of land, which is nearly twice what would be required by conforming to the minimum city standard, have been reserved in Village One. These include not only neighborhood and community parks which adjoin school sites, but also other open spaces, such as trails and pocket parks.

## POLICY 1

Provide for 70 acres of neighborhood and community parks adjacent to planned schools.

The plan provides for 70 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.

## POLICY 2

Provide for pocket parks (or mini-parks) centrally located within residential neighborhoods.

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 neighborhood. These parks would be designed to serve the special recreational interests of the community, and reflect the population characteristics of each neighborhood. It is expected that these would provide a valuable amenity that could add to the identity of the neighborhood.

## POLICY 3

Provide 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 Clans Expressway to further link

areas within Village One to a citywide trail system to the north and south. As shown in the illustrative section, it would be developed to accommodate both pedestrian and bicycle trails.

### OBJECTIVE 3

Provide community facilities which enhance the safety and enjoyment of Village One.

There are a number of community facilities which should be provided to support the needs of the population and to reinforce a sense of community.

### POLICY 1

Provide a one-acre site for development of a public safety center within the Village Center.

Separate fire and police stations would be located within the Village Center, on adjacent half-acre sites. These facilities would satisfy the need for future fire and police service in the area, would provide a police and fire presence that would enhance a sense of security within the village.

### POLICY 2

Provide for civic uses, including a town village meeting space hall, library, and other such facilities within the Village Center.

Across the street from the safety center (fire/police station) would be located a town village meeting hall (~~meeting spaces~~), library, and other such facilities 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 anticipated to be similar in character to the Sylvan Club and approximately 10,000 square feet in size. The library will be a branch library and is planned to be approximately 20,000 square feet in size.

### POLICY 3

Provide for additional churches to be located near or within the Village Center or in key locations within residential districts.

There are already numerous churches located within Village One. The need for additional churches could be accommodated within the Village Center, where it could take advantage of shared parking, or in key locations along connector streets within residential districts.

**POLICY 4**

**Include the location of day care facilities in the Village Center or in key locations within residential districts (i.e., at the intersection of neighborhood connectors or near schools and parks).**

Day care facilities are an important part of modern community life and can provide an important function in residential areas. They should be included in important locations adjacent to amenities, such as parks and schools where they can share facilities, and in locations where they can best serve larger residential areas.

Include the location of day care facilities in the Village Center  
POLICY 4

# COMMUNITY DESIGN ELEMENT

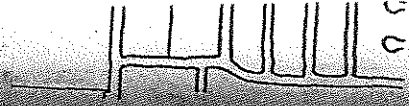
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## COMMUNITY DESIGN APPROACH

As Modesto continues to grow and expand as a city, the appearance and livability of the community has become of increasing concern to residents. Many of the newer parts of town seem indistinguishable from suburban developments elsewhere in the region and state, and lack the special qualities and sense of place that characterize more established areas of Modesto near the downtown. The older Graceada Park and College areas, for instance, are valued for their continuous, tree-lined streets and a well-scaled diversity of buildings that create a gracious, welcoming atmosphere.

The way communities are built today is quite different than it was in the past. The scale of development has increased dramatically, made possible by advances in production housing and site preparation. In contrast to the more compact patterns of previous years, suburban development has taken on a sprawling and spread-out appearance, consuming a considerable amount of land. Postwar housing emulated the romantic traditions of pastoral landscapes, characterized by detached single-family houses on large, lawn-covered lots with ample setbacks from other houses and from the street. As the automobile increased in importance as a means of transportation, a greater specialization of community uses occurred, with major impacts on the social life and pedestrian scale of towns.

Today, a public-spirited traditionalism is on the rise in the design of new communities. It is exemplified by a number of new developments around the country which are, in different ways, addressing issues affecting the qualitative nature of community life. Increasingly, the role of the automobile is being called into question. While in the 1950's, many communities looked at the possibility of excluding the automobile from certain areas and creating pedestrian malls and districts, this is not the approach which is being taken today. Rather, the emphasis is now being placed on "taming" the automobile — making



sure that it is not relied upon as the only means of transportation at the expense of other modes, and that it is not allowed to transform active, lively streets into service corridors with frontages dominated by parking and garages.

Another major issue which is being addressed in Village One is the balance between the need for privacy and the desire for more sociable, friendly neighborhoods. In Modesto, back yard areas today are smaller than typically found in most communities and, at the same time, the front yard has become a less attractive place of neighborhood activity, with garage doors dominating the fronts of houses. At the same time, back yards have become more cramped. The approach that is taken in the Village One Specific Plan is to give emphasis to back yards, with smaller but more attractive front yards with the deemphasis of the garage. In addition, the provision of neighborhood pocket parks provides the opportunity for shared neighborhood activities of a recreational and social nature.

The Village One Specific Plan also addresses the need for a sense of orientation and identity, so often lacking in suburban communities. The conventional approach to residential layout has been to establish a maze of curvilinear streets seemingly devoid of a larger pattern. Very often, large thoroughfares deliver motorists onto interrupted or dead-end residential streets that defy comprehension, even for residents. The common complaint of getting lost in newly developed residential areas is symptomatic of the lack of a clear, legible environment that gives residents an understanding of the part that they play in fitting within a larger and more coherent community. In Village One, the Specific Plan places an emphasis on the definition of an overall community identity comprised of a number of different parts in a well-ordered composition of districts, neighborhoods and subneighborhoods. Each of these is organized around a public element, with the districts focused on schools and parks; the neighborhoods on pocket parks; and the subneighborhoods on residential streets. These elements of the village are closely linked with one another in a street pattern designed to give direct access between major activity areas.

The community design concept for Village One also emphasizes the integration of the overall community with surrounding developed areas. Over the past several years, the introduction of sound walls to protect against vehicular noise has isolated neighborhoods from one another. These walls not only separate, but create an unfriendly and hostile appearance. Village One is conceived as a community which obtains its identity not from creating a strong edge or barrier, but rather from the character and organization of uses within it. The edges of the community are carefully designed to avoid, to the greatest extent possible, the use of walls and buffers, particularly related to the existing Orchard neighborhood and the future village to the north of Sylvan Avenue.

## PURPOSE OF THE COMMUNITY DESIGN ELEMENT

The intent of the Community Design Element is to establish the policies necessary to create a well-ordered town environment with pedestrian-scaled streets, meaningful open spaces, thoughtful design of buildings, a fine-grain mixture of uses, and careful organization

of open spaces and community facilities. The emphasis, therefore, is not on dictating a particular architectural style, but rather on establishing some important ground rules within which the creativity of individual builders and designers can be expressed.

The implementation of the goals, objectives, policies and guidelines set forth in this element will occur in two ways. One will be through the review of Precise Plans for particular areas by the Planning Commission and City staff. An additional way will be through Design Review. Once the Precise Plan is adopted, elements of the architectural design may be reviewed by a Design Review Board in order to ensure that individual buildings contribute to the overall design concept of the village plan. The design guidelines provide the necessary criteria against which plans can be reviewed.

Community design considerations within the village focus on three major components—the Village Center, the residential neighborhoods, and the Industrial/Business Park. In the Village Center, the focus is on the development of buildings and spaces that maintain a pedestrian scale and higher level of activities. In the residential areas, the emphasis is on providing adequate private open space, minimizing the dominance of garages along the street, and creating appropriate transitions between housing of different densities. In the Business Park, emphasis is placed on creating attractive and appropriate transitions between uses to the west and east.

## GOALS, OBJECTIVES AND POLICIES

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### GOAL

Develop an attractive, well-planned community that promotes pedestrian activity, diverse neighborhoods, an active commercial/civic center and major employment center.

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### Village Center Design

#### OBJECTIVE 1

Organize the buildings and streets within the Village Center to concentrate pedestrian activity within an appropriately scaled district, in order to create a strong sense of identity and community at the geographic center of Village One.

The concept for the Village Center goes beyond satisfying solely the functional requirements of neighborhood-serving retail uses to create a focal point and gathering place. More than any other individual element, the Village Center will become the “living room” of the entire community. As a result, it needs to be designed in such a way as to make it attractive as a people-oriented place, where neighbors can feel comfortable to linger and

to be around others in a lively, highly imageable environment. The Village Center is sited to create a pattern of development that promotes pedestrian movement and at the same time minimizes the need to use the automobile for circulation to the center and within it.

#### POLICY 1

Focus people-oriented activities (window shopping, store entrances, cafes, displays, signage) along the streets and in front of buildings of the Village Center. Locate parking, deliveries, trash and other ancillary services at the rear of buildings.

#### POLICY 2

Develop a focused, efficient pattern of buildings and open spaces in order to concentrate activities, rather than to dissipate them in a way which requires greater dependency upon the automobile.

#### POLICY 3

Design buildings, streets and parking lots to be scaled to pedestrians (with regard to such issues as the height and length of walls, the amount of uninterrupted asphalt paving, the width of streets, the distance between crosswalks, the continuity of shop fronts, the size of signage).

#### POLICY 4

Encourage the development of pedestrian amenities such as benches, trash receptacles, and pedestrian-scale lighting as well as outdoor cafes and sidewalk magazine stands, which enhance the experience of moving through the Village Center by foot.

#### POLICY 5

Create a complex and diverse network of streets, passageways, open spaces and well-distributed parking lots in order to enhance the Center's visual interest, while also making shopping a convenient experience.

#### POLICY 6

Dedicate adequate land to the Village Center for a mix of commercial, civic-related, and high-density residential development, to evolve over an extended period of time.

#### Design Standards and Guidelines

Design guidelines for the Village Center address the treatment of development parcels, building facades, parking, streets and signage. They provide more specific direction for implementation of goals, objectives and policies.

The height of street-facing facades should be greater than 16 feet but not more than 35 feet, as measured from the sidewalk to the top of the cornice. These height limits will

### *Development Parcels*

- Commercial building parcels should be delineated in various sizes ranging from approximately 30 to 250-foot frontages in order to create architectural variety and a more visually interesting environment for the pedestrian.
- 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 20 feet in width and well landscaped with trees, flowers, sidewalks, and lighting.
- 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 20 feet.
- 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.
- Setbacks to the rear of the building must be a minimum of four feet in order to accommodate sidewalks facing the parking lots.
- No drive-through commercial facilities (such as those related to financial institutions and fast food enterprises) should be permitted in the Village Center. These uses reduce pedestrian activity and often disrupt retail continuity along the street.
- Buildings at key intersections should be designed to mark the corner. Various design devices include setbacks at the corner, accented entrances and additional height using, for instance, towers and cupolas. By treating intersections as prominent landmarks in the village, people and visitors are more quickly oriented to the entire district.

### *Buildings*

- Blank or solid walls (without glazing) should not exceed approximately 30 feet in length at street level so that visual interest is maintained along sidewalks for pedestrians. Walls that are blank should be articulated with murals, trompe l'oeil, or some type of wall detailing, wherever possible.
- Store and building entrances should not be recessed more than 10 feet. Doorways should be designed to focus on the street in order to create a more immediate and direct relationship between indoor and outdoor activities.

- The height of street-facing facades should be greater than 16 feet but not more than 35 feet, as measured from the sidewalk to the top of the cornice. These height limits will ensure an appropriate pedestrian scale for the Village Center.
- Street arcades that intrude into the sidewalks should be continuous, extending along the full length of a block or, at minimum, linking a series of contiguous buildings. Consistent treatment needs to be maintained for both visual and liability considerations.
- Awnings should be encouraged, but should not interfere with street tree planting or extend beyond four feet from the building's edge.
- Storefronts should be encouraged to wrap corners at the entrance of public passageways and at street intersections in order to create activity and "eyes on the street" at these critical junctures in the pedestrian network of the Village Center.
- Consistent wall-hung exterior lighting should be used along pedestrian passageways, at corners of buildings, and at the rear of buildings facing the parking lots.
- The rear of buildings should have a four-foot minimum sidewalk for service and pedestrian safety.
- Screened service courts and enclosed trash containers should be required for garbage and delivery.
- Mechanical areas should be screened from view and trash storage areas should be enclosed.
- The electrical service provisions of buildings should be addressed in The Precise Plan for the Village Center, but they should also be screened from view or located to minimize their visual appearance.

### *Parking*

- An adequate supply of parking should be provided to meet retail needs. In the case of predominantly nighttime uses, such as theaters, shared parking opportunities should be encouraged.
- On-street parking should be provided on all major streets in the Village Center.
- All off-street parking should be located to the rear of buildings. Access to stores and streets should be easily visible from all areas of the parking lot.
- Surface parking areas should be constructed in small increments, or large lots should be divided into small areas through the use of landscaping, so that asphalt does not dominate.

- Conversions of surface parking areas to allow additional development utilizing structured parking should be encouraged, as market demand increases over time.
- Trees should be planted at a ratio of one for ~~each~~ three parking stalls with the objective of achieving an 85 percent coverage at maturity.
- Parking lot lighting should be located at six stall intervals, with the height of lights not to exceed 20 feet. All exterior lighting should be high-pressure sodium vapor fixtures to create an attractive light quality suitable to retail and pedestrian uses.

### *Streets*

- Through the Village Center, Floyd Avenue should not exceed two moving lanes, with accommodation for left-hand turning lanes at major intersections. On-street parking should be provided on both sides of the street. Along Floyd Avenue, sidewalks should be 15 feet in width. Overhead electrical facilities should be prohibited on Floyd between Roselle and Claus.
- The diagonal main streets should not exceed two moving lanes. On-street parallel parking should be provided on both sides of the street. Sidewalks should be 15 to 20 feet in width, permitting a zone of 6 to 10 feet for cafes to spill out onto the sidewalk.
- All Village Center streets should be designed for 48-inch box street trees with high canopies that would be planted at 20-foot intervals. Tree species should be selected for branching at heights greater than 15 feet, for light, feathery leafing (for visibility to storefronts) and for ease of maintenance.
- 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.

### *Signage*

- Signage should be scaled to the pedestrian in terms of size, location, lettering, and lighting.
- Heraldic signs should be encouraged.
- General commercial or advertising signs should not be permitted.

## Neighborhood and Residential Design

### OBJECTIVE 2

Develop high-quality residential neighborhoods that are both livable and attractive to residents, and can increase in value over time.

### POLICY 1

Establish a fine-grain mixture of residential densities within neighborhoods.

### POLICY 2

Create sociable residential environments, with houses creating a positive transition to pedestrian-oriented streets.

### POLICY 3

Ensure that garages do not dominate the residential streetscape and house frontages.

### POLICY 4

Ensure that a usable back yard space is provided as private open space on single-family lots.

### POLICY 5

Encourage development techniques that conserve resources, in particular, air quality, water quality, energy, and solid waste.

## Design Standards and Guidelines

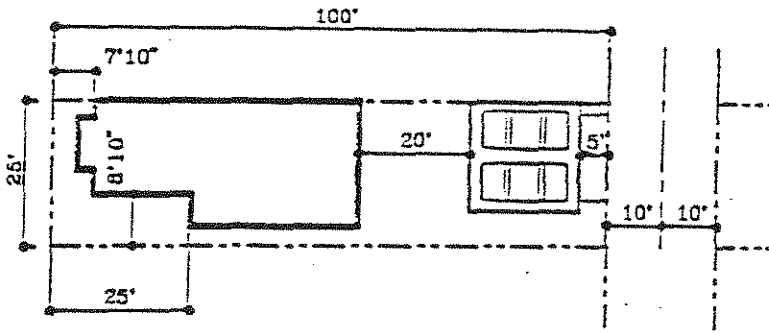
Residential design standards and guidelines are established for areas of concern to the community. In particular, as residential densities increase (and lot sizes decrease in size), a number of considerations, especially related to garage location and size, become of significance to the overall character and quality of the community. Specific development standards pertaining to individual types of residential lots are set forth in the diagrams.

### *Residential Parcels*

- Residential parcels should be encouraged to be rear loaded 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 30 feet from the front property line.

- The minimum residential lot area within the village should be 2,750 square feet, and the maximum should be 7,500 square feet (exclusive of the Very Low-Density Residential Area, where the minimum lot size is one-half acre, and the 12,000 s.f. lots along streets with noise setbacks).
- Setbacks vary depending upon the lot size; however, in all cases, a back yard of a minimum dimension of 20 feet should be provided for greater usability and private enjoyment. A minimum 10-foot front yard setback should be required, and staggering of building facades encouraged on small lots within the village. All setbacks should allow for windows in front and in back on both floors.
- A variety of densities and house sizes within residential blocks should be encouraged; however, careful transitions should be planned between detached and attached housing types. In particular, where larger lots (greater than 7,500 square feet) back up to those of a smaller size, the smaller lots should be no smaller than half the size of the larger lots. Transitions in extremes between small and large lot sizes should not occur side by side along a street within a block, but rather back to back, with landscaped easements, alleys and walls or fences buffering them from each other. Lots that are 12,000 square feet in size should be separated from smaller lots by an alley in order to protect backyard privacy, and an alley should be required behind large lots on Floyd. Smaller and larger lots which adjoin one another should be generally of the same height or screened by vegetation to avoid visual intrusion.
- All planted yard areas should be properly prepared prior to development to enable plants to penetrate the hardpan layer of soil and grow and mature over time. In addition, native, drought-resistant plantings should be encouraged. For suggested tree planting species see *City of Modesto Master Plan (1986)*.
- An extensive use of cool season grasses, such as Kentucky bluegrass, that depend upon large amounts of water should be discouraged.
- Low-flow or drip irrigation systems which minimize the use of water should be encouraged.
- Irrigation systems should be designed so that they do not exceed the peak evapotranspiration rates of cool season turfgrasses in summer months.
- Mulching and other measures which limit water loss to the environment should be encouraged.
- Impervious paving surfaces should be minimized, to the extent feasible, for improved water conservation (i.e., use of paver blocks, brick on sand, turf block, etc.).
- Deciduous plant materials should be encouraged in outdoor living spaces to allow maximum winter sun and summer shade.

STANDARD SMALL LOT  
Rear Loaded/Narrow and Deep



Lot Size: 2,750 s.f.

Width: 50'

Depth: 110' (assuming 10' to centerline of Motor Lane)

Setbacks:

Front Yard: 7' (with maximum 2' encroachment for bay window)

Second Story

Stepback: 4' from building front with sloping roof

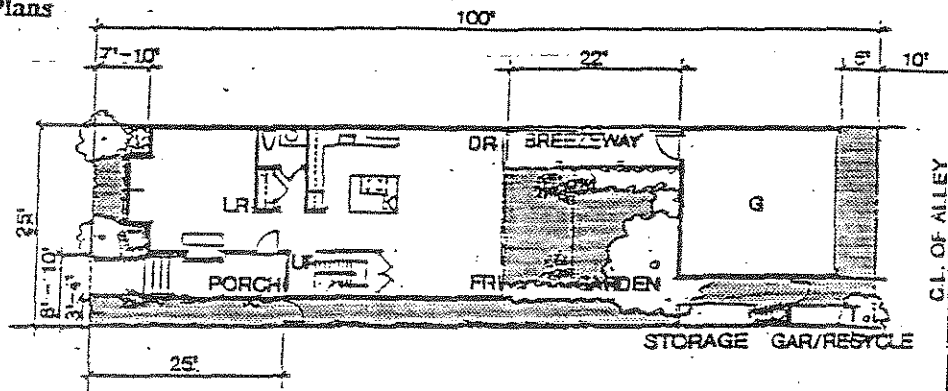
Sidyard: 10' within 25' of front property line on one side. No side yard setback elsewhere.

Back Yard: 20' deep usable space

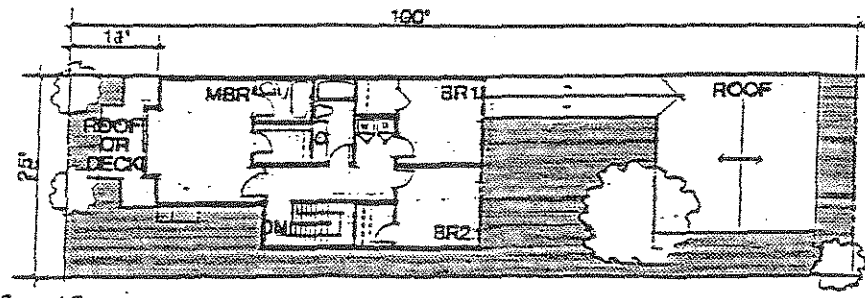
Rear Yard: 0' with garage door setback 5'

\*All minimum dimensions

Illustrative Floor Plans



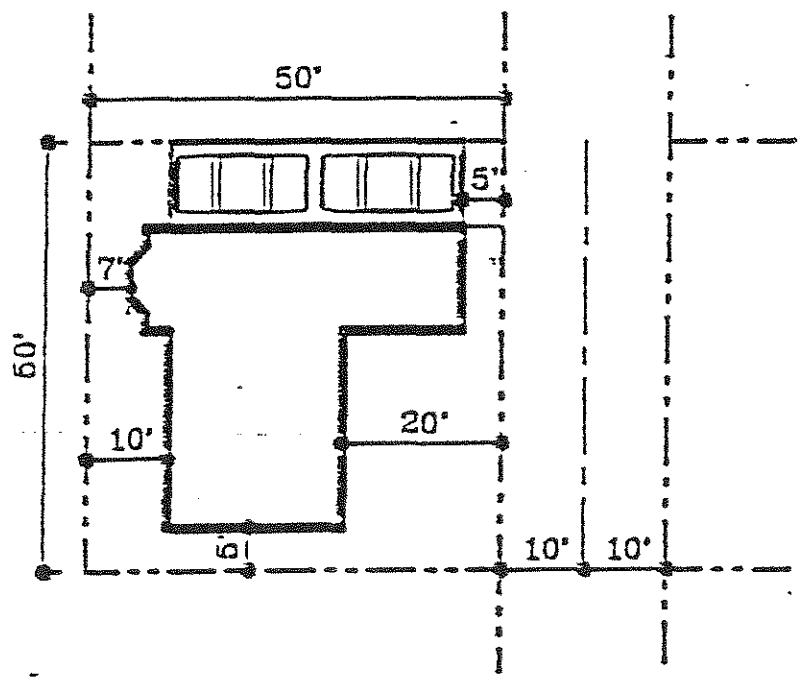
Ground floor  
Assumes maximum house size, 1,575 square feet



Second floor

Figure 7.4  
Residential Design Standards

STANDARD SMALL LOT  
Rear Loaded/Wide and Shallow



- Lot Size: 3,000 s.f.
- Width: 50'
- Depth: 60' (assuming 10' to centerline of Motor Lane)
- Setbacks:
  - Front Yard: 7' for 50% of the building front (with maximum 2' encroachment for bay window)
  - 10' for the other 50% of the building front
  - 12' maximum for garage width
- Second Story
  - Stepback: 3' for 65% of the building front with sloping roof
- Sidyard: 5' side yard on one side
- Back Yard: 20' deep usable space.
- Rear Yard: 0' with garage door setback 5'

\*All minimum dimensions

Illustrative Floor Plans

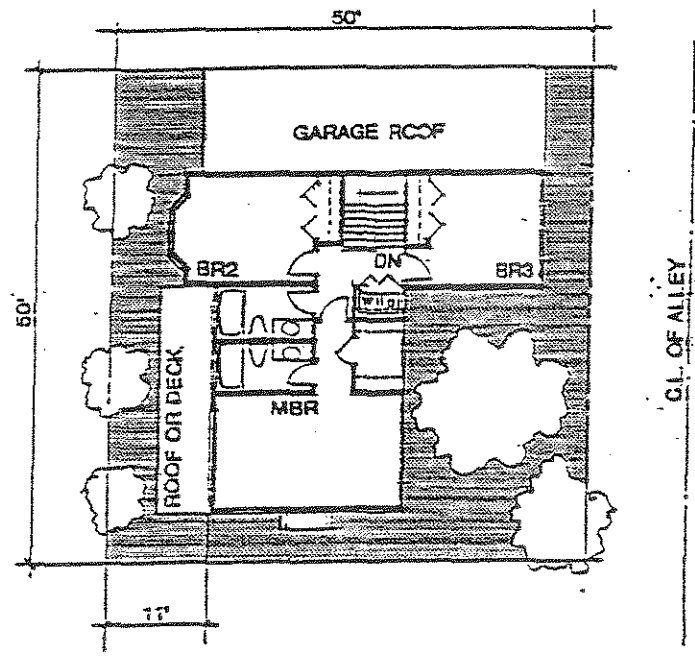
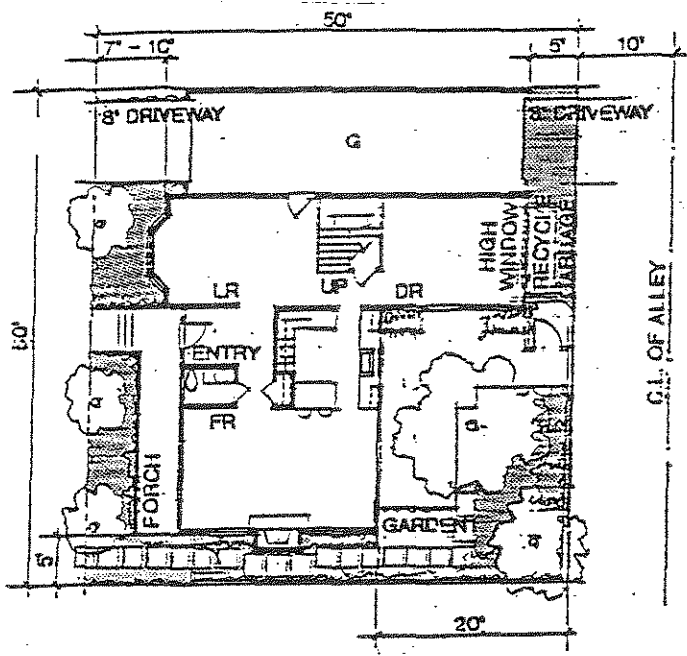
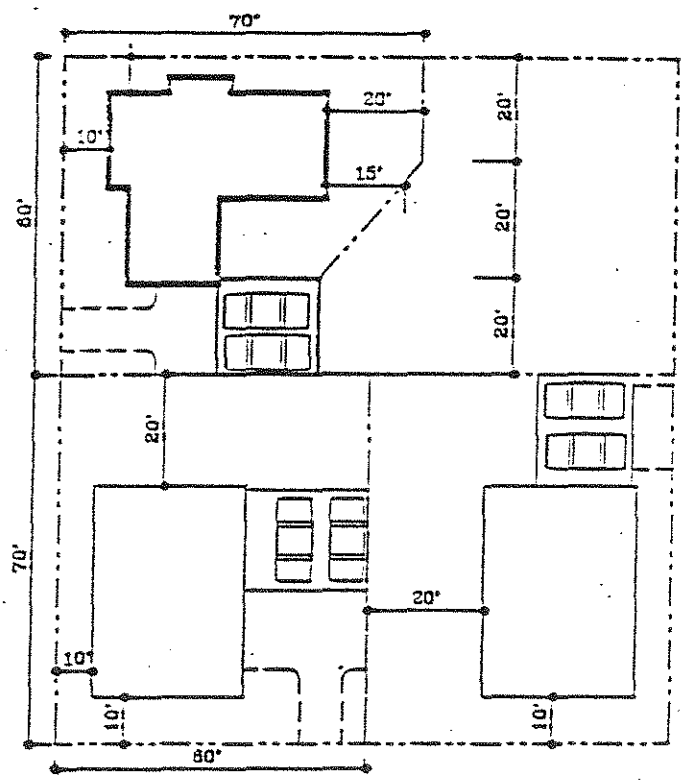


Figure 7.5  
Residential Design Standards

STANDARD SMALL LOT  
Front Loaded/Zipper Lot

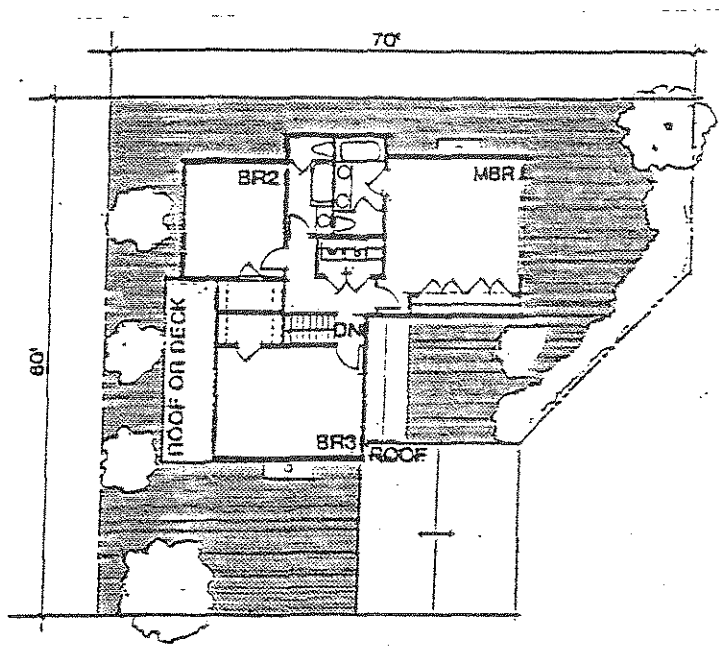
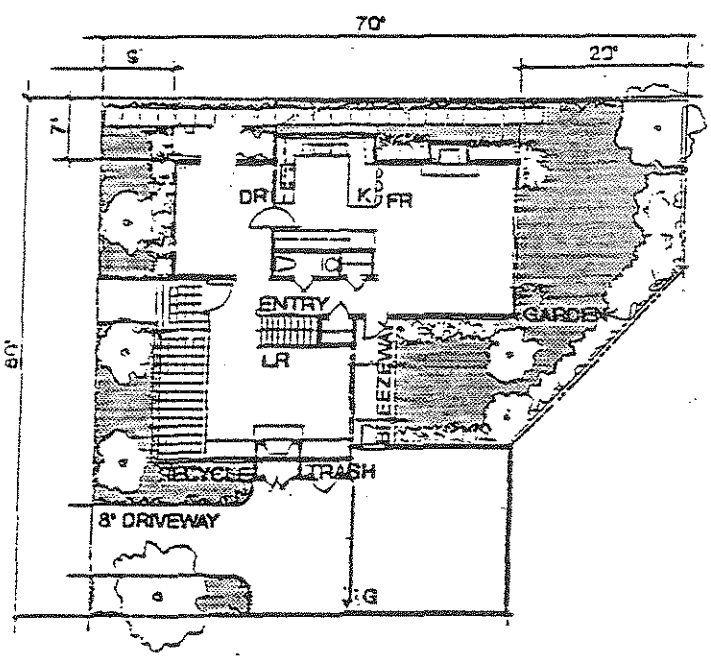


Lot Size: 5,600 s.f.  
lot configuration  
see diagram on the left

- Setbacks:
- Front Yard: 10' (with maximum 3' encroachment for bay window)
  - Second Story Stepback: 3' for 60% of the building front with sloping roof
  - Sideyard: 5' side yard on one side
  - Garage Recess: 30' from front of property line  
Maximum 20' garage front width
  - Back Yard: 20' deep usable back yard

\*All minimum dimensions

Illustrative Floor Plans

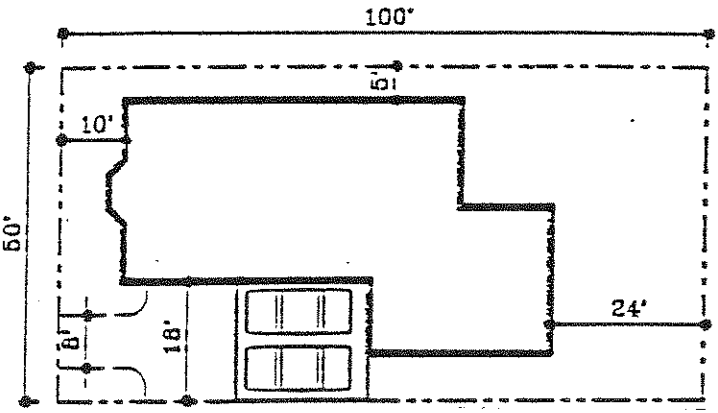


Ground floor  
Assumes maximum house size, 2,000 square feet

Second floor

Figure 7.6  
Residential Design Standards

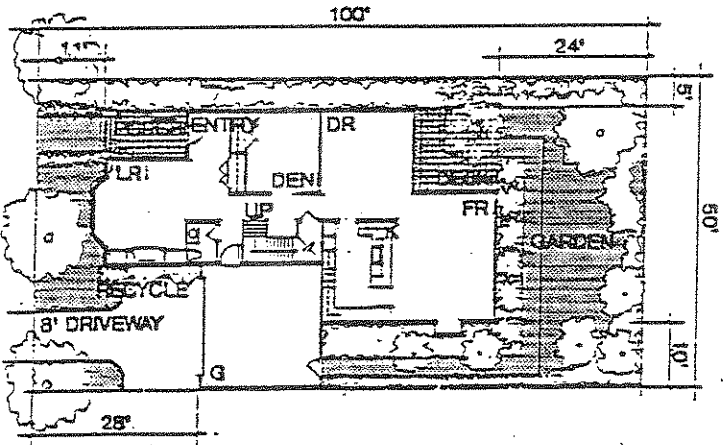
**STANDARD LOT**  
Front Loaded



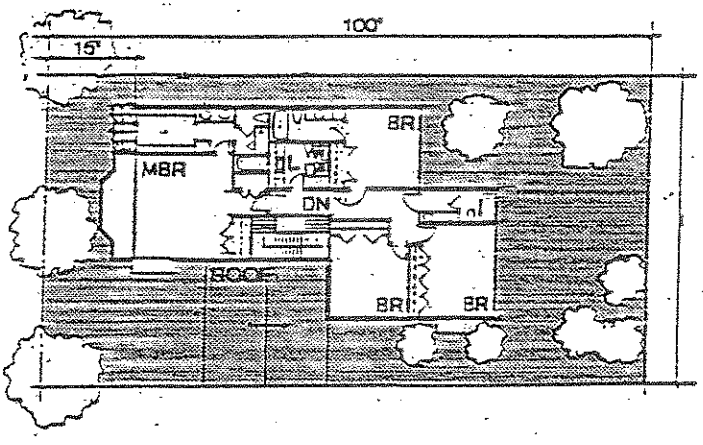
- Lot Size: 5,000 s.f.
- Width: 50'
- Depth: 100'
- Setbacks:
  - Front Yard: 10' (with maximum 3' encroachment for bay window)
  - Second Story Stepback: 3' (from building front with sloping roof)
  - Sidyard: 5' side yard on one side
  - Garage Recess: 30' from front property line  
Maximum 18' garage width
  - Back Yard: 24' deep usable back yard

\*All minimum dimensions

**Illustrative Floor Plans**



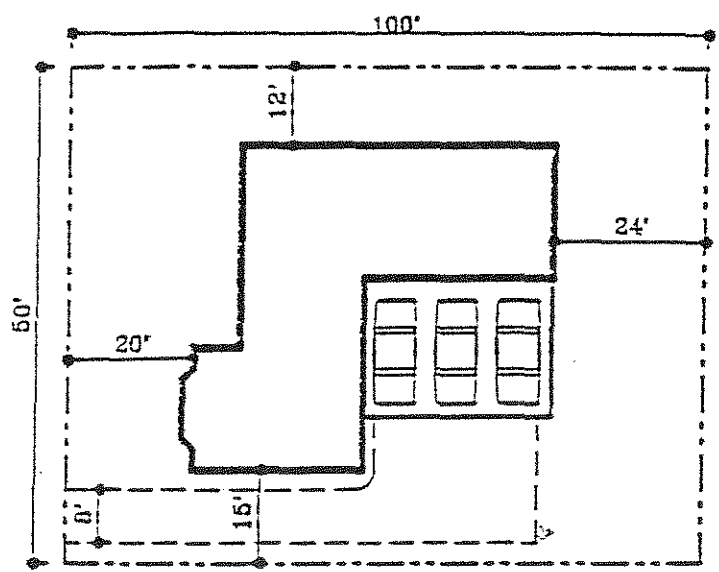
Ground floor  
Assumes maximum house size, 3,400 square feet



Second floor

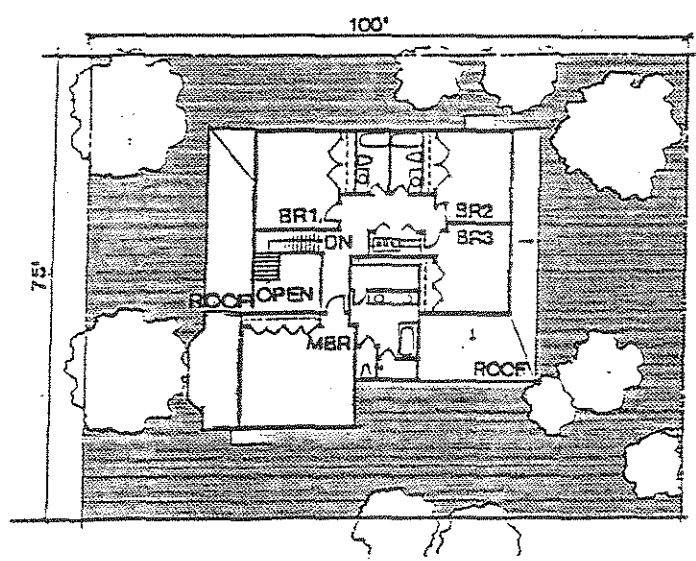
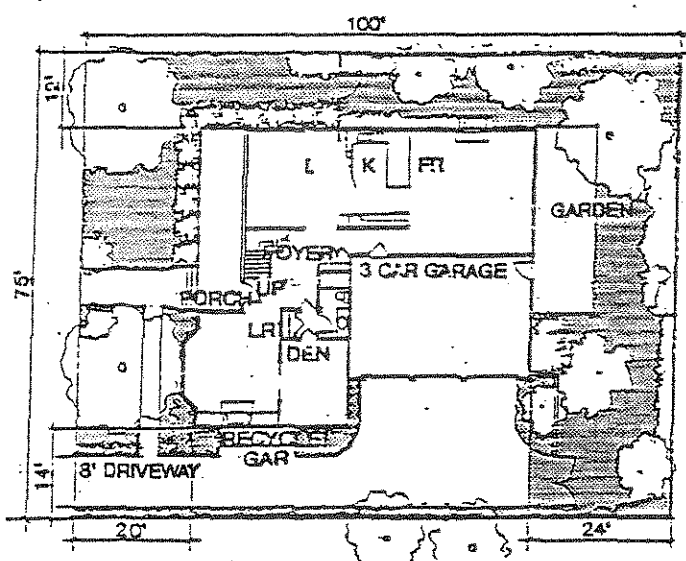
**Figure 7.7**  
**Residential Design Standards**

STANDARD LARGE LOT  
Front Loaded



- Lot Size: 7,500 s.f.
  - Width: 75'
  - Depth: 100'
  - Setbacks:
    - Front Yard: 20' (with 3' encroachment for bay window)
  - Second Story
    - Stepback: 5' (from building front with sloping roof)
    - Sideryard: 12' side yard on one side  
15' side yard on the other side  
Maximum 3-car side-enter garage
  - Back Yard: 24' deep usable space
- \*All minimum dimensions

Illustrative Floor Plans



Ground floor  
Assumes maximum house size, 3,100 square feet

Second floor

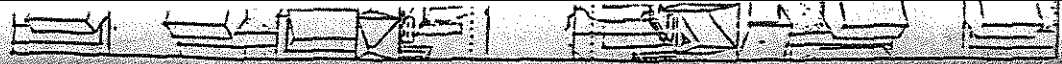
Figure 7.8  
Residential Design Standards

Note: Design Standards for a 12,000 s.f. lot will be prepared following the October 16, 1990 City Council Meeting.

- Recreational vehicles should not be permanently stored within driveways or in highly visible locations from the street, and a high level of maintenance of outdoor spaces should be enforced.

### *Buildings*

- Houses should front onto residential streets, and pedestrian entries should emphasize graceful transitions to the street, such as one finds in some of the older Modesto neighborhoods such as the Graceada and College Districts.
- Recessed and projecting elements, such as bay windows and porches, should be encouraged and exceptions made (as noted on the diagrams) within setback areas to achieve a more articulated and interesting house form, and to encourage more positive relationships between indoor and outdoor spaces.
- Building form and landscape styles transplanted from another region should be discouraged. Rather, an architectural style reminiscent of the bungalows in the College District is encouraged. At the same time, while the richness of local building traditions should be reflected, innovation in building technologies and design is encouraged to achieve greater efficiency and creativity.
- The number of finish materials on buildings should be limited, and surface panels or wood, brick, stone, etc., which appear like an applique out of keeping with the overall building character, are discouraged. Also, abrupt changes in material between elevations should be discouraged.
- Basic building colors should be both subdued and complex, with smaller areas or accents of brighter color. Compatibility of color with between adjacent projects should be ensured.
- Articulated R-roof forms should which give interest to the sky, give and definition to massing, should be encouraged without being ~~but not~~ be overly complex. Flat roofs should be avoided, and on zero-lot lines, roofs should be allowed to overhang slightly to avoid a hard edge. Careful attention should be given to the location and detailing of all skylights, vents, and other roof appurtenances. All roof-mounted equipment should be screened from view of adjacent properties and residential streets.
- Buildings should be discouraged from locating the first floor directly on grade. Rather, an 18-inch lift off of the pad elevation should be incorporated within the building design or the front yard graded up to the house to give a more gracious transition to outdoor areas, emphasize the sequence of arrival, and add visual interest to the flat landscape.
- Outdoor lighting on private lots should be designed so that it does not intrude on neighboring uses or shine directly into the street.



- To the extent possible, south-facing glazing in major living areas, the use of adjustable awnings, clerestories, and operable windows for natural ventilation should be encouraged for energy conservation.
- ~~Fire sprinklers should be required for safety, and centralized security system wiring should be encouraged.~~
- Building height should not exceed 35 feet. Three-story homes may be allowed; however, the massing and scale of buildings should be carefully reviewed to make sure that, particularly on the smaller residential lots, they do not overwhelm the pedestrian experience along the street.

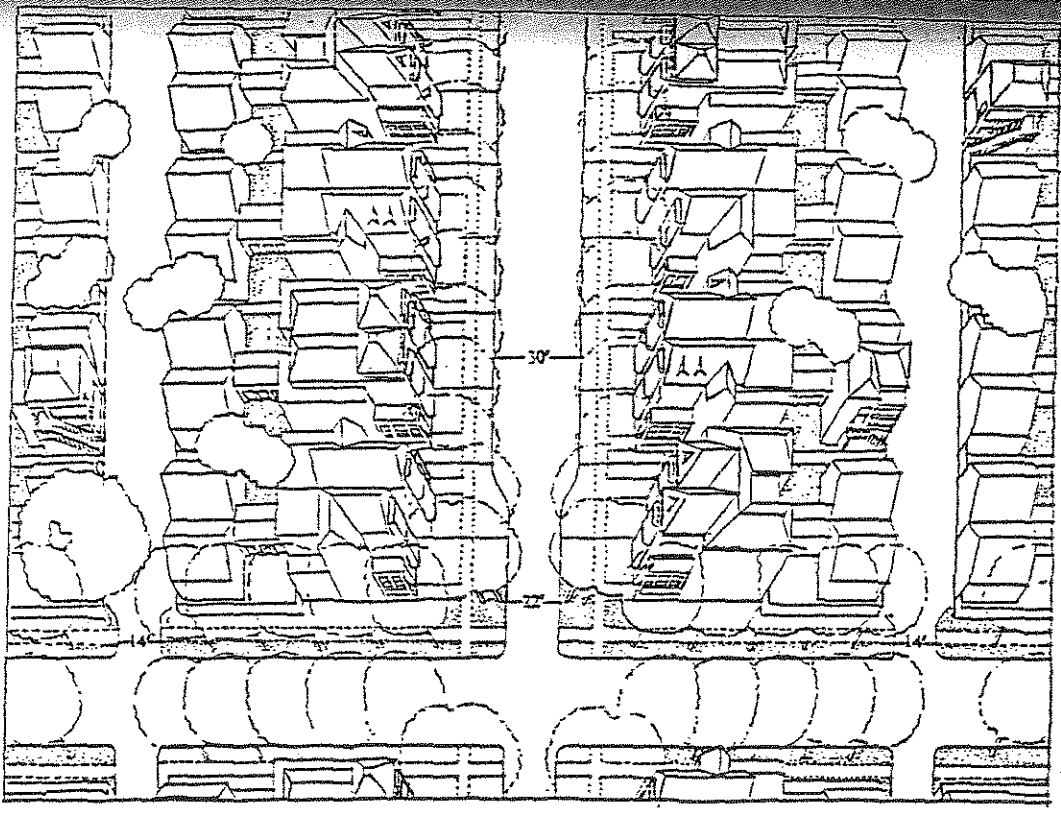
### *Garages*

- Garages should not exceed more than one third of the total property frontage, unless recessed at the rear of the lot. Sideloaded garages should be permitted on wide lots.
- Driveway aprons and garage doors should be kept as narrow as possible, and tandem parking encouraged. No more than one driveway per lot should be allowed.
- No three-car garages should be allowed, except on rear-loaded lots or lots exceeding 70 feet in width. Where three-car garages are used, an individualized entry door should be provided to one of the three parking spaces.
- Over a three-car garage on rear-loaded parcels, an additional unit should be allowed, without adding additional covered parking spaces, to provide greater flexibility in meeting family or "lifecycle" needs, or to make housing more affordable by giving homeowners additional income from a rental unit.
- Recessed entries on garages should be provided for greater articulation, and trash storage areas should be enclosed.

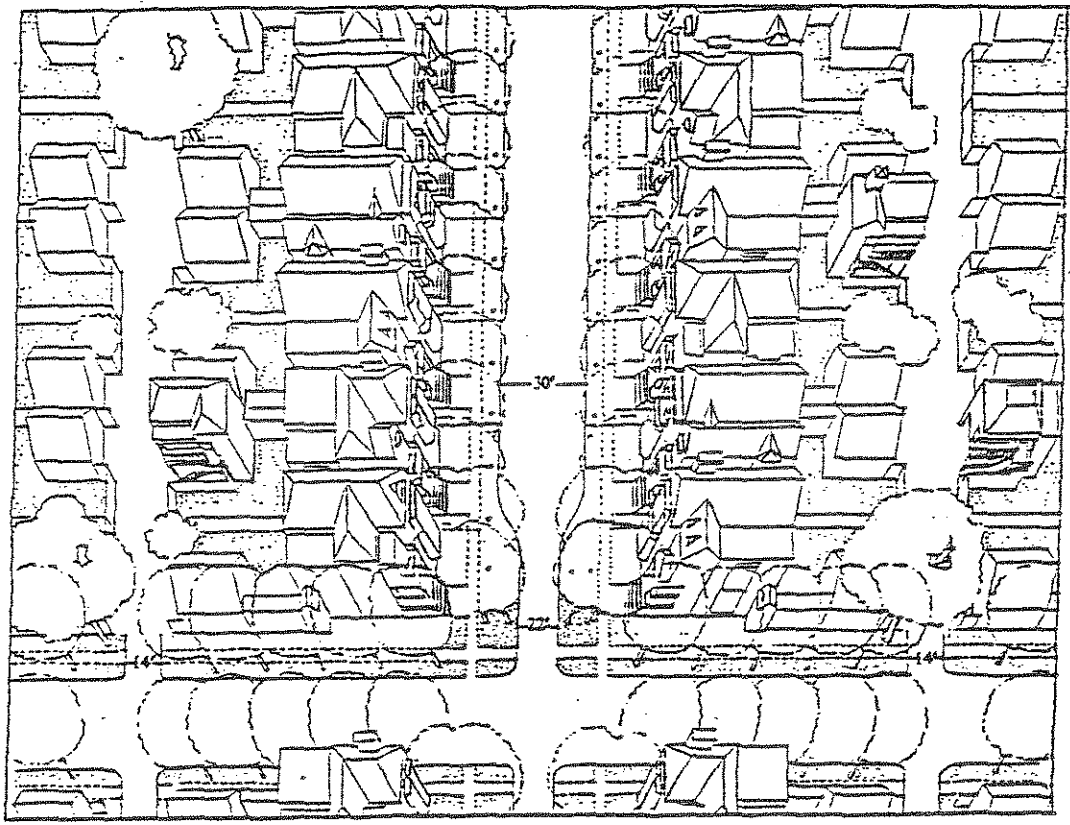
### *Residential Streets*

- Floyd Avenue would become the major gateway street connecting all of the residential neighborhoods in Village One, and it should be lined by large (12,000 square foot) lots with a minimum 25-foot setback from the road and curb cuts along it for driveways should be limited to establish a strong and attractive streetscape.
- As the major transit street, curb cuts should also be discouraged along Roselle and large lots with houses set back a minimum of 25 feet should be required. Townhouse or attached single-family buildings which appear as if they are large single-family structures should be encouraged along Roselle in order to transition between lower density ranchettes to the north and the higher density Village Center. To create a stronger sense of hierarchy, a more attractive scale, and a protected neighborhood feeling, more

To the extent possible, south-facing glazing in major living areas, awnings, elevators



Lot Size:  
25' x 110'



Lot Size:  
35' x 110'

Figure 7.9  
Neighborhood Illustrative Axonometric

narrow curb-to-curb widths of 30 feet and 22 feet (for front-loaded houses) should be encouraged. These more narrow widths should only be allowed if they are not on a primary entry to the neighborhood and if they are no longer than 1,200 feet in length.

- Traffic circles on minor residential streets should be encouraged to increase pedestrian safety at crossings. They should be designed to ensure proper visibility and traffic signs should be kept to a minimum.
- All streets should connect into the larger pattern, and generally a minimum of four access points should be provided from individual neighborhoods to adjacent surrounding streets.
- There should be a continuity of landscaping along the street, with trees spaced on average every 30 to 40 feet. Street trees within the parkway strip should be irrigated by private property owners of adjacent lots. Street lighting should reflect the hierarchy of the street but should not exceed 20 feet in height to maintain a pedestrian scale.
- Because of the extensive Greenfield sandy loam, San Joaquin sandy loam, Snelling sandy loam, and Madera associations, soils should be ripped on a large scale basis prior to planting so that roots can penetrate through the hardpan layer, where these soils exist (unless it can be demonstrated that the hardpan layer does not exist).
- Dead-end alleys should not be allowed, although they need not be a "straight-shot" but are encouraged to angle, weave, and incorporate a variety of alignments. Alleys should be well lighted with wall-hung fixtures on the garages, and landscaping should be encouraged to come right to the edge of the pavement areas. A five-foot setback at the garage shall be required.
- High design and landscaping standards should be encouraged so that views to important landscape features and axial views to schools and parks are enhanced.

#### *Residential Pocket Parks (Mini-parks)*

- One-half acre of open space should be provided for every 150 single-family residences within Village One, in order to increase the amenities within this higher density community and, at the same time, to help structure the residential neighborhoods.
- These open spaces should generally be no greater than one acre in size, so as not to appear as if they are neighborhood parks. They should also be no less than one-quarter acre in size to perform as usable open space if recreational facilities are to be included for active sports.
- The pocket parks should be programmed in consideration of the recreational interests of prospective homebuyers and neighborhood residents, and should be maintained through homeowners associations or through a landscape and lighting maintenance district, as established by the City.

- The pocket parks should serve as organizing elements, and can be visual anchors and central focal points for the neighborhoods. The parks should be located in highly visible areas and accessible to surrounding residents. A variety of design approaches are encouraged.

### *Fences, Walls and Edges*

- Sound walls should be allowed along the planned Claus Expressway and Oakdale Road, and reasonable along with a 95 and 90-foot setbacks should be made (respectively) required for noise protection. In addition, a minimum 25-foot setback should be incorporated along Roselle and Floyd for noise protection and to create a stronger sense of a boulevard entry through the key streets in the village.
- A frontage road should be utilized along Sylvan Road to enable houses to directly face to the north and create a positive linkage to the planned village to the north.
- Privacy walls should be allowed at the rear of residential parcels, but they should be no more than six feet in height on lots greater than 5,000 square feet and to no more than seven feet for lots smaller than 5,000 square feet.
- Property line fences should not exceed three feet in height within front yard setback areas.
- Extensive and continuous landscaping should be required along sound walls, to camouflage and create the appearance of a well-landscaped edge.

### *Entry Signage*

- Closed-door gated entries should be prohibited, as should freestanding signage for individual subdivisions.
- Entries should be marked by landscaping and portals that are inviting and that subtly establish the boundaries of special areas.

## **Industrial/Business Park**

### **OBJECTIVE 3**

**Develop an attractive employment center that considers both linkages and transitions to adjacent areas.**

The Business Park is planned as a major activity center, with the possibility of employing several thousand people at full buildout. It offers the potential to allow village residents to work close to home, and therefore it is important that it be designed to include physical

and visual linkages to the rest of the village. In addition, it will be located between two major transportation corridors, the Santa Fe tracks and the Claus Expressway, and positive transition to surrounding uses should be made.

**POLICY 1**

Create a strong sense of entry to the Business Park from Floyd Avenue.

**POLICY 2**

Maintain an attractive appearance along the planned Claus Expressway through landscaping and careful treatment of surface parking areas.

**POLICY 3**

Establish a well-coordinated, campus-like setting for business and industry.

**Design Standards and Guidelines**

- Development parcels should not be treated as isolated elements, but as a part of a larger site plan.
- Development should establish an overall identity.
- The use of landscaping should be encouraged throughout parcels to distinguish entries and exits and to break up large surface parking lots. Landscaping should be distributed throughout parking areas rather than clustered along the edge.
- Surface parking areas should be concealed from view from the planned Claus Expressway.
- Emphasis should be placed on the opportunity for pedestrian circulation and linear sports within the Business Park, ~~and on-site linkages to the citywide trail adjacent to the Santa Fe tracks should be made.~~
- A coordinated signage system should be adopted which provides clear criteria for the design of attractive directional and business identification signs. Criteria would address size, location, attachment, illumination quality, informational content, and type of materials to be used.
- High contrast building materials that draw ~~too much~~ attention to themselves or which tend to alienate inside and outdoor spaces, such as clear or brightly anodized aluminum, mirrored or very dark glass, etc., should be avoided.
- Service areas, outdoor refuse collection systems and roof equipment should be carefully located away from building entries and screened from view.

# UTILITIES ELEMENT

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## DESCRIPTION OF UTILITIES

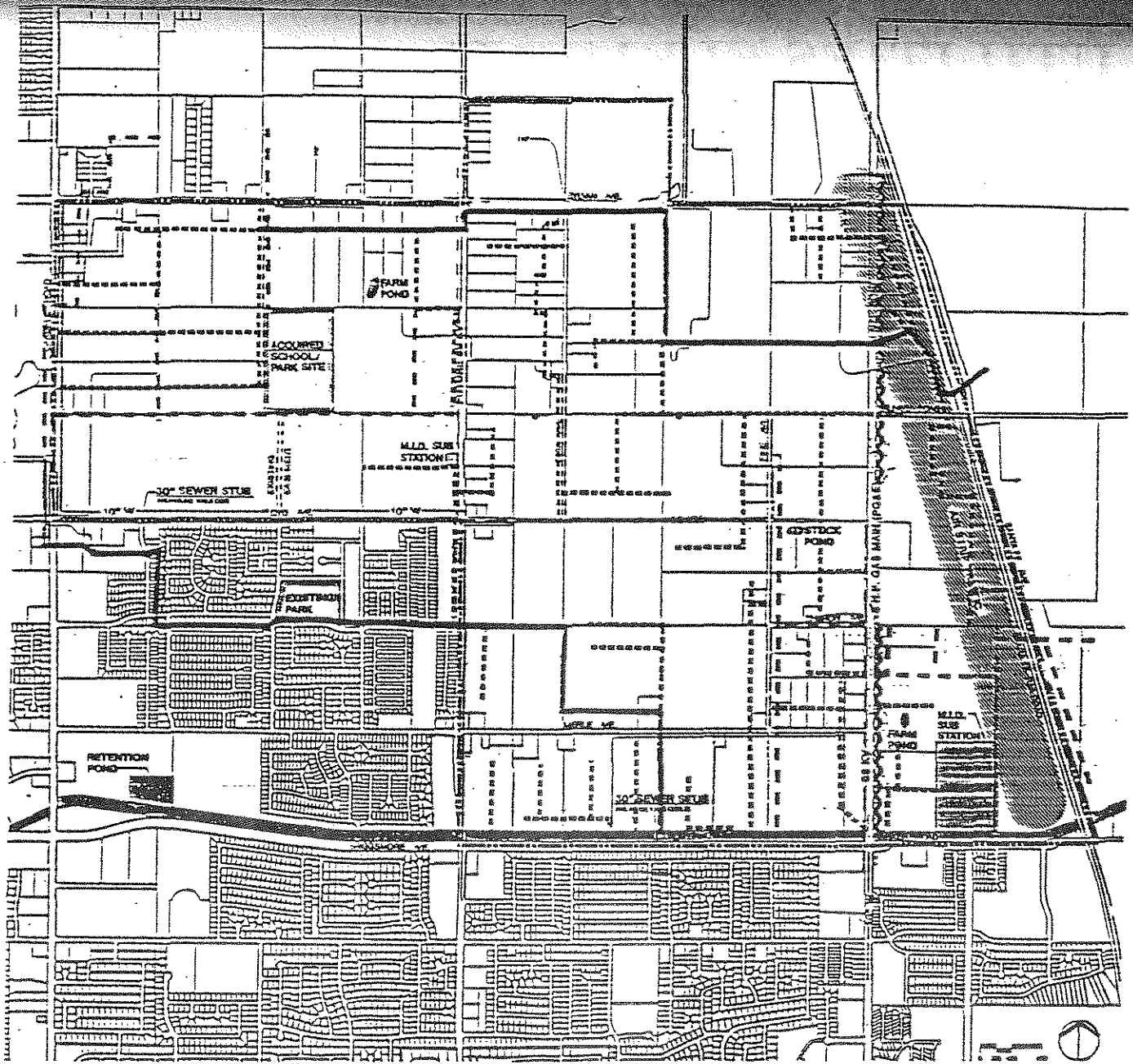
Many of the utilities to be located in the Village One area need to be addressed with special consideration. The exceptions are natural gas, telephone, and cable television. Providers of these utility services will design their facilities in accordance with the adoption of this plan and development approvals.

Critical to the adoption of this plan is the Advisory Vote for the extension of sewer trunk lines through the site required by Measure "A." The extension of two sewer trunk lines will be necessary to serve the area. The extension of these sewer trunks is not problematic because of a sewage master plan. Likewise, treatment capacity does not represent a substantial problem because of a major treatment plant expansion funded through the Environmental Protection Agency and other recent facility improvements. However, because of Measure "A," sewage is the critical link for utility services in Village One.

Domestic water for the City of Modesto is currently supplied solely by pumping of groundwater. Overpumping or overdraft, a situation where water is removed from the ground at a rate faster than it is replenished, is presently occurring. A consequence of overdraft is the deterioration of groundwater quality. Consequently, Modesto Irrigation District (M.I.D.) has proposed obtaining surface water from the Tuolumne River. The preferred plan is to obtain water from the Modesto Reservoir and process it through a treatment plant proximate to the reservoir. This plan responds to the need for surface water through its policies for design of the system to accommodate surface water, policies that are oriented to water conservation, and an alternative irrigation system that would not require the use of treated water.

Storm drainage issues revolve around the ability to collect the water and discharge it in an environmentally sensitive manner. Primary concern has recently been given to the quality of discharge into surface waters by the State Water Quality Control Board and the Environmental Protection Agency. The city currently uses dry-wells (rockwells) to achieve much of the drainage requirements for the city. Given long-term maintenance requirements

of dry-wells, the need to recharge the groundwater basin, and sensitivity of surface water ecosystems, the storm drainage plan for Village One proposes a large natural drainage basin.



- |                     |                          |
|---------------------|--------------------------|
| --- Power Line      | ▨ Irrigation/Pond        |
| — Water Line        | ▩ Air Strip Traffic      |
| ~ Gas Line          | - - - Drainage Line      |
| ▭ M.I.D. Substation | — Irrigation Supply Line |
| ▭ Park/School       | ⋯ Irrigation Line        |

Figure 8.1  
Existing Utilities

of dry-wells, the need to recharge the groundwater basin, and sensitivity of surface water ecosystems, the storm drainage plan for Village One proposes a large percolation basin system, which will also benefit from evaporation to a minimal degree.

Existing Modesto Irrigation District and other private irrigation facilities will have to be evaluated on a project-specific basis within the plan area. The primary issue for irrigation is how to supply water to "downstream" users where development of property "upstream" does not have a convenient means to allow continued irrigation through the property. Several options exist to resolve the issue; however, these options will result in comparable water delivery or other options satisfactory to the downstream user.

Modesto Irrigation District is also the provider of electric services. In preparation of this plan, every effort has been made to coordinate relocation of facilities with Modesto Irrigation District (M.I.D.) staff to ensure the development of the area in a serviceable manner. The plan, as presented, ~~is serviceable. The relocation of~~ relocates 69 KV transmission lines to avoid overhead lines in the Village Center and along the portion of Floyd between Roselle and Claus and the undergrounding or relocation of a 12 KV line on the east side of Roselle remains to be determined. However, there are only two options remaining for evaluation.

## Storm Drainage

In designing the storm drainage facilities, flooding clearly determines the design criteria. Storm water facilities will be designed according to city standards. Another important factor in the design of the system is the avoidance of unnecessary pumping. Within the Village One area, only one or more pump stations may be needed, depending upon whether the Industrial Business Park is a discrete system or not. To serve the northerly portion of the area east of Claus Road, final design of the system will probably require pumping in association with the retention basins located in this area. The purpose of the retention basins at this location is to reduce downstream pipe diameters and the pump station would maintain appropriate pipe depths. This station, in its final design, may be required for the distribution of storm water throughout the retention basins located along the M.I.D. Lateral Canal. The purpose of the retention basins at this location is to promote infiltration of stormwater, recharging ground water.

The primary components of the storm drainage system are the subsurface pipes, ~~and the ten-~~ 31-acre drainage basin to be located near the northeast corner of Roselle and Briggsmore Avenues along the M.I.D. Lateral Canal and the separate seven-acre facility in the Industrial/Business Park. As mentioned above in the Description of Utilities, there are several reasons why a storm drainage basin system was selected over other ~~discharge~~ alternatives. These alternatives include dry-wells (an excess of 6,000 dry-wells or rockwells exist within the city) or surface water discharge. The filtering that ground hydraulics provides removes many of the potential contaminants in urban storm run-off. Although the possibility of water soluble contaminants making their way into the groundwater aquifer exists, the filtering provided by the retention basin system offers

greater protection than other alternatives. In addition, Given long-term maintenance requirements of drive-wells a need to reduce the groundwater level and

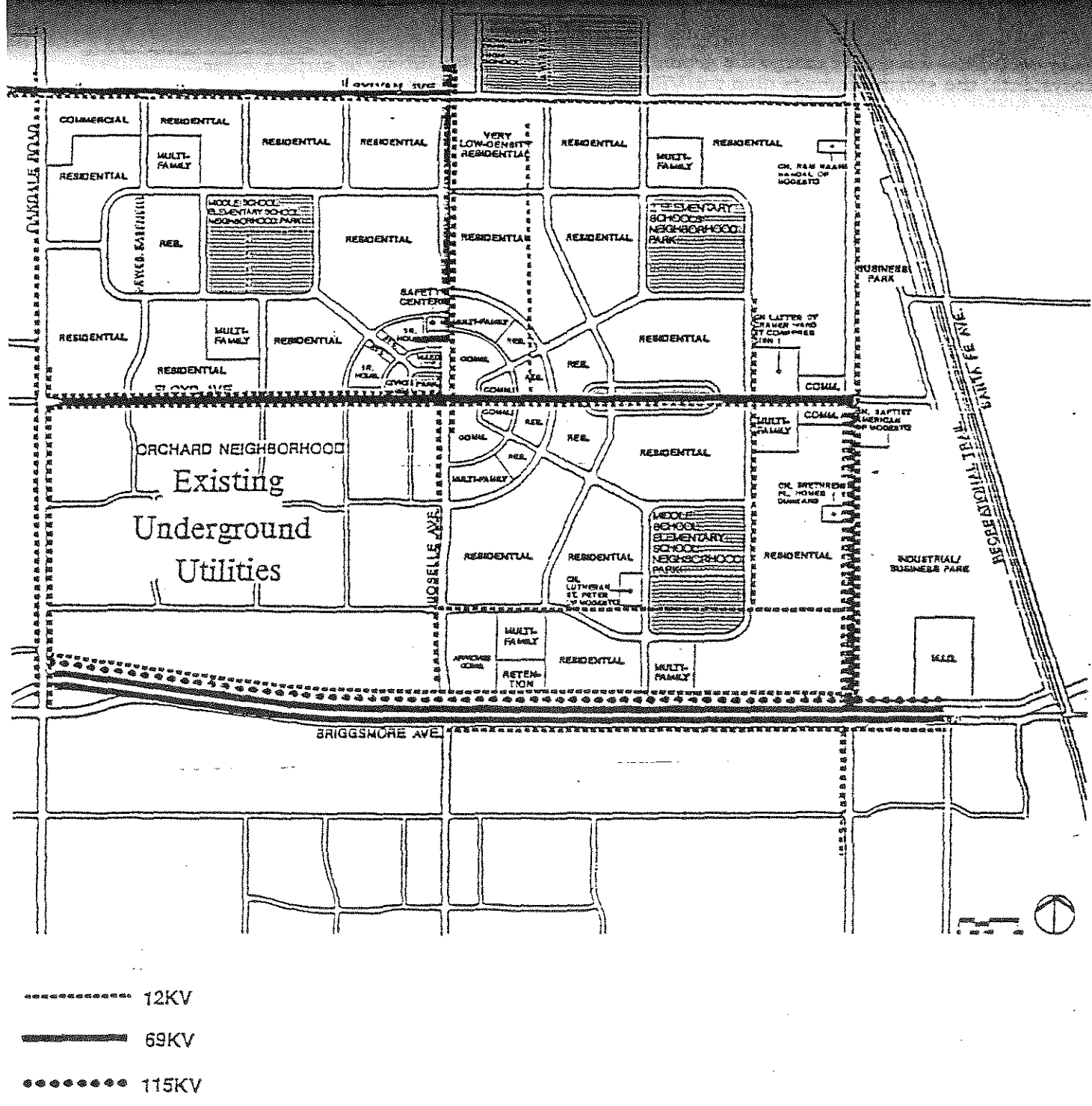


Figure 8.2  
Existing Overhead Electrical Utilities

greater protection than other alternatives. In addition, Given long-term maintenance requirements of dry-wells, a need to recharge the groundwater basin, and sensitivity of surface water ecosystems (streams, rivers, etc.), the retention basin system was selected as the best alternative.

Groundwater recharge is not well served by conduits that convey stormwater out of an area. A basin located within a drainage area helps to ~~maintain the quantity of water for that area~~ replenish ground water by allowing stormwater to percolate into the ground. The sensitivity of surface waters to urban storm drainage and its potential to carry contaminants, is currently being addressed by the Environmental Protection Agency and the State Water Quality Control Board.

Inland Water Quality Control Plans, to be adopted by the State Water Quality Control Board and Environmental Protection Agency rules, will take effect in 1990. The associated permit program is expected to have numerical water quality objectives which, as yet, are not specifically defined. However, it is likely that treatment of storm drainage water would be required for the Village One area, if a ~~detention~~ retention basin is not used.

It is not necessary that the facilities defined above be in place prior to development. ~~However, hydraulic grade lines need to be established prior to development so that storm drainage lines connected to temporary basins will be able to serve the final design. However, an overall Master Drainage Plan must be in place prior to development to establish the criteria for evaluation of hydraulic grade line proposals necessary for development.~~

## Sanitary Sewer

The City of Modesto receives wastewater at its primary plant at the southwestern edge of the city along the Tuolumne River. Effluent from the primary plant is conveyed through a 60-inch concrete pipeline approximately 7 miles long to the secondary treatment facilities near the San Joaquin River. It is then discharged to the river during winter months or applied to 2,700 acres of farmland during the growing season. The city has added many new treatment and storage components during recent years to increase their capacity.

The most recent waste discharge requirements were issued by the Central Valley Regional Water Quality Control Board in 1988. These list an annual average flow of 18.8 million gallons per day (mgd), with average summer flow of 28.5 mgd. The City's own records list a summer flow of approximately 38 mgd. The city has a large number of industrial dischargers, mostly canneries, which discharge a substantial volume of high-strength wastewater during the months of July through October. The current effective treatment capacity for the overall facilities is approximately 40 to 50 mgd. The hydraulic peaking capacity of the existing facilities is approximately 70 mgd.

The city has had some historic trouble meeting discharge requirements during the summer coming season. An additional trickling filter and a revision of wastewater land disposal requirements have increased capacity sufficiently such that meeting requirements during summer months is not expected to be difficult for a number of years.

Another historic problem experienced by the city is relative to limitations on river discharge during winter months. The current discharge requirements specify a 20:1 dilution for river discharge. This requirement had been difficult to meet during drought years when the river flows were low. However, two storage reservoirs with a total area of 500 acres were constructed to mitigate the problem.

Village One wastewater flows have been conservatively estimated at 2.4 mgd. These flows will be a significant addition to the city's wastewater treatment demands, especially during winter months. Winter river discharge limitations will most likely be the City's main concern when evaluating additional domestic flows. Treatment capacity for these flows should not be a major concern, though it will affect treatment facilities planning considerations.

The sewer collection system for Village One is based on the extension of the Sonoma and Lakewood trunklines as set forth in the "Modesto Sewerage Survey" prepared by Brown and Caldwell in 1966. The sewer laterals have been laid out with the intent to keep pumping stations to a minimum. One lift station will be required to serve the northerly portion of the business park area located east of Claus Road. Sewer laterals were designed with minimum slopes and sized based on .007 cubic feet per second per acre in residential areas and 2,000 gallons per day per acre in commercial areas. Although locations of trunk lines have been defined according to this plan, certain deviations may be necessary as logical adaptations for site considerations.

## Domestic Water

Initially the main source of domestic water for the Village One area will be groundwater. Four wells will be required based on the city's standard of approximately one well per square mile. Three of the four wells will be located in park areas. The city currently utilizes a looped 10-inch main system, and Village One is consistent with that standard. Existing 10-inch mains are located along with west and south perimeters of the project area. The ability to withdraw adequate water in the long term is a serious issue, and the City has taken steps to ensure an alternative water supply. URS Consultants, Inc., in the Final Environmental Impact Report for the Modesto Surface Water Treatment Plant, defined the issue and response as follows:

"The domestic water supply for the Modesto area is currently supplied solely by groundwater. Overpumpage has led to declines in groundwater levels, accompanied by a deterioration in groundwater quality. To assure a long-term, high quality water supply, the Modesto Irrigation District, the City of Modesto, and the Del Este Water Company have conducted a joint study on the use of surface water from the Tuolumne River. River water to which the Modesto Irrigation District has water rights would be delivered to a new water treatment facility and then piped into the water distribution system serving the Modesto area. The water treatment

plant would be constructed at one of three 30-acre sites under consideration in this Environmental Impact Report (EIR), all located east of Modesto (Figure 1-1 of the Draft EIR). The treatment plant would be constructed in two phases of 30 mgd treatment capacity each. Phase 1 would be operational by 1993. Phase 2 could be operational by 2005, depending upon the increase in water demand in the system."

The final selection of a site and preliminary design of the facility are underway.

## Alternative Water Source

To reduce overdraft of groundwater supplies and reduce the future potential for unnecessary treatment of water supplies, the Village One area will use a separate water system 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 MLD. Interconnection with the domestic supply line is feasible with appropriate backflow devices, should MLD. 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. Sizing of the facilities should consider participation by the school districts. Design of this system should be done prior to approval of development plans.

## Irrigation Facilities

Modesto Irrigation District's network has many irrigation facilities which traverse the planning area, including: Main Lateral No. 3, contained within a 140-foot right-of-way along Briggsmore Avenue; two concrete pipes of 24-inch (supply for Naraghi Lake) and 30-inch diameter (drainage), which cross the site in an east-west orientation; and numerous easements — some of which are privately held and/or unrecorded.

The 24-inch and 30-inch lines will need to remain within the Village One area indefinitely. As the area develops, both drainage lines and irrigation lines with downstream users will need to be relocated or otherwise be built around. Consequently, irrigation issues and easements will need to be addressed with each development. Relocation of lines is feasible; however, hydraulic grades need to be maintained at property lines. That is, if a facility is relocated on a development site, the points of connection or delivery must be at the appropriate elevation to ensure downstream users are not compromised. As an alternative, if downstream users can otherwise be satisfied, private agreements should be encouraged to avoid unnecessary relocations.

### Solid Waste

Solid waste disposal service will be provided by Modesto Disposal, upon annexation to the City.

### Electricity

Modesto Irrigation District provides electricity to the Modesto area, in addition to their role as a supplier of irrigation water. M.I.D. operates a substation near the northwest corner of Floyd and Roselle Avenues and also along ~~Briggsmore~~ Parker east of Claus Road. They are connected by a 69 KV transmission line that runs easterly along Floyd Avenue from Roselle to Claus Road, and then southerly along Claus. M.I.D. has stated an additional 69 KV transmission line will need to run northerly from the Roselle/Floyd substation along Roselle to a point probably just north of the planning area. This extension will terminate at a new substation to be constructed for the benefit of the planning area and future development.

To avoid routing of overhead facilities through the center of the village, where aesthetic values are of great importance to the feeling of the place, existing 69 KV and 12 KV overhead lines are proposed to be rerouted. Two options have been defined and are dependent on a thorough analysis of the electrical distribution system. The preferred relocation route of the 69 KV line mentioned above is to locate it on Claus Road between Sylvan and Briggsmore Avenues, and on Sylvan Avenue between Roselle and Floyd Avenues. The second option is to locate it within a 20-foot easement adjacent to and northerly of the existing 140-foot right-of-way for M.I.D. Lateral #3. It would then be routed north along the west side of Roselle with other facilities.

Another issue is the possible necessity for a 12 KV line on the east side of Roselle Avenue. M.I.D. staff has indicated a probable need for this distribution line, however, a detailed analysis by M.I.D. staff is necessary to determine the need for certain. If such facility is required, the undergrounding cost of approximately \$1 million has been factored into the Financing Plan.

### Telephone

Pacific Bell provides telephone service to the area and does not anticipate problems with the buildout of the planning area. A new central office, to be located at the intersection of Sylvan Road and Roselle Avenue, is in the construction process and will be able to handle service demands. Pacific Bell will wait adoption of this plan prior to starting design work.

## Cable Television

Post-Newsweek Cable is the cable television provider for the area and does not anticipate significant problems in serving the area. The cost of providing service is typically passed to the consumer via initial hookup and monthly charges.

## Natural Gas

Pacific Gas and Electric will provide natural gas for the area. Currently, major natural gas facilities consist of an eight-inch high pressure main located in Claus Road. Gas lines of lesser diameter are located in Oakdale Road. PG&E will wait for adoption of this plan prior to planning services.

## GOALS, OBJECTIVES AND POLICIES

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### GOAL

Establish utility services to Village One which will accommodate the planned growth for the area while incorporating resource management approaches.

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### POLICY 1

Ensure domestic water supplies are sufficient in quality and quantity for domestic consumption and fire suppression.

Overdrafting of groundwater is of obvious concern. The eCity and M.L.D. are currently seeking alternative sources of water. Design of the water system and parts thereof will require consultation with the Public Works Department for potential alternative sources of water, connections to other grids, and isolation needs.

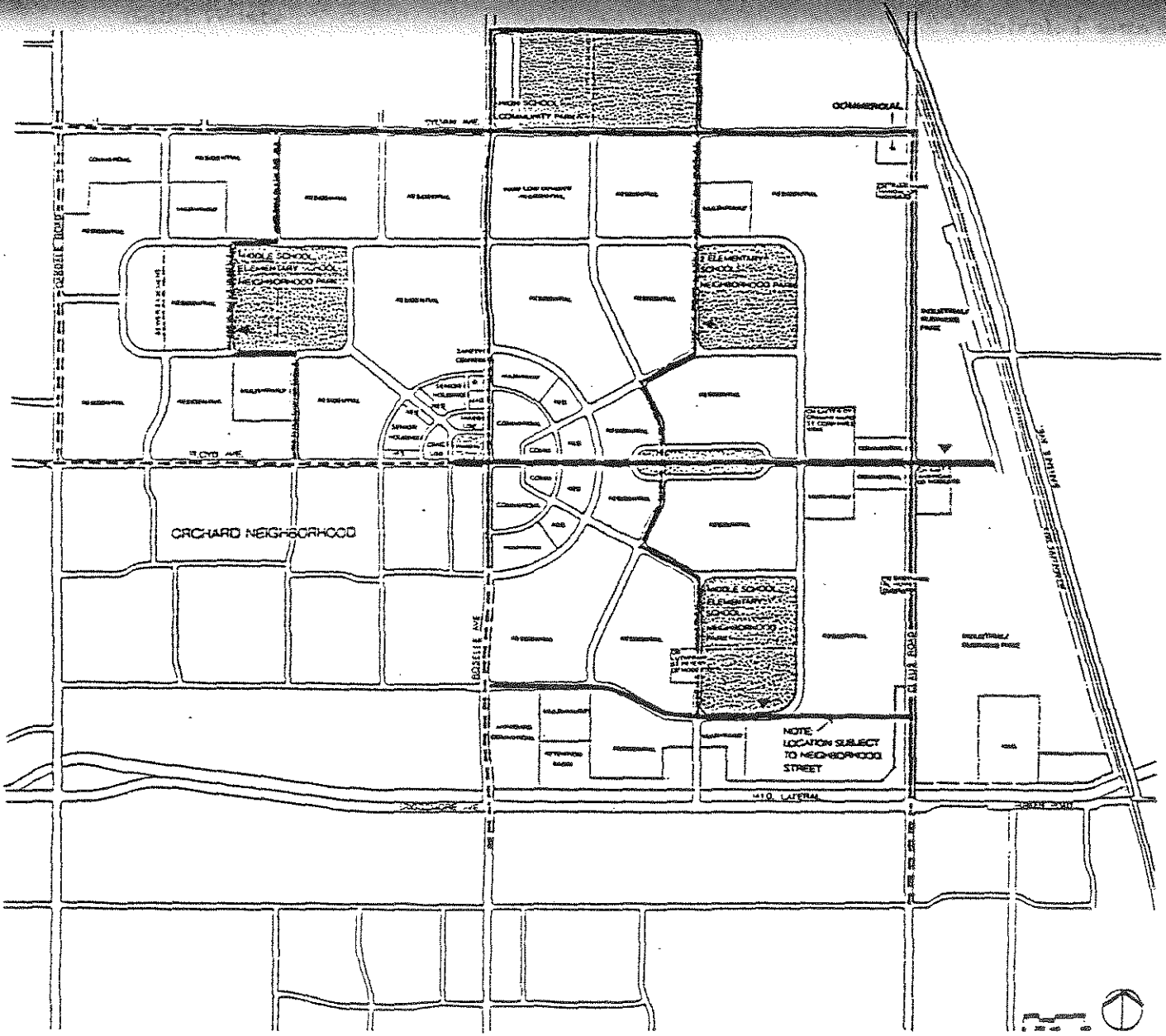
Public safety requires that the water system be designed to provide necessary fire flows.

### POLICY 2

Encourage water conservation to the greatest extent.

The eCity ~~can~~ shall encourage water conservation by requiring low-flow showerheads and faucets in new construction.

The use of drought-resistant plantings can be used in public rights-of-way and the principles of xeriscape can be used at no additional cost to the city.



- Existing
- Proposed
- ▼ Well

Figure 8.3  
Water Delivery System

Minimize planting of turf and require irrigation systems to be engineered by a landscape architect or civil engineer for commercial projects.

The use of city water for agricultural purposes should be prohibited. The location of new wells should be spaced approximately one mile apart. All new water connections ~~can~~ shall be metered, with the exception of connections designed solely for fire protection. This permits enforcement of water conservation programs.

### POLICY 3

Loop main water transmission lines and lines of lesser diameter to the extent feasible.

Looping is simply an interconnection of lines. It allows use of smaller diameter pipes than would otherwise be needed to deliver the same volume and pressure. It also allows water to be received from different directions, which is necessary when a portion of a line may be shut off for repairs or maintenance.

### ~~POLICY 4~~

~~Require automatic fire suppression sprinklers for all new construction.~~

~~Residential fires are the leading cause of death in household accidents.~~

~~Automatic sprinkler systems have associated economic values which can partially or fully offset their cost. Primarily, cost savings could potentially be achieved through reduction in insurance premiums.~~

### POLICY 5 4

Develop a dual-pipe water system that provides for an alternative water source for irrigation of street medians and open-space.

Using untreated surface water for landscape maintenance will reduce the need for future water treatment facilities.

### POLICY 6 5

Utilize gravity systems in storm drainage and sewer systems.

The benefit of a gravity system is to allow collection to occur without the cost and maintenance of pump or lift stations. A gravity system is also more reliable as there are less parts that could potentially fail.

One sewer-lift station will be necessary to serve a portion of the business park due to the long reach which would otherwise cause the line to be too flat. The gravity storm drain basin will need to be approximately 25-35 feet deep to avoid pumping.

#### POLICY 7 6

Allow temporary storm drainage retention basins until such time as the necessary components of the storm drain system are in place to serve the particular development.

Construction of the storm drainage basin is dependent on the collection of fees to pay construction costs. Consequently, many homes will need to be built prior to the time that the storm drainage system will be operational. Temporary basins allow added flexibility for properties to develop.

#### POLICY 8 7

Extend sewer lines in accordance with this plan and with minimum grades and velocities as set forth by the Public Works Department.

To ensure the entire system will work without additional pump stations, extension of lines requires use of existing city standards for slope and velocity.

The site is very flat and the layout of the sewer system was based on minimum slopes.

Some direction may be necessary for site factors or implementation schedule.

#### POLICY 9 8

Establish hydraulic grade lines for the entire storm drainage system of Village One a storm drainage master plan for Village One, prior to any development within the area.

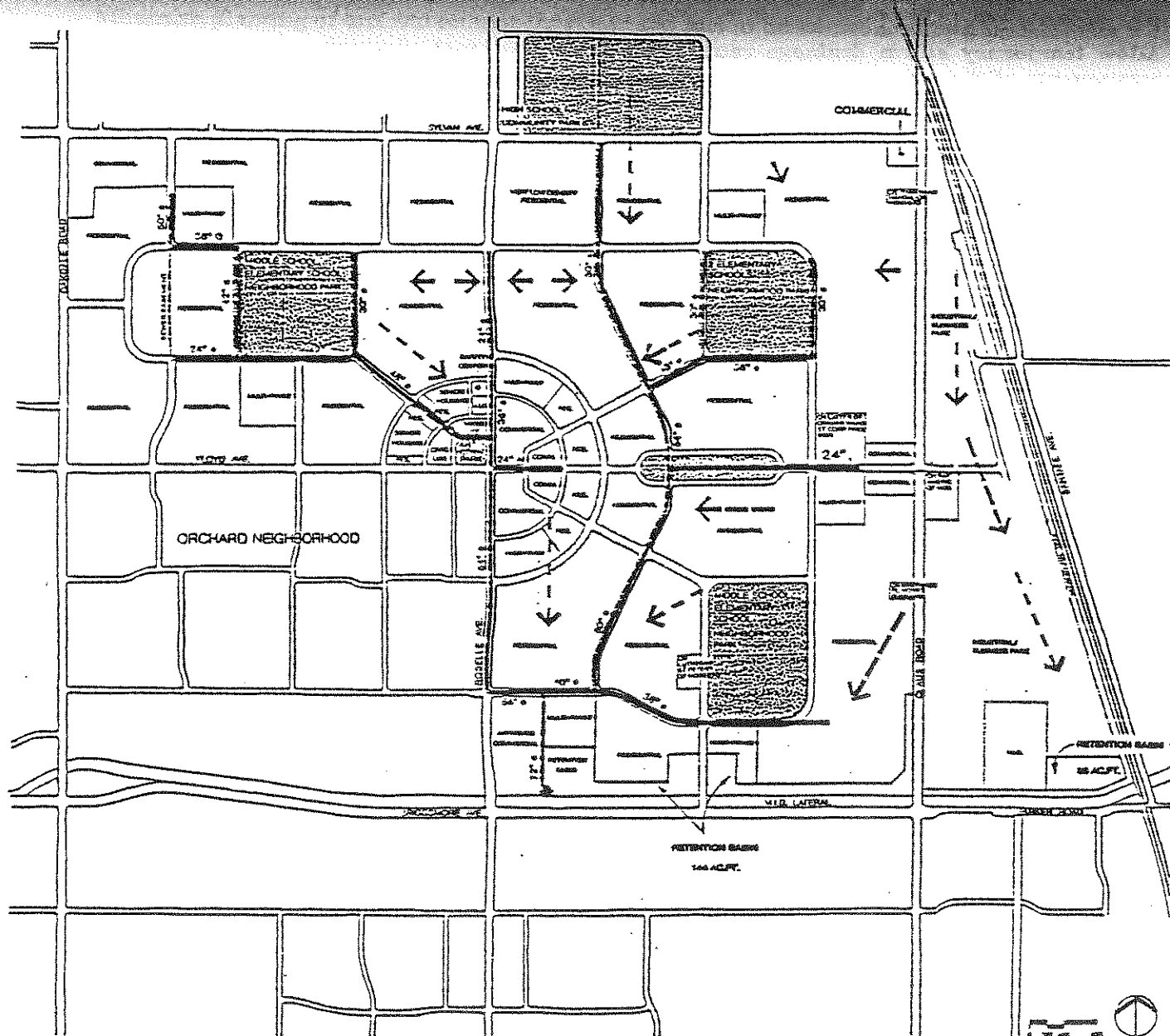
The construction of individual storm drainage sub-systems retention basins must relate to a master plan to ensure a functional transition from a temporary to a permanent system. The hydraulic grade line is the elevation that the stormwater will rise to at a given point within the system. If an individual development design has a basin or pipes that are too deep, the water will need to be pumped to the needed level. A master plan would establish the necessary grade and elevation criteria to evaluate temporary sub-system designs. By evaluating based on criteria, maximum sub-system design flexibility is provided.

#### POLICY 10 9

Develop a storm drainage system that replenishes the groundwater by means of a retention basin.

The use of a retention basin will allow percolation through the soil and put the water into the ground where it would have otherwise gone.

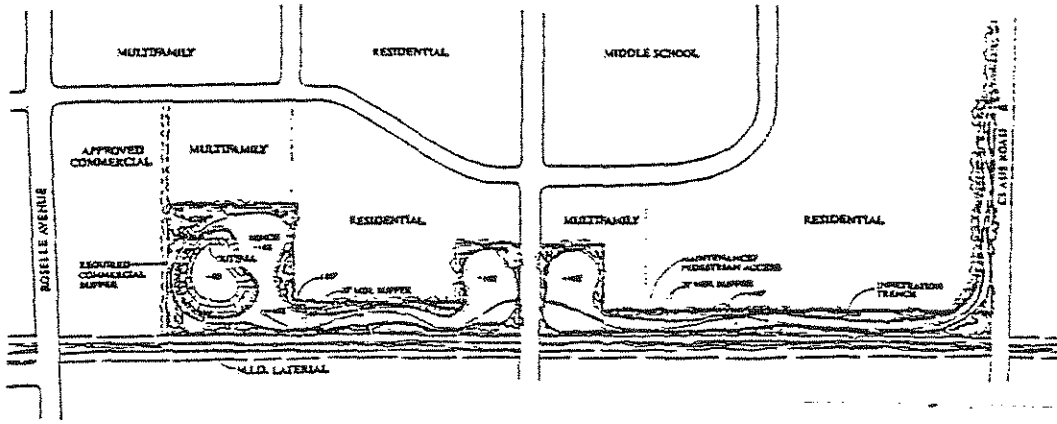
Alternatives for drainage include pumping into the adjacent MLD, lateral or extension of facilities to Dry Creek. Both of these alternatives will likely be very costly, given the intent of the Environmental Protection Agency to require treatment of storm drainage for urban contaminants prior to discharge into any surface waters.



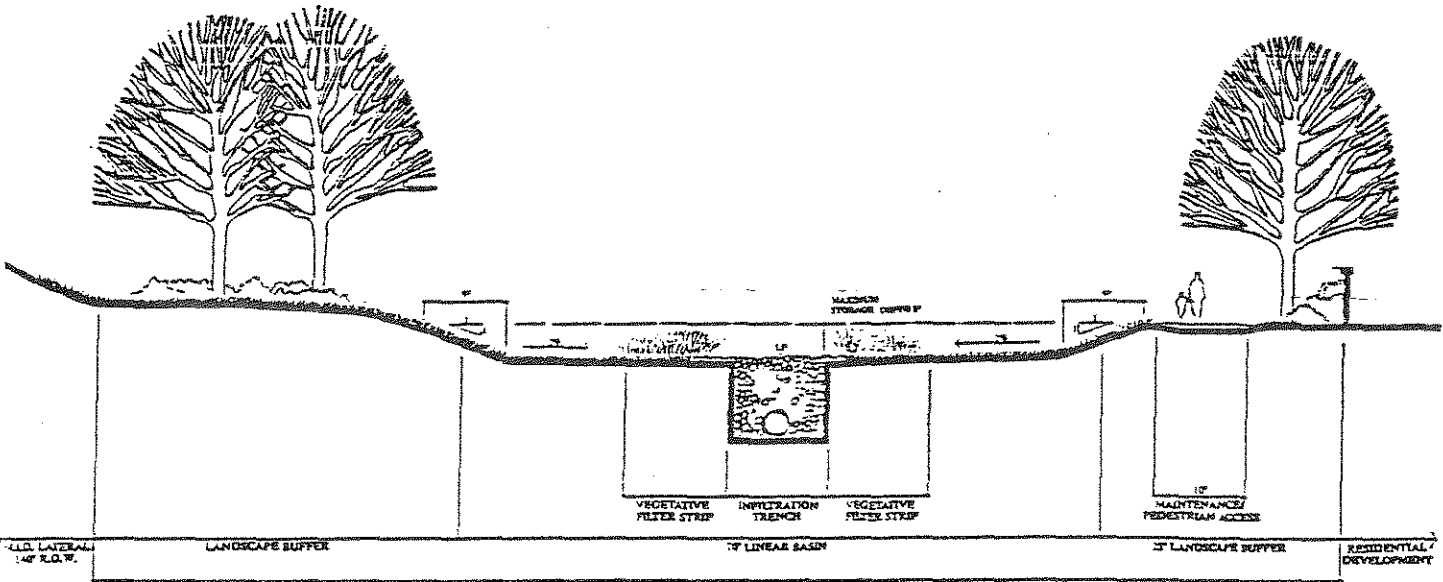
← - - - Tributary Areas

Figure 8.5  
Storm Drainage System

LONGITUDINAL SECTION : 5X VERTICAL EXAGGERATION



PLAN



CROSS SECTION  
Looking West



Figure 8.6

**POLICY H 10**

**Facilitate efficient solid waste disposal to ensure a safe and sanitary community.**

Throughout the village, trash disposal facilities should be designed in such a way as to facilitate collection. In residential and commercial areas, trash storage areas should be screened from view so as not to degrade the appearance of streets or parking areas.

**POLICY H 11**

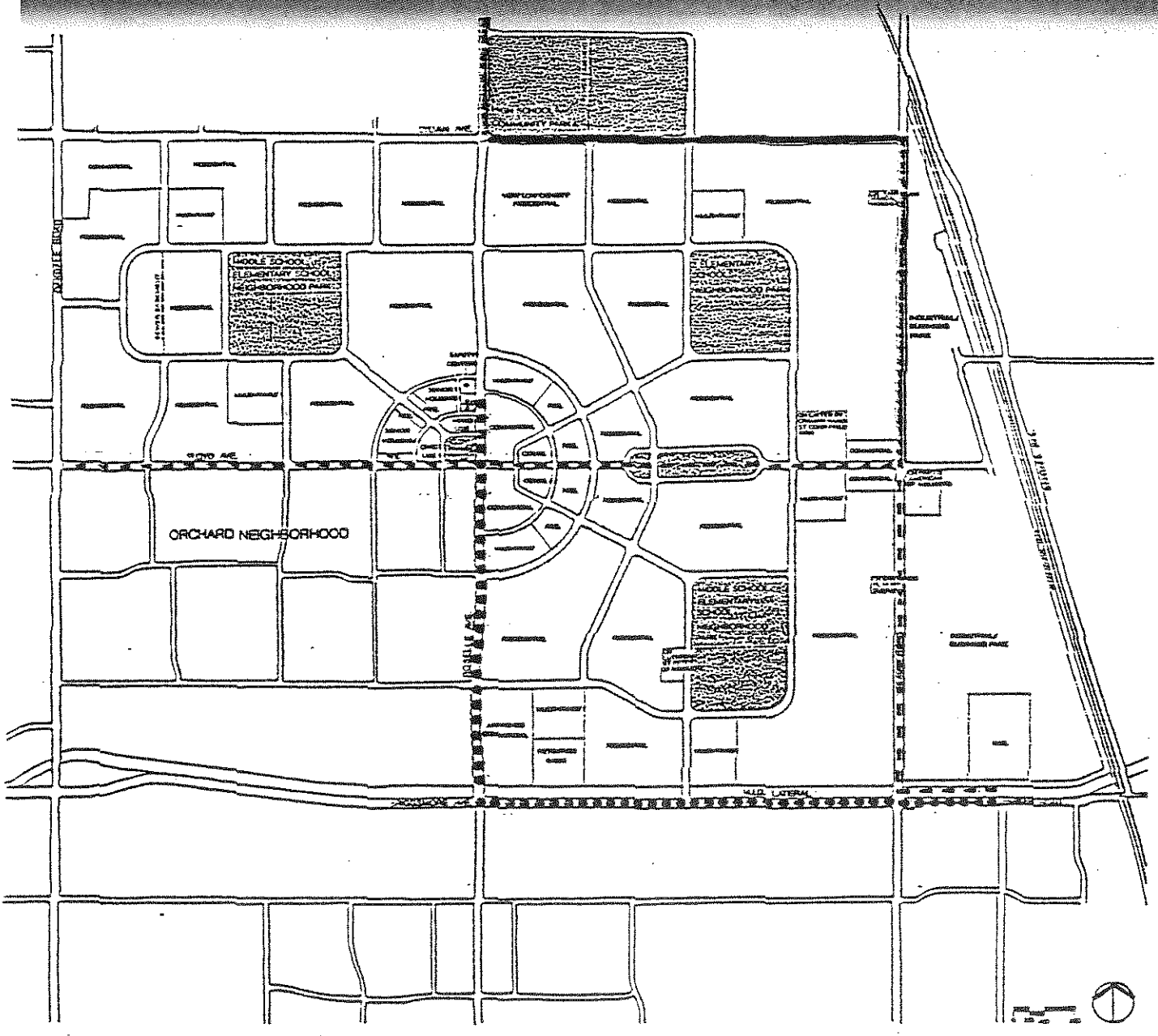
**Encourage recycling of solid waste.**

To the extent possible, the City should encourage recycling of solid waste through curbside pickup of separated trash. Other communities in California have been innovative in encouraging recycling, and thus reducing required land fill areas and minimizing the environmental impacts which they may have.

**POLICY 12**

**Relocate overhead electrical facilities in critical areas of Village One.**

As development occurs within Village One, overhead electrical facilities should be relocated to improve the overall visual appearance of certain areas. In particular, overhead electrical facilities should be relocated off of Floyd between Roselle and Claus, in the vicinity of the Village Center and gateway park. Overhead electrical facilities should be consolidated onto the west side of Roselle and incorporated into the planted median on Sylvan. (See street sections in the Circulation Element.)



- Existing 69 KV
- Preferred 69 KV Rerouting
- ..... Alternative 69 KV Rerouting

Figure 8.7  
**Electrical Facilities Relocation**

# SAFETY AND NOISE ELEMENT

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This entire chapter has been added.

## BACKGROUND

Safety and noise considerations greatly influence the livability of a community. They affect the day-to-day experience of a place, and the way in which it is perceived as supportive of human values and needs. In residential areas, safety and noise levels contribute to the role a neighborhood can play as a retreat from the everyday demands of the working world.

Advancements have been made in urban planning and development to provide for the health, safety and welfare of the built environment. Infrastructural systems have been developed to protect public health and building technologies have been advanced to give greater structural strength and improve the environmental quality of individual buildings. In addition, spatial form and character of a city can contribute to the sense of security and well-being of its residents. Terms such as "eyes on the street" and "defensible space" make reference to increasing concerns for creating more secure living environments through physical design approaches.

While advancements have been made, new issues and opportunities have arisen as a result of recent technologies. Growing concerns over regional environmental quality, the emerging knowledge and information regarding the risks of toxic wastes, and in California the probability of a great seismic event coupled with changing attitudes toward risk and personal responsibility have introduced new dimensions to the treatment of public safety issues. In Modesto, the Village One Specific Plan addresses specific safety issues and potential impacts in the Environmental Impact Report. These are specifically related to police and fire protection, potential traffic impacts and the compatibility of agricultural and non-agricultural uses.

Increasing information over the disruptive effects of noise has grown over the past few decades. According to a recent federal publication, "nearly half of the U.S. population is regularly exposed to noise levels that interfere with normal activities". In Village One,

the sources of noise include the ATSF rail tracks and traffic on adjacent streets. Mitigations to these expected noise impacts as discussed in the Environmental Impact Report, are incorporated into this specific plan.

## GOALS, OBJECTIVES AND POLICIES

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### GOAL

Establish a safe and secure living environment and minimize the impacts of noise.

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### OBJECTIVE 1

Protect against the potential fire hazards.

### POLICY 1

Design the water system for adequate fire flows.

In conjunction with the Fire Department and the Department of Public Works, the specific water system to serve Village One should not only meet specific federal and state standards related to public safety, but should also ensure that adequate fire flows are maintained in the event of a fire emergency.

### ~~POLICY 2~~

~~Require automatic fire suppression sprinklers for all new construction.~~

~~Residential fires are the leading cause of death in household accidents. Automatic sprinkler systems have associated economic values which can partially or fully offset their cost. Primarily, cost savings could potentially be achieved through a reduction in insurance premiums and value added to the structure with safety improvements.~~

### POLICY 2

Establish a centrally located new fire station near the Village Center to serve Village One.

As described in the Community Facilities element, 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 a part of a Public Safety Center and would provide a Fire Department presence in a clearly visible location within the heart of the community.

## **OBJECTIVE 2**

**Provide a secure living environment for village residents.**

### **POLICY 1**

**Focus neighborhood activity on the street and open space area.**

As in traditional neighborhoods, Village One streets are planned to serve a central role in the social life of the neighborhoods. Policies and guidelines are set forth in the Community Design Element which prohibit the development of a continuous row of garage doors along the street, and instead promote an active, lively streetscape that is supportive of community and family activities. In addition, bay windows and porches are encouraged in order to provide a positive transition between indoor and outdoor spaces. By focusing neighborhood activities in front yards and sidewalk areas, a safer and more secure environment will be created.

### **POLICY 2**

**Create a sense of community through a distinct neighborhood hierarchy that is identifiable to residents.**

Village One neighborhoods are planned to be organized in clear and definable building blocks, each linked to one another to create a hierarchy and clear structural organization. Smaller neighborhoods are organized around pocket parks and linked together to form larger neighborhood districts focused on schools and larger public parks. These, in turn, are arranged around a centrally located Village Center in the geographic heart of the community. This strong structural framework to the village is key to establishing a sense of security. By having a stronger sense of orientation, residents will be able to better understand how their particular house fits into the larger whole, and thus have a greater commitment and involvement in their community.

### **POLICY 3**

**Prohibit dead-end alleys and discourage cul-de-sacs.**

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 in order to avoid becoming an unattractive and unused "backdoor" to the residential areas.

### **POLICY 4**

**Provide adequate lighting and access to parks.**

There are a variety of different types of parks which will be built in Village One, and each is fundamental to the creation of a strong sense of community. It is therefore extremely

important that they be considered valuable recreational areas and amenities, and not be perceived as dangerous. For this reason, adequate lighting, not only on the periphery but centrally within parks, will be required as well as adequate access by police and fire vehicles.

#### POLICY 5

Provide for a centrally located police facility.

A new police facility is recommended 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.

#### POLICY 6

Encourage centralized security systems in new homes within neighborhoods.

Pre-wiring houses within new residential developments for centralized security systems has become an extremely attractive feature of many new developments. It enables individual homes to have the option to "hook-up" and be monitored on an on-going basis without extensive costs or complications. This opportunity may be incorporated into the village to provide a greater sense of security to residents.

#### OBJECTIVE 3

Establish protected residential streets to minimize traffic volumes and speeds in neighborhoods.

#### POLICY 1

Reduce pavement widths under certain conditions to reduce traffic speed and volume and thus create more safe environments for pedestrians.

While the standard residential street is planned to be 34 feet in width, this width can be narrowed in order to reduce high traffic speeds and volume within the neighborhoods. Minor neighborhood streets that do not link to a village connector and are not longer than 1,200 feet in length, should be allowed to be narrowed to 30 feet (curb to curb), as is currently found along Magnolia, and to 22 feet (for front-loaded streets, curb to curb).

#### POLICY 2

Utilize a variety of design approaches that minimize through-traffic in residential neighborhoods.

In addition to narrowing the street widths, there is also a variety of other approaches which can discourage through-traffic in residential neighborhoods. These include, for example,

utilizing traffic circles instead of stop signs at intersections, incorporating raised crosswalks, necking down the "throat" of the street to provide a sense of a more narrow and protected residential environment.

### **POLICY 3**

**Require a frontage road along Sylvan Avenue.**

In order to create an attractive and friendly appearance along the northern edge of Village One, houses are allowed to front along Sylvan Avenue. However, these will be required to be set back behind a frontage road in order to give greater safety to residents, and, at the same time, protect against potential noise impacts from traffic moving along the street.

### **OBJECTIVE 4**

**Require special safety standards in the immediate vicinity of proposed schools.**

### **POLICY 1**

**Establish a maximum radii of the streets to discourage fast-moving traffic particularly around the periphery of elementary and middle schools.**

A number of streets will surround the proposed school sites in Village One, and they should be required to have a maximum radii of 300 feet to keep traffic speeds down to 25 m.p.h. in order to minimize conflicts between vehicles and pedestrians in the vicinity of the schools.

### **POLICY 2**

**Establish clear and easily comprehensible signage on surrounding streets to the proposed schools to reduce conflicts between vehicles and pedestrians.**

In the vicinity of the proposed schools, cross-walks should be well marked and signals provided at major intersections, as necessary, to avoid potential hazards in the event of drop-off and pick-up before and after school.

### **POLICY 3**

**Provide a highly controlled pedestrian crossing to ensure student safety across Sylvan Avenue to the proposed High School site.**

Sylvan Avenue is planned as a major street, carrying large amounts of vehicular traffic on a daily basis. The proposed High School site, to the north of Sylvan Avenue, is expected to serve Village One as well as students from the future village to the north. In order to ensure the safety of students coming by foot from Village One to the High School, it is

recommended that the crossing be grade-separated, or that a pedestrian bridge be constructed over Sylvan, connecting residential areas to the south to a central location within the High School to the north.

#### POLICY 4

Require separated lanes for bicycle travel on major streets.

It is anticipated that many school children will come to school on foot or bicycle, and therefore, separate lanes for bike travel is incorporated on all of the major streets and neighborhood connectors.

#### OBJECTIVE 5

Separate potentially conflicting uses from one another.

#### POLICY 1

Utilize the Industrial/Business Park as a buffer to the railroad tracks, adjacent agricultural areas and to such uses as the Mosquito Abatement air strip.

The land within Village One to the east of the Claus Expressway serves as an appropriate buffer between residential areas to the west and uses which may be potentially conflicting in nature. The railroad tracks are a source of very high noise levels, and agricultural operations and the adjoining air strip may be disruptive to residential areas as well. Industrial/Business uses are well suited to this location and create an appropriate transition to residential uses to the west of Claus.

#### POLICY 2

Establish 350-foot 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 would be surrounded by a rural/agricultural area. The adjacency of these uses 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 a 350-foot buffer be established to minimize these potential conflicts.

## **OBJECTIVE 6**

**Require noise mitigations in accordance with General Plan policy.**

### **POLICY 1**

**Maintain appropriate setbacks for residential uses along major streets.**

The Modesto General Plan establishes a maximum of 45 dbA for interior noise levels in residential buildings. Achieving this standard will require mitigations along certain high volume streets in Village One. This includes an approximate 95-foot setback along the Claus Expressway and a 90-foot setback on Oakdale (from the edge of the public right-of-way) as well as seven-foot sound walls. Along Roselle and Floyd, 25-foot setbacks are recommended for noise mitigation and to create a stronger boulevard entry to the village.

### **POLICY 2**

**Incorporate noise reducing design and construction techniques.**

During construction, noise levels may be high, and it is recommended that appropriate techniques to reduce sound be adopted. These may include utilizing sound-reducing apparatus on equipment and limiting the hours of operation in order to avoid impacting nearby residential neighborhoods.

# IMPLEMENTATION

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## CONTEXT

The Village One Specific Plan process is a new approach to the design and implementation of development projects for the City of Modesto. In the past, the City approved residential neighborhood developments which conformed to citywide development standards and funded the development costs of necessary infrastructure. These developments were not required to fund the full burden of the impacts the projects placed on the city in terms of the citywide circulation system, public parks, and police and fire facilities. As a result of these prior development patterns, the city is now faced with deficiencies in much of its public infrastructure and services.

The comprehensive planning process for Village One, as set forth in the 1989 City Council revised Urban Growth Policy, calls for the preparation of a Financing Plan that identifies all infrastructure and requires development to pay its own way. The preparation of a Financing Plan is designed to provide a framework for orderly development, attainment of standards, and mitigation of adverse environmental and financial impacts.

This section of the Village One Specific Plan describes the goals, objectives and policies directing the implementation of the plan. Objectives are defined for land use regulations, administration of the regulations, development of the Village Center, development of the Business Park, sequencing the public infrastructure improvements, and financing the public infrastructure and services. A series of policies is defined for each objective that describes in detail how the objectives will be achieved.

A variety of plan amendments, plans, and regulatory and organizational proceedings will be required to implement the City's regulatory and policy objectives related to the Village One Specific Plan area. A "regulatory framework" has been developed to describe how specific regulatory and policy objectives are addressed within the individual planning documents.

The table at the end of this chapter presents a matrix of the regulatory framework. The planning and regulatory documents anticipated for the Village One Project are shown on

the vertical axis, and the regulatory objectives are shown on the horizontal. The text indicates how the regulatory objectives are incorporated into each planning and regulatory document.

The regulatory framework indicates that the planning and regulatory documents are interlinked and mutually interdependent; they achieve greater and greater levels of specificity and culminate in the Precise Plans, which contain the conditions that will apply to each major development approval.

## GOALS, OBJECTIVES AND POLICIES

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### GOAL

Establish the policies, programs and financing mechanisms necessary to implement the Village One Specific Plan.

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### Regulatory and Review Objectives

#### OBJECTIVE

Provide for the regulatory policies and procedures to implement the Specific Plan.

#### POLICY 1

Annex the territory included in the Specific Plan area to the City of Modesto consistent with public policy for expansion.

Subject to a positive Measure A vote on the sewer extension for Village One, the entire ~~1,775~~ 1,784-acre planning area, including the high school site, should be annexed at the same time. This action will avoid piecemeal development of Village One and will aid in attaining the goals set out in the Specific Plan.

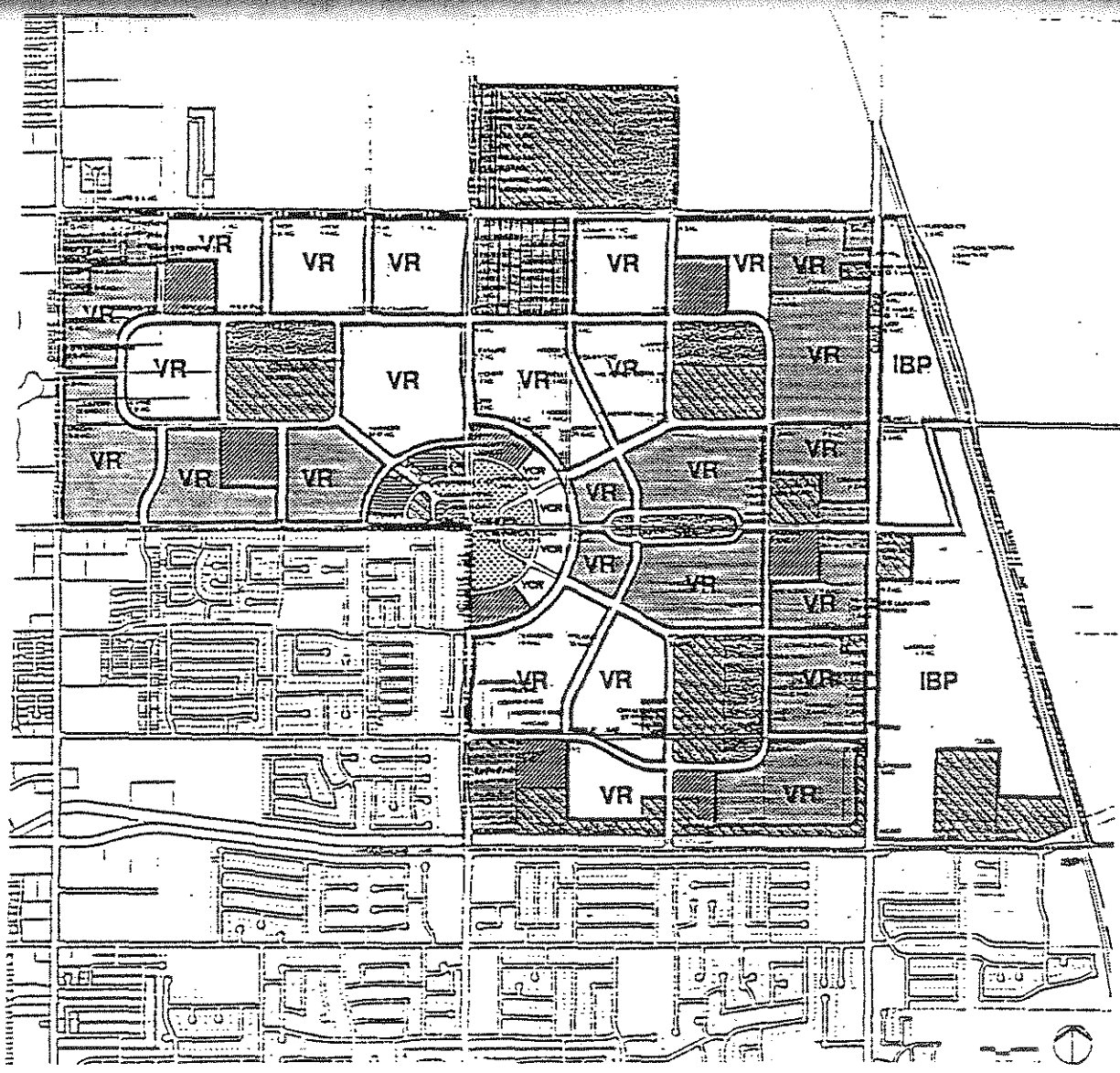
#### POLICY 2

Adopt the Regulatory Framework Map to provide the direction on authorized land uses and zoning for the Specific Plan area.

The Regulatory Framework Map sets forth the various land use zones which will govern permitted development on the Village One site.

To achieve a fine-grain mix of uses, create more coordinated development and to provide greater flexibility to the multiplicity of property owners with parcels in Village One, the

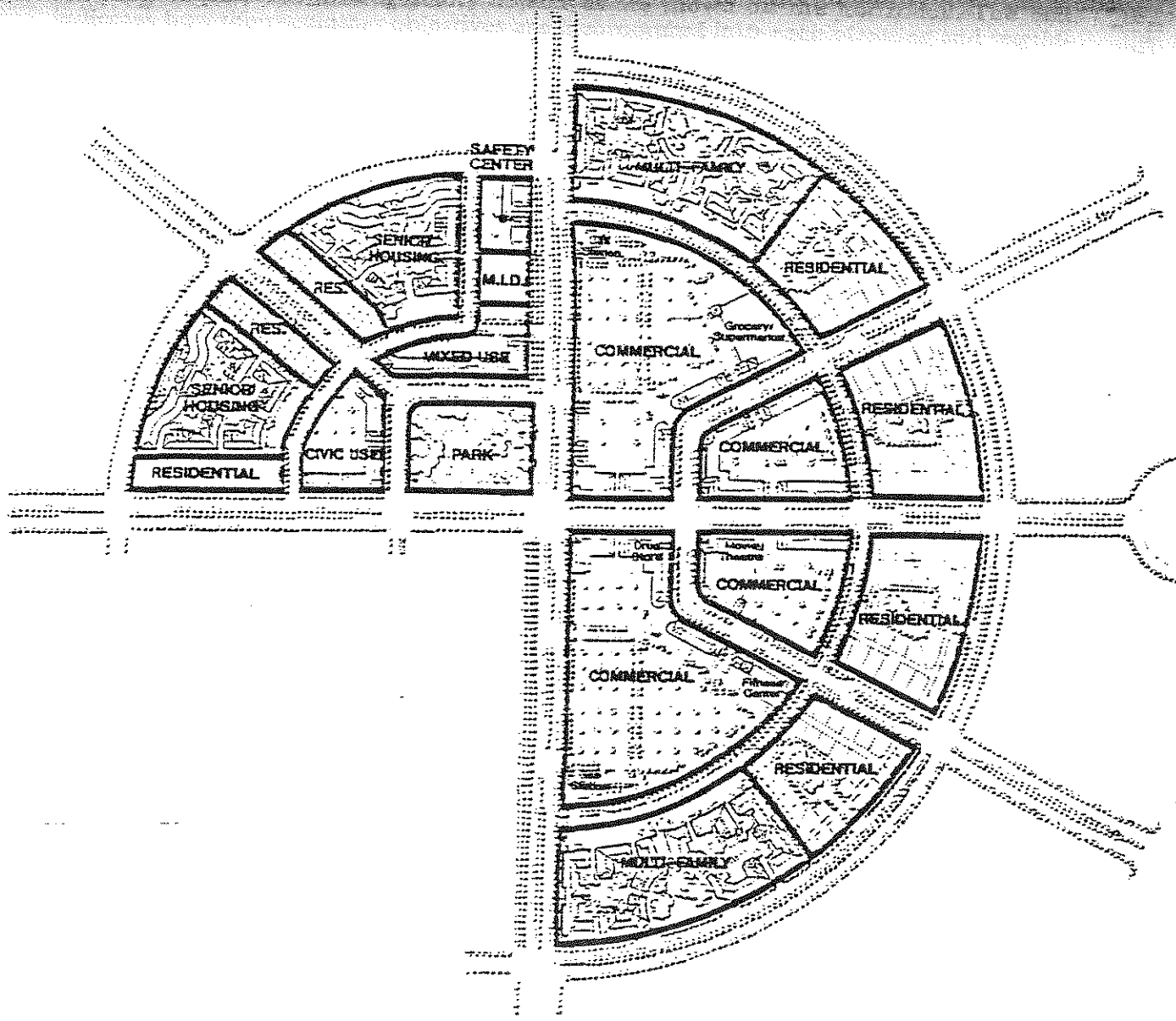
the vertical axis, and the regulatory objectives are shown on the horizontal. The text



- Very Low Density
  - Village Residential 7.5 d.u.'s/net acre
  - Village Residential 8.5 d.u.'s/net acre
  - Multi Family
  - Senior Housing
  - General Commercial
  - Village Center Commercial
  - Community Facilities
  - Industrial/Business Park
  - Public Park
  - Village Center
  - Village Center Residential
- Very Low-Density Residential: minimum 2 d.u.'s/net acre  
 Village Residential: minimum 7.5 d.u.'s/net acre  
 minimum 8.5 d.u.'s/net acre  
 Village Center Residential: 10.0 d.u.'s/net acre (lot size ≤ 5,000 s.f.)  
 Multiple-Family: maximum density 21 d.u.'s/net acre  
 Senior Housing: maximum density 50 d.u.'s/net acre  
 General Commercial  
 Industrial/Business Park: maximum FAR = 0.25  
 Community Facilities:  
 5 existing churches  
 2 middle schools  
 4 elementary schools  
 2 M.L.D. Substations  
 2 Retention Basins  
 Police, Fire Facilities  
 Library, Town Hall (meeting rooms), Community Health Center  
 Village Center regulatory map, see Figure 9.2

Figure 9.1  
 Regulatory Framework Map

Note: Specific boundaries between school and park facilities will be determined by the City and School District



### Village Center Regulatory

- High Density Single-Family Residential: lot size ≤ 5,000 s.f.
- Multi-Family: maximum 21 d.u.'s/acre
- Senior Housing: maximum 50 d.u.'s/acre

- Retail and Office Commercial: (see suggested program in Land Use Element)
- Civic Use: Town Hall (meeting rooms), Branch Library
- Safety Center: Police, Fire Facilities
- M.I.D. Substation
- Public Park

Figure 9.2  
 Village Center Regulatory Map

site is broken down into a number of larger components and given use designations with requirements for more specific planning at a project level to achieve the desired criteria. The designated land uses include:

**Village Center.** This designation applies to the higher intensity uses in the geographic center of the village. specific uses, which include retail and office uses (Village Center commercial), high-density residential (Village Center residential) and community facilities, are indicated on the Village Center plan. Development would require the submittal of a Precise Plan for the area.

**Village Residential.** This is the basic land use category applicable within Village One, with the exception of higher density Multiple-Family and Senior Housing designations and the Very Low Residential Density area to the east of Roselle and south of Sylvan. In these areas, a minimum density of 7.5 d.u.'s/net acre will be required for single-family residential development in required setback areas, and a minimum of 8.5 d.u.'s/net acre will be required for single-family areas elsewhere.

**Multiple Family.** This designation applies to the higher density residential uses at a maximum of 21 d.u.'s/net acre.

**Senior Housing.** Senior housing applies within designated areas at a maximum of 50 d.u.'s/net acre.

**Very Low Density.** In an area of existing, very low-density, semi-rural residential development east of Roselle and to the north and south of Sylvan, residential development with a maximum density of 2 d.u.'s/net acre would be allowed (minimum half-acre lots).

**Industrial/Business Park.** In the area to the east of Claus Road, a business park designation is applied, calling for a mixture of employment-generating office and industrial uses. Specific uses will be reviewed when a Precise Plan for the area is submitted. The maximum overall FAR (Floor Area Ratio) is 0.25.

**General Commercial.** General commercial uses, as defined in the City's C-2 zoning district, would be permitted in the areas shown on the Regulatory Framework Map.

**Public Parks.** These include the community and neighborhood parks adjacent to schools.

**Community Facilities.** Community facilities, including schools, churches, ~~town~~ village meeting hall, library and safety center will be provided in Village One.

### **POLICY 3**

**Require Precise Plans for each residential neighborhood, the Village Center and the Industrial/Business Park, prior to granting tentative map approvals.**

"Precise Plan" shall mean a description of a proposed development consisting, at a minimum, of a map and a written statement setting forth the location and arrangement of all proposed uses and improvements to be included in the development together with

take place simultaneous with or subsequent to the Precise Plan review process in order  
the regulations governing the development of the area. Precise Plans shall include: a legal description, a subdivision map (when the subdivision of land is contemplated), precise site and plot plan, overall site landscape plans, neighborhood mini-park design and location, and infrastructure/public facilities plans. Precise Plans shall also include a discussion of financing, affordable housing, and any other such material and information as may be required by the Village One Specific Plan and/or needed for the type of development proposed (e.g., homeowners associations for residential projects with common property, list of uses for nonresidential projects, etc.). Precise Plans, adopted by ordinance, shall be consistent with the Modesto General Plan and Village One Specific Plan. Upon adoption, specific building plans and elevations and detailed site and landscape plans would be prepared by applicants for design review and approval.

#### POLICY 4

Require a development agreement for each project developed within a Precise Plan area.

The Specific Plan places substantial requirements on the development of property within Village One. These requirements include affordable housing, parks, schools, infrastructure installation and financing, facility maintenance, and design guidelines. The development of Village One may also require some developers to advance the funding for specific facilities and then be reimbursed when other developers build their projects.

The development agreement is the recommended legal document to specify the exact conditions of development for each project. The agreement would detail all actions required for a development and would specify terms of reimbursement, if necessary.

The agreement would also guarantee entitlements for the developer in return for the commitments for public improvements.

The City should adopt necessary enabling legislation to authorize the use of development agreements.

The City should develop a Master Development Agreement for Village One. The conditions included in this master agreement will then be tailored to the special conditions for each Precise Plan area and development project.

#### POLICY 5

Adopt design review procedures to create more attractive buildings and coherent neighborhoods.

~~It is anticipated that~~ To achieve the desired character of development in Village One and, in particular, to respond to some of the special and more difficult design problems encountered in higher densities, a design review process will need to be implemented. Design review would be based upon the design guidelines and standards contained in the Specific Plan, but may be augmented by specific issues of community concerns and other design guidelines which the City may establish for the city as a whole. Design review could

take place simultaneous with or subsequent to the Precise Plan review process. In order to avoid adding to the workload that the Planning Commission is already committed to, and to take advantage of the special skills and talents within the design community, a Design Review Board consisting of design professionals may be established to oversee the design review process.

## **Administrative Objectives**

### **OBJECTIVE**

Provide for the ongoing administration of the plan throughout the life of all agreements and monitoring requirements.

### **POLICY 1**

Establish the special districts and organizations required to finance the Specific Plan area's capital improvements and ongoing maintenance. These special districts and organizations may include Mello-Roos Community Facilities Districts, assessment districts, lighting and landscaping districts, and property owner associations.

### **POLICY 2**

Establish or expand city functions necessary to implement the Specific Plan area's programs, including: planning and design review, infrastructure financing, affordable housing, and environmental mitigation monitoring.

## **Village Center Objectives**

### **OBJECTIVE**

Provide for the implementation of land uses for the Village Center as set forth in the Land Use Element.

### **POLICY 1**

Prepare a Precise Plan for the Village Center which specifies the circulation system, defines parcels, refines the community design standards, specifies acceptable land uses, and provides a Financing Plan for the necessary infrastructure.

In order to promote a coherent and cohesive development, and to ensure that the Village Center is a pedestrian-oriented retail/commercial and residential area that serves as the community center of Village One, it is essential that strict and specific design and management standards are established in advance of actual land assemblage or development.

It is essential that the City and the property owners agree on the process in advance of initiating any development.

The Precise Plan needs to outline a coordinated approach for land assemblage and to establish the magnitude of public infrastructure improvements that will be required over those funded by the Village One special assessments.

The Precise Plan should include phasing for the installation of the infrastructure and construction of public facilities to serve the Village Center. Infrastructure phasing consistent with the overall Village One implementation program is essential to attract potential retail and commercial developers. The Precise Plan would specify the sequencing of the infrastructure and establish the timing for the center to be developed.

The identity and function of the Village Center should be established as soon as possible by developing public open space (the Village Green) and encouraging entertainment and recreational uses. The basic street system, public open spaces and public buildings should be constructed early to promote the center as a meeting and gathering place. This action will accelerate retail development in the center.

## **POLICY 2**

Prepare a development and management agreement for the Village Center which specifies the legal and financial mechanisms for coordinating land assembly, forms of ownership (fee simple, ground lease, equity participation in future development), development process, leasing and management requirements.

The terms of the agreement must outline a coordinated land assembly process and legal form of land ownership. Two possible methods are outlined below:

1. Create a Village Center Corporation which pools the existing parcels of land into a single ownership and distributes equitable shares of stock based on the appraised value of each owner's contribution. The corporation could then undertake the development itself; reparcel the land and sell it to subdevelopers; or negotiate a joint venture with an experienced master developer. Alternately, the corporation could hire the master developer on a fee basis to manage the development process, with the corporation assuming more of the financial risk. Under all scenarios, the corporation acts in the best interest of the Village Center as a whole and the property owners as shareholders.

- or -

2. The City itself acts as a facilitator in land assemblage by issuing a request for proposals to develop the Village Center and supervising the selection process of a developer who would directly purchase each parcel of land from independent property owners. Under this scenario, each property owner would have the opportunity to negotiate a price, although the City would require in advance an agreement that all of the property (or appropriate assemblages) close escrow simultaneously. The City would enter into a development agreement with the developer that would establish baseline city contributions to the infrastructure, performance requirements, and design standards.

It is essential that the City and the property owners agree on the process in advance of initiating any development. In either case, a single development entity must manage the development process. This role includes coordinating all aspects of land assemblage and infrastructure improvements, construction of the buildings, and implementation of the sales and leasing programs. In addition, consistent and centralized ongoing management of the retail/commercial components of the Village Center should be maintained.

## **Business Park Objectives**

### **OBJECTIVE**

**Provide for the implementation of land uses for the Business Park as set forth in the Land Use Element.**

### **POLICY 1**

**Prepare a Precise Plan for the Business Park which specifies the circulation system; defines parcels; refines the community design standards; specifies the infrastructure requirements and sequencing; defines acceptable light industrial, office and commercial uses consistent with the objectives of a major employment center; and provides a Financing Plan for the necessary infrastructure.**

Although the location of a business park distant from Highway 99 represents a competitive disadvantage, the market study prepared for the Specific Plan indicated a lack of affordable and suitable land in Modesto available for office and light industrial uses. The market study identified a potential demand for office uses in the Village One site, where access to a qualified labor pool is more important than highway accessibility. The site can also serve as an area for expansion of existing Modesto businesses requiring backup office space or warehousing. This area could also serve as a corporation yard for the city and the Sylvan Union School District.

As part of the Precise Plan preparation, the City or property owners should conduct or require a detailed design study that evaluates the specific market niche that the Business Park can fill. This study includes:

- identification of likely users
- identification of parcel size requirements
- preparation of a site plan
- identification of infrastructure requirements
- identification of incentives to attract development

#### **POLICY 2**

**Prepare an infrastructure phasing program that will promote design of the employment center without an excessive burden on undeveloped property.**

Based on the detailed design study, the City should prepare an infrastructure phasing program to identify how services will be connected with the sewer, water and storm drainage facilities located west of Claus Road.

#### **POLICY 3**

**Assign a high priority to Briggsmore Avenue and Claus Road improvements funded through the City's Capital Facilities Fee.**

Accessibility is critical to the development of the Business Park. The City should give high priority to the Claus Road and Briggsmore Avenue improvements. Presently, the traffic improvements funded by the City's Capital Improvements Facilities Fee have not been prioritized.

### **Development Phasing Objectives**

#### **OBJECTIVE**

**Provide for the orderly development of Village One through an infrastructure phasing program.**

#### **POLICY 1**

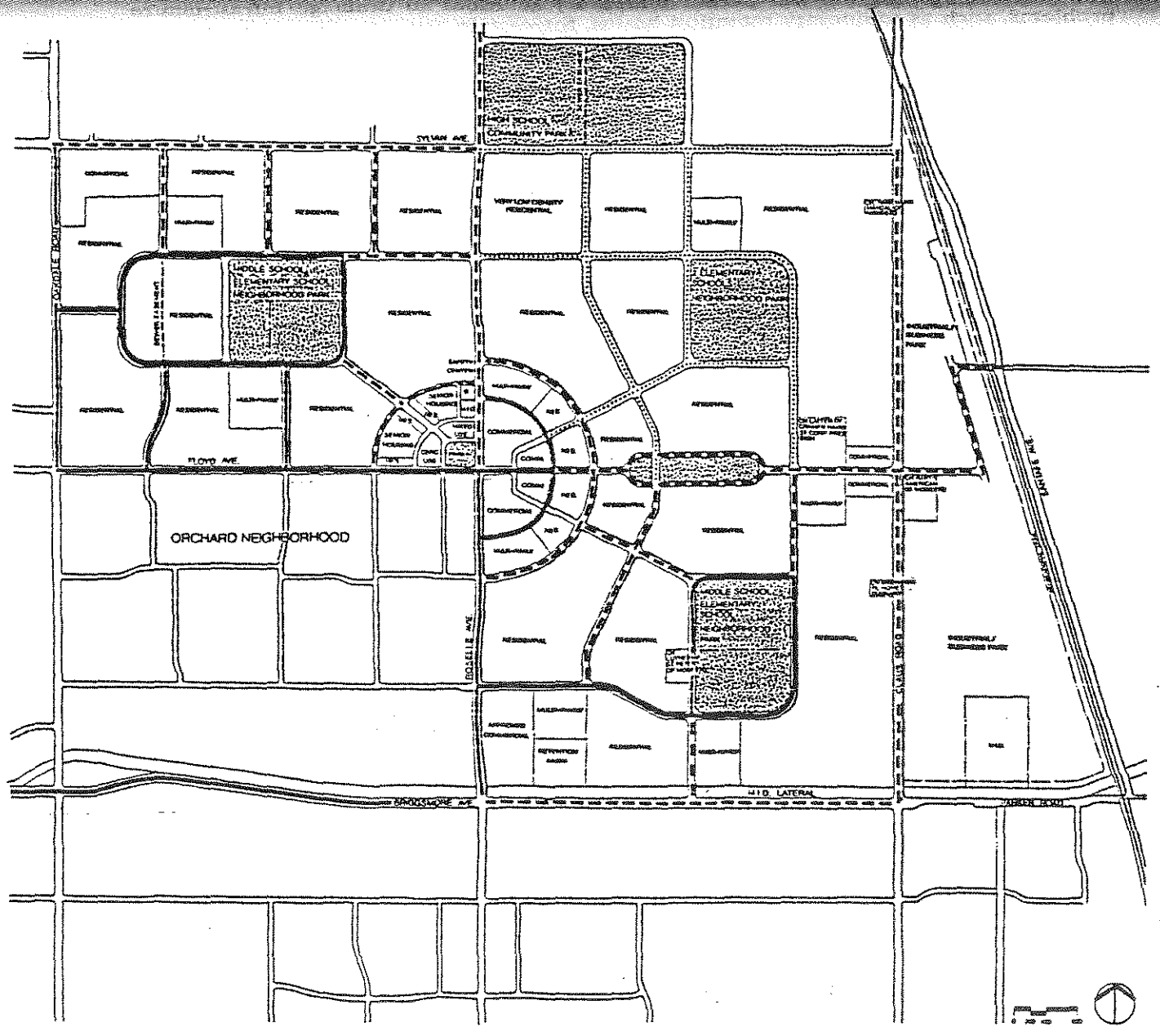
**Prepare a Master Facilities Plan comprised of detailed engineering design drawings and documents for all utilities necessary to develop the land uses identified in the Specific Plan.**

The engineering design for the water, sewer and storm drainage facilities, and the precise alignments of the major streets and roads, is necessary to allow for the preparation of the Precise Plans for each residential area, the Village Center and the Business Park. This work should begin immediately upon voter approval of the sewer line extension.

#### **POLICY 2**

**Prepare an infrastructure sequencing program that will allow orderly development throughout the Specific Plan area.**

The sequencing program will prioritize road, sewer, water and drainage and electrical facilities that must be in place prior to specific levels of development being permitted. The sequencing program will be consistent with the Traffic Circulation Phasing Map in the Circulation Element.



- Phase 1
- - - Phase 2
- ..... Phase 3

Figure 9.3  
Infrastructure Phasing Implementation

The sequencing program will permit temporary solutions to drainage infrastructure problems, such as temporary retention basins, for certain areas to allow development prior to the trunkline facilities serving the area.

### **POLICY 3**

Provide for flexibility in the sequencing program to permit specific areas to develop ahead of the basic sequencing program, if the developer advances the necessary infrastructure costs or constructs the facilities necessary to extend service to the area.

A reimbursement agreement should be included as part of the development agreement explaining the conditions under which the reimbursements are distributed.

## **Financing Objectives**

### **OBJECTIVE**

Establish a Financing Plan which identifies costs and provides for alternative funding methods for each of the public services and capital facilities necessary to serve the Specific Plan area.

### **POLICY 1**

Fund the full costs of the onsite and offsite public infrastructure and public services required to support development in Village One from revenues generated by development within Village One.

Property owners within Village One will be required to pay their fair share of the expressways, citywide circulation system improvements, local streets, neighborhood and community parks, water, sewer, storm drainage, schools and public services that are required to serve the area.

The Financing Plan will identify the specific revenue sources to pay for each of the infrastructure improvements and public services.

### **POLICY 2**

Allocate the backbone infrastructure costs to property within Village One based on general principles of benefit received, with consideration to the financial feasibility of the proposed land use.

The Financing Plan will describe a cost allocation methodology to distribute the cost of the infrastructure required to serve Village One to the benefiting land uses.

#### **POLICY 8**

Pay for the acquisition of dedicated property required for arterial roads that exceeds 25 percent of the gross acreage of any existing parcel. Acquire parcels that are left without an economic use as a result of the land dedication requirements.

Land dedications for public improvement development projects are typically 20 percent to 25 percent of gross acreage. In Village One, some of the smaller parcels may require dedications in excess of typical requirements due to the layout of the backbone infrastructure. This policy protects those parcels from a disproportionate share of the burden for land dedications.

The acquisition of property covered by this policy will be funded through the area of benefit charge, and the cost spread to all developable parcels in Village One.

Arterial roads are defined as Oakdale Road, Sylvan Avenue, Roselle Avenue, Floyd Avenue, Briggsmore Avenue, and Claus Road.

#### **POLICY 9**

Exempt owners of small parcels (less than 2-5 10 acres) who wish their property to remain in its present use from the cost of infrastructure required to develop the Specific Plan area until the owners develop the parcels according to the land uses assigned by the Land Use Element.

Parcels owners will be subject to charges for specific infrastructure items that provide direct benefit to their property, such as a sewer line.

These parcels owners will be required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the area of benefit charge.

### **IMPLEMENTATION PLAN**

#### **Enforcement of Precise Plans, Design Guidelines and Standards**

The enforcement of Precise Plans, design guidelines and standards will be the responsibility of the Planning and Community Development Department of the City of Modesto. Precise Plans, including CC&R's, shall be created for every residential neighborhood within the Specific Plan area as shown on the Regulatory Framework Map. The Precise Plans will be submitted by the property owners within the designated areas, and will contain the material in the section titled "Regulatory and Review Objectives."

The City will establish a design review procedure for Village One that will focus on building design and lot layouts to ensure attractive designs and appropriate transitions between residential areas.

### Long-Term Management of Facilities

**City of Modesto.** The City of Modesto will provide the majority of public services to the Specific Plan area, including: police, fire, parks, water, sewer, garbage collection, streets and roads, median landscaping, street lighting, storm drainage, and general government services.

**Lighting and Landscaping District.** A lighting and landscaping district will be formed to manage and fund pedestrian paths and trails installation and maintenance, park median landscaping installation and maintenance, landscape corridor installation and maintenance, ~~and~~ alley maintenance, and possibly the maintenance of mini-parks.

**Property Owners Association.** Property owners associations may be created in some neighborhoods to manage and fund park median landscaping installation and maintenance, landscape corridor installation and maintenance, ~~and~~ alley maintenance, and mini-park maintenance. when there are advantages over inclusion in the lighting and landscaping district.

**Sylvan Union School District.** This district will provide elementary schools to serve the Specific Plan area.

**Modesto City Schools.** This district will provide high schools to serve the Specific Plan area.

**Modesto Irrigation District.** This district will provide electric service to the Specific Plan area. The district will also maintain water lines to irrigate lands that remain in agricultural use.

**Pacific Gas and Electric.** PG&E will provide natural gas service to the Specific Plan area.

**Cable TV.** Post Newsweek will provide Cable TV service to the area.

**Garbage Collection.** Modesto Disposal will provide service to the Specific Plan area.

## PUBLIC SERVICES AND FACILITIES FINANCING PLAN

Development of the public infrastructure and facilities required to support Village One will occur in a variety of ways and methods. The general requirements for infrastructure and facilities, and the likely method of funding, are described in the following paragraphs. A detailed Public Services and Facilities Financing Plan shall be prepared and be made

## Schools

Development within the Specific Plan area will be required to mitigate the impact on the elementary and secondary schools. The school will be funded through a combination of AB 2926 development fees, local general obligation bonds, State School Building Program, and one or more Mello-Roos Community Facilities Districts. A school facilities Financing Plan will be included as part of the detailed Public Services and Facilities Financing Plan prepared for Village One and, for the high school, will include a pedestrian overcrossing over Sylvan.

## Pedestrian Paths and Trails

All pedestrian paths and trails within public street right-of-ways and public open space areas will be publicly owned and maintained. Pedestrian paths along public streets will be constructed in conjunction with the installation of those streets. Landscape maintenance within the public rights-of-way will be funded through a lighting and landscaping district or property owners association.

## Parks

Neighborhood, community and regional parks will be funded through the City of Modesto's Capital Facilities Fee Program. All development will be charged the fee at the time building permits are issued.

Residential pocket parks will be required in each single-family residential neighborhood. One-half acre of land will be required for each 150 single-family dwelling units. The park acreage will be dedicated by property owners within the Precise Plan area. Development of the pocket park facility will be funded as part of the in-tract subdivision costs and will be allocated to all developable properties within the Precise Plan area.

Park maintenance for neighborhood and community parks, to the extent that the costs exceed citywide standards, will be funded through the creation of a landscape and lighting district. ~~The landscape and lighting~~ This district will also fund the maintenance of the pocket parks. In Precise Plan areas where special features such as swimming pools, are built into the pocket parks, a property owners association may be formed to finance the maintenance of the pocket parks in place of the landscape and lighting district.

## Water, Sewer and Storm Drainage System

Except for certain major water, sewer and storm drainage trunk lines, construction of all water system infrastructure will proceed in conjunction with development of neighborhoods in the Specific Plan area.

leg of the Briggsmore Expressway; the east-west major streets of Sylvan Avenue, Floyd Avenue, and Parker Road; and the north-south major streets of Oakdale Road and Roselle Avenue. All of these important components of the circulation system are appropriately addressed in the Village One Specific Plan.

In addition, the General Plan addresses nonautomobile transportation modes such as transit (buses, future light rail) and bicycles. The Village One Specific Plan advances these objectives by reserving right-of-way for light rail (should the opportunity be available in the future), including bus turnouts and bus stops as an integral part of the area's circulation system planning, and including a Class I bike/pedestrian path along the eastern edge of the planning area consistent with the city's adopted Bicycle Plan.

Perhaps more important to the issue of transportation than infrastructure is the whole pedestrian-oriented design of Village One. This aspect of the Village One Specific Plan is reflected in the pedestrian-friendly design standards of the streets, location and design of the Village Center for day-to-day shopping, and convenient location of the schools and parks.

## Parks and Open Space

The General Plan establishes an overall standard of 3 acres of open space per 1,000 persons (2 acres for Elementary School playgrounds and Neighborhood Parks, and 1 acre for High School playfields and Community Parks), and provides size standards to accommodate active recreation facilities (e.g., ball fields, picnic areas, etc.). Largely due to the inclusion of some 30 acres of "mini-parks" planned for each neighborhood area to compensate for the village's higher densities, the Specific Plan clearly exceeds the General Plan's minimum park and open space standards. These, together with the other public open space areas planned for Village One (i.e., large median/park divider on Floyd Avenue, etc.), advance the General Plan's objective to use "originality and innovation in the design" of outdoor recreation and open space areas.

## Affordable Housing

The Housing Element of the General Plan identifies a wide range of housing problems, including a lack of affordable housing for Modesto's very low, low, and moderate income households. Affordable housing is by far Modesto's most pressing housing problem as its housing market becomes increasingly dominated by external forces. The City's Housing Element indicates that an estimated 60 percent of the 12,437 housing units identified as Modesto's Regional Housing Need between 1984 and 1989 are for those households earning below 120 percent of the local median. Limited financial resources are the principal constraint to achieving these objectives.

To address this issue without placing an unfair burden on Village One, the Specific Plan contains an Affordable Housing Program applicable to both Village One and, upon



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Savannah Jordan, Administrative Clerk II  
Ethel Ritchey, Administrative Clerk II

## AGENCIES/ORGANIZATIONS

Ecology Action Educational Institute  
G.O.A.L.  
Chamber of Commerce  
Building Industry Association  
League of Women Voters

#### **Below-market-rate (BMR) Housing Unit**

Any housing unit specifically priced to be sold or rented to low- or moderate-income households for an amount less than the fair-market value of the unit. The U.S. Department of Housing and Urban Development sets standards for determining which households qualify as "low income" or "moderate income."

#### **Benefit Assessment District**

An area within a public agency's boundaries which receives a special benefit from the construction of a public facility. A Benefit Assessment District has no legal life of its own and cannot act by itself. It enables property owners in a specific area to cause the construction of public facilities or to maintain them (for example, a downtown, or the grounds and landscaping of a specific area) by contributing their fair share of the construction and/or installation and operating costs.

#### **Bicycle Lane (Class II facility)**

A corridor expressly reserved for bicycles, existing on a street or roadway in addition to any lanes for use by motorized vehicles.

#### **Bicycle Path (Class I facility)**

A paved route not on a street or roadway and expressly reserved for bicycles traversing an otherwise unpaved area. Bicycle paths may parallel roads but typically are separated from them by landscaping.

#### **Bicycle Route (Class III facility)**

A facility shared with motorists and identified only by signs, a bicycle route has no pavement markings or lane stripes.

#### **Bikeways**

A term that encompasses bicycle lanes, bicycle paths, and bicycle routes.

#### **Buffer Zone**

An area of land separating two distinct land uses which acts to soften or mitigate the effects of one land use on the other.

#### **Building**

Any structure used or intended for supporting or sheltering any use or occupancy.

#### **Building, Maximum Height**

The vertical distance from the average contact ground level of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for a gable, hip, or gambrel roof.

ratios comparing number and types of housing units to land area, limits on units per acre, and other means. Allowable density often serves as the major distinction between residential districts.

**Design Review; Design Control**

The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design, architecture, materials, colors, lighting, and signs, in accordance with a set of adopted criteria and standards. "Design Control" requires that certain specific things be done and that other things not be done. Design Control language is most often found within a zoning ordinance. "Design Review" usually refers to a system set up outside of the zoning ordinance, whereby projects are reviewed against certain standards and criteria by a specially established design review board or committee.

**Developable Acres, Net**

The portion of a site which can be used for density calculations. Public or private road rights-of-way are not included in the net developable acreage of a site.

**Development**

The physical extension and/or construction of urban land uses. Development activities include: subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetation cover (with the exception of agricultural activities). Routine repair and maintenance activities are exempted.

**Dwelling Unit**

A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), which constitutes an independent housekeeping unit, occupied or intended for occupancy by one family on a long-term basis.

**Easement**

Usually the right to use property owned by another for specific purposes. For example, utility companies often have easements on the private property of individuals to be able to install and maintain utility facilities.

**Elderly Housing**

Typically one- and two-bedroom apartments designed to meet the needs of persons 62 years of age and older, and restricted to occupancy by them.

**Endangered Species**

A species of animal or plant is considered to be endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes.

### Groundwater Recharge

The natural process of infiltration and percolation of rainwater from land areas or streams through permeable soils into waterholding rocks which provide underground storage ("aquifers").

### Growth Management

The use by a community of a wide range of techniques in combination to determine the amount, type, and rate of growth desired by the community and to channel that growth into designated areas. Growth management policies can be implemented through growth rates, zoning, capital improvement programs, public facilities ordinances, urban limit lines, and other programs.

### Guidelines

General statements of policy direction around which specific details may be later established.

### Household

All those persons—related or unrelated—who occupy a single housing unit. (See "Family".)

### Households, Number of

The count of all year-round housing units occupied by one or more persons. The concept of *household* is important because the formation of new households generates the demand for housing. Each new household formed creates the need for one additional housing unit or requires that one existing housing unit be shared by two households. Thus, household formation can continue to take place even without an increase in population, thereby increasing the demand for housing.

### Impact

Effect of any direct man-made actions or indirect repercussions of man-made actions on existing physical, social, or economic conditions.

### Impact Fees

Fees levied on the developer of a project by the City as compensation for otherwise-unmitigated impacts the project will produce.

### Implementation

Actions, procedures, programs, or techniques that carry out policies.

### Infrastructure

Public services and facilities, such as sewage-disposal systems, water-supply systems, other utility systems, and roads.

### **Parkway Strip**

A piece of land located between the rear of a curb and the front of a sidewalk, usually used for planting low ground cover and/or street trees, also known as "planter strip."

### **Policy**

A specific statement of principle or of guiding actions which implies clear commitment. A general direction that a governmental agency sets to follow, in order to meet its goals and objectives before undertaking an action program.

### **Public and Quasi-public Facilities**

Institutional, academic, governmental and community service uses, either publicly owned or operated by non-profit organizations.

### **Rare or Endangered Species**

A species of animal or plant listed in: Sections 670.2 or 670.5, Title 14, California Administrative Code; or Title 50, Code of Federal Regulations, Section 17.11 or Section 17.2, pursuant to the Federal Endangered Species Act designating species as rare, threatened, or endangered.

### **Recycle**

The process of extraction and reuse of materials from waste products.

### **Residential, Multiple Family**

Five or more dwelling units on a single site, which may be in the same or separate buildings.

### **Residential, Single-Family**

A single dwelling unit on a building site (may be attached or detached).

### **Right-of-way**

The strip of land over which certain transportation and public use facilities are built, such as roadways, railroads, and utility lines.

### **Runoff**

That portion of rain or snow which does not percolate into the ground and is discharged into streams instead.

### **Sign**

Any representation (written or pictorial) used to identify, announce, or otherwise direct attention to a business, profession, commodity, service, or entertainment, and placed on, suspended from, or in any way attached to, any structure, vehicle, or feature of the natural or manmade landscape.

### Major Streets

Major streets are moderate to high volume streets that provide greater access from adjacent local streets and neighborhoods. They can provide for bicycles, pedestrians and transit, as well as vehicles.

### Minipark

Small neighborhood park of approximately one acre or less.

### Mixed-use

Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building.

### Multiple Family Building

A detached building designed and used exclusively as a dwelling by three or more families occupying separate suites.

### Neighborhood Connectors

Neighborhood connectors are low volume streets which provide a link between the major activity centers with the Village.

### Neighborhood Park

City-owned land intended to serve the recreation needs of people living or working within one-half mile radius of the park.

### Neighborhood Streets

Neighborhood streets provide access from specific neighborhoods to neighborhood connectors.

### Noise

Any sound which is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying. Noise, simply, is "unwanted sound."

### Objective

A specific statement of desired future condition toward which the City will expend effort in the context of striving to achieve a broader goal. An objective should be achievable and, where possible, should be measurable and time-specific.

### Office

General business offices, medical and professional offices, administrative or headquarters offices for large wholesaling or manufacturing operations, and research and development.

### Solid Waste

General category that includes organic wastes, paper products, metals, glass, plastics, cloth, brick, rock, soil, leather, rubber, yard wastes, and wood. Organic wastes and paper products comprise about 75 percent of typical urban solid waste.

### Specific Plan

A specific plan is a legal tool for detailed design and implementation of a defined portion of the area covered by a General Plan. A specific plan may include all detailed regulations, conditions, programs, and/or proposed legislation which may be necessary or convenient for the systematic implementation of any General Plan element(s).

### Sphere of Influence

The probable ultimate physical boundaries and service area of a local agency (city or district) as determined by the Local Agency Formation Commission (LAFCo) of the County.

### Streets, Major

The transportation network which includes a hierarchy of freeways, arterials, and collectors to service through traffic.

### Streets, Minor

Local streets not shown on the Circulation Plan, Map, or Diagram, whose primary intended purpose is to provide access to fronting properties.

### Transit

The conveyance of persons or goods from one place to another by means of a local, public transportation system.

### Trees, Street

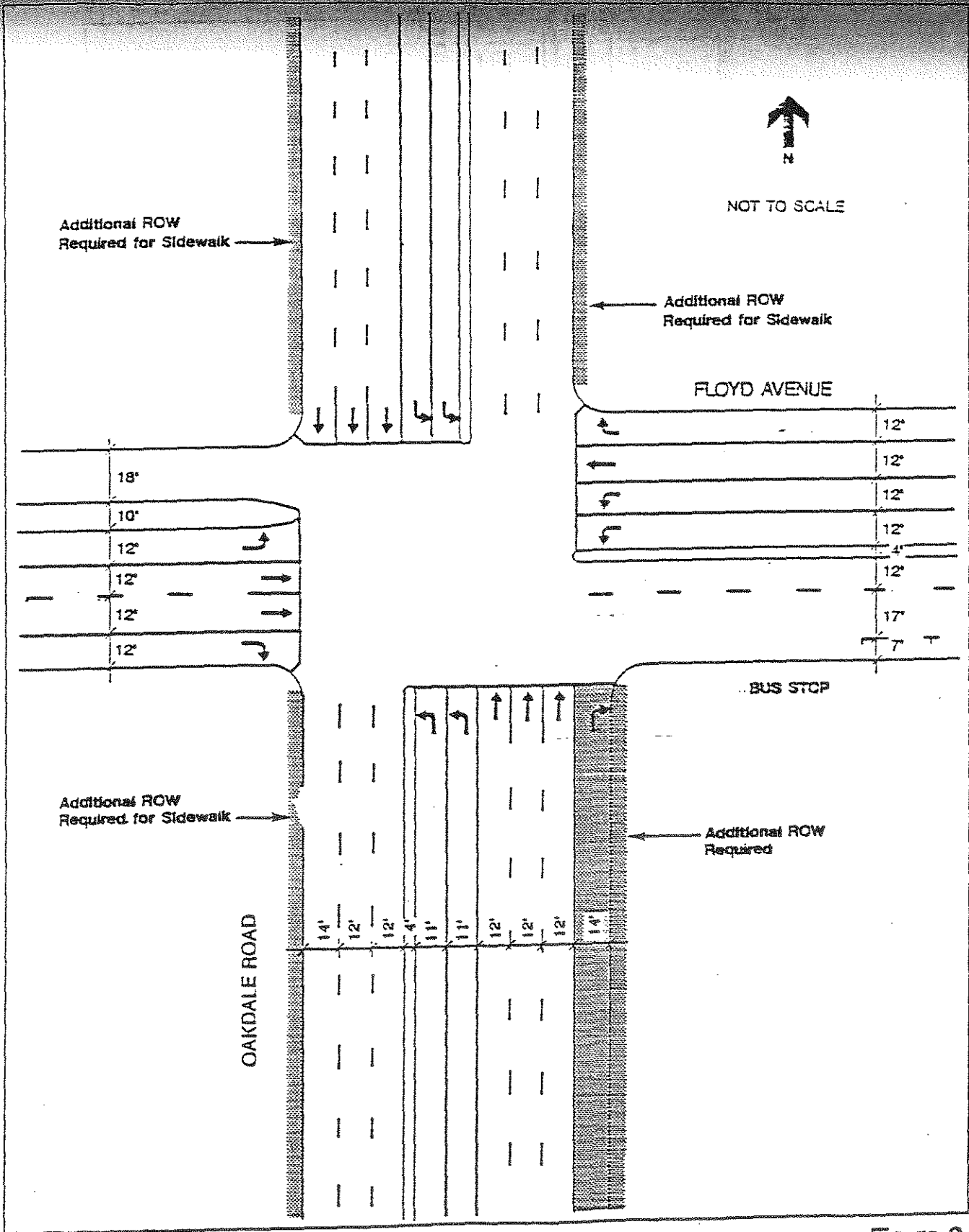
Trees strategically planted—usually in parkway strips, medians, or along streets—to enhance the visual quality of a street.

### Urban Design

The attempt to give form, in terms of both beauty and function, to selected urban areas or to whole cities. Urban design is concerned with the location, mass, and design of various urban components and combines elements of urban planning, architecture, and landscape architecture.

### Very Low-income Household

Very low income households are those earning less than 50% of the County median income by household size, as determined by a survey of incomes conducted by the City or by the County, or in the absence of such a survey, based on the latest available findings for the County as provided by the U.S. Department of Housing and Urban Development (HUD).



Karve Engineering, Inc.

Figure 2

INTERSECTION BUILD-OUT SCHEMATIC  
OAKDALE/FLOYD

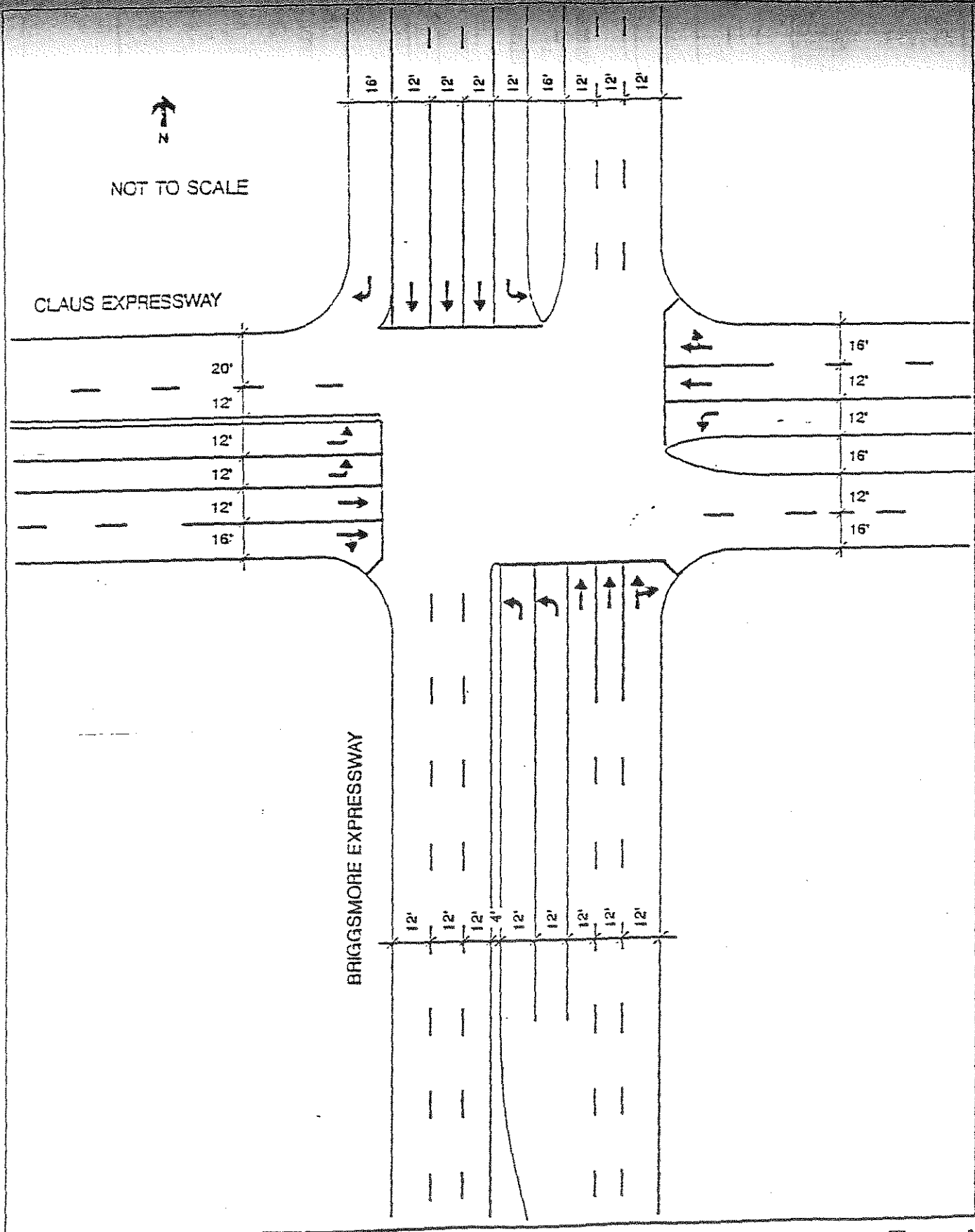
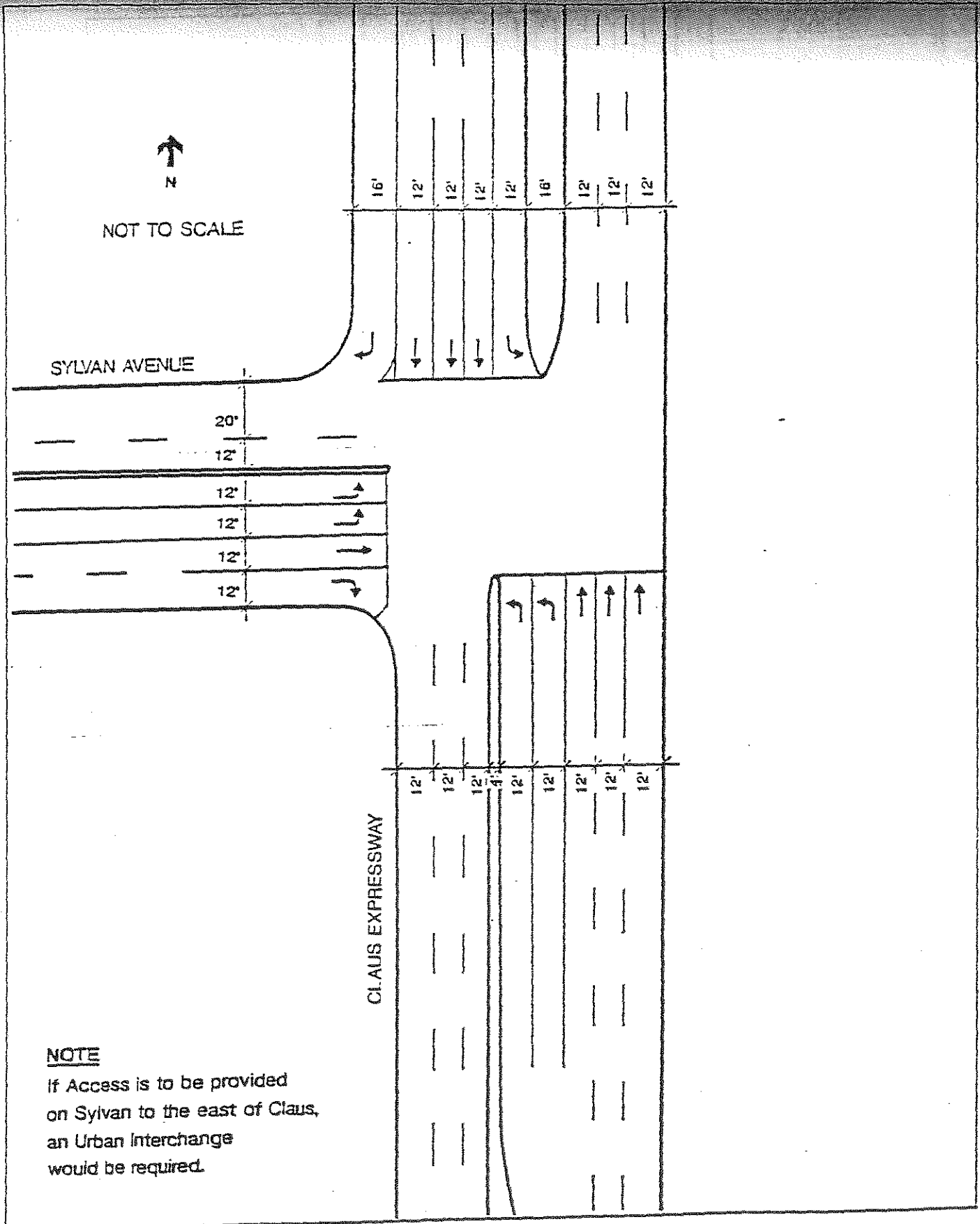
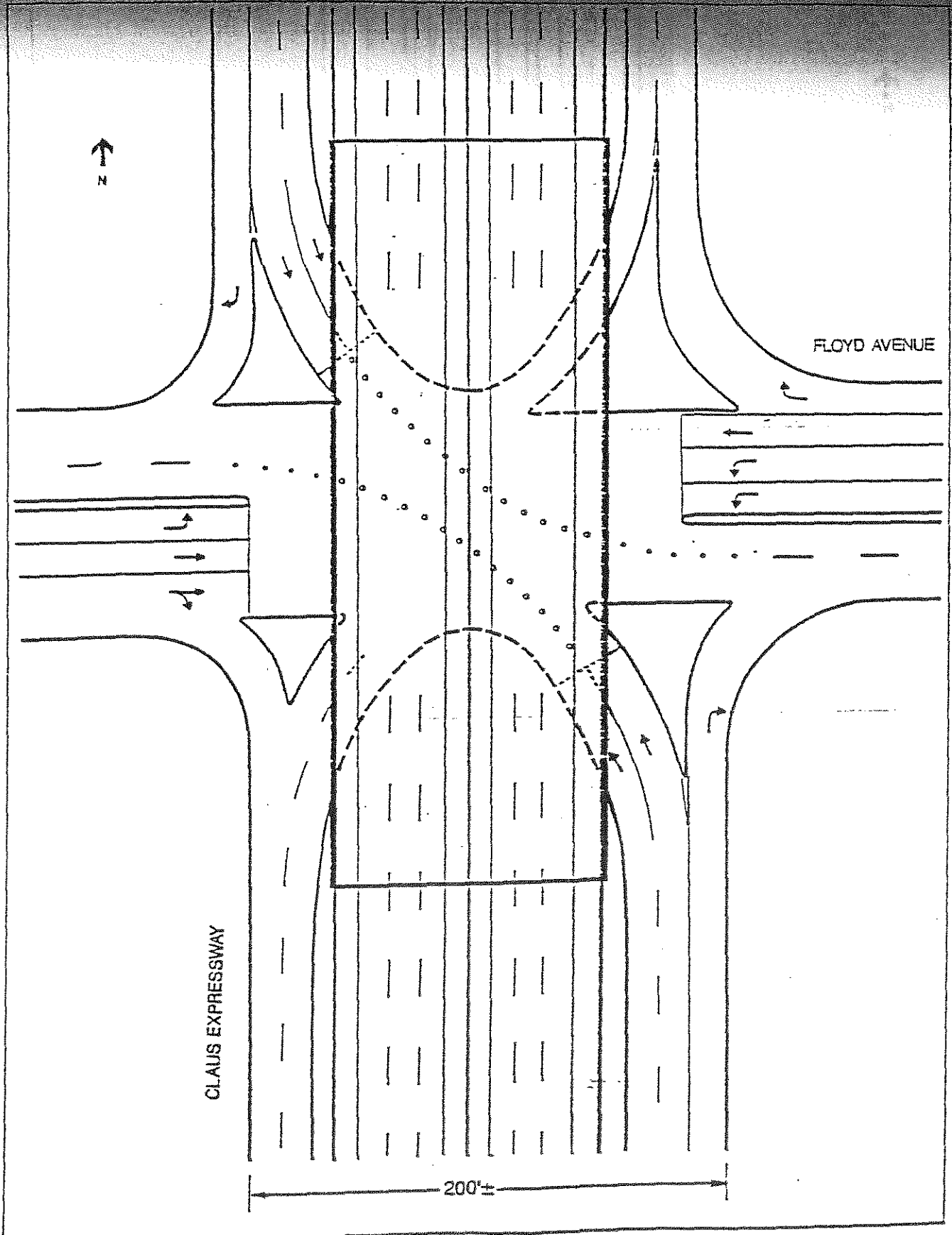


Figure 4  
 INTERSECTION BUILD-OUT SCHEMATIC  
 CLAUS/BRIGGSMORE



**NOTE**

If Access is to be provided on Sylvan to the east of Claus, an Urban Interchange would be required.



4.3.3(a) Implementation of mitigation measures contained in the Community Design Element of the Specific Plan (Chapter 7) would reduce this impact to a less-than-significant level.

#### 4.4 TRAFFIC & CIRCULATION

##### Daily Traffic Impacts Existing and Phase 1

###### Mitigation Measures

4.4.1 Widening of Standiford Avenue from two lanes to four lanes is the suggested mitigation. Since this condition is an existing deficiency, the widening of Standiford between Dale and Prescott is not considered a project mitigation and will be funded separately as an FAU project by the City of Modesto.

##### Peak Hour Impacts - Phase 1

###### Mitigation Measures

###### Roadway Segment Improvements:

4.4.2(a) Widening of Oakdale Road on the north and south approaches to the Briggsmore Expressway to provide six through lanes.

4.4.2(b) Widening of the Briggsmore Expressway to provide six through lanes on the east and west approaches at Oakdale Road and four through lanes from the east approach at Oakdale Road to Claus Road.

4.4.2(c) Widening of Claus Road on the north and south approaches to the Briggsmore Expressway to four lanes.

4.4.2(d) Widening of Roselle Avenue from the Briggsmore Expressway to Sylvan Avenue to provide four through lanes.

4.4.2(e) Widening of Sylvan Avenue from Oakdale Road to Claus Road to provide four through lanes.

###### Intersection Improvements:

4.4.2(f) Widening of the eastbound and westbound approaches of the Briggsmore/Oakdale intersection. This would provide a second left-turn lane in the eastbound and westbound directions.

4.4.2(g) Widening of the eastbound, southbound, and westbound approaches of the Briggsmore/Roselle intersection. This would provide two exclusive eastbound left-turn lanes, and an exclusive southbound right-turn lane.

4.4.2(h) Widening of the northbound, southbound, and westbound approaches of the Oakdale/Floyd intersection. This would provide a second northbound left-turn lane, a second southbound left-turn lane, and a second westbound left-turn lane.

4.4.2(i) Widening of the eastbound approach of the Oakdale/Sylvan intersection. This would provide an exclusive eastbound right-turn lane.

4.4.2(j) The provision of left turn lanes on all four approaches of the Sylvan/Roselle intersection is designated in the Draft Specific Plan. In addition, widening of the northbound approach of the Sylvan/Roselle intersection is recommended. This would provide a second northbound left-turn lane.

4.4.2(k) The provision of left turn lanes on all four approaches of the Floyd/Roselle intersection is designated in the Draft Specific Plan. In addition, widening of the eastbound and westbound approaches of the Floyd/Roselle intersection. This would provide an exclusive eastbound and westbound right-turn lane.

### Transit Impacts - Phase 1

#### Mitigation Measures

4.4.3 Expand transit service to serve the Village One Specific Plan area.

#### Year 2010 Without Village One-Peak Hour Impacts

#### Mitigation Measures

4.4.4(a) None identified.

#### Programmed Mitigation Measures

4.4.4(b) Widening of Oakdale Road from north of the Briggsmore Expressway to south of Sylvan to provide six through lanes. The widening of Oakdale Road between the Briggsmore Expressway and Merle is funded through an assessment district. Any additional widening along Oakdale Road would be conducted by individual property owners as projects are developed. Any widening by property owners would be in accordance with the city's major street standards, which now require only 100 feet of right-of-way for a four-lane major street. If a six-lane street section is adopted for Oakdale Road, an additional 24 feet of right-of-way would be required.

4.4.4(c) Widening of the north and south approaches of the Briggsmore/Roselle intersection. This would provide a second through lane in the northbound and southbound directions. This section of Roselle, south of Briggsmore, has sufficient width to provide for a five-lane section (two through lanes in each direction and northbound left-turn lane) as suggested. This mitigation measure would require additional signage and pavement striping.

4.4.4(d) Widening of the east approach of the Briggsmore/Claus intersection. This would provide a second through lane in the eastbound and westbound direction. The widening of the Briggsmore Expressway from two to four lanes, between Roselle Avenue and Claus Road, is included in the Capital Facilities Fee program.

### Cumulative Daily Traffic Impacts

#### Mitigation Measures

Implementation of Mitigation Measures 4.4.4(a) through 4.4.4(d) above and shown on Figure 21 would reduce these cumulative impacts to a less-than-significant level.

### Cumulative Peak Hour Impacts

#### Mitigation Measures

#### Roadway Segment Improvements:

4.4.7(a) Widening of Oakdale Road on the north and south approaches to Sylvan Avenue to provide six through lanes.

4.4.7(b) Widening of the Briggsmore Expressway from Oakdale Road to Roselle Avenue to provide six through lanes.

4.4.7(c) Widening of Oakdale Road from Sylvan Avenue to Pelandale to provide six through lanes.

#### Intersection Improvements:

4.4.7(d) Widening Claus Road from Briggsmore to Sylvan to six through lanes.

4.4.7(e) Widening of the northbound and eastbound approaches of the Briggsmore/Claus intersection. This would provide a second left-turn lane in the northbound and eastbound directions.

4.4.7(f) Widening of the northbound approach of the Briggsmore/Roselle intersection. This would provide an exclusive right-turn lane in the northbound direction.

Mitigation Measures

4.6.2 All single- and multi-family housing located within 400 feet of the railroad tracks shall be reviewed to ensure that the designs would result in maximum A-weighted indoor noise levels not exceeding 50 dBA as railroad trains pass by. The designs for the housing shall be reviewed by a qualified acoustical engineer and the necessary noise control treatment incorporated into the designs. All such units shall be provided with forced-air conditioning and heating systems so that windows may be kept closed at the discretion of the occupants for noise control. Additional noise control treatments could include sound rated windows and doors. This information shall be included in the acoustical reports required above.

Construction Noise Impacts

4.6.6(a) Noise-generating construction equipment, including truck traffic coming to and from the site for any purpose, should be limited to the hours of 7:00 AM to 7:00 PM per the Modesto Municipal Code. Trucks should be restricted to Briggsmore, Claus, Oakdale, and Sylvan. Furthermore, no individual piece of equipment shall produce a noise level exceeding 85 dBA at any point outside the boundaries of the project.

4.6.6(b) All construction equipment powered by internal combustion engines should be properly muffled and maintained.

4.6.6(c) All stationary noise-generating construction equipment, such as air compressors, should be located as far as practical from existing residents. Such equipment should be acoustically shielded where possible using wooden screens or other available barriers such as construction trailers. "Quiet" construction equipment, particularly air compressors, shall be selected whenever possible. The prudent selection of such equipment, along with the use of proper mufflers, should result in maximum construction-related noise generated by a particular piece of equipment of no more than 85 dBA when measured at a distance of 50 feet from a piece of equipment operating at its noisiest mode.

4.7 GEOLOGY AND SOILS

Other Geological Hazards - Expansive Soils

Mitigation Measures

4.7.2 The significant effects of expansive soils can be controlled by recognition of the condition and appropriate design. Detailed site specific soil and foundation investigations should be performed by a registered Civil Engineer practicing in Geotechnical Engineering to evaluate soil conditions and develop design mitigation

for expansive soils in accordance with California's 1978 Uniform Building Code adopted by the City of Modesto.

Other Geologic Hazards - Hardpan

Mitigation Measure

4.7.4 Limitations on landscaping created by shallow soils, and underlying hardpan can be reduced through overexcavation or ripping of areas to be landscaped to a depth adequate for plant survival followed by the importation of topsoil and the use of drought-tolerant or shallow-rooted landscaping. If soils are high in salinity (as is the case with dairy operations, and irrigated agricultural) following overexcavation or ripping of the hardpan, gypsum can be added to chemically modify the hardpan soils to reduce impacts.

4.8 HYDROLOGY

Drainage Impacts

Mitigation Measures

4.8.3(a) Implement the proposed positive drainage facilities plan for the project area.

Water Quality

Mitigation Measures

4.8.4(a) Implement stormwater retention basin to collect flows and allow for percolation through the soil profile into the groundwater table.

Maintaining stormwater flows on site and allowing for groundwater recharge would prevent the need for discharge into any surface water avoiding potential stormwater treatment.

Pure-Gro - Water Quality

Mitigation Measures

4.8.6(a) If contamination is identified while the plant is in operation, the appropriate agencies (including but not limited to the County, RWQCB and the State Department of Health Services) shall be notified by the site owners to help determine the proper remediation activities in accordance with all applicable federal, state and local regulations.

If contamination were to be identified during the operating life of the plant, appropriate remediation activities would be required to mitigate the potential impacts in the proposed project area, including impacts to human health.

4.8.6(b) Should the facility be closed to accommodate proposed development planned for the site, a Phase I site assessment shall be implemented by project developers to identify the potential for any contamination on the site. Based on the results of the Phase I investigation, further studies may be required by the developer to further quantify the extent of any identified potential for contamination. All studies would be required to be in compliance with applicable federal state and local regulations.

Prior to redevelopment of the Pure-Gro facility the appropriate investigations should be performed to attempt to identify any potential contamination on the site which could affect human health and the environment.

#### 4.9 VEGETATION AND WILDLIFE

##### Destruction and Disruption of Raptor Nests

##### Mitigation Measures

4.9.1 Prior to development, breeding season surveys will be conducted by a qualified biologist to determine the presence or absence of active raptor nests. This will include, but not be limited to, a survey for tree twig nests, tree cavity nests, ground nests, and burrow nests that may be used by raptors.

All identified raptor nest sites on the site will be designated to be avoided during their breeding cycle. The breeding cycle begins with nest building and ends with the fledging of young. Additionally, disruption to the nest sites and the surrounding foraging habitat will also be avoided.

##### Impacts to Wetlands

##### Mitigation Measures

4.9.4 Project-specific wetland delineations, to determine the existence and extent of COE or DFG jurisdictional wetlands, will be conducted by a qualified biologist utilizing the methodology outlined in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Unified Federal Method). The wetland delineation will be submitted to COE for verification.

Prior to the start of any construction activities that affect any delineated wetlands, the acquisition of appropriate COE permit(s) will be required. Additionally, the

development and implementation of a mitigation plan will be required to ensure that no net loss of wetlands occurs.

If construction or other activities will result in impacts to the bed, channel, or bank of a river, stream, lake, or riparian/streambed corridor (the riparian corridor extends as far as the 100-year floodplain), then the acquisition of a DFG Streambed Alteration Agreement will be required.

Cumulative Loss of Wildlife Habitat Values and Acres

Mitigation Measures

4.9.5 The City of Modesto will develop and implement a citywide wildlife 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.

Cumulative Loss of Foraging Habitat for Raptors

Mitigation Measures

Implementation of Mitigation Measure 4.9.5 would reduce this impact to a less-than-significant level.

4.10 PUBLIC SERVICE AND UTILITIES

Fire Service Impacts

Mitigation Measures

4.10.1 A Safety Center will be constructed as part of the Modesto Village One project. The Safety Center will house a fire station and a police substation.

Cumulative Fire Services Impact

Mitigation Measures

4.10.2 The City should consider adopting a mitigation fund to offset cumulative impacts on fire protection and other public services. Project developers would be required to contribute to that fund in proportion with the sizes of approved projects.

4.4.7(g) Widening of the northbound and southbound approach of the Oakdale/Syloan intersection. This would provide a second left-turn lane in the northbound and southbound directions as well as an exclusive right-turn lane in the southbound direction.

4.4.7(h) Widening of northbound, southbound and westbound approaches of the Floyd/Roselle intersection. This would provide a second through lane in each direction on the westbound approach as well as an exclusive right-turn lane on the northbound and southbound approaches.

4.4.7(i) Widening of the eastbound westbound and southbound approaches of the Syloan/Roselle intersection. This would provide an exclusive right-turn lane on the eastbound and westbound approaches, as well as an exclusive right-turn lane on the southbound approach.

4.4.7(j) Widening of the southbound northbound and westbound approaches of the Floyd/Claus intersection. This would provide a second left-turn lane on the southbound and northbound approaches an exclusive right-turn lane on the southbound approach a second left-turn lane on the westbound approach and an exclusive right-turn lane on the westbound approach.

4.4.7(k) Realignment of the Syloan/Claus intersection to provide for a connection to the Kiernan-Claribel Expressway. This would involve the construction of a fourth leg on the east side of the intersection with a separate left-turn and through lane. Additional widening would be required on the northbound southbound and eastbound approaches. This would provide a second northbound left-turn lane an exclusive southbound left-turn lane and a second eastbound left-turn lane.

4.4.7(l) None required.

4.4.7(m) Widening of Roselle Avenue on the north and south approaches to Syloan Avenue to provide four through lanes.

4.4.7(n) Widening of the eastbound and northbound approaches of the Oakdale/Floyd intersection. This would provide an exclusive right-turn on the eastbound and northbound approaches.

4.4.7(o) Widening of the northbound and southbound approaches of the Oakdale/Briggsmore intersection. This would provide a second left-turn lane in the northbound and southbound direction.

Buildout Transit Impacts

Mitigation Measures

4.4.3 Develop additional transit routes as shown in the Specific Plan to serve the Village One Specific Plan area.

#### 4.5 CLIMATE AND AIR QUALITY

##### Construction Impacts

##### Mitigation Measures

4.5.1(a) Require watering of exposed earth surfaces at least twice daily during clearing, grading, earthmoving, and other site preparation activities.

4.5.1(b) Use tarpaulins or other effective covers for haul trucks which travel on public streets.

4.5.1(c) All clearing, grading, earth moving, and excavation activities should cease during periods of high winds (i.e. greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust from being generated.

4.5.1(d) Face masks should be used by all employees involved in grading or excavation operations during dry periods to reduce inhalation of dust which may contain the fungus which causes San Joaquin Valley Fever.

4.5.1(e) The area disturbed clearing, grading, earth moving or excavation operations should be minimized so as to prevent excessive amount of dust.

4.5.1(f) All inactive portions of construction sites should be seeded and watered until ground cover has been reestablished.

4.5.1(g) Vehicle speed should be limited to 15 mph in unpaved areas.

4.5.1(h) Use of petroleum-based dust palliatives shall meet the road oil requirements of Stanislaus County APCD Rule 409.5, Cutback Asphalt.

4.5.1(i) Streets which are adjacent to the project shall be swept as needed to remove silt which may have accumulated from construction activities so as to prevent excessive amounts of dust.

##### Decreased Regional Air Quality

##### Mitigation Measures

4.5.2 Implement Specific Plan policies encouraging pedestrian transportation in order to reduce vehicle trips within Village One.

## Cumulative Air Quality Impacts

### Mitigation Measures

4.5.3(a) Implement Specific Plan policies encouraging pedestrian transportation in order to reduce vehicle trips within Village One.

4.5.3(b) Employers located within the Village One Specific Plan area should be required to provide transit incentives, such as bus passes, should limit the amount of employee parking; employers should charge for employee parking to encourage ridesharing and alternative modes of transportation.

4.5.3(c) All fireplaces and wood stoves in residential units shall be equipped with EPA-approved inserts to control emissions.

## 4.6 NOISE

### Noise and Land Use Compatibility-Traffic

#### Mitigation Measures

4.6.1(a) Seven-foot walls are proposed for by the Specific Plan for Claus and Oakdale where residential areas will back up onto those streets.

4.6.1(b) As a general guideline, a 6- to 8-foot high soundwall should be required to provide the 5 dBA of noise reduction necessary at the 70 dBA contour distance.

A noise barrier could be an earth berm, an earth berm with a solid wood soundwall. To be effective as a noise barrier, the wall must have a minimum surface weight of 3 to 4 pounds per square foot and be constructed airtight over the face and at the base of the wall.

4.6.1(c) All multifamily housing located within the 65 dBA Ldn contour distance shall be designed such that the indoor Ldn, shall not exceed 45 dBA. The designs for the housing shall be reviewed by a qualified acoustical engineer and the necessary noise control treatments incorporated into the designs. All such units shall be provided with forced-air conditioning and heating systems so that windows may be kept closed at the discretion of the occupants for noise control. Additional noise control treatments could include sound rated windows and doors. A report shall be prepared following the requirements of Title 24, Part 2, of the California Administrative Code for all multi-family housing within the 60 dBA contour distances. A similar report shall be provided for single-family housing to the City of Modesto when located within the 65 dBA contour..

### Noise and Land Use Compatibility - ATSF Railroad

### Police Services Impacts

#### Mitigation Measures

4.10.3 A Safety Center will be constructed as part of the Modesto Village One project. The Safety Center will house a police substation with appropriate staffing to serve the Village One Specific Plan population.

### Cumulative Police Services Impact

#### Mitigation Measures

4.10.4 The City should consider adopting a mitigation fund to offset cumulative impacts on police protection and other public services. Project developers would be required to contribute to that fund in proportion with the sizes of approved projects.

### Cumulative Solid Waste Impacts

#### Mitigation Measures

4.10.6(a) Negotiate contracts with the City's refuse disposal contractors to implement curbside recycling programs for newspaper, glass, and organic materials.

4.10.6(b) Require on-site drop-off areas for recycling in commercial/retail, office and multifamily residential developments

### Cumulative Parks and Recreation Services

#### Mitigation Measures

4.10.8 Developers will pay Parks Capital Facilities Fees which are based on meeting the General Plan park standards for cumulative development.

### Water Supply Impacts

#### Mitigation Measures

4.10.9(a) New water sources shall meet or exceed the California Department of Health Services Title 22 regulations for water quality.

4.10.9(b) The use of City water supplies for commercial agricultural uses shall be prohibited.

4.10.9(c) New wells shall be sited and be of sufficient size to accommodate areas of approximately one square mile.

4.10.9(d) Prior to design and construction of water transmission lines, the Public Works Department shall be consulted regarding potential expansion of the water system and alternative sources of water.

4.10.9(e) New development shall meet fire flow requirements as established by the Fire and Public Works Department.

4.10.9(f) All main transmission lines shall be looped and lines of lesser diameter shall be looped to the extent feasible.

4.10.9(g) The use of drought-resistant plants shall be required in conjunction with public streets and rights-of-way to reduce water needs.

4.10.9(h) New developments shall be required to minimize water consumption by using low-flow showerheads and faucets, and the principles of xeriscape in landscape plantings.

4.10.9(i) All new water connections shall be metered, excluding those connections designed solely for the purpose of fire protection.

4.10.9(j) 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.

4.10.9(l) To reduce overdraft of groundwater supplies and reduce the future potential for unnecessary treatment of water supplies, the Village One Specific Plan area will use a separate water system for irrigation of median strips and larger open-space areas. As storage facility will be located within a portion of the storm drainage basin.

### Cumulative Water Supply Impacts

#### Mitigation Measures

4.10.10 Mitigation Measures 4.10.9(a) through 4.4.10.9(l) will reduce this impact to a less-than-significant Level

### Wastewater Impacts

#### Mitigation Measures

4.10.11(a) The Lakewood and Sonoma trunklines shall be extended northerly through the site to Sylvan Avenue.

4.10.11(b) The storm drainage system shall not be cross-connected to the sanitary sewer system.

4.10.11(c) One pump station shall be required to serve the northerly portion of the business park area located east of Claus Road.

4.10.11(d) Necessary sewer conduits shall be extended across the entire frontage of a developing area.

4.10.11(e) To the extent possible, the sewer system shall use gravity systems.

4.10.11(f) Developers of land shall be responsible for the extension of collection lines not specifically funded by the Capital Improvement Program for the Village One area.

4.10.11(g) Curved sewer collection lines shall meet manufacturer's recommendations for minimum radii and as otherwise determined by the Public Works Department.

#### Cumulative Wastewater Impacts

##### Mitigation Measures

4.10.12(a) The storm drainage system for new development shall not be cross-connected to the sanitary sewer system.

4.10.12(b) Necessary sewer conduits shall be extended across the entire frontage of a developing area.

4.10.12(c) To the extent possible, the sewer system shall use gravity systems.

4.10.12(d) Curved sewer collection lines shall meet manufacturer's recommendations for minimum radii and as otherwise determined by the Public Works Department.

#### Cumulative School Impacts

##### Mitigation Measures

4.10.13(a) Developers in future villages shall finance school facilities necessary to accommodate new students.

4.10.13(b) Developers shall notify the School Districts as far in advance as possible of specific building plans. This would allow enough lead time for the District to begin application for any relevant funding sources and to coordinate facility expansion/construction, if possible.

## 4.11 FISCAL IMPACTS

### Fiscal Impacts

### Mitigation Measures

4.11.1 Development of the Specific Plan would have a significant impact on the City budget. To mitigate this impact, the City should consider establishing a special district to help finance some of the operating costs associated with the Specific Plan. Such a district could be established to help fund specific services (such as police services) or ongoing maintenance costs (such as parks, street trees, or street maintenance) that have been identified in the fiscal analysis as major City expenditures associated with the project.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-829

A RESOLUTION ESTABLISHING A SEWER LATERAL CONNECTION FEE  
AND RESCINDING RESOLUTION NO. 89-1229.

WHEREAS, Section 5-6.10 of the Modesto Municipal Code, provides that the Council may establish by resolution a sewer lateral connection fee for property that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer, and

WHEREAS, the basis for the sewer lateral connection fee is to collect equally from each property served by an existing sewer lateral, and

WHEREAS, City staff has recommended an increase in the sewer lateral connection fee to reflect increased construction costs, and

WHEREAS, the Council held a public hearing at its regular meeting on October 16, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that any property connecting to the City sewage system that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer shall pay to the City a fee of \$13.50 per linear foot of property frontage.

BE IT FURTHER RESOLVED that Resolution No. 89-1229 adopted by the Council on December 26, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become effective on an after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-830

A RESOLUTION FIXING CERTAIN RATES FOR SUPPLYING WATER AND  
STAND-BY SERVICE TO THE COUNTY OF STANISLAUS AND  
RESCINDING RESOLUTION NO. 89-1133.

WHEREAS, the County of Stanislaus, a political subdivision of the  
State of California, maintains in said County a County Hospital, and

WHEREAS, water is used in large quantities at said Hospital, which  
water is ordinarily supplied from water pumps or plants owned and operated by  
said County, and

WHEREAS, in event that the said plants owned and/or operated by said  
County should break down or for some reason become incapable of operation, it  
will be necessary for said County to secure water from some other source to  
supply said Hospital, and

WHEREAS, to insure a ready supply of water at all times it becomes  
necessary to have a supply in readiness at all times, which readiness to  
supply water at all times is hereinafter referred to as stand-by service, and

WHEREAS, the City of Modesto, a municipal corporation of Stanislaus  
County, California, is possessed of a supply of water and can furnish water to  
said County for the use of said Hospital and can likewise furnish stand-by  
service for the same, and

WHEREAS, the said County desires said City to furnish water for said  
Hospital when the same may be needed and to likewise furnish stand-by service  
for the same, and

WHEREAS, Section 11-1.08 of the Municipal Code authorizes the  
Council to establish by resolution the rate to be charged for providing water  
services to governmental agencies,

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that stand-by water service be supplied by the said City of Modesto for the said County Hospital for the sum of \$25.75 bi-monthly, payable whether any water belonging to the City of Modesto is used at said Hospital or not. In the event said City does furnish water for said County Hospital, said water shall be so furnished at the rate of \$8.00 per day or fraction thereof, in addition to the stand-by charge stated above.

BE IT FURTHER RESOLVED that in the event the said County desires the services of said City as aforesaid, all requests for the same shall be directed to the office of the Public Works and Transportation Director of said City of Modesto between the hours of 8:00 a.m. and 5:00 p.m. on all working days and to the City of Modesto Pump Control Station, telephone number 577-5325, at all other hours.

BE IT FURTHER RESOLVED that Resolution No. 89-1133 adopted by the Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-831

A RESOLUTION ESTABLISHING SEWER BOND REDEMPTION CHARGES  
AND SEWER SUBTRUNK EXTENSION CHARGES AND RESCINDING  
RESOLUTION NO. 90-665.

WHEREAS, Sections 5-6.04 and 5-6.06 of the Modesto Municipal Code provide that the Council may establish by resolution sewer bond redemption charges and sewer subtrunk extension charges for property connecting to the sewage system, and

WHEREAS, sewer subtrunk extension charges shall be paid unless the property has previously participated in the cost of construction of a subtrunk sewer, and

WHEREAS, City staff has recommended an increase in the sewer subtrunk extension charge to reflect increased costs, and

WHEREAS, on October 16th 1990, the Council of the City of Modesto held a public hearing to consider the recommended changes,

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

SECTION 1. FEES FOR SEWER BOND REDEMPTION CHARGES: The sewer bond redemption fees to be charged for connecting to the City of Modesto sewage system are hereby established as follows:

SCHEDULE OF CHARGES  
FOR CONNECTION TO CITY SEWAGE SYSTEM

Modesto  
Municipal  
Code

Reference	Name of Charge and Itemization	Charge
5-6.04	Bond Redemption Charge:	
	<u>Residential</u>	
	Single dwelling unit - (Includes mobile home, mobile home space within a mobile home park, apartment, condominium, townhouse)	\$500.00/each
	<u>Commercial/Industrial</u>	\$2,000.00/net acre

SECTION 2. FEES FOR SEWER SUBTRUNK EXTENSION CHARGES: The subtrunk extension fees to be charged for connecting to the City of Modesto sewage system are hereby established as follows:

SCHEDULE OF CHARGES  
FOR CONNECTION TO CITY SEWAGE SYSTEM

Modesto  
Municipal  
Code

Reference	Name of Charge and Itemization	Charge
5-6.06	Subtrunk Extension Charge:	
	<u>Residential/Commercial</u>	
	(1) For that property which was annexed to and made a part of the City of Modesto pursuant to Modesto City Council Resolution No. 80-191 (South Airport Annexation to the City of Modesto) which was adopted on the fourth day of March, 1980	\$150.00/gross acre
	(2) For all other residential or commercial property not listed in (1) above	\$550.00/gross acre

BE IT FURTHER RESOLVED that the acreage used to determine sewer bond redemption charges shall be as follows:

Determination of Acreage.

The acreage used to determine the bond redemption charge shall be the total area developed or being developed which is owned, leased or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed or being developed, the Director is authorized to determine the acreage to be used in determining the bond redemption charge. The remaining acreage shall pay a bond redemption charge at such time as it is developed.

Notwithstanding anything to the contrary contained in chapter 6 of Title V of the Modesto Municipal Code, and this resolution, the

Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased or controlled by a user meeting the criteria set forth below:

- (1) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than 225 (two hundred twenty-five) new, permanent, on-site, full-time employees; and
- (2) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars (\$20,000,000).

If the property is later developed beyond that development approved by the Council the developer shall pay a bond redemption charge on the additional acreage developed, including any portion of the property that has already been developed but, for whatever reason, has not been included in the calculation of bond redemption charges. If the user fails to meet either of the criteria after development, the agreement shall be void and a bond redemption charge shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

BE IT FURTHER RESOLVED that the acreage used to determine sewer subtrunk connection fees shall be as follows:

The acreage used to determine the sewer subtrunk fee shall be the total area developed or being developed which is owned, leased or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed, the Director is authorized to determine the acreage to be used in determining the subtrunk extension charge. The remaining acreage shall pay a subtrunk extension charge at such time as it is developed.

Notwithstanding anything to the contrary contained in chapter 6 of Title V of the Modesto Municipal Code and this resolution, the Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased or controlled by a user meeting the criteria set forth below:

- (1) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than 225 (two hundred twenty-five) new, permanent, on-site, full-time employees; and

(2) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars (\$20,000,000).

If the property is later developed beyond that development approved by the Council, the developer shall pay a sewer subtrunk charge on the additional acreage developed, including any portion of the property that has already been developed but, for whatever reason, has not been included in the calculation of sewer subtrunk redemption charges. If the user fails to meet either of the criteria after development, the agreement shall be void and a sewer subtrunk charge shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

BE IT FURTHER RESOLVED that Resolution No. 90-665 adopted by the Council on July 24, 1990, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that fees established by this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-832

A RESOLUTION ESTABLISHING THE AMOUNT OF THE CASH DEPOSIT TO BE FURNISHED TO THE CITY OF MODESTO FOR EACH INTERIOR MONUMENT REQUIRED IN A SUBDIVISION AND RESCINDING RESOLUTION NO. 81-756.

WHEREAS, Section 4-4.804(c) of the Modesto Municipal Code authorizes the Council, by resolution, to establish the amount of cash deposit required to be furnished to the City of Modesto for each interior monument to be set after the filing of a final subdivision map, and

WHEREAS, City staff has recommended an increase in the interior monument deposit to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in accordance with Section 4-4.804(c) of the Modesto Municipal Code, the amount of the cash deposit required to be furnished to the City of Modesto for each interior monument to be set after the filing of a final subdivision map shall be Forty and no/100ths (\$40.00) Dollars.

BE IT FURTHER RESOLVED that Resolution No. 81-756 adopted by the Council on August 25, 1981, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-833

A RESOLUTION ESTABLISHING CHARGES FOR WATER USED DURING  
BUILDING CONSTRUCTION AND RESCINDING RESOLUTION NO. 82-333.

WHEREAS, Section 11-1.07 of the Modesto Municipal Code provides that the City Council may establish, by resolution, the rates and charges for metered water service, and

WHEREAS, Section 11-1.10 of the Modesto Municipal Code provides that the City Council may establish, by resolution, the rates and charges for unmetered water service, and

WHEREAS, it is desirable to establish the rates and charges for providing water service during the construction of buildings, and

WHEREAS, City staff has recommended an increase in the rate charged for water service during the construction of buildings, and

WHEREAS, the City Council held a public hearing at its regular meeting on October ~~16th~~, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that charges for providing water service during building construction are hereby established, as set forth on Exhibit "A", entitled "Procedure for Providing Water Service During Building Construction", which is attached hereto and made a part hereof by this reference.

BE IT FURTHER RESOLVED that Resolution No. 82-333 adopted by the Council on April 20, 1982, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

PROCEDURE FOR PROVIDING WATER SERVICE DURING  
BUILDING CONSTRUCTION

1. The water service charge furnished to single family residences, duplexes, and triplexes that are under construction will be a flat rate charge of \$25.36. This charge along with the 5% utility users tax in the amount of \$1.26 for a total of \$26.62, will be assessed and paid at the time the building permit is issued.
2. Charges for water services during the construction of apartments, commercial buildings, and industrial buildings will be at the regular metered water service charge.
3. The water service charge specified in the first paragraph provides for water service for 120 days. Subsequent to that time, the water service fee shall be collected on a regular bi-monthly billing based on the full size of the lot unless the owners request the water to be turned off at the end of 120 days.
4. In the event construction ceases before the building is completed, the water to the building site will be turned off unless the property owner has made arrangements for regular service.
5. In the event a structure is occupied before final inspection of the structure, or water is used for other than that normally required for construction, the water service charge will be made at the established rate for regular service.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-834

A RESOLUTION ESTABLISHING CONDITIONS FOR PAYMENT IN INSTALLMENTS OF SEWER BOND REDEMPTION CHARGES AND SUBTRUNK EXTENSION CHARGES FOR SINGLE-FAMILY RESIDENTIAL DWELLINGS, CHURCHES AND OTHER SIMILAR RELIGIOUS INSTITUTIONS AND RESCINDING RESOLUTION NO. 82-500.

WHEREAS, Sections 5-6.05(a) and 5-6.07 of the Modesto Municipal Code provide that this Council may establish conditions under which sewer bond redemption charges and subtrunk sewer extension charges required to be paid by Sections 5-6.04(a) and 5-6.06 of the Modesto Municipal Code respectively, may be paid in installments, and

WHEREAS, periodically this Council receives requests from owners of single-family residential dwellings and from churches and other similar religious institutions for permission to pay sewer bond redemption charges and subtrunk sewer extension charges in installments, and

WHEREAS, City staff has recommended an increase in the fee to process said installment payments to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby establishes the following conditions under which sewer bond redemption charges and subtrunk extension charges (hereinafter called "charges") for single-family residential dwellings, churches and other similar religious institutions required to be paid by Sections 5-6.04(a) and 5-6.06 of the Modesto Municipal Code respectively, may be paid in installments:

1. A written request must be made by the property owners, churches and other similar religious institutions for the payment of charges in

installments. Said request must be made on or before the date on which the charges are payable.

2. A fee of Twenty-four and 50/100ths (\$24.50) Dollars shall be paid at the time the request is made to cover the cost of processing the spreading of the charges and interest, including the cost of recording the notice that the charges and interest have been paid.

3. Charges may be spread up to a maximum of two (2) years.

4. All or part of the charges that are due and payable may be spread.

5. Deferred charges shall bear interest on the unpaid balance at the rate of twelve (12%) percent per annum.

6. Deferred charges and interest shall be added to the sewer service charges established by Section 5-6.02 of the Modesto Municipal Code in as nearly equal installments as possible and shall be payable in accordance with the provisions of Section 5-6.11 of the Modesto Municipal Code, except that they shall not be entitled to a discount for advance payment.

7. There shall be recorded in the office of the County Recorder of Stanislaus County a notice of the charges and interest which are spread.

8. After all charges and interest have been paid in full, a notice of such payment shall be recorded in the office of the County Recorder of Stanislaus County.

BE IT FURTHER RESOLVED that Resolution No. 82-500 adopted by the Council on July 6, 1982, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-835

A RESOLUTION ESTABLISHING A FEE FOR PREPARATION OF AN AGREEMENT TO PROVIDE WATER AND/OR SEWER TO PROPERTY LOCATED OUTSIDE THE CITY LIMITS.

WHEREAS, Section 5-6.13 and Section 11-1.05 of the Modesto Municipal Code requires consent of the Council prior to connecting to City water and/or sanitary sewer, and

WHEREAS, said consent is obtained through an agreement between the City and the property owner, and

WHEREAS, the Council may impose such reasonable conditions to the approval of said connections and agreements as it deems to be in the best interest of the City, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended fee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes an Outside City Water/Sewer Agreement Preparation Fee in the amount of \$35.00 to be charged for preparation of each water or sewer agreement.

BE IT FURTHER RESOLVED that the fee established by this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

AMENDED

on Mar. 22, 2011  
By Resolution 2011-104

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-836

A RESOLUTION ESTABLISHING FILING FEES FOR SUBDIVISION AND  
PARCEL MAPS AND RESCINDING RESOLUTION NO. 89-1138.

WHEREAS, Section 4-4.106 of the Modesto Municipal Code, provides that the Council, by resolution, shall establish filing fees for the processing of tentative and final subdivision and parcel maps and for other procedures required or authorized by Chapter 4 of Title IV of the Modesto Municipal Code, and

WHEREAS, City staff has recommended an increase in the filing fees for the processing of tentative and final subdivision and parcel maps, and other procedures to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended increases in the filing fees for the processing of tentative and final subdivision and parcel maps and other procedures,

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

SECTION 1. FEES. Filing fees for maps and procedures required and authorized by Chapter 4 of Title IV of the Modesto Municipal Code are hereby established as follows:

- (a) Reversion to acreage \$190.50
- (b) Final parcel map checking fee \$385.00
- (c) Final (subdivision) map checking fee \$385.00  
for subdivisions of 10 or less lots

(d) Final (subdivision) map checking fee for subdivisions of 10 or more lots	\$385.00
Plus per each lot in excess of 10	\$ 7.85
(e) Parcel map improvement plan check fee	\$210.00
(f) Subdivision improvement plan check fee for subdivisions of 10 or less lots	\$330.00
(g) Subdivision improvement plan check fee for subdivisions of 10 or more lots	\$330.00
Plus each lot in excess of 10	\$ 8.50
(h) Property owners' association document checking fee	\$182.00
(i) Certificate of compliance	\$137.00
(j) Summary right of way abandonment	\$190.00

SECTION 2. REPEALS. Resolution No. 89-1138 adopted by the Council on November 21, 1989, is rescinded effective December 31, 1990.

SECTION 3. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-837

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR COPIES OF VARIOUS MAPS AND PRINTS OBTAINED FROM THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 89-1139.

WHEREAS, upon request, copies of various maps and prints are made available to the public by various departments of the City, and

WHEREAS, the Council has previously established fees and charges for obtaining said maps and prints, and

WHEREAS, the City staff has recommended an increase in some of said fees and charges to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended fee increases,

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

SECTION 1. FEES AND CHARGES: The fees and charges set forth on Exhibit "A", which is attached hereto and made a part hereof as if set forth herein, are hereby established for copies of various maps and prints listed thereon which are obtained from the City of Modesto.

SECTION 2. EXEMPTIONS: No fees or charges shall be charged to governmental agencies which obtain copies of maps and prints.

SECTION 3. REPEALS. Resolution No. 89-1139 adopted by the Council on November 21, 1989 is hereby rescinded effective December 31, 1990.

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FEEES AND CHARGES  
FOR COPIES OF VARIOUS MAPS AND PRINTS  
OBTAINED FROM THE CITY OF MODESTO

PRINTING FEES

Printing fees per sheet plus sales tax for copies of tentative and final subdivision maps and parcel maps.

A. Mylar	\$ 7.50
B. Sepia	\$ 1.35
C. Blue-line	\$ .28

DOCUMENT RETRIEVAL FEE

This fee covers the cost of interviewing the customer to determine his needs, searching of the vault or other files to find the needed document, drawing, aerial photo, map, microfilm, log book, etc. This is a fee that covers the prerequisite activity to reproduction of a document. This charge is in addition to any other reproduction costs listed herein. The Director of Engineering Services is authorized to waive the document retrieval fee for certain standard stock documents which he determines do not require the document retrieval activity.

Fee \$6.90

COPYING BY COMMERCIAL FIRMS

The charge for City documents reproduced by commercial firms shall be the exact amount that the firm charges the City including sales tax.

BLUE-LINE REPRODUCTION

The charge for in-house blue-line reproduction of maps, drawings, aerial photos, etc., shall be charged on a square foot basis, plus sales tax.

Fee \$ .90/map, drawing,  
photo, etc.

SEPIA REPRODUCTION

The cost of reproduction on sepia of maps, drawings, aerial photos, etc., shall be on a square foot basis, plus sales tax.

Fee \$ .26/s.f.

EXHIBIT A

MYLAR REPRODUCTION

The cost of reproduction on mylar of maps, drawings, aerial photos, etc., shall be on a square foot basis, plus sales tax.

Fee	\$3.50/map, drawing, photo, etc.
-----	-------------------------------------

DRY SILVER PRINT FROM MICROFILM

The cost of producing a dry silver print from microfilm on equipment maintained by the Engineering Department shall be on a per image basis, plus sales tax.

Fee	\$3.00/image
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MODESTO CITY COUNCIL  
RESOLUTION NO. 90-838

A RESOLUTION ESTABLISHING INVESTIGATION AND PERMIT FEES  
RELATING TO MOVING OF BUILDINGS AND RESCINDING RESOLUTION  
NO. 89-1140.

WHEREAS, Section 4-3.08 of the Modesto Municipal Code authorizes the Council to establish, by resolution, investigation and permit fees relating to the moving of buildings, and

WHEREAS, investigation and permit fees relating to moving of buildings have previously been established, and

WHEREAS, City staff has recommended an increase in said fees to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended fee increases,

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

SECTION 1. INVESTIGATION FEES:

(a) When the building to be moved is located inside the City limits and is to be moved to a new site in the City, an investigation fee in the sum of \$76.00 shall be paid to the Finance Director upon filing each application for a House Moving Inspection Permit.

(b) When the building to be moved is located outside the City limits and is to be moved to a new site in the City, an investigation fee equal to the sum of the estimated direct salary of one inspector while making the investigation, plus the cost of travel calculated at 23¢ per mile, but in no case less than \$76.00 shall be paid to the Finance Director upon filing each application for a House Moving Inspection Permit.

(c) When the building to be moved is located inside the City limits and is to be moved to a new site outside the City limits, there is no investigation fee.

SECTION 2. PERMIT FEES. A permit fee in the sum of \$55.00 shall be paid to the Finance Director upon issuance of each House Moving Permit.

SECTION 3. REPEALS. Resolution No. 89-1140 adopted by the City Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

SECTION 4. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-839

A RESOLUTION ESTABLISHING A SEWER BOND REDEMPTION CHARGE AND  
WATER CONNECTION CHARGE INSPECTION FEES AND RESCINDING  
RESOLUTION NO. 89-1141.

WHEREAS, Section 5-6.04 of the Modesto Municipal Code provides for a  
fee for inspection of property to determine the acreage to be used in  
determining the sewer bond redemption charge imposed by said section, and

WHEREAS, Section 11-1.05(d)(3) of the Modesto Municipal Code  
provides for a fee for inspection of property to determine area of a parcel to  
be used in determining water connection charges, and

WHEREAS, the Council has previously adopted such fees, and

WHEREAS, City staff has recommended an increase in said fees to  
reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular  
meeting on October 16th, 1990, to consider the recommended fees increase,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that it hereby establishes a Sewer Bond Redemption Charge Inspection Fee in  
the amount of \$32.00 to be charged for each inspection of property to  
determine the acreage to be used in determining the sewer bond redemption  
charge imposed by Section 5-6.04 of the Modesto Municipal Code.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it  
hereby establishes a Water Connection Charge Inspection fee in the amount of  
\$32.00 to be charged for each inspection of property to determine the square  
foot area to be used in determining the water connection charge imposed by  
Sections 11-1.05(a) and 11-1.05(b) of the Modesto Municipal Code.

BE IT FURTHER RESOLVED that Resolution No. 89-1141 adopted by the Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Stan T. Yamamoto  
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-840

A RESOLUTION ESTABLISHING SIGN PERMIT FEES AND RESCINDING  
RESOLUTION NO. 89-1142.

WHEREAS, Section 10-2.3503(i) of the Modesto Municipal Code  
authorizes the Council, by resolution, to establish sign permit fees, and

WHEREAS, City staff has recommended an increase in existing sign  
permit fees to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on  
October 16<sup>th</sup>, 1990, to consider the recommended increase in the existing sign  
permit fees,

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

SECTION 1. PAINTED WALL SIGNS. The fee shall be \$54.00 for each  
painted wall sign.

SECTION 2. CHANGE OF COPY. The fee shall be \$57.00 for each sign  
on which there is a change of copy.

SECTION 3. ALL OTHER SIGNS. The fee shall be \$57.00 for all other  
signs.

SECTION 4. BUILDING AND ELECTRICAL PERMIT FEES. The above listed  
fees are in addition to fees incident to the issuance of building and  
electrical permits. Building and electrical permits are not required for  
painted wall signs or for change of copy.

SECTION 5. REPEALS. Resolution No. 89-1142 adopted by the Council  
on November 21, 1989, is hereby rescinded effective December 31, 1990.

SECTION 6. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-841

A RESOLUTION ESTABLISHING A FEE FOR PREPARATION OF SEWER  
LINE REIMBURSEMENT AGREEMENTS AND RESCINDING RESOLUTION  
NO. 89-1143.

WHEREAS, Section 5-6.10 of the Modesto Municipal Code provides for a  
fee for preparation of sewer line reimbursement agreements, and

WHEREAS, the Council has previously adopted such a fee, and

WHEREAS, the City staff has recommended an increase in said fee to  
reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular  
meeting on October 16th, 1990, to consider the recommended fee increase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that it hereby establishes a Sewer Line Reimbursement Agreement Preparation  
Fee in the amount of \$175.00 to be charged for preparation of each sewer line  
reimbursement agreement.

BE IT FURTHER RESOLVED that Resolution No. 89-1143, adopted by the  
Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that the fee established by this resolution  
shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-842

A RESOLUTION ESTABLISHING A BUILDING COMPLIANCE INSPECTION  
FEE AND RESCINDING RESOLUTION NO. 89-1144.

WHEREAS, this Council has previously established a Building  
Compliance Inspection Fee which is charged by the Building Official for  
inspections to determine whether a building complies with the Housing Code  
and/or the Dangerous Buildings Code, and

WHEREAS, City staff has recommended an increase in the Building  
Compliance Inspection Fee to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on  
October 16th, 1990 to consider the recommended increase in the Building  
Compliance Inspection Fee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that a Building Compliance Inspection Fee of \$64.50 shall be charged by the  
Building Official for inspections to determine whether a building complies  
with the Housing Code and/or the Dangerous Buildings Code.

BE IT FURTHER RESOLVED that Resolution No. 89-1144 adopted by the  
Council on November 21, 1989 is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that the fees established by this resolution  
shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-843

A RESOLUTION ADOPTING A SCHEDULE OF FEES IN CONNECTION WITH ENCROACHMENT PERMITS AND INSPECTIONS REQUIRED BY THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 89-1145.

WHEREAS, Section 5-6.08 of the Modesto Municipal Code provides that costs incurred by the City of Modesto for preparation of plans and specifications and inspections for construction of sewer laterals in the City shall be in accordance with a schedule of fees approved by the Council from time to time by resolution, and

WHEREAS, Section 7-1.108 of the Modesto Municipal Code provides that fees for services performed by the City of Modesto pursuant to Chapter 1 of Title VII of the Modesto Municipal Code relating to street improvements shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.14 of the Modesto Municipal Code provides that fees for inspection for the temporary closing of public ways in the City of Modesto shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.22 of the Modesto Municipal Code provides that fees for street paving performed by the City of Modesto shall be paid by permittees obtaining permits therefor from the City in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.27 of the Modesto Municipal Code provides that fees for street cuts inspections performed by the City of Modesto shall be

paid in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, City staff has recommended an increase in the fees authorized by the above sections of the Modesto Municipal Code to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on October 16th, 1990 to consider the recommended increase in the fees authorized by the above sections of the Modesto Municipal Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the "Schedule of Encroachment Permit Fees", attached hereto as Exhibit "A", is hereby adopted as the fees to be charged for work or inspections performed by the City of Modesto in connection with encroachment permits.

BE IT FURTHER RESOLVED that Resolution No. 89-1145 adopted by the City Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Resolution # \_\_\_\_\_

EXHIBIT A

SCHEDULE OF ENCROACHMENT PERMIT FEES

TYPE PERMIT <sup>(6)</sup>	BASIC PERMIT <sup>(5)</sup> & INSP.	STAKING <sup>(1)</sup>	CRACK FILLING	PAVING <sup>(1)</sup>	CODE OR RES REFERENCE
1. Curbs and curb cuts	\$75.00/lot <sup>(7)</sup>	4.20/1.f.	----	by City	7-1.108
2. Sidewalks	\$30.00/lot <sup>(7)</sup>	----	----	----	7-1.108
3. Sewer Service from lot to sewer lateral	\$37.00/each	----	\$.55/1.f. of trench	\$3.50/s.f. <sup>(9)</sup>	5-6.08; 7-2.22
4. Sewer Laterals <sup>(2)</sup>	\$ 0.93/1.f.	0.63/1.f.	\$.55/1.f. of trench	\$3.50/s.f. <sup>(9)</sup>	5-6.08; 7-2.22
5. Storm Drains (through curb)	\$29.00/each	----	----	----	7-1.108
6. Utilities <sup>(3)</sup> Major Const.	\$72.50/each	----	\$.55/1.f. of trench	\$3.50/s.f. <sup>(9)</sup>	7-2.27; 7-2.22
7. Utilities <sup>(3)</sup> Service and Repair	\$55.50/each	----	included in permit fee	\$3.50/s.f. <sup>(9)</sup>	7-2.27; 7-2.22
8. Street Closures (temporary)	\$104.00/each	----	----	----	7-2.14
9. Street Lights	\$59.50/each	----	\$.55/1.f. of trench	----	7-1.108
10. Rock Wells or Storm Drain Connections	\$59.50/each	----	\$.55/1.f. of trench	----	7-1.108
11. Street Construction	\$52.50/lot <sup>(7)</sup>	----	----	----	7-1.108

12. Improvements(8)	\$59.50/lot(7)	----	\$.55/l.f. of trench	----	7-1.108
13. Other work not listed(10)	To be calculated	----	----	----	7-1.108
14. Install refractor steel pole	\$40.50/each	----	----	----	7-1.108
15. Added refractor steel pole	\$ 9.00/each	----	----	----	7-1.108
16. Install mast arm wood pole	\$101.00/each	----	----	----	7-1.108
17. Added mast arm wood pole	\$76.00/each	----	----	----	7-1.108

- (1) Where no fee is shown, the work is to be performed by others as needed.
- (2) Small laterals or extensions designed and drawn by the City shall pay an additional \$3.50/l.f.
- (3) Utility relocation required for City projects is not subject to a charge.
- (4) (Deleted)
- (5) Costs shall be paid for emergency or other work performed by City for public health and safety in addition to the following minimum charges:
  - a. Cleanup or dust control \$288.00 per street
  - b. Temporary paving \$220.00 per street
  - c. Temporary barricades \$125.00 per each
- (6) Permits are required for all work done in all public rights of way, including public utility easements.
- (7) For lots greater than 100' frontage, each 100' or part thereof is considered to be one "lot", (distance to be measured to nearest 100 feet).
- (8) Improvements not otherwise listed such as water line extensions, irrigation lines, irrigation line replacements, storm drain lines.
- (9) Chargeable only when paving is done by City.
- (10) To be calculated by Director of Engineering in each instance, based on the actual cost of doing the work including overhead.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-844

A RESOLUTION ESTABLISHING FILING FEES FOR SPECIAL ASSESSMENT  
DISTRICT FINANCING AND RESCINDING RESOLUTION NO. 89-1146.

WHEREAS, increased use of Special Assessment District Financing is  
foreseen, and

WHEREAS, applications for Special Assessment District Financing  
require significant staff time and may or may not result in a district  
formation, and

WHEREAS, the Public Works and Transportation Director has estimated  
the preliminary staff work for Special Assessment District Financing is at  
least \$3,295.00, and

WHEREAS, City staff has recommended an increase in the filing fees  
for Special Assessment Districts to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular  
meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the filing fee for Special Assessment District Financing is hereby  
established in the sum of \$3,295.00.

BE IT FURTHER RESOLVED that Resolution No. 89-1146 adopted by the  
Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that the fee established by this resolution  
shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-845

A RESOLUTION ESTABLISHING FILING FEES FOR SPECIAL ASSESSMENT  
BENEFIT DISTRICTS FOR LANDSCAPING AND RESCINDING RESOLUTION  
NO. 89-1148.

WHEREAS, increased use of Special Assessment Benefit Districts For  
Landscaping (SABDL) is unforeseen, and

WHEREAS, applications for Special Assessment Benefit Districts For  
Landscaping require significant staff time and may or may not result in a  
district formation, and

WHEREAS, the Public Works and Transportation Director has estimated  
the preliminary staff work for Special Assessment Benefit Districts For  
Landscaping at a minimum of \$2,823.00, and

WHEREAS, City staff has recommended an increase in the filing fee  
for Special Assessment Benefit Districts for landscaping to reflect increased  
costs, and

WHEREAS, the City Council held a public hearing at its regular  
meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the filing fee for Special Assessment Benefit Districts For Landscaping  
is hereby established in the sum of \$2,823.00.

BE IT FURTHER RESOLVED that Resolution No. 89-1148 adopted by the  
Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that the fee established by this resolution  
shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-846

A RESOLUTION ADOPTING A FEE IN CONNECTION WITH MAINTENANCE  
OF ROCKWELLS AND RESCINDING RESOLUTION NO. 89-1137.

WHEREAS, Section 7-1.108 of the Modesto Municipal Code provides that fees for services performed by the City of Modesto pursuant to Chapter 1 of Title VII of the Modesto Municipal Code relating to street improvements shall be in accordance with a schedule of fees adopted by the City Council from time to time by resolution, and

WHEREAS, City staff has recommended changes to said rockwell maintenance fee to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a Rockwell Maintenance Fee of One Thousand Ninty and no/100ths (\$1,090.00) Dollars per rockwell is hereby adopted. The fee will be payable prior to approval of the final subdivision map or prior to issuance of an encroachment permit, whichever occurs first. In those instances where rockwells are not shown on improvement plans, the number of rockwells for fee collection purposes shall be calculated on the basis of one rockwell for each 12,000 square feet of right of way to be drained. Any fraction shall be considered an additional rockwell. The fee shall be adjusted at the first of each year by the Building Cost Index of the United States as published by Engineering News-Record, a McGraw-Hill publication.

BE IT FURTHER RESOLVED that pursuant to Section 15273 of the State CEQA guidelines this resolution is exempt from CEQA because the fees

established by this resolution will be collected for the purpose of obtaining funds which are necessary to maintain the current level of rockwell maintenance services within the City.

BE IT FURTHER RESOLVED that Resolution No. 89-1137 adopted by the Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-847

A RESOLUTION ALLOWING THE SALE OF ELECTRONIC DATA AND  
ESTABLISHING A FEE TO BE CHARGED BY ALL CITY DEPARTMENTS  
FOR THE SALE OF ELECTRONIC DATA AND RESCINDING RESOLUTION  
NO. 88-1149.

WHEREAS, various departments within the City of Modesto are, from  
time to time, requested to sell electronic computer data which may be in the  
form of either tapes or floppy disks, and

WHEREAS, the sale of such data falls under the provisions of Section  
6256 of the Government Code, and

WHEREAS, City staff recommends that all departments within the City  
be allowed to sell computer data and charge a fee for said data, and

WHEREAS, City staff has recommended an increase in the minimum fee  
to be charged for the sale of electronic data to reflect increased costs, and

WHEREAS, the following conditions and fees shall be applicable to  
all such City departments preparing and selling such data:

1. Any sale of electronic data shall be in accordance with the  
provisions of Section 6255, et seq. of the Government Code.
2. Fees chargeable for preparing and selling data shall include:
  - a. The actual cost in terms of staff time plus overhead and  
benefits for writing the programs and other actions  
necessary to place the data in transmittable form; the  
minimum amount to be charged being the sum of \$15.50.
  - b. The cost of the media (tape or disk), if furnished by the  
City.

- c. The sum of \$42.00 per megabyte (approximately 250 pages of data) sold. The fee per megabyte of data shall be prorated for fractions of megabytes, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all departments within the City shall be allowed to sell electronic data and charge a fee for said data to include the actual cost in terms of staff time plus overhead and benefits for writing the programs and other actions necessary to place the data in transmittable form in a minimum amount of \$15.50, together with the cost of the tape or disk if furnished by the City, and the sum of \$42.00 per megabyte or proration thereof for fraction of megabyte provided.

BE IT FURTHER RESOLVED that Resolution No. 89-1149 adopted by the Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-848

A RESOLUTION APPROVING A FEE SCHEDULE FOR DUMPING OF SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT AND RESCINDING RESOLUTION NO. 89-1135.

WHEREAS, Section 5-6.02 of the Modesto Municipal Code provides that each person owning property within the Sewer District shall pay a sewer service charge to the City in accordance with rates and charges as established by the Council from time to time by resolution, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a fee of Twelve and 50/100ths (\$12.50) Dollars shall be charged per 1000 gallons for the dumping of septic tank waste at the sewage treatment plant.

BE IT FURTHER RESOLVED that the rates established by this resolution shall become effective on and after January 1, 1991.

BE IT FURTHER RESOLVED that Resolution No. 89-1135 adopted by the Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-849

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR DOCUMENTS  
AND TRANSCRIPTS OBTAINED FROM THE CITY OF MODESTO AND  
RESCINDING RESOLUTION NO. 88-452.

WHEREAS, upon request, documents and transcripts are made available  
to the public by various departments of the City, and

WHEREAS, the Council has periodically established fees and charges  
for obtaining said documents and transcripts, and

WHEREAS, City staff has recommended an increase in said fees and  
charges do reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular  
meeting on October 16th, 1990, to consider the recommended changes,

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

SECTION 1. The fees and charges set forth on Exhibit "A", which is  
attached hereto and made a part hereof as if set forth herein, are hereby  
established for the documents and transcripts listed thereon, and which are  
obtained from the City of Modesto.

SECTION 2. No fees or charges shall be charged to governmental  
agencies which obtain documents, transcripts, etc.

SECTION 3. Resolution No. 88-452 adopted by the Council on June 21,  
1988, is hereby rescinded effective December 31, 1990.

SECTION 4. Rates established by this resolution shall become  
effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

<u>Title/Description</u>	<u>Fee/Unit</u>
A. City Clerk	
1. Modesto Municipal Code*	
a. Municipal Code (without binder)	\$100.00/ea
b. Municipal Code binder (without Title X)	11.00/ea
c. Municipal Code binder (with Title X)	7.85/ea
d. Continuing Code service, per year	88.00/yr
e. Individual Subjects/Titles/Articles:	
1. Business, Professions & Trades	3.80/ea
2. CATV	2.80/ea
3. Charter	3.80/ea
4. Health	3.10/ea
5. Planning & Zoning	16.75/ea
6. Public Utilities	5.10/ea
7. Public Works	3.80/ea
8. Sales, Use & Admissions Tax	4.85/ea
9. Sign Regulations	3.80/ea
10. Subdivision of Land	4.95/ea
f. Individual Code pages (The City Clerk is authorized to not charge persons requesting a small number of individual Code pages.)	.45
2. City Council Agendas or Minutes	56.75/ea/yr
3. Request to Continue Public Hearings Concerning Rezoning, Prezoning, Conditional Use Permit, Unclassified Use Permit or Variance	17.00
B. General Reproduction	
1. Copies of any Official City Documents (other than maps or prints)	
a. First Copy	.25/page
b. Additional copies (FPPC regulation sets 10¢ each for copies of Economic Interest and campaign statements)	.10/page

EXHIBIT "A"

C. Transcripts	Actual Cost Plus Indirect Costs
D. Base Map/Zoning Map*	\$ 8.70
E. Notice of Intent to Circulate Initiative Petition	\$200.00
To be refunded after Clerk certifies sufficiency of petition.	

\*These fees exclude postage and handling which may be added if mailing is required.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-850

A RESOLUTION ADOPTING A SCHEDULE OF FEES AND CHARGES FOR WATER SERVICE IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 89-1136.

WHEREAS, Sections 11-1.04, 11-1.05, 11-1.06, 11-1.09, and 11-1.14 of the Modesto Municipal Code, provide that a schedule of fees and charges to be charged to consumers for water services are to be established and set by the Council from time to time by resolution, and

WHEREAS, the Council has previously adopted such a schedule of fees and charges for water service, and

WHEREAS, the City staff has recommended a change in said schedule of fees and charges to be charged to consumers for water services in the City of Modesto to reflect increased costs of construction, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the following schedule of fees and charges for water service to be charged to consumers for water services in the City of Modesto:

SCHEDULE OF FEES AND CHARGES  
FOR WATER SERVICES

Modesto Municipal Code Reference	Name of Fee or Charge and Itemization	Fee or Charge
11-1.04	Water service installation charges	
	1" service	\$ 825.00
	1-1/2" service	850.00
	2" service	925.00
	4"-6" service	2,300.00
	8" service	2,500.00
	10" or larger service	COST
	Connection to existing main	1,850.00
11-1.04	Additional Charge for each water service installation involving pavement removal and/or replacements.	\$ 220.00
	Water system fee - for each square foot of gross lot area of property served in territory within city limits. This fee pays for pump stations, all 10" and larger lines and fire hydrants installed at minimum spacing.	.03*
	Water system fee - for each square foot of gross lot area of property served in territory outside city limits. This fee pays for pump stations, all 10" and larger lines and fire hydrants installed at minimum spacing.	.03
11-1.05(a)	Water main connection charges in territory within City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral.	15.50
	Water detector check valve, 4 in.	400.00
	Water detector check valve, 6 in.	500.00
	Water detector check valve, 8 in.	850.00
	Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes.	50.00

	Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit.	50.00
	Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge	8.3%
11-1.05(b)	Water main connection charges in territory outside City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral.	15.50
	Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes.	50.00
	Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit.	50.00
	Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge	8.3%
11-1.05(c) (4)	Fire hydrant installation, each	\$1,900.00
	Fire hydrant line to main per lineal foot	3.50
	Additional charge for each hydrant installation involving pavement removal and/or replacement.	220.00
	Fire main test	87.00
11-1.06 (e)	Meter installation cost	
	Each 1" meter	\$ 265.00
	Each 1" meter with traffic lid	325.00
	Each 1-1/2" meter	375.00
	Each 1-1/2" meter with traffic lid	490.00
	Each 2" meter	545.00
	Each 2" meter with traffic lid	600.00
	Each 4" meter	2,700.00
	Each 6" meter	3,830.00
	Each 8" meter	7,100.00
	Each 10" or larger meter	COST
11-1.09	Fire hydrant charge for construction water used.	COST OF WATER

11-1.14(e)	Water bill delinquent charge. (LATE CHARGE)	3.50
11-1.14(e)	Water disconnection NOTICE.	10.00
11-1.14(e)	Water Disconnect	10.00
11-1.14(e)	Water Reconnect	10.00
11-1.14(e)	Unauthorized Reconnect	25.00
11-1.14(e)	Lock Breakage	50.00 (plus lock)
11-1.14(e)	Cut Waterline	300.00

\*(This fee does not apply to any parcel included in a subdivision recorded prior to June 7, 1978. For any parcel included in a reimbursement agreement, the fee shall be charged in accordance with the agreement.)

BE IT FURTHER RESOLVED that except as otherwise provided herein, the above schedule of fees and charges shall become effective on and after January 1, 1991.

BE IT FURTHER RESOLVED that Resolution No. 89-1136, adopted by the Council November 21, 1989, is hereby rescinded on the effective dates of the various fees and charges as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-851

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ONE NEW LOADER/BACKHOE

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

SECTION 1. The plans and specifications for the purchase of one new  
loader/backhoe

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 5, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 16th day of October, 1990,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Bird, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-852

A RESOLUTION REJECTING ALL PROPOSALS RECEIVED FOR THE AWARD OF A BUS BENCH FRANCHISE AND AUTHORIZING A NEW CALL FOR PROPOSALS TO BE HELD OCTOBER 22, 1990

WHEREAS, as a result of a call for proposals for a bus bench franchise, authorized by City Council Resolution No. 90-475, two proposals were received in the City Clerk's Office and reviewed by the Transportation Division of Public Works and Transportation; and

WHEREAS, one proposal was submitted with flawed financial information, and the commission offered by the other proposal was considered too low; and

WHEREAS, staff feels it is in the City's best interest to reject all proposals, review and rewrite the evaluation process and issue a new call for proposals for bus bench franchise.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all proposals received for the award of a bus bench franchise and opened in the office of the City Clerk on July 2, 1990, at 4:30 p.m., are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for proposals for awarding a bus bench franchise, to be opened October 22, 1990, at 10:00 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 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL  
RESOLUTION NO. 90-853

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR FURNISHING A CARBON WATER ADSORPTION SYSTEM AND OPENED IN THE OFFICE OF THE CITY CLERK ON SEPTEMBER 24, 1990, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 90-712, adopted by the Council of the City of Modesto on August 28, 1990, approved the plans and specifications for furnishing two water adsorption-filter systems for Wells #2 and #30, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of carbon water adsorption systems were opened at 10:00 a.m. on September 24, 1990; and

WHEREAS, all three bidders furnishing bids, failed to initial all of the specification requirements for compliance as required by the request for proposals and staff recommends rejecting all proposals received and issuing new call for bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for furnishing carbon water adsorption systems, and opened in the office of the City Clerk on September 24, 1990, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for furnishing carbon water adsorption systems to be opened October 29, 1990, at 10:00 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 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

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5/10/91  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-854

A RESOLUTION REJECTING ALL BIDS FOR ROCKWELL STORM DRAIN REPLACEMENT 1990, DECLARING A STATE OF URGENCY, AND AUTHORIZING NEGOTIATION OF AGREEMENT WITH DEKTA EXCAVATING, INC. TO PERFORM A REDUCED SCOPE PROJECT

WHEREAS, Resolution No. 90-730, adopted by the Council of the City of Modesto on September 4, 1990, approved the plans and specifications for rockwell storm drain replacement 1990, and authorized the call for bids; and

WHEREAS, the bids received for the rockwell storm drain replacement 1990 were opened at 11:05 a.m. on September 27, 1990; and

WHEREAS, of the four bids received, the low bid was approximately 45% above the Engineer's estimate, and staff feels the only way to bring the project into line with the funds budgeted would be to reduce the project scope; and

WHEREAS, since rebidding the project would result in a lengthy delay, pushing the project completion into the rainy season, staff recommends declaring a state of urgency and authorizing the execution of a negotiated contract with Delta Excavating Inc., based on their unit prices submitted during the competitive bidding process.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for the rockwell storm drain replacement 1990, and opened in the office of the City Clerk on September 27, 1990, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto does hereby declare a state of urgency and authorizes the designated city officials to execute a negotiated agreement with Delta Excavating Inc., for rockwell storm drain replacement 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-855

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR COLLECTION OF FEES FOR SPECIAL ASSESSMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County, for collection of fees for special assessments

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 October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-856

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CARMEN HURTADO AND CANDELERIA CABRERA FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1317 GARDEN AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Carmen Hurtado and Candelaria Cabrera for sewer service to property outside City limits at 1317 Garden Avenue, located on the north side of Garden between Sutter and Colorado 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 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-857

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A PREAPPLICATION FOR FEDERAL FUNDS TO COMPLETE AN AIRPORT MASTER PLAN ENVIRONMENTAL IMPACT REPORT AND A COMMERCIAL AIR SERVICE EFFECT INITIAL STUDY

BE IT RESOLVED by the Council of the City of Modesto that the submission of a preapplication to the Federal Aviation Administration (FAA) for a grant to complete an Airport Master Plan Environmental Impact Report and a Commercial Air Service Effect Initial Study in the amount of \$62,370 be, and hereby is approved.

BE IT FURTHER RESOLVED that the execution of the preapplication 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 October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-858

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A PREAPPLICATION FOR FEDERAL FUNDS TO COMPLETE A FEDERAL AVIATION REGULATIONS (FAR) PART 150 STUDY AND AN AIRPORT APPROACH PROTECTION STUDY

BE IT RESOLVED by the Council of the City of Modesto that the submission of a preapplication to the Federal Aviation Administration (FAA) for a grant to complete a Federal Aviation Regulations (FAR) Part 150 Study and an Airport Approach Protection Study in the amount of \$81,180 be, and hereby is approved.

BE IT FURTHER RESOLVED that the execution of the preapplication 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 October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-859

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR THE TURLOCK IRRIGATION DISTRICT DRINKING WATER SUPPLY PROJECT.

WHEREAS, in 1988 the Turlock Irrigation District, Del Este Water Company, and the cities of Modesto and Ceres agreed on the need for review of water supply conditions and future demands, and

WHEREAS, the other water agencies in the Turlock Irrigation District service area joined in a study which identified water quality and quantity problems and recommended a project to supply surface water from the Tuolumne River, and

WHEREAS, Phase 1 of the project was completed in November 1988 and consisted of the development of the study work scope, gathering of data from all participants on their water systems, and identification of preliminary environmental considerations, and

WHEREAS, Phase 2 of the project consists of a review of existing water supply conditions and an evaluation of water supply options, and

WHEREAS, approval of a Memorandum of Understanding for the Turlock Irrigation District Drinking Water Supply Project would allow Phase 3 of the surface water supply project to proceed, and

WHEREAS, Phase 3 of the project would allow selection of a preferred alternative, development of a facilities plan, preparation an Environmental Impact Report, development of a financing plan, and drafting of a participation agreement for design, construction and operation of the project, and

WHEREAS, the Turlock Irrigation District is the lead agency and has 50% voting rights in Phase 3, the other participating agencies are Del Este Water Company, Delhi County Water District, Denair Community Services

District, Hilmar County Water District, Keyes Community Services District, and the Cities of Ceres, Hughson, Modesto and Turlock, and

WHEREAS, the City of Turlock has approximately 55% of the planned water supply capacity and a 27.65% voting share, and its participation is essential for the project to proceed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that subject to the City of Turlock approving the Memorandum of Understanding for the Turlock Irrigation District Drinking Water Supply Project, the Council of the City of Modesto approves the Memorandum of Understanding and the City Manager or his authorized designee is hereby authorized to execute the Memorandum of Understanding, a copy of which Memorandum of Understanding is attached hereto marked Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Patterson, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

1 MEMORANDUM OF UNDERSTANDING  
2 for the  
3 Turlock Irrigation District  
4 DRINKING WATER SUPPLY PROJECT  
5

6 Preamble

7 This Memorandum of Understanding is entered into as of  
8 November 1, 1990, among Turlock Irrigation District, City of  
9 Ceres, Del Este Water Company, Delhi County Water District,  
10 Denair Community Services District, Hilmar County Water District,  
11 City of Hughson, Keyes Community Services District, City of  
12 Modesto, and City of Turlock.

13 In consideration of the mutual covenants and conditions set  
14 forth in this Agreement, the parties agree as follows:  
15

16 1. DEFINITIONS

17 Whenever used in this Agreement, the following terms shall  
18 have the following meanings. The singular of any term shall  
19 include the plural and the plural shall include the singular.

20 1.1 "Agreement" means this Memorandum of Understanding for  
21 the Turlock Irrigation District Drinking Water Supply Project.

22 1.2 "Elected Capacity Share" means the entitlement share  
23 in the treatment capacity of the Project drinking water treatment  
24 facilities, as measured in millions of gallons per day, which a  
25 Participant has elected under this Agreement as set forth in  
26 Appendix A.

*Exhibit "A"*

1           1.3 "Phase 3 Work" means the work necessary (a) for the  
2 selection of preferred facilities alternatives and the develop-  
3 ment of a facilities plan for the preferred alternatives to meet  
4 Project needs; (b) to develop and present information in a  
5 complete and adequate environmental impact report pursuant to the  
6 California Environmental Quality Act; (c) to develop a financing  
7 plan for the Project; and (d) to draft a Participation Agreement.

8           1.4 "Phase 3 Work Costs" means those costs described in  
9 Section 5.4 of this Agreement.

10          1.5 "Participants" means those entities which have inter-  
11 ests in the Project through execution of this Agreement.

12          1.6 "Participation Agreement" means that agreement to be  
13 executed by those Participants electing to proceed with Phases 4,  
14 5, and 6 of the Project.

15          1.7 "Participation Percentage" means the amount of each  
16 Participant's percentage share of the Project and the rights and  
17 obligations related thereto.

18           1.7.1 For purposes of Phases 4, 5, and 6, each Partic-  
19 ipant's Percentage share of the Project will be calculated as  
20 follows: each Participant's Elected Capacity Share is divided by  
21 the total Elected Capacity Shares of all Participants in the  
22 applicable Phase. The result is expressed as a percentage.

23           1.7.2 For purposes of Phase 3 and this Agreement, as  
24 shown in Appendix A, Turlock Irrigation District's Participation  
25 Percentage shall be 50% and the percentage share for all other  
26 Participants shall be calculated as follows: each Participant's

1 Elected Capacity Share is divided by the total Elected Capacity  
2 Shares of all Participants in Phase 3. The result is divided by  
3 2 and is expressed as a percentage.

4 1.8 "Phases" means those stages of the Project described in  
5 Section 2.1 of this Agreement.

6 1.9 "Project" means the Turlock Irrigation District Drink-  
7 ing Water Supply Project, which will include, but not be limited  
8 to, drinking water treatment facilities, raw water diversion  
9 facilities, and water transmission pipelines and facilities.  
10 "Project" does not include any water rights but does include  
11 contractual rights to water as will be set forth in the Partici-  
12 pation Agreement.

13 1.10 "Water Rights Work" means the legal, engineering, and  
14 administrative work necessary to determine, confirm, or secure  
15 adequate water rights for the Project. All water rights for the  
16 Project shall be held by the Turlock Irrigation District.

17

18 **2. PROJECT PHASES AND ELECTION OF PARTICIPATION PERCENTAGES**

19 2.1 The Participants contemplate that the Project will  
20 generally proceed in the following sequence:

21 2.1.1 Phase 1 was completed in November 1988 and  
22 consisted of the development of the study work scope, gathering  
23 of data from all Participants on their water systems, and identi-  
24 fication of preliminary environmental considerations.

1           2.1.2 Phase 2 consists of a review of existing water  
2 supply conditions and an evaluation of water supply options.  
3 Phase 2 ends with the signing of this Agreement.

4           2.1.3 Phase 3 shall commence with the signing of this  
5 Agreement by the Participants. Phase 3 shall consist of Phase 3  
6 Work and Water Rights Work. Although Water Rights Work will be  
7 performed during Phase 3, Water Rights Work costs will not be  
8 treated as Phase 3 Work Costs, but will be included as Phase 4  
9 costs.

10          2.1.4 Phase 4 shall commence with the signing of the  
11 Participation Agreement by the Phase 4 participants. Phase 4 is  
12 intended to consist of the securing of non-water rights permits,  
13 the design and the financing of the Project. Project financing  
14 will include the financing of Phase 1, 2, 3, 4, and 5 costs and  
15 Water Rights Work costs. Reimbursement of costs advanced for  
16 Phases 1, 2, and 3 by Phase 4 Participants shall be addressed in  
17 the Participation Agreement.

18          2.1.5 Phase 5 is intended to consist of construction  
19 and start-up of the Project.

20          2.1.6 Phase 6 is intended to consist of operation and  
21 maintenance of the Project and any additions to or expansions of  
22 Phase 5 Project facilities.

23          2.2 The Participants by signing this Agreement have each  
24 elected to participate in Phase 3 in the amount of Elected Capac-  
25 ity Share and in the Participation Percentages set forth in  
26 Appendix A.

1  
2 3. COORDINATING COMMITTEE

3 3.1 A Coordinating Committee shall be formed and shall  
4 conduct its business in accordance with the following:

5 3.1.1 Each Participant shall appoint one regular  
6 member to the Coordinating Committee, and shall designate its  
7 regular member in the resolution approving this Agreement and  
8 shall give notice to the other Participants of such designation.  
9 Each Participant shall, by giving notice to the other Partici-  
10 pants, also designate one or more alternate members to act in the  
11 absence of the regular member.

12 3.1.2 No later than the first meeting of the Coordi-  
13 nating Committee, the Chairperson and Vice-Chairperson of the  
14 Coordinating Committee shall be elected by the Coordinating  
15 Committee members. The Chairperson shall be responsible for  
16 calling and presiding over meetings of the Coordinating Committee  
17 and shall notify the Committee members and the Project Manager of  
18 scheduled meetings of the Coordinating Committee.

19 3.1.2.1 Regular meetings of the Coordinating  
20 Committee shall be held, without call, once each calendar month,  
21 at a time, day, and place approved by the Coordinating Committee.  
22 Should any such day fall on a legal holiday, the meeting sched-  
23 uled for that day shall be held at the same hour and place on the  
24 next succeeding day which is not a legal holiday.

1                   3.1.2.2 All meetings of the Coordinating Commit-  
2     tee shall be called, noticed, and held in accordance with the  
3     provisions of the Ralph M. Brown Act.

4                   3.1.2.3 The Coordinating Committee shall  
5     prescribe such other procedures for the conduct of its business  
6     as it deems appropriate.

7                   3.1.3 A quorum of the Committee members, for purposes  
8     of this Agreement, shall be the number which represents the  
9     presence of members representing 66.67% or more of the Participa-  
10    tion Percentages in effect at the time of the vote, except that  
11    less than a quorum may adjourn meetings of the Coordinating  
12    Committee from time to time. If all members are absent from any  
13    regular or adjourned regular meeting, the Project Manager may  
14    declare the meeting adjourned to a stated time and place, which  
15    adjourned meeting shall be a regular meeting for all purposes.

16                  3.1.4 Except as provided in Section 3.1.4.1, each  
17    Participant shall have one vote on the Coordinating Committee  
18    regardless of the Participation Percentage held by that Partici-  
19    pant and in order to be valid, any action, determination or find-  
20    ing of the Coordinating Committee shall require a majority vote.

21                  3.1.4.1 Voting by Participation Percentages.  
22    Upon demand of any Coordinating Committee member at any meeting  
23    of the Coordinating Committee, the vote on any issue relating to  
24    the Project shall be by Participation Percentages at such time  
25    and, in order to be valid, any action, determination or finding  
26    of the Coordinating Committee shall require an affirmative vote

1 of the members representing 66.67% or more of the Participation  
2 Percentages.

3 3.1.5 Each Participant shall promptly give notice to  
4 the other Participants of any change in the designation of its  
5 member on the Coordinating Committee. Any such notice shall be  
6 effective if given no later than the first meeting of the Coordi-  
7 nating Committee which the new member will attend.

8 3.2 The Coordinating Committee shall have the following  
9 duties and responsibilities:

10 3.2.1 Approve a Phase 3 Work plan submitted by the  
11 Project Manager and approve all major amendments thereto.

12 3.2.2 Monitor the Phase 3 Work.

13 3.2.3 Provide liaison among the Participants and with  
14 the Project Manager with respect to the Phase 3 Work.

15 3.2.4 Review and approve proposed revisions to the  
16 Phase 3 Work budget when approval of the governing bodies of the  
17 Participants is not required under Section 5.3. Review and  
18 recommend to the governing bodies proposed revisions to the  
19 budget when approval of the governing bodies is required under  
20 Section 5.3.

21 3.2.5 Subject to Section 7, review and approve  
22 proposed major revisions in the scope of the Project.

23 3.2.6 Review and approve the award of contracts having  
24 a contract price in excess of \$10,000.

1           3.2.7 Determine the amount of funds to be advanced to  
2 the Project Manager for initial deposit into the Phase 3 Work  
3 Account.

4           3.2.8 After review of the completed draft environmen-  
5 tal impact report, the Coordinating Committee shall recommend to  
6 the Turlock Irrigation District, as the lead agency, the Coordi-  
7 nating Committee's preferred alternative. The Turlock Irrigation  
8 District Board of Directors shall give full consideration to such  
9 recommendation.

10           3.2.9 Advise, discuss with, and make recommendations  
11 to the Project Manager on any major issue concerning the Project.

12  
13 **4. PROJECT MANAGER**

14           4.1 The Turlock Irrigation District shall serve as the  
15 Project Manager and the lead agency for California Environmental  
16 Quality Act purposes.

17           4.2 The Project Manager shall have the following powers,  
18 duties, and responsibilities:

19           4.2.1 Submit at each regular meeting of the Coordinat-  
20 ing Committee a progress report and cost report. The progress  
21 report shall be an oral or written report on the status and  
22 progress of the Phase 3 Work and the Water Rights Work (but  
23 excluding any confidential or privileged information) since the  
24 last progress report. The cost report shall be an oral or  
25 written report on costs accrued since the last cost report, a  
26 comparison of actual to budgeted costs, and a forecast of upcom-

1 ing costs. Copies of invoices or bills for any Phase 3 Work  
2 Costs or Water Rights Work costs will be available for inspection  
3 by the Participants.

4 4.2.2 Submit Phase 3 Work budget revisions to the  
5 Coordinating Committee for its review and approval.

6 4.2.3 In the name of the Turlock Irrigation District,  
7 contract for or otherwise obtain services, studies, equipment,  
8 and supplies necessary for the performance and completion of  
9 Phase 3 Work.

10 4.2.4 Award (subject to any required Coordinating  
11 Committee approval) and administer contracts entered into for  
12 Phase 3 Work.

13 4.2.5 Maintain proper records and accounts of the  
14 Phase 3 Work.

15 4.2.6 Receive and disburse Project funds.

16 4.2.7 Serve as public information officer for the  
17 Project.

18 4.2.8 Act as secretary to the Coordinating Committee,  
19 and record and distribute the minutes of all Coordinating Commit-  
20 tee meetings.

21 4.2.9 Within the scope of the approved Phase 3 Work  
22 plan, take all other actions necessary to bring the Phase 3 Work  
23 to completion.

24

1 5. PHASE 3 WORK BUDGET AND COSTS

2 5.1 The Participants adopt, by the signing of this Agree-  
3 ment, the initial Phase 3 Work Budget as set forth in Appendix B.

4 5.2 The Coordinating Committee shall have the authority to  
5 shift the allocation of funds from one budget category under the  
6 Phase 3 Work Budget to another budget category or categories so  
7 long as the total amount of the Budget is not increased.

8 5.3 Increases in the total amount of the Phase 3 Work  
9 Budget must be approved by the governing bodies of Participants  
10 representing 66.67% or more of the Participation Percentages.

11 5.4 Phase 3 Work Costs shall include:

12 5.4.1 Costs of labor, services (including, but not  
13 limited to, engineering, legal, governmental and public  
14 relations, accounting and auditing costs, if any), and studies  
15 incurred in the performance of the Phase 3 Work.

16 5.4.2 Costs, including rental charges, of materials,  
17 supplies, tools, machinery, equipment, and apparatus used in the  
18 performance of the Phase 3 Work.

19 5.4.3 Costs incurred by the Project Manager, subject  
20 to the approval of the Coordinating Committee, in the performance  
21 of the duties and responsibilities of the Project Manager under  
22 this Agreement.

23 5.4.4 Costs incurred by a Participant, subject to the  
24 approval of the Coordinating Committee, in the performance of  
25 Phase 3 Work requested by the Project Manager and approved by the  
26 Participant.

1           5.4.5 All other costs properly incurred in the perfor-  
2 mance of the Phase 3 Work, subject to the approval of the Coordi-  
3 nating Committee.

4           5.5 The following shall not be considered to be Phase 3  
5 Work Costs and shall not be shared by the Participants under this  
6 Agreement:

7           5.5.1 Costs of studies conducted by any Participant  
8 for its own purposes that are not determined by the Coordinating  
9 Committee to be Phase 3 Work Costs.

10          5.5.2 Except as provided for in the approved Phase 3  
11 Work Budget, costs associated with the preparation and negotia-  
12 tion of any agreement among the Participants regarding the Phase  
13 3 Work, the Participation Agreement, the Project or Project  
14 related facilities.

15          5.5.3 Costs incurred by any Participant in financing  
16 its share of the Phase 3 Work Costs.

17          5.5.4 Costs incurred by any Participant in connection  
18 with the functions of the Coordinating Committee, or any other  
19 committee established by the Coordinating Committee, and expenses  
20 of its personnel while performing such functions, including,  
21 without limitation, the regular and alternate members appointed  
22 by a Participant to the Coordinating Committee.

23          5.6 Default by a Participant. Upon the failure of any  
24 Participant to meet any obligation under this Agreement, the  
25 Project Manager shall give written notice of the failure to such  
26 Participant and, if such failure has not been cured within

1 fifteen (15) calendar days after the date of such notice, it  
2 shall constitute a default at the expiration of such fifteen-day  
3 period. The effective date of the default shall relate back to  
4 the date of the notice. Sections 8.3.1 and 8.3.2 shall apply to  
5 every defaulting Participant.

6 5.7 Withdrawal of a Participant.

7 5.7.1 During Phase 3, any Participant may withdraw  
8 from participation in the Project by giving at least ten (10)  
9 calendar days' prior written notice to all other Participants.  
10 The effective date of withdrawal shall be the withdrawal date  
11 specified in the notice which date shall not be less than ten  
12 (10) calendar days after the date of the notice. Sections 8.3.1  
13 and 8.3.2 shall apply to such withdrawing Participant.

14 5.7.2 If any Participant fails to pay its respective  
15 share of any approved Budget increase under Section 5.3 when due,  
16 whether or not the Participant's governing body voted for or  
17 against the Budget increase, such failure, unless excused by the  
18 Coordinating Committee, shall constitute a withdrawal and an  
19 automatic election by the Participant not to participate in Phase  
20 4 and Sections 8.3.1 and 8.3.2 shall apply to such Participant.  
21 The effective date of withdrawal shall be the date established by  
22 the Project Manager for payment of the approved Budget increase.

23 5.7.3 Any withdrawing Participant shall be liable for  
24 all Phase 3 Work Costs which accrued prior to the effective date  
25 of withdrawal.

1           5.8 Non-defaulting/Non-withdrawing Participant's Participa-  
2 tion Percentage. Upon any default under Section 5.6 or  
3 withdrawal under Sections 5.7, the defaulting or withdrawing  
4 Participant shall no longer be entitled to any rights granted to  
5 the Participants with respect to the Project, except as provided  
6 under Section 8.3.2 for a withdrawing Participant, and each  
7 Participant severally agrees that the Participation Percentage of  
8 each non-defaulting/non-withdrawing Participant shall be automat-  
9 ically increased as follows:

10           5.8.1 Each Participant severally agrees that the  
11 Participation Percentage of each non-defaulting/non-withdrawing  
12 Participant shall be automatically increased to the ratio between  
13 such Participant's Participation Percentage and the aggregate of  
14 the Participation Percentages of the non-defaulting/non-withdraw-  
15 ing Participants, expressed as a percentage.

16           5.8.2 Notwithstanding the provisions of Section 5.8.1,  
17 the cumulative increase for any non-defaulting/non-withdrawing  
18 Participant pursuant to this Section 5.8 shall not exceed ten  
19 percent (10%) of its Participation Percentage as originally set  
20 forth in Appendix A of this Agreement without the consent of the  
21 Participant.

22           5.8.3 The non-defaulting/non-withdrawing Participants  
23 shall be entitled to the rights which the defaulting or withdraw-  
24 ing Participant loses upon the default or the withdrawal and  
25 shall assume all of the obligations of the defaulting or  
26 withdrawing Participant with respect to such rights under this

1 Agreement. Increases in the Participation Percentages of the  
2 non-defaulting/non-withdrawing Participant shall be applicable to  
3 any payments due and not paid by the defaulting or withdrawing  
4 Participant and all subsequent payments due and not paid by the  
5 defaulting or withdrawing Participant.

6       5.9 If the cumulative increase for any non-defaulting/non-  
7 withdrawing Participant shall exceed ten percent (10%) of its  
8 Participation Percentage as originally set forth in Appendix A to  
9 this Agreement without the consent of the Participant, then this  
10 Agreement shall terminate. This Section 5.9 shall be triggered  
11 on the effective date of default or withdrawal of the Participant  
12 whose default or withdrawal causes the non-defaulting/non-  
13 withdrawing Participant's Participation Percentage to exceed ten  
14 percent without its consent ("trigger date"). The effective  
15 termination date of this Agreement shall be the date on which all  
16 Phase 3 Work Costs have been paid, including, but not limited to,  
17 winding up and termination costs approved by the Coordinating  
18 Committee. Those Participants not in default or withdrawn on the  
19 trigger date shall use their best efforts to negotiate a new  
20 agreement.

21

22 **6. PAYMENT OF PHASE 3 WORK COSTS AND ADVANCEMENT OF FUNDS**

23       6.1 Each Participant severally agrees to pay the Partici-  
24 pant's Participation Percentage of Phase 3 Work Costs incurred  
25 under this Agreement. Funds received by the Project Manager for  
26 the Project shall be deposited into an interest bearing account.

1 Interest earned shall be credited to the Participants, not in  
2 default, based upon Participation Percentage shares.

3 6.2 The Participants shall advance funds to the Project  
4 Manager in the amounts determined by the Coordinating Committee  
5 for initial deposit into the Phase 3 Work Account.

6 6.3 The Project Manager shall notify each Participant, at  
7 least fifteen (15) calendar days prior to the beginning of each  
8 month, of its share of the sums of money estimated by the Project  
9 Manager to be required for disbursement for Phase 3 Work Costs  
10 during that month and shall adjust the sums of money requested  
11 each month to reflect variations between the recorded costs and  
12 prior advances.

13 6.4 Each Participant shall advance its share of the Phase 3  
14 Work Costs to the Project Manager not later than the fifteenth  
15 (15th) day of each month in which the funds are required. The  
16 Turlock Irrigation District in its capacity as Project Manager  
17 shall not be required to advance any funds on behalf of another  
18 Participant.

19 6.5 Each Participant agrees that the Participant's obliga-  
20 tion to make payments hereunder shall not be subject to any  
21 reduction, whether by offset, counterclaim, recoupment or  
22 otherwise.

23

1 7. WATER RIGHTS

2 7.1 Water for the Project shall be supplied by the Turlock  
3 Irrigation District. All water rights for the Project shall be  
4 held solely in the name of the Turlock Irrigation District.

5 7.2 The Turlock Irrigation District shall have full author-  
6 ity and control over all matters relating to the water rights for  
7 the Project. In the selection of a diversion point, water rights  
8 shall be considered so that the Turlock Irrigation District's  
9 water rights are not adversely affected by the location of the  
10 diversion point for the Project's water treatment facilities;  
11 however, all Participants shall have the right to advise the  
12 Turlock Irrigation District on their preferred diversion point.  
13 All decisions and actions relating to Water Rights Work shall be  
14 within the sole discretion and control of the Turlock Irrigation  
15 District. Water Rights Work may extend into Phase 4 of the  
16 Project.

17 7.3 The Participants understand and agree that the Turlock  
18 Irrigation District shall have the right, within the District's  
19 sole discretion, to cancel the Project before the commencement of  
20 Phase 4 if the Turlock Irrigation District determines that condi-  
21 tions or limitations proposed to be placed upon its existing  
22 water rights in order to supply water for the Project are not in  
23 the best interest of the Turlock Irrigation District. If the  
24 Turlock Irrigation District cancels the Project before the  
25 commencement of Phase 4, the Turlock Irrigation District shall  
26 refund to each Participant all funds that the Participant

1 advanced for Phase 3 costs, without interest on the amount  
2 refunded, except that each Participant shall be entitled to its  
3 prorata share of accrued interest under Section 6.1. The terms  
4 and conditions applicable in the event of cancellation of the  
5 Project after commencement of Phase 4 shall be addressed in the  
6 Participation Agreement.

7  
8 **8. PHASES 4, 5 AND 6 ELECTION RIGHTS**

9 8.1 In the Participation Agreement, each Participant not  
10 then in default or withdrawn from the Project shall be entitled  
11 to elect to take up to and including its Elected Capacity Share  
12 in the Project during Phases 4, 5, and 6 as set forth in Appendix  
13 A and as may be adjusted by Section 5.8. It is anticipated that  
14 the Turlock Irrigation District will not have a Participation  
15 Percentage share in the Project when Phase 4 commences. Turlock  
16 Irrigation District's rights, responsibilities, and duties under  
17 the Project and as Project Manager shall be addressed in the  
18 Participation Agreement.

19 8.2 Any Participant may elect not to participate in Phases  
20 4, 5, and 6 of the Project.

21 8.3 A Participant who elects not to participate in Phase 4  
22 shall give written notice of such election to the Project Manager  
23 and to each Participant on or before the date established by the  
24 Project Manager for the approval of the Participation Agreement  
25 by the Participants. A Participant shall be deemed to have  
26 automatically elected not to participate in Phase 4, without the

1 necessity of written notice, if it fails for any reason to  
2 approve the Participation Agreement by the date established by  
3 the Project Manager for the approval of that Agreement by the  
4 Participants.

5 8.3.1 By electing not to participate in Phase 4, a  
6 Participant shall relinquish and waive any right or entitlement  
7 to further participate in Phases 4, 5, and 6 of the Project.

8 8.3.2 By electing not to participate in Phase 4, a  
9 Participant not then in default shall be entitled to receive a  
10 refund of all advances such Participant may have paid to the  
11 Project Manager for Phase 3 Work Costs if the Project becomes  
12 commercially operable; provided that any additional costs  
13 incurred by the Project in reconfiguring the Project because of  
14 the Participant's non-participation in Phase 4 may be deducted  
15 from the refund. Such Participant shall be paid the refund less  
16 any additional cost deductions, without interest on the amount  
17 refunded, within thirty (30) days after the commercial operation  
18 date of the Project.

19

20 **9. RELATIONSHIP OF PARTICIPANTS**

21 9.1 The obligation of each Participant to make payments  
22 under this Agreement is a several obligation and not a joint  
23 obligation with those of the other Participants. Each Partici-  
24 pant shall be individually responsible for its own covenants,  
25 obligations and liabilities under this Agreement. No Participant  
26 shall be under the control of or shall be deemed to control any

1 other Participant or the Participants collectively. No Partici-  
2 pant shall be the agent of or have the right or power to bind any  
3 other Participant without its express written consent, except as  
4 expressly provided in this Agreement.

5 9.2 The Participants agree that by this Agreement they do  
6 not intend to provide for the creation of an agency or entity  
7 which is separate from the Participants pursuant to Chapter 5  
8 (commencing with Section 6500) of Division 7 of Title 1 of the  
9 Government Code, relating to the joint exercise of powers. The  
10 Coordinating Committee shall not have the power, in its own name  
11 or in the name of the Project, to do any of the following: to  
12 make and enter contracts; to manage, maintain or operate any  
13 building, works or improvements; to acquire, hold or dispose of  
14 property; to incur debts, liabilities or obligations; or to sue  
15 or be sued in its own name or in the name of the Project.

16 9.3 Except for contracts entered into by the Project  
17 Manager for the Project, all actions taken by the Coordinating  
18 Committee or by the Project Manager pursuant to this Agreement  
19 shall be in the name of the Participants to this Agreement.

20

21 **10. ASSIGNMENT**

22 10.1 No Participant shall assign or transfer any right or  
23 interest in this Agreement, in whole or in part, nor shall any  
24 Participant delegate its duties or responsibilities hereunder,  
25 without the prior written consent of all other Participants. Any

1 such assignment or transfer by a Participant without such consent  
2 shall be void.

3 10.2 Notwithstanding Section 10.1, each Participant shall  
4 have the right, without the prior written consent of the other  
5 Participants, to assign or transfer its rights and interests in  
6 the Project and its duties and responsibilities thereunder to an  
7 assignee or transferee of all, or substantially all, of its  
8 municipal and industrial water supply assets or of all, or  
9 substantially all, of its municipal and industrial water supply  
10 assets located within the boundaries of the Turlock Irrigation  
11 District, provided that concurrently with any such assignment or  
12 transfer, such assignee or transferee shall assume all such  
13 duties and responsibilities and, further, shall assume the  
14 obligation to continue to operate the municipal and industrial  
15 water supply assets so transferred and the retail or wholesale  
16 water business attached thereto.

17

#### 18 11. PREPARATION OF PARTICIPATION AGREEMENT

19 Upon execution of this Agreement, the Participants shall  
20 proceed expeditiously and diligently with the negotiation and  
21 preparation of a suitable Participation Agreement with the objec-  
22 tive of having a fully negotiated final draft of such agreement  
23 ready for execution on or before the completion of Phase 3.  
24 Except for Sections 1, 2, 7, and 8 which shall apply to the  
25 Participation Agreement, nothing in this Agreement is intended to

1 have any precedence in the drafting of the Participation  
2 Agreement.

3

4 **12. GENERAL PROVISIONS GOVERNING AGREEMENT**

5 12.1 In the event that any of the terms, covenants or  
6 conditions of this Agreement or the application of any such term,  
7 covenant or condition shall be held invalid as to any Partici-  
8 pant, person or circumstance by any court of competent jurisdic-  
9 tion, all other terms, covenants or conditions of this Agreement  
10 and their application shall not be affected thereby, but shall  
11 remain in full force and effect unless any such court holds that  
12 those provisions are not separable from all other provisions of  
13 this Agreement.

14 12.2 This Agreement is for the sole benefit of the Partici-  
15 pants and shall not be construed as granting rights to any person  
16 other than the Participants or imposing obligations on a Partici-  
17 pant to any person other than another Participant.

18 12.3 Each Participant shall use its best efforts and work  
19 wholeheartedly and in good faith for the expeditious completion  
20 of the Phase 3 Work.

21 12.4 Whenever any act is required to be performed under  
22 this Agreement, and the manner in which such act is to be  
23 performed is not otherwise specifically detailed, such act shall  
24 be performed in a diligent and timely manner.

25 12.5 "Time is of the essence" with reference to all  
26 provisions of this Agreement.

1           12.6 This Agreement may be amended only by a written  
2 instrument duly executed by all of the Participants.

3           12.7 This Agreement may be executed in two or more counter-  
4 parts, each of which shall be deemed an original but all of which  
5 together shall constitute one and the same instrument.

6           12.8 Except as otherwise required by law, this Agreement is  
7 made under and shall be deemed to be governed by the laws of the  
8 State of California.

9           12.9 Each Participant agrees upon request by the Project  
10 Manager or by the Coordinating Committee, to make, execute and  
11 deliver any and all documents reasonably required to implement  
12 this Agreement.

13           12.10 Each term, covenant and condition of this Agreement  
14 is deemed to be an independent term, covenant and condition, and  
15 the obligation of each Participant to perform all of the terms,  
16 covenants and conditions to be kept and performed by it is not  
17 dependent on the performance by any other Participant of any or  
18 all of the terms, covenants and conditions to be kept and  
19 performed by such other Participant.

20           IN WITNESS WHEREOF, the Participants have caused this Agree-  
21 ment to be executed. Each signatory hereto represents that  
22 he/she has been appropriately authorized to enter into this  
23 Agreement on behalf of the Participant for whom he/she signed.

CITY OF CERES

Under the authority of Resolution No. \_\_\_\_\_, adopted by the City Council on \_\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

DEL ESTE WATER COMPANY

Under the authority of Resolution No. \_\_\_\_\_, adopted by the Company's Board of Directors on \_\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

Approved as to form:

\_\_\_\_\_  
Attorney

DELHI COUNTY WATER DISTRICT

Under the authority of Resolution No. \_\_\_\_\_, adopted by the District's Board of Directors on \_\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

Approved as to form:

\_\_\_\_\_  
Attorney

DENAIR COMMUNITY SERVICES DISTRICT

Under the authority of Resolution No. \_\_\_\_\_, adopted by the District's Board of Directors on \_\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

Approved as to form:

\_\_\_\_\_  
Attorney

HILMAR COUNTY WATER DISTRICT

Under the authority of Resolution No. \_\_\_\_\_, adopted by the District's Board of Directors on \_\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

Approved as to form:

\_\_\_\_\_  
Attorney

CITY OF HUGHSON

Under the authority of Resolution No. \_\_\_\_\_, adopted by the City Council on \_\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

**KEYES COMMUNITY SERVICES DISTRICT**

Under the authority of Resolution No. \_\_\_\_\_, adopted by the District's Board of Directors on \_\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

Approved as to form:

\_\_\_\_\_  
Attorney

**CITY OF MODESTO**

Under the authority of Resolution No. \_\_\_\_\_, adopted by the City Council on \_\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

**CITY OF TURLOCK**

Under the authority of Resolution No. \_\_\_\_\_, adopted by the City Council on \_\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

TURLOCK IRRIGATION DISTRICT

Under the authority of Resolution No. \_\_\_\_\_, adopted by the District's Board of Directors on \_\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Deputy Secretary

Approved as to form:

\_\_\_\_\_  
General Counsel

APPENDIX A

PARTICIPATION PERCENTAGES

	Elected Capacity Share (mgd)	Participation Percentage
City of Ceres	11.39	7.13%
Del Este Water Company	3.61	2.26%
Delhi County Water District	1.68	1.05%
Denair Community Services District	1.76	1.10%
Hilmar County Water District	2.13	1.34%
City of Hughson	1.81	1.13%
Keyes Community Services District	1.33	0.83%
City of Modesto	12.00	7.51%
City of Turlock	<u>44.16</u>	<u>27.65%</u>
Subtotal	79.87	50.00%
Turlock Irrigation District	-0-	<u>50.00%</u>
		100.00%

1 APPENDIX B  
2 INITIAL  
3 PHASE 3 WORK  
4 BUDGET  
5

6	Engineering Work (Brown & Caldwell)	\$ 426,000
7	Pilot Plant (Brown & Caldwell)	400,000
8	Environmental Work (EIP)	180,000
9	Special Consultant (B. J. Miller)	20,000
10	Participation Agreement (Best, Best & Kreiger)	25,000
11	Project Financing Plan (Public Financial Management)	25,000
12	Water Quality Monitoring and Testing (contract lab)	100,000
13	Project Manager Costs*	<u>2,000</u>
14	Subtotal	\$1,178,000
15	Contingency (10%)	<u>117,800</u>
16	TOTAL PHASE 3 WORK BUDGET	\$1,285,800

17  
18 \*Costs for mapping, reproductions, etc.; does not include Leroy  
19 Kennedy's time.  
20

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-860

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BOYLE ENGINEERING COMPANY TO PROVIDE AN ENGINEERING EVALUATION REPORT FOR THE ACQUISITION OF THE DEL ESTE WATER COMPANY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Boyle Engineering Company to provide an engineering evaluation report for the acquisition of the Del Este Water Company 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 October , 1990 , 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

*22-0000*

**MODESTO CITY COUNCIL  
RESOLUTION NO. 90-861**

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$180,000 TO COVER CONTRACT WITH A CONSULTANT TO PROVIDE AN ENGINEERING EVALUATION REPORT FOR THE ACQUISITION OF THE DEL ESTE WATER COMPANY**

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

FROM:	Water Fund Reserves (610 800 8000 8003)	\$180,000
TO:	Del Este Water Co. Feasibility Study (610 480 P840 6000)	\$180,000

Funds are needed to cover a contract with a consultant, Boyle Engineering Company, to provide an engineering evaluation report for the acquisition of the Del Este Water Company.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 19<sup>90</sup>, 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:

<b>AYES:</b>	<b>Councilmembers:</b>	Bird, Dobbs, Lang, Muratore, Patterson, Mayor Whiteside
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	Irizarry

**ATTEST:**

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-862

A RESOLUTION AUTHORIZING A SUPPLEMENTAL PAYMENT TO ACCEL (EXCESS LIABILITY INSURANCE POOL) FOR PLAN YEAR #4 (1989-1990)

WHEREAS, each year, the Finance Department estimates payroll prior to the beginning of a fiscal year, which information is forwarded to the Authority for California Cities Excess Liability (ACCEL), a joint powers authority, and premiums are calculated on the basis of that estimate; and

WHEREAS, after the close of a fiscal year, a payroll audit is conducted, and premiums are then adjusted based on the audited plan year payroll.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that a supplemental payment to ACCEL (Excess Liability Insurance Pool) for Plan Year #4 (1989-1990) in the amount of \$100,627 be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-863

A RESOLUTION RECOMMENDING THE DESIGNATION OF STANISLAUS AREA ASSOCIATION OF GOVERNMENTS AS THE AGENCY RESPONSIBLE FOR THE PREPARATION, ADOPTION, AND MONITORING OF THE CONGESTION MANAGEMENT PROGRAM.

WHEREAS, the Government Code Chapter 2.6 (commencing with Section 65088), added by AB 471, requires that with the passage of Proposition 111, Congestion Management Programs be developed and annually updated, and

WHEREAS, a Congestion Management Program must be developed in every county that includes an urbanized area, and shall include every city and the county, and

WHEREAS, Congestion Management Programs must be prepared by an agency designated by the Board of Supervisors and a majority of the cities representing a majority of the incorporated population, and

WHEREAS, the Stanislaus Area Association of Governments (SAAG) is the Metropolitan Planning Organization and the Regional Transportation Planning Agency (RTPA) for Stanislaus County, and

WHEREAS, SAAG is responsible for preparing the Regional Transportation Plan (RTP), the Regional Transportation Improvement Program (RTIP), and the regional transportation model, and has a working knowledge of the interrelationships among transportation planning, land use planning, and air quality planning necessary for the preparation of the Congestion Management Program, and

WHEREAS, SAAG has the ability to finance and provide resources for the development of a Congestion Management Plan, and the ability to provide a forum for all local government agencies that will be affected by this program, and

WHEREAS, Congestion Management Programs must contain level of service (LOS) standards for a designated system of highways and roadways; standards for frequency, routing, and coordination of public transit services; a trip reduction and travel demand element; a program to analyze impacts of local land use decisions on a regional transportation system; a seven-year capital improvement program to maintain or improve LOS and transit performance; and a uniform computer model and data base shall be used, and shall be the same one used for preparation of the RTP, and

WHEREAS, when completed, the Congestion Management Program is to be reviewed by the regional agency for consistency with the RTP. If the program is consistent with the RTP, it will be incorporated into the RTIP starting in 1991, and

WHEREAS, the regional agency is then annually required to determine if the county and cities are conforming to the program. If the regional agency determines that a city or county is not conforming to the program, the governing body shall make such a finding and submit it to the California Transportation Commission and the Controller. Upon receiving notice from the California Transportation Commission and affirming a finding of nonconformance, the Controller shall withhold apportionments of subvented funds from new transportation revenues to the nonconforming city or county, until the RTPA notifies the Controller that the city or county is conforming,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that based on the criteria for preparing the Congestion management Program, the Stanislaus Area Association of Governments is recommended for designation as the regional agency to prepare, adopt, and monitor the Congestion Management Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-864

A RESOLUTION APPROVING A REQUEST NOT TO EXCEED \$300,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR OFF-SITE IMPROVEMENTS FOR A REVITALIZED AND EXPANDED MODESTO CENTER AT THE NORTHWEST CORNER OF PARADISE ROAD AND NORTH MARTIN LUTHER KING DRIVE, BY MAKING A LOAN TO MODESTO REDEVELOPMENT AGENCY, TO BE REPAID WITH TAX INCREMENT FUNDS.

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has made Community Development Block Grant funds available for community and economic development, and

WHEREAS, public improvements to stimulate economic development in a deteriorated area is an eligible activity for the use of Community Development Block Grant funds, and

WHEREAS, the City Council, on the recommendation made by the Citizens Housing and Community Development Committee at its meeting on October 12, 1990, wishes to reverse the slum and blighted conditions to stimulate economic development at the northwest corner of Paradise Road and North Martin Luther King Drive, Modesto, and

WHEREAS, this area is currently in a survey to be declared a redevelopment area for Modesto Redevelopment Agency,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that up to \$300,000 of Modesto's Fiscal Year 1991 Community Development Block Grant funds be made available as a loan to Modesto Redevelopment Agency to install public improvements in the public right-of-way at the northwest corner of Paradise Road and North Martin Luther King Drive, Modesto, to be repaid from tax increment funds after said area becomes eligible for redevelopment, subject to the following conditions:

1. The developer of the project known as Modesto Center obtain secure financing for the project, and
2. The developer of the project known as Modesto Center obtain all necessary environmental clearances with all mitigation measures identified and corrected, and
3. The developer of the project known as Modesto Center pay for all water and sewer connection fees, and all fees for fire service, and
4. The developer of the project known as Modesto Center make a reasonable effort to employ low income residents of the area around the project site on all construction at the site, and
5. The City of Modesto shall have obtained at least \$1,100,000 in Community Development Block Grant funding from the U.S. Department of Housing and Urban Development for Fiscal Year 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-865

A RESOLUTION APPROVING THE REQUEST FOR REFUND OF \$600.48 FOR OVERPAYMENT OF BUSINESS LICENSE TAX BY ACOSTA & SONS

BE IT RESOLVED by the Council of the City of Modesto that the request of Acosta & Sons for refund of \$600.48 for overpayment of business license tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-866

A RESOLUTION APPROVING THE REQUEST FOR REFUND OF \$1,387.65 FOR OVERPAYMENT OF BUSINESS LICENSE TAX PENALTIES BY STANDIFORD PLACE

BE IT RESOLVED by the Council of the City of Modesto that the request of Standiford Place for refund of \$1,387.65 for overpayment of business license tax penalties is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

LOS 6 VO - mag  
Salem On 97307  
PO Box 11111

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-867

A RESOLUTION APPROVING THE REQUEST FOR REFUND OF \$1,453.69 FOR OVERPAYMENT OF BUSINESS LICENSE TAX BY NATIONAL SANITARY SUPPLY

BE IT RESOLVED by the Council of the City of Modesto that the request of National Sanitary Supply for refund of \$1,453.69 for overpayment of business license tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

13217 S. F...  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-868

A RESOLUTION ESTABLISHING RATES AND CONDITIONS FOR PLAY ON THE MODESTO NINE-HOLE MUNICIPAL GOLF COURSE AND THE DRYDEN PARK MUNICIPAL GOLF COURSE AND RESCINDING RESOLUTION NO. 90-496.

WHEREAS, the Council of the City of Modesto finds that golf rates for golfers at its Modesto Nine-Hole Municipal Golf Course and Dryden Park 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 and the Dryden Park Municipal Golf Course are hereby established as follows:

<u>Monthly Tickets (Muni/Dryden):</u>	<u>Rates</u>
Monthly Unlimited Husband and Wife Ticket	\$96.00
Monthly Unlimited Individual Ticket	\$61.00
Monthly Junior Ticket	\$41.00
Monthly Retired Disabled Ticket	\$41.00
Monthly Senior Citizen Ticket	\$41.00
Monthly Senior Citizen 70/Older Ticket	\$23.50
School Golf Team Monthly Ticket	\$41.00

<u>Regular Tickets (Muni):</u>	
Weekdays - 9 Holes	\$ 8.00
Weekdays - 18 Holes	\$12.00
Weekends and Holidays/9 Holes	\$10.00
Weekends and Holidays/18 Holes	\$14.00

<u>Regular Tickets (Muni) continued:</u>	<u>Rates</u>
Weekdays - Late Afternoon Play	\$ 6.00
Weekends - Late Afternoon Play	\$ 8.00
Wednesdays, 65/Older	\$ 4.00

<u>Regular Tickets (Dryden):</u>	
Weekdays - 18 Holes	\$12.00
Weekends and Holidays/18 Holes	\$14.00
Weekdays - Late Afternoon Play	\$10.00
Weekends - Late Afternoon Play	\$10.00

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.

(b) 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.

(c) School Golf Team Tickets. Student tickets are to be issued only upon presentation by holder of a current high school or college student body card, said high school or college being located within the City of Modesto, 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. School team golf tickets will not be valid on Saturdays, Sundays, or holidays. Team members wishing to play during these

periods shall be subject to the regular green fees. Team members with team member tickets 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.

(d) Senior Citizen Tickets. Senior Citizen tickets are to be issued only to persons sixty-five (65) years of age or older. A Medicare card or other proof of age and proof of residency must be displayed to obtain a Senior Citizen ticket. Senior Citizen's tickets will not be valid on Saturdays, Sundays, or holidays. Senior Citizens wishing to play on those days shall be subject to the regular green fees.

(e) Senior Citizen - 65 or Older (Wednesdays). Residents of the County of Stanislaus, sixty-five (65) years of age or older, may play golf at the Nine-Hole Municipal Golf Course for a fee of Four and 00/100ths (\$4.00) Dollars if they display their Medicare card or other proof of age and residency to the starters at the Nine-Hole Municipal Golf Course on Wednesdays, between the hours of 9:00 a.m. and 3:00 p.m., except on holidays.

(f) Senior Citizen - 70 or Older. Senior Citizens, seventy (70) years of age or older, may play golf at the Nine-Hole Municipal Golf Course with a special monthly ticket at a fee of Twenty-three and 50/100ths (\$23.50) Dollars if they display their Medicare card or other proof of age to the starters at the Nine-Hole Municipal Golf course on Mondays through Thursdays before the hour of 2:00 p.m., except on holidays.

(g) Retired/Disabled Ticket. Retired/Disabled tickets are to be issued only to those who are on disability retirement and who display proof

of such disability retirement and proof of residency. These tickets will not be valid on Saturdays, Sundays or holidays. Those on disability retirement wishing to play on weekends and holidays shall be subject to the regular green fees.

(h) Junior Tickets. Junior tickets are to be issued only to persons who are under 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. These tickets will not be valid on Saturdays, Sundays, holidays or during school hours. Juniors wishing to play on weekends and holidays shall be subject to the regular green fees.

SECTION 3. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 4. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day, Martin Luther King's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Admission Day, Veterans Day, Thanksgiving Day and the day after Thanksgiving.

SECTION 5. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established green fees.

SECTION 6. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after October 17, 1990.

SECTION 7. REPEALS. Resolution No. 90-496 adopted on May 1, 1990 is hereby rescinded October 16, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-869

A RESOLUTION APPROVING THE FINAL MAP OF THE CHRISTINE HEIGHTS UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Susan L. Schwartz and David A. Schwartz, wife and husband, are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.613 acres, known as the Christine Heights Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 21st day of August, 1989, 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 Christine Heights Unit No. 2 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 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-870

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JOSE A. AND ELVA A. LEMUS FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1602 PORTLAND AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jose A. and Elva A. Lemus for sewer service to property outside City limits at 1602 Portland 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 16th day of October , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-871

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR SCENIC BEND LIFT STATION ODOR CONTROL

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

SECTION 1. The plans and specifications for the Scenic Bend lift station odor control

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, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

10  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-872

A RESOLUTION ACCEPTING THE BID OF DOW HAMMOND TRUCKS COMPANY FOR FURNISHING  
A POLICE PRISONER TRANSPORT VAN

WHEREAS, Resolution No. 90-711 , adopted by the Council of the City of  
Modesto on August 28 , 1990 , approved the plans and specifications for  
the purchase of a Police prisoner transport van

and authorized the calling for bids; and

WHEREAS, the bids received for the Police prisoner transport van

were opened at 11:00 a.m. on October 1, 1990 , 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 Dow Hammond Trucks Company in the amount of \$18,694.40

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the bid of Dow Hammond Trucks Company in the amount of \$18,694.40  
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 6th day of November, 1990, by  
Councilmember Lang , who moved its adoption, which motion being  
duly seconded by Councilmember Irizarry , was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patters  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

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F...  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-873

A RESOLUTION ACCEPTING THE BID OF CIMARRON CONSTRUCTION FOR ADDITIONAL RIPRAP REPAIR TO STORAGE PONDS ON JENNINGS ROAD

WHEREAS, Resolution No.90-763 , adopted by the Council of the City of Modesto on September 18, 1990 , approved the plans and specifications for additional riprap repair to storage ponds on Jennings Road

and authorized the calling for bids; and

WHEREAS, the bids received for additional riprap repair to storage ponds on Jennings Road

were opened at 11:00 a.m. on October 11,1990 , and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Cimarron Construction in the amount of \$29,250

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Cimarron Construction in the amount of \$29,250 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 November , 1990, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

Morrine Coyle  
MORRINE COYLE City Clerk

m/d

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-874

A RESOLUTION DECLARING INTENTION TO ISSUE BONDS FOR THE  
PURPOSE OF PROVIDING FINANCING FOR CERTAIN PUBLIC FACILITIES

WHEREAS, the City is authorized pursuant to the Improvement Bond Act of 1915, Section 8500, *et seq.*, of the California Streets and Highways Code, the Mello-Roos Community Facilities Act of 1982, Section 53311, *et seq.*, of the California Government Code, and other financing authorities (collectively, the "Acts") to issue and sell its bonds for the purpose of providing financing for certain public improvements, and

WHEREAS, the City intends to issue bonds under the Acts (the "Bonds") for the purpose of providing financing for public street improvements including, but not limited to, the widening of roadways, and the installation of curbs, gutters, sidewalks, streetlights and traffic signal facilities together with all required landscaping and appurtenant improvements and right of way acquisition, all in the area of Standiford Avenue between Sisk Road and Prescott Avenue, Sisk Road from Brenner Way to Conant Avenue, and the intersections of Sisk Road and Rumble Road, and Prescott Avenue and Standiford Avenue (the "Project") and wishes to assure that amounts expended for the Project may be reimbursed from the proceeds of the Bonds, and

WHEREAS, it is in the public interest, for public benefit and in furtherance of the public purposes of the City that the City Council provide preliminary approval of the issuance of the Bonds for the aforesaid purposes,

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

Section 1. The City hereby declares its intent to issue and sell the Bonds in such principal amount or amounts, from time to time, all as may be necessary to provide financing for the Project.

Section 2. The City hereby declares its intent to use proceeds of the Bonds to pay for all costs of the Project which are incurred after the date of issuance of the Bonds as well as to reimburse the City or others for all amounts paid or incurred in connection with the Project or the Bonds prior to bond issuance, including, but not limited to, the following: i) the cost of planning and designing the public improvements, including the cost of environmental evaluation; ii) the expenses of making any analyses and tests in connection with the public improvements, including those to determine that the work, and any materials or appliances incorporated into it, comply with the specifications of the City; iii) all compensation for work done by the engineers, attorneys, appraisers, and other consultants; iv) all costs incidental to

the construction, completion and inspection of the public improvements; v) the costs of any acquisitions required by, or related to, the Project; (vi) the costs of filing and recording documents, of title searching, description writing, and of preparing all documents and reports in connection with the Project; vii) the cost of relocating or altering any public utility facilities; viii) all costs related to the issuance of the Bonds, including, but not limited to, printing and advertising, costs of obtaining credit ratings, bond insurance premiums, fees for letters of credit and other credit enhancement costs, initial fees for registration of the Bonds; and ix) all administrative costs of the City in connection with the Project or the Bonds.

Section 3. The City hereby determines that it intends to take all action necessary or advisable in connection with the issuance and sale of the Bonds.

Section 4. The Bonds shall be special obligations of the City payable solely from the sources described in the authorization of the Bonds and shall not constitute an indebtedness of the City or a loan of credit thereof within the meaning of any constitutional or statutory provisions.

Section 5. The issuance and sale of the Bonds shall be upon such terms and conditions as may be subsequently determined by the City and shall be subject to completion of proceedings for issuance, sale and delivery of the Bonds by the City.

Section 6. The proceeds of the Bonds shall include such related and necessary issuance costs, administrative expenses, debt service reserves and interest payments as may be required to accomplish the financing successfully.

Section 7. The City Council hereby finds that the adoption of this resolution is a substantial inducement to the City and others to expend amounts for the Project and the Bonds in advance of issuance of the Bonds and that the Project will further the public purposes of the City.

Section 8. This Resolution is adopted solely for the purpose of assuring that the exclusion of interest on the Bonds for federal income tax purposes will not be adversely affected by reason of the use of proceeds of the Bonds for the reimbursement of costs paid or incurred in advance of issuance of the Bonds, and the action of the City Council in adopting this Resolution shall not vest in the City or in others a right to require that the Bonds be issued or to require reimbursement in the event that the City Council, in its sole discretion determines, in the course of proceedings for issuance and sale of the Bonds, not to reimburse for costs paid or incurred in contemplation of issuance of the Bonds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

[SEAL]

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
STAN YAMAMOTO, City Attorney

RESOLUTION NO. 90-875

A RESOLUTION APPROVING AGREEMENT FOR LEGAL SERVICES AND  
AUTHORIZING EXECUTION THEREOF

CITY OF MODESTO  
Local Improvement District No. 29  
(Standiford-Sisk-Dale-Prescott)

RESOLVED, by the City Council (the "Council") of the City of Modesto (the "City"), County of Stanislaus, California, that that certain Agreement for Legal Services between the City of Modesto and Jones Hall Hill & White, A Professional Law Corporation, this date presented to this Council, is hereby approved, and the City Manager of the City of Modesto is hereby authorized to execute said Agreement on behalf of the City of Modesto and the City Clerk of the City of Modesto is hereby directed to attest the signature of the City Manager and affix thereto the official seal 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 November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

[SEAL]

APPROVED AS TO FORM:

By:

  
\_\_\_\_\_  
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-876

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SEIDLER-FITZGERALD PUBLIC FINANCE FOR FINANCIAL ADVISOR SERVICES IN CONNECTION WITH IMPROVEMENT DISTRICT NO. 29

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Seidler-Fitzgerald Public Finance for financial advisor services in connection with Improvement District No. 29

be, and it is hereby approved.

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

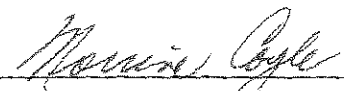
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November , 19 90 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

m/d

**MODESTO CITY COUNCIL  
RESOLUTION NO. 90-877**

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$107,500 FROM GAS TAX RESERVES TO COVER THE START OF IMPROVEMENT DISTRICT NO. 29 PROJECT**

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

FROM:	Gas Tax Reserves (070 800 8000 8003)	\$107,500.00
TO:	Improvement District No. 29 (070 430 P941 6000)	\$107,500.00

Funds are needed to cover the start of this project until the preliminary work is done and the bonds are sold.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST:

*Norrine Coyle*  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-878

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ATMOSPHERIC'S INC. TO PLACE MONITORING EQUIPMENT AT THE AIRPORT FOR A CLOUD SEEDING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Atmospheric's Inc. to place monitoring equipment at the Airport for a cloud seeding 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 6th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL  
RESOLUTION NO. 90-879

AMENDED  
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EMPIRE UNION SCHOOL DISTRICT TO REFLECT THE ACQUISITION OF FIVE-TO-SEVEN ACRE PARK SITES INSTEAD OF FIVE-ACRE PARK SITES IN THIS NEIGHBORHOOD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Empire Union School District to reflect the acquisition of five-to-seven acre park sites instead of five-acre park sites in this neighborhood 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 November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-880

A RESOLUTION APPROVING THE REQUEST OF AIR CONDITIONING COMPANY FOR REFUND OF \$2,464.83 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Air Conditioning Company for refund of \$2,464.83 for overpayment of business license tax 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 November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-881

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM D. LEMMONS FOR REIMBURSEMENT OF COSTS TO RELOCATE A SEPTIC SYSTEM AT 3015 COFFEE ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William D. Lemmons for reimbursement of costs to relocate a septic system at 3015 Coffee 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 6th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODesto CITY COUNCIL  
RESOLUTION NO. 90-882

A RESOLUTION ACCEPTING IMPROVEMENTS IN MARIPOSA SQUARE UNIT NO. 1 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Horn Construction, subdividers of Mariposa Square Unit No. 1 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 195,300.00 and \$ 97,650.00 respectively to guarantee improvements in Mariposa Square Unit No.1 and;

WHEREAS, the Director of Public Works in a memorandum dated October 25, 1990, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering 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 Mariposa Square Unit 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 \$195,300.00 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 \$97,650.00 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 6th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-883

A RESOLUTION APPROVING THE FINAL MAP OF THE RIVER TERRACE  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Nineveh Incorporated, a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 30.5328 acres, known as the River Terrace Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 3rd day of October, 1988, 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 River 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,

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 6th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-884

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE WAT CAMBODIAN BUDDHIST SOCIETY, INC. FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 649 PARADISE ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Wat Cambodian Buddhist Society, Inc. for sewer service to property outside City limits at 649 Paradise Road, located on the west side of Paradise between Chicago and Florette 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 6th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL  
RESOLUTION NO. 90-885

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE FOR \$57,130 IN PUBLIC RESOURCES ACCOUNT GRANT FUNDING FOR A YOUTH SERVICES COORDINATOR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State for \$57,130 in Public Resources Account grant funding for a Youth Services Coordinator

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 November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

*W. J. ...*  
*Finance*

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-886

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF  
MODESTO FOR FISCAL YEAR 1990-91 TO PROVIDE REVENUE AND  
APPROPRIATIONS FOR THE GRANT FUNDED POSITION OF YOUTH  
PROGRAM SUPERVISOR.

WHEREAS, on September 25, 1990, the City Council allocated the  
position of Youth Program Supervisor and the City Manager was authorized to  
sign a grant application for funding, and

WHEREAS, the City has since been notified that funding was approved  
in the amount of \$57,130 for 12 months salary and related expenses for this  
position,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the following adjustments be made to the Annual Budget of the City of  
Modesto for the Fiscal Year 1990-91:

GENERAL FUND (FUND NO. 010)

Appropriations:

<u>Fund/Agency/Org/Object</u>	<u>Description</u>	<u>Inc/(Decrease)</u>
010/300/3001/0110	Salary & Wages	\$ 39,914
010/300/3001/0188	Fringe Benefits	12,278
010/300/3001/0201	Postage	500
010/300/3001/0205	Printing & Binding	1,200
010/300/3001/0207	Conference Expense	1,000
010/300/3001/0208	Auto Allowance	840
010/300/3001/0208	Business Expense	500
010/300/3001/0210	Utility Expense (Telephone)	398
010/300/3001/0301	Office Supplies	500

Revenue:

<u>Fund/Agency/Org/Rev</u>	<u>Description</u>	<u>Inc/(Decrease)</u>
010/310/0000/3131	State Grant Revenue	\$ 57,130

BE IT FURTHER RESOLVED that the Director of Finance 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 November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-887

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR CONSENT TO COMMON USE TO ALLOW THE CITY TO WIDEN THE EXISTING BRIDGE FACILITY ON CARPENTER ROAD OVER MID LATERAL NO. 4

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District for consent to common use to allow the City to widen the existing bridge facility on Carpenter Road over MID Lateral No. 4 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 November , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-888

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MICHAEL ROYER FROM THE CULTURE COMMISSION, EFFECTIVE NOVEMBER 6, 1990

WHEREAS, Michael Royer was appointed a member of the Culture Commission on March 13, 1990; and

WHEREAS, Michael Royer has tendered his resignation from the Culture Commission effective November 6, 1990.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Michael Royer from the Culture 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 Michael Royer 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 November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-889

A RESOLUTION APPOINTING MEMBERS OF THE MODESTO YOUTH COMMISSION TO SERVE A TWO YEAR TERM TO EXPIRE JUNE 1992

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

SECTION 1. The following persons/ <sup>are</sup> hereby appointed to the Modesto Youth Commission to serve a two year term to expire June 1992:

Beyer High School  
Annette Gammon

Central Catholic High School  
Treb Padula

Davis High School  
Karen Rai

Downey High School  
Adam Rhynes

Modesto Christian High School  
Kevin Hearne

Modesto High School  
Amanda Walters

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Modesto Youth 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 6th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, CITY CLERK

MEMBERS  
SUN  
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-890

A RESOLUTION THANKING THE GROUPS AND INDIVIDUALS FORMING THE CITIZENS FOR A PLANNED FUTURE COMMITTEE AND TO ALL OTHERS WHO SUPPORTED AND WORKED ON THE SUCCESSFUL EFFORT TO PASS MEASURE F CONCERNING EXTENSION OF THE CITY OF MODESTO SANITARY SEWER TRUNK TO THE VILLAGE I AREA.

WHEREAS, in an effort to pass Measure F concerning the extension of the City of Modesto Sanitary Sewer to the Village I area, a promotional citizens committee was established calling itself Citizens for a Planned Future, and

WHEREAS, said committee was formed by groups and individuals supporting Village I for the purpose of seeking a favorable advisory measure vote, and

WHEREAS, on the ballot of the gubernatorial election which was held on November 6, 1990, Measure F was submitted to the Electors of said City concerning the extension of the City of Modesto Sanitary Sewer Trunk to the Village I area, and

WHEREAS, said Measure F received a majority of all the votes cast at the election in favor of said Measure and said Measure was approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby expresses its thanks to the groups and individuals forming the Citizens for a Planned Future Committee and to all others who supported and worked on the effort to successfully pass Measure F concerning the extension of the City of Modesto Sanitary Sewer Trunk to the Village I area.

The foregoing resolution was introduced at an adjourned session of the Council of the City of Modesto held on the 13th day of November, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-891

A RESOLUTION DESIGNATING CRESSEY MANOR LOCATED AT 915 17th 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 January 22, 1990, 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. 8, that Cressey Manor 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 November 13, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that Cressey Manor is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission, subject to the following conditions:

1. Cressy Manor shall be designated as a Landmark Preservation Site. Owner may apply to the City Council after a ten year period to reconsider the historical significance.

2. The Historical Landmark Preservation Site applies specifically to the Cressy Manor and excludes the outlying buildings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Cressey Manor located is on property at 915 17th Street, and more particularly described as follows:

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

Lots 8, 9, 10, 11, and 12 in Block 125 of the CITY OF MODESTO, as per map filed December 21, 1942, in Volume 15 of Maps, Stanislaus County Records.

BE IT FURTHER RESOLVED that Cressy Manor has historic and architectural significance and is hereby designated a Landmark Preservation Site, subject to the above conditions and for the following reasons:

1. Architecturally it is a fine example of the Neoclassical Revival style adapted to California.
2. Historically it was the home of George A. Cressey, a member of one of Modesto's most prominent families.
3. Financially it is viable having been converted to offices.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.04(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 13th day of November, 1990, 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: Bird, Dobbs, Lang, Muratore, Patterson,

NOES: Councilmembers: Irizarry, Mayor Whiteside

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-892

A RESOLUTION GRANTING AN APPEAL TO THE DECISION OF THE ENVIRONMENTAL ASSESSMENT COMMITTEE, WHICH REQUIRED AN ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PLANNED DEVELOPMENT PROJECT AT THE SOUTHEAST CORNER OF BRIGGSMORE AND OAKDALE AVENUES, AND REMANDING THE MATTER TO THE ENVIRONMENTAL ASSESSMENT COMMITTEE FOR THE ISSUANCE OF A MITIGATED NEGATIVE DECLARATION FOR THE PROJECT.  
(ST. PAUL'S EPISCOPAL CHURCH)

WHEREAS, on October 3, 1990, the City of Modesto's Environmental Assessment Committee reviewed the application filed by St. Paul's Episcopal Church to rezone from Low Density Residential Zone, R-1, and Planned Development Zone, P-D(147), to a new Planned Development Zone, P-D, to allow 68 senior housing units, a bank, and expansion of the existing church, which is a proposed project to be located at the southeast corner of Briggsmore and Oakdale Avenues in the City of Modesto, and

WHEREAS, the proposed project also includes revised parking for St. Paul's Church, access through the site to the existing Nazerene Church site, and a slip ramp off and a slip ramp onto Briggsmore Avenue to provide access and egress to all four of the parcels, and

WHEREAS, the City of Modesto's Environmental Assessment Committee found that the inclusion of slip ramps on Briggsmore Avenue in the proposed project may have a significant effect on the environment, as noted in the Environmental Evaluation dated October 3, 1990, and the Committee determined that an Environmental Impact Report is required, and

WHEREAS, pursuant to the provisions of Section 4-10.02 of the Modesto Municipal Code, an appeal to the decision of the Environmental Assessment Committee's requirement for an Environmental Impact Report was

filed with the Office of the City Clerk by letter dated October 5, 1990 from Mid-Valley Engineering on behalf of the St. Paul's Episcopal Church (appellant), 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 October 23, 1990, which hearing was then continued to November 13, 1990, at 4:00 p.m., at which time and place the Council considered the appeal and evidence, both oral and documentary, was taken and introduced, and

WHEREAS, after said public hearing on November 13, 1990, the Council found and determined that all potential significant impacts of the proposed slip ramps will be mitigated by redesign of the ramps to applicable current traffic engineering design standards to significantly improve motor vehicle and pedestrian safety during acceleration and deceleration, and that it is not necessary for appellant to submit an Environmental Impact Report because there are special circumstances applicable to the subject property so that strict application of the City's policy of limiting access to expressways would result in adverse vehicular traffic circulation conditions within the site, and

WHEREAS, the Council further found and determined that the matter should be remanded to the Environmental Assessment Committee for the purpose of issuance of a negative declaration with mitigation measures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that based on the basis of the above mitigation measures, the appeal of Mid-Valley Engineering, Inc., on behalf of the St. Paul's Episcopal Church, to the decision of the City of Modesto's Environmental Assessment Committee

requiring an Environmental Impact Report for said proposed project, is hereby granted for the reasons set forth above, subject to the condition that the developer shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Modesto or its advisory agency, appeal board, or legislative body concerning a P-D Zone, 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 developer of any claim, action or proceedings and shall cooperate fully in the defense.

BE IT FURTHER RESOLVED that the matter is hereby remanded to the Environmental Assessment Committee to issue a negative declaration with the mitigation measures described herein upon appellant's satisfactory redesign of the ramps.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby reserves any and all of its rights to alter, amend, modify or change the findings stated herein, if upon administrative appeal substantial evidence is presented which demonstrates that the project may have significant environmental impacts which are not mitigated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, by Councilmember Bird, 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: Bird, Dobbs, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-893

A RESOLUTION GRANTING THE APPEAL OF DEL MONTE CORPORATION TO THE DECISION OF THE PLANNING COMMISSION AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR YOSEMITE MEADOWS SUBDIVISION. (THE WILLIAM LYONS COMPANY, SUBDIVIDER)

WHEREAS, the vesting tentative map of the Yosemite Meadows Subdivision was filed in the office of the Secretary of the Planning Commission on August 16, 1990, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, copies of said vesting tentative 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 by Fire Station #3 at El Vista Avenue and Edgebrook Drive, 3.0 miles distant, and

WHEREAS, a public hearing was held by the Planning Commission on October 1, 1990, 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. 90-83, found and determined that the vesting tentative map of Yosemite Meadows Subdivision accepted for filing in the office of the Secretary of the Planning Commission on August 16, 1990, should be approved as submitted and as shown in

red on the face of the map, subject to certain conditions as set forth in said Planning Commission resolution, and

WHEREAS, an appeal to the decision of the Planning Commission approving said vesting tentative map for Yosemite Meadows Subdivision was filed with the City Clerk by Michael A. Rein, Esq., on behalf of Del Monte Corporation by letter dated October 11, 1990, wherein Del Monte appealed the Planning Commission's approval of the vesting tentative map of Yosemite Meadows Subdivision on the basis that the Del Monte Corporation is requesting that a written agreement be entered into between the William Lyons Company, Del Monte Corporation, and the City of Modesto, prior to the construction of Yosemite Meadows Subdivision setting forth the funding for the cost of relocating the main entrance to the Del Monte Corporation Plant located on Yosemite Avenue at the Claus Road intersection, and

WHEREAS, said matter was set for a public hearing on November 13, 1990, at 4:00 p.m., in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, for consideration of said appeal, and

WHEREAS, at its meeting of November 13, 1990, at 4:00 p.m., after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Del Monte Corporation to the decision of the Planning Commission approving the vesting tentative map of Yosemite Meadows Subdivision should be granted, and a written agreement should be entered into between the William Lyons Company, Del Monte Corporation, and the City of Modesto, setting forth the funding for the cost of relocating the main entrance to the Del Monte Corporation Plant as referred to above, for the following reasons:

1. The relocation of the main entrance of the Del Monte Corporation Plant is to provide adequate access for the Del Monte Plant when the new Claus Road/Garner Road and Yosemite Boulevard intersection is opened.

Caltrans will restrict the existing Del Monte main entrance to right turns only when the new Claus Road/Garner Road and Yosemite Boulevard intersection opens. Caltrans will not allow this intersection to open unless Del Monte has the new entrance.

and

WHEREAS, the Council further found and determined that the decision of the Planning Commission approving the tentative subdivision map for Yosemite Meadows Subdivision should be upheld for the reasons set forth in Planning Commission Resolution No. 90-83 and quoted below:

1. That the proposed vesting subdivision, 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 from the proposed vesting 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 August 8, 1990 should be certified as adopted.

and

WHEREAS, at said meeting, the Council 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 proposed vesting tentative map,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the appeal of Michael A. Rein, E

filed on behalf of Del Monte Corporation requesting that a written agreement be entered into between the William Lyons Company, Del Monte Corporation, and the City of Modesto prior to construction of Yosemite Meadows Subdivision setting forth the funding for the cost of relocating the main entrance to the Del Monte Plant located on Yosemite Avenue at the Claus Road intersection is hereby granted for the reasons set forth above.

BE IT FURTHER RESOLVED that the vesting tentative map of Yosemite Meadows Subdivision which was accepted for filing in the office of the Secretary of the Planning Commission on August 16, 1990, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. That the approved Vesting Tentative Subdivision Map is Map D in staff's report dated October 1, 1990.
2. That the noise mitigation measures required by the adopted Mitigated Negative Declaration shall apply. That only one-story houses shall be permitted on lots adjacent to Yosemite Boulevard. The maximum wall height permitted along "new" Claus Road shall be eight feet and second-story units are allowed subject to construction standards established in the Noise Study.
3. That direct vehicular and pedestrian access between "new" Claus Road, Yosemite Boulevard, and the south portion of "existing" Claus Road along those lots that back up to "existing" Claus Road, and the adjacent subdivision lots shall be denied by appropriate notes on the final map.
4. That a solid decorative masonry wall at least eight feet in height shall be constructed adjacent to subdivision lots along the east line of "new" Claus Road and the west line of "existing" Claus Road along those lots that back up to "existing" Claus Road subject to the clear vision requirements of Section 10-2.2314 of the Municipal Code.
5. That a solid decorative masonry wall at least eight feet in height shall be constructed adjacent to subdivision lots along the north line of Yosemite Boulevard subject to the clear vision requirements of Section 10-2.1609 of the Municipal Code.

6. That prior to recordation of the final map, abandonment of the west portion of "existing" Claus Road shall be approved.
7. That "existing" Claus Road shall be developed to a 50-foot part-width street consistent with collector street standards. Interim striping for two travel lanes and a left turn lane shall be provided as approved by the Public Works and Transportation Director. The striping shall be for two travel lanes consistent with City standards if "new" Claus Road is open at Yosemite Boulevard and "existing" Claus Road no longer has access to "new" Claus Road.
8. That the developer deposit with the City of Modesto an amount to install a median on Yosemite Boulevard to restrict left turns at the "existing" Claus Road, as approved by Caltrans and the Modesto Public Works and Transportation Director.

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 established:

- a. That the purpose of the fee is to mitigate the impact of traffic generated by the project and the Dry Creek Meadows Subdivision. Yosemite Meadows is a phase of Dry Creek Meadows.
  - b. That the fee will be used to install a median on Yosemite Boulevard at "existing" Claus Road.
  - c. That Yosemite Meadows is a phase of the Dry Creek Meadows Subdivision. The combined traffic generated from both subdivisions to Yosemite Boulevard caused Caltrans to require the installation of the median. Therefore, there is a reasonable relationship between the fee and the project. Caltrans' decision was based on a traffic study prepared of Dry Creek Meadows.
  - d. That Caltrans has determined that the "existing" Claus Road/ Yosemite Boulevard intersection is approximately 600 feet from the "new" Claus Road/Yosemite Boulevard intersection. Locating street intersections too close together on Yosemite Boulevard would result in traffic flows to unacceptable levels. Therefore, there is a reasonable relationship between the need for the improvements and this project.
9. The subdivider shall dedicate and improve street right-of-way for new Claus Road as required by the Public Works and Transportation Director to complete Claus Road realigned to expressway street standards, including a traffic signal.

10. The subdivider shall dedicate and improve street right-of-way for Yosemite Boulevard as required by the Public Works and Transportation Director and the State of California Department of Transportation.
11. That all 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.
12. If the subdivision is filed in multiple units, that street barricades shall be constructed at the end of all deadend streets as required by the Public Works and Transportation Director pursuant to improvement plans.
13. That public utility easements as required by the utility companies serving the subdivision shall be dedicated by the final map.
14. A twenty-foot MID easement is required along "existing" Claus Road centered on existing overhead lines. When the abandonment of "existing" Claus Road and the abutting lots are created, the overhead lines shall be relocated at the developer's expense as approved by MID. Additional easements may be necessary for said relocation.
15. That irrigation lines within the subdivision shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Public Works and Transportation Director. Appropriate easements for irrigation lines to remain shall be dedicated as necessary.
16. That each property must be served by a separate water and sewer service from the main to the property line. No sewer or water service shall be placed in an easement to serve any property.
17. Storm drainage shall be by a positive storm drainage system.
18. That full sidewalk between the curb and the property line with street tree and landscaping blockouts at approximately 40-foot intervals, with landscaping, plant materials, and an automatic irrigation system, as approved by the Parks and Recreation Director, shall be constructed along the Yosemite Boulevard frontage of the subdivision.
19. That prior to recordation of a final map the subdivider shall add this subdivision to the "Special Assessment Benefit District for Landscaping" (SABDL) established for the Dry Creek Meadows Subdivision. Said SABDL shall be for the purpose of financing the construction and on-going maintenance of

landscaping along the "new" Claus Road Expressway, the south portion of "existing" Claus Road and Yosemite Boulevard abutting the subdivision.

20. Landscaping requirements shall be approved by the Parks and Recreation Director.
21. 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.
22. 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.
23. That the developer shall disclose to all future homebuyers that "existing" Claus Road will be converted to a collector street without direct access to "new" Claus Road.
24. That prior to recordation of a final map, the William Lyons Company shall initiate and complete a three-way agreement with the William Lyons Company, Del Monte Corporation, and the City of Modesto. The agreement would have William Lyons Company deposit \$268,000 with the City of Modesto. At the sole discretion of the City of Modesto, a portion of said fund would be expended for the relocation of Del Monte's main entrance. All remaining money would be expended for the new Claus Road and Yosemite Boulevard intersection.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Secretary of the Planning Commission is hereby directed to file with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed subdivision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, by Councilmember Irizarry, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-894

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 MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 AND R-2 TO P-0. (DONALD T. KAN)

WHEREAS, on November 13, 1990, the City Council introduced Ordinance No. 2737-C.S. giving approval to a project relating to an amendment to Section Map 23-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Professional Office Zone, P-0, property located on the north side of Scenic Drive, east of 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 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 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 Map 23-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Professional Office Zone, P-0, property located on the north side of Scenic Drive, east of Oakdale Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1989, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-895

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(479). (STANISLAUS COUNTY HOUSING AUTHORITY)

WHEREAS, a verified application for an amendment to Section 12-3-8 of the Zoning Map was filed by Stanislaus County Housing Authority on August 15, 1990, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow an elderly housing complex, property located on the west side of Conant Avenue south of the Hetch-Hetchy right-of-way, described as follows:

R-1 to P-D

Being a portion of Parcel 3 as shown in Volume 22 of Parcel Maps at Page 28, Stanislaus County Records, lying in Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, more particularly described as follows:

BEGINNING at the northwesterly corner of said Parcel 3, said point being on the southerly line of the Hetch Hetchy Right-of-Way; thence North 70°17'22" East along the northerly line of said Parcel 3 and the southerly line of said Hetch Hetchy Right-of-Way a distance of 814.02 feet, more or less, to the centerline of Conant Avenue; thence South 0°15'05" East along the centerline of said Conant Avenue a distance of 406.04 feet; thence South 89°21'21" West a distance of 767.55 feet, more or less, to the westerly line of said Parcel 3; thence North 00°14'46" West along the west line of said Parcel 3 a distance of 140.13 feet to the northwesterly corner of said Parcel 3 the POINT OF BEGINNING.

and

WHEREAS, said application was set for a public hearing before the Planning Commission on October 15, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on October 15, 1990, 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. 90-90, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D zone conforms with the General Plan which calls for a variety of housing types in all neighborhoods.
2. Much of the desirable locational criteria for elderly housing developments are fulfilled in this proposal including City bus service, an adjoining park site, and relative nearness to the Vintage Faire Mall.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on November 13, 1990, at 4:00 p.m., and

WHEREAS, after a public hearing held on November 13, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Stanislaus County Housing Authority 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. 90-90 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2738\_\_-C.S. on the 13th day of November, 1990, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(479).

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(479), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Elderly Housing Development Housing Authority, County of Stanislaus" as amended in red, stamped approved by the Planning Commission on October 15, 1990.
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 south property line. 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-high masonry pilaster and board fence along the south property line.
  - b. Six-foot-high masonry pilaster and board fence along the north property line with the option of six-foot-high wrought-iron fencing opposite the view corridors.
  - c. Six-foot-high solid decorative masonry wall along the west 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. The Conant Avenue frontage shall be improved to collector street standards 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 pay the City of Modesto the cost of planting street trees along the Conant Avenue frontage. The number shall be as determined by the Public Works and Transportation Director.

8. The developer shall dedicate to the City of Modesto a street tree planting easement along the Conant Avenue frontage as required by the Parks and Recreation Director.
9. All curbcuts serving two-way driveways shall be 41 feet in width.
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. That the developer shall pay fees for rockwell maintenance as established by the Modesto Municipal Code and as directed by the Public Works and Transportation Director.
12. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
13. 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.
14. 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.
15. All signs shall comply with the sign requirements of the R-3 Zone.
16. Prior to the issuance of a building permit for any structure, a final parcel map shall be recorded.
17. 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.
18. That the developer 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 P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code 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.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(479):

The entire construction program be accomplished in one phase, construction to begin on or before October 15, 1992, and completion to be not later than October 15, 1993.

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(479), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William J. Smith  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO.90-896

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 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). (STANISLAUS COUNTY HOUSING AUTHORITY)

WHEREAS, on November 13, 1990, the City Council introduced Ordinance No. 2738-C.S. giving approval to a project relating to an 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), property located on the west side of Conant Avenue south of the Hetch-Hetchy right-of-way, 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 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 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), property located on the west side of Conant Avenue south of the Hetch-Hetchy right-of-way.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-897

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR 18 INCH WATERLINE IN CROWS LANDING ROAD BETWEEN  
HATCH ROAD AND WHITMORE AVENUE

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

SECTION 1. The plans and specifications for an 18 inch waterline in  
Crows Landing Road between Hatch Road and Whitmore Avenue  
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, 1990, at 11:05 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 13th day of November, 1990,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Irizarry, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-898

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING TWO NEW TRUCK CABS AND CHASSIS WITH  
DUMP BODIES

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

SECTION 1. The plans and specifications for furnishing two new truck cabs and chassis with dump bodies 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 10, 1990, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-899

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ANNUAL PUMP REPAIR FOR THE CITY'S  
GROUND WATER PUMPING STATIONS

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

SECTION 1. The plans and specifications for furnishing annual pump repair for the City's ground water pumping stations 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 3, 1990, at 10:00 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-900

A RESOLUTION ACCEPTING THE BID OF SIMON LT, INC. FOR FURNISHING ONE 110 FOOT AERIAL APPARATUS (LADDER TRUCK) FOR THE FIRE DEPARTMENT

WHEREAS, Resolution No. 90-698 , adopted by the Council of the City of Modesto on August 21 , 1990 , approved the plans and specifications for the purchase of one 110' aerial apparatus (ladder truck) for the Fire Department and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one 110' aerial apparatus (ladder truck) for the Fire Department were opened at 11:00 a.m. on September 24, 1990, 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 Simon LT, Inc. in the amount of \$495,000

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Simon LT, Inc. in the amount of \$495,000 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 13th day of November , 1990, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-901

A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MUNICIPAL LEASING ASSOCIATES FOR FINANCING OF AN AERIAL APPARATUS TRUCK FOR THE FIRE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease purchase agreement between the City of Modesto and Municipal Leasing Associates for financing of an aerial apparatus truck for the Fire 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 13th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-902

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON THE "OMNI II" ZONING  
CODE AMENDMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that November 27, 1990, 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 "Omni II" Zoning  
Code amendments.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 13th day of  
November, 1990, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Irizarry, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-903

A RESOLUTION APPROVING THE DISTRIBUTION OF \$36,100 OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS TO THE CITY OF MODESTO DEPARTMENT OF PARKS AND RECREATION TO PROVIDE HANDICAPPED ACCESSIBILITY TO MORE CITY FACILITIES.

WHEREAS, at its meeting of November 13, 1990, the City Council considered the recommendations of the Citizens Housing and Community Development Committee relating to the distribution of Community Development Block Grant Program funds to the City of Modesto Department of Parks and Recreation to make more city facilities accessible to the handicapped, and

WHEREAS, the U. S. Department of Housing and Urban Development has established the requirement that Community Development Block Grant funds provide a minimum of 60% benefit to low to moderate income persons, and

WHEREAS, the U. S. Department of Housing and Urban Development has established that benefit to handicapped persons is considered 100% benefit to low to moderate income persons, and

WHEREAS, this recommended grant of money is consistent with the established program and goals of the Handicapped Barrier Removal Program as previously approved by this Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the distribution of Community Development Block Grant Program funds to the City of Modesto Department of Parks and Recreation, in the amount of \$36,100, from funds in the Fiscal Year 1990-91 budget, for the following city facilities:

Senior Center - Front and Rear Doors - \$32,300  
Susan Burris Pool - Pool Master Wheelchair - \$2,500  
Replacement of Public Address System for Special Populations Program  
- \$400  
Muni Golf Course - Handicapped Drinking Fountain - \$900

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-904

A RESOLUTION ADOPTING THE POLICY AND PROCEDURES MANUAL FOR THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

WHEREAS, the Housing Program Office adopted a Policy and Procedures Manual in 1979 for the Housing Maintenance Program, and a manual for Emergency Home Repair Program in 1981; and

WHEREAS, since then, several new programs have been started, and many new changes have been made in HUD regulations that are not covered by these two older manuals; and

WHEREAS, the new Policy and Procedures Manual was distributed to all HCDA Committees in 1988, and has now been updated and revised and the Citizens Housing and Community Development Committee has reviewed and voted at its meeting on October 12, 1990, to recommend its adoption to the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the Policy and Procedures Manual for the City's Community Development Block Grant (CDBG) Program, as recommended by the Citizens Housing and Community Development Committee, a copy of which is filed in the office of the City Clerk, 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 November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-905

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND "YES YOU CAN" MUSEUM FOR A GRANT OF \$15,000 FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO ENLARGE THEIR PROGRAMS AND ACTIVITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the "Yes You Can" Museum for a grant of \$15,000 from Community Development Block Grant funds to enlarge their programs and activities by expanding into more of their 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 13th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

RESOLUTION NO. 90-906

UNUSED

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-907

A RESOLUTION AMENDING SUBPARAGRAPH C. OF PARAGRAPH 2 OF RESOLUTION NO. 89-874 ENTITLED "A RESOLUTION RESTATING TERMS OF OFFICE AND PROCEDURES FOR THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE AND SUBCOMMITTEES, AND ESTABLISHING ALTERNATE VOTING MEMBERS OF REHABILITATION LOAN POOL SUBCOMMITTEE, AND SUPERSEDING RESOLUTION NO. 87-1206."

WHEREAS, by Resolution No. 89-874 adopted on August 22, 1989, the Council of the City of Modesto adopted a policy for restating terms of office and procedures for the Citizens Housing And Community Development Committee and Subcommittees, and establishing alternate voting members of the Rehabilitation Loan Pool Subcommittee, and

WHEREAS, the Council desires to amend the membership composition of the Rehabilitation Loan Pool Subcommittee by renaming Seat #4 to Citizen at Large,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends Subparagraph c. of Paragraph 2 of Resolution No. 89-874 entitled "A Resolution Restating Terms Of Office And Procedures For the Citizens Housing And Community Development Committee And Subcommittees, And Establishing Alternate Voting Members Of Rehabilitation Loan Pool Subcommittee, And Superseding Resolution No. 87-1206" to read as follows:

"c. Rehabilitation Loan Pool Subcommittee

- Seat No. 1 - City Council Member
- Seat No. 2 - Human Rights Commissioner or Citizen at Large
- Seat No. 3 - Financial Institution or Provider of Services
- Seat No. 4 - Citizen at Large
- Seat No. 5 - Representative of Financial Institutions
- Seat No. 6 - Provider of Shelter or Services
- Seat No. 7 - Provider of Services or Program User

Seat No. 8 - Alternate, Citizens Housing and Community  
Development Committee

Seat No. 9 - Alternate, Housing Authority of Stanislaus County"

BE IT FURTHER RESOLVED that all other provisions adopted by  
Resolution No. 89-874 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 13th day of November,  
1990, by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Irizarry, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-908

A RESOLUTION ACCEPTING IMPROVEMENTS IN DRY CREEK MEADOWS NO. 7 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, The William Lyon Company, subdividers of Dry Creek Meadows No. 7 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 649,500.00 and \$ 324,750.00 respectively to guarantee improvements in Dry Creek Meadows No. 7 and;

WHEREAS, the Director of Public Works in a memorandum dated November 7, 1990, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering 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 Dry Creek Meadows No. 7 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$649,500.00 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 \$324,750.00 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 13th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-909

A RESOLUTION ACCEPTING IMPROVEMENTS IN DRY CREEK MEADOWS NO. 8 SUBDIVISION  
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, The William Lyon Company, subdividers of Dry Creek Meadows No. 8 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$486,700.00 and \$ 243,350.00 respectively to guarantee improvements in Dry Creek Meadows No. 8 and;

WHEREAS, the Director of Public Works in a memorandum dated November 7, 1990 indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering 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 Dry Creek Meadows No. 8 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$486,700.00 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 \$243,350.00 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 13th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-910

A RESOLUTION SUPPORTING REPEAL OF SB 2557.

WHEREAS, after the longest budget stalemate in California's history, the Governor and California Legislature finally enacted a 1990/91 budget package that shifts state and county costs to cities, and diverts city revenues to finance state/county responsibilities, and

WHEREAS, counties are an administrative arm of the state with responsibilities for carrying out state programs, while cities are in a different business of providing local municipal services which are determined locally and have no responsibility or authority for administering state or county programs, and

WHEREAS, the Governor and California Legislature have shifted state and county financial responsibilities to cities, and

WHEREAS, all 457 cities in California balanced their budgets only to find their budgets were subsequently thrown out of balance by cost shifts and revenue losses designed to balance the budget of the state, and

WHEREAS, the actions in the State budget package were enacted by passage of SB 2557, which (1) directed counties to charge cities, school districts and special districts for the county function of administering the property tax; (2) authorized counties to charge cities for booking prisoners arrested by city employees; and (3) allowed counties to retain property tax revenues that should otherwise go to 90 "No and Low Tax Cities", and

WHEREAS, these shifts of city revenues to counties were specifically enacted to replace cuts in state revenue for counties that should have funded state responsibilities carried out by counties, and

WHEREAS, the Governor and California Legislature have avoided their financial responsibilities by enacting measures that are poor public policy, which rob from one local government to finance another, and result in no real solution to the continuing financial problems facing all levels of government in California,

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Modesto supports the repeal of SB 2557 and the protection of cities from the state budget process; and support alternatives that will provide adequate long-term funding for cities and counties.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-911

A RESOLUTION GRANTING THE APPEAL OF DARLEEN M. LEWIS TO A BOARD OF ZONING ADJUSTMENT TECHNICAL DENIAL CONCERNING A VARIANCE FOR A REDUCED SIDE-STREET SIDE-YARD SETBACK TO ALLOW AN EIGHT-FOOT-HIGH MASONRY FENCE ON PROPERTY LOCATED AT 2410 COLLEGE AVENUE.

WHEREAS, an application for a variance from the provisions of Section 10-2.510 of the Modesto Municipal Code to permit a reduced side-street side-yard setback to allow a fence on property located at 2410 College Avenue, was filed by Darleen M. Lewis on August 6, 1990, and

WHEREAS, Sections 10.1-202(a) and 10-2.2501 of the Modesto Municipal Code authorize the Board of Zoning Adjustment to grant variances subject to findings specified in Section 10-2.2502, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on September 27, 1990, 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 holding said public hearing, the Board of Zoning Adjustment deadlocked by a three-to-three vote on the variance request, thereby resulting in a technical denial for failure to obtain the four votes needed to take action, and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment's technical denial of the request to permit a variance from the side-street side-yard setback requirement on property located at 2410 College Avenue, to allow an eight-foot-high masonry wall two feet from the College Avenue property line of said property, was filed with the Office of the City Clerk by Darleen M. Lewis on September 27, 1990, 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 October 16, 1990, at 7:30 p.m., at which time said hearing was continued to November 20, 1990, at 7:30 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the decision of the Board of Zoning Adjustment concerning the variance to Darleen M. Lewis to permit a reduced side-street side-yard setback to allow an eight-foot-high masonry wall on property located at 2410 College Avenue, should be granted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby finds and determines that the appeal of Darleen M. Lewis requesting a variance from the side-street side-yard setback requirement on property located at 2410 College Avenue to allow an eight-foot-high masonry wall two feet from the College Avenue property line is hereby granted based upon the following findings:

1. There are special circumstances or conditions applicable to the property or buildings in question which do not exist for other property or buildings in the same zone and immediate vicinity because the applicant's property is located at the northeast corner of two intersecting collector streets, College Avenue and Mount Vernon Drive. From a traffic safety and noise perspective, this situation tends to impact the applicant's adjacent yard area and dwelling rooms along the College Avenue frontage of the residence.
2. The special circumstances are such that strict application of the provisions of Chapter 2 of Title X of the Modesto Municipal Code would deprive the applicant of practical use of the property or buildings because a required 15-foot setback from property line for an eight-foot-high solid masonry wall along a portion of the College Avenue frontage of the applicant's property would preclude provision of a wall buffer from vehicle traffic and noise.

3. Granting the variance would be consistent with the intent and purpose of Chapter 2 of Title X of the Modesto Municipal Code and would not be detrimental to the neighborhood or public welfare because the applicant's revised curvilinear wall proposal and a required landscaping and irrigation plan of the area located between the sidewalk and wall would soften the wall mass and tend to reduce the "canyon" effect resulting from the wall being a minimum three feet from the property line.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the appeal of Darleen M. Lewis requesting a variance from the side-street side-yard setback requirement on property located at 2410 College Avenue to allow an eight-foot-high masonry wall a minimum of three feet from the College Avenue property line is hereby granted subject to the following conditions of approval:

1. All development shall conform to the plot plan and floor plans titled "Plot Plan and Elevations, Mr. and Mrs. Donald M. Lewis" as amended in red, stamped approved by the Modesto City Council on November 20, 1990.
2. Prior to the issuance of a building permit, a landscape and irrigation plan shall be approved by the Parks and Recreation Director for that area between the eight-foot-high wall and adjacent sidewalk along the College Avenue frontage of the property. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. 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.
4. That the applicant 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 variance, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code of the State of California. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-912

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(478). (METROPOLITAN REAL ESTATE GROUP AND THRIFTY CORPORATION)

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by Metropolitan Real Estate Group and Thrifty Corporation on August 30, 1990, to reclassify from Medium High Density Residential Zone, R-3, and General Commercial Zone, C-2, to Planned Development Zone, P-D, to allow a commercial shopping center, property located on the northwest side of Paradise Road and west of North Martin Luther King Drive, described as follows:

R-3 to P-D

All that certain real property situate in a portion of Lot 3 of the "Re-Survey of Brichman's Addition to the City of Modesto", according to the Official Map thereof, filed for record in Volume 2 of Maps, Page 1, Stanislaus County Records, located in Section 31, 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 northeast corner of said Lot 3; thence South 0°25'50" East along the east line of said Lot 3 a distance of 466.13 feet to the southeast corner of said Lot 3; thence North 89°48'40" West along the south line of said Lot 3 a distance of 262.80 feet to a point 204.00 feet east of the southwest corner of said Lot 3; thence North 0°25'50" West 147.42 feet; thence North 42°25'50" West 93.34 feet; thence North 0°25'50" West parallel with and 138.00 feet east of the west line of said Lot 3, a distance of 105.25 feet; thence North 44°34'10" East 131.95 feet; thence North 0°25'50" West 54.00 feet to the north line of said Lot 3; thence South 89°46'40" East along said north line of Lot 3, being also the south line of a 60.00 foot wide Briggs Avenue, a distance of 235.50 feet to the point of beginning. Including also all of the south one-half of 60.00 foot wide Briggs Avenue located immediately adjacent to the above described project.

C-2 to P-D

Being all of Parcels "A" and "B" as shown on map filed for record in Book 30 of Parcel Maps, Page 172, Stanislaus County Records, located in the Southeast Quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the northwest corner of said Parcel "B"; thence South 0°25'50" East along the west lines of said Parcels "B" and "A" a distance of 665.67 feet to the most southerly corner of said Parcel "A"; thence North 50°07'00" East along the southeasterly lines of said Parcels "A" and "B" a distance of 597.29 feet; thence Northeasterly 13.24 feet along a tangent curve, concave to the northwest, having a radius of 15.00 feet and a central angle of 50°34'05"; thence North 0°27'05" West along the east line of said Parcel "B" a distance of 269.22 feet to the northeast corner of said Parcel "B"; thence North 89°46'40" West along the north line of said Parcel "B" a distance of 466.60 feet to the point of beginning. Including also all of the north one-half of 83.00 foot wide Paradise Road, the west one-half of 60.00 foot wide North Martin Luther King Drive, and the south one-half of 60.00 foot wide Briggs Avenue, all immediately adjacent to the above described property.

and

WHEREAS, said application was set for a public hearing before the Planning Commission on October 1, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on October 1, 1990, 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. 90-85, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. That the rezone from R-3 and C-2 to P-D is consistent with the Modesto Urban Area General Plan which allows for a commercial center in the vicinity of Paradise Road and Tuolumne Boulevard.
5. That the Mitigated Negative Declaration dated August 29, 1990, as recommended by the Modesto Environmental Committee be certified.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on November 20, 1990, at 4:00 p.m., and

WHEREAS, after a public hearing held on November 20, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Metropolitan Real Estate Group and Thrifty Corporation 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. 90-85 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2739 -C.S. on the 20th day of November, 1990, reclassifying the above-described property from Medium High Density Residential Zone, R-3, and General Commercial Zone, C-2, to Planned Development Zone, P-D(478).

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(478), is hereby approved subject to the following conditions:

1. That all development shall conform to the plot plan titled "Modesto Center" as amended in red, stamped approved by the Planning Commission on October 1, 1990.
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 north property line along Briggs Avenue, the west property line, and the south property line along Ellen Avenue to the southeast end of building A. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan. Existing street trees along Paradise Road shall

be saved where possible. Any tree removal shall be replaced with a minimum 24-inch box tree.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

Eight-foot-high decorative masonry wall along the north property line along Briggs Avenue, the west property line, and the south property line along Ellen Avenue to the southeast end of building A. There shall be a five foot offset where the wall abuts a public street.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris. The landscaping maintenance shall include the landscaping in the street right-of-way along Ellen Avenue, Briggs Avenue, and Metro Court adjacent to the project site.
5. The developer shall dedicate street right-of-way required by the Public Works and Transportation Director to complete Paradise Road to major street standards and N. Martin Luther King Drive to collector street standards consistent with adopted mitigation measures. Said dedication 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. That all street frontages shall be improved to City street standards 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. Prior to occupancy, the developer shall construct full sidewalk on the Paradise Road and N. Martin Luther King Drive frontage as required by the Public Works and Transportation Director.
9. All curbcuts serving two-way driveways shall be a minimum 41 feet in width. Prior to occupancy, all traffic mitigation measures shall be completed as approved by the Public Works and Transportation Director.
10. 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.

11. 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.
12. That on-site drainage be stored and disposed on on-site.
13. That the subdivider shall pay fees for rockwell maintenance as established by the Municipal Code.
14. 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.
15. Trash enclosures shall be of a size and design to permit the storage and removal of required recyclable material receptacles, or a separate enclosure of the collection for recyclable materials shall be provided as approved by the Public Works and Transportation Director.
16. 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.
17. That each property shall be served by separate water service with meter and a from the main to the property line, as approved by the Public Works and Transportation Director. No water or sewer service shall be placed in an easement to serve any property.
18. The supermarket shall be the first use to open for business in the center.
19. One freestanding shopping center identification sign shall be permitted on the Paradise Road frontage. This sign 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.
20. No signs shall be permitted above eight feet in height on the north face of the building along Briggs Avenue, on the west face of buildings A, B, and Save Mart, and the southwest face of building A along Ellen Avenue.
21. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.

22. 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.
23. That the developer 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 P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code 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.
24. That prior to the issuance of a building permit, the traffic mitigation measures shall be completed as required by the adopted Mitigated Negative Declaration.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(478):

The entire construction program be accomplished in one phase, construction to begin on or before October 1, 1991, and completion to be not later than October 1, 1993.

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(478), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, by Councilmember Patterson, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-913

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 MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3 AND C-2 TO P-D(478). (METROPOLITAN REAL ESTATE GROUP AND THRIFTY CORPORATION)

WHEREAS, on November 20, 1990, the City Council introduced Ordinance No. 2739 -C.S. giving approval to a project relating to an amendment to Section Map 31-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, and General Commercial Zone, C-2, to Planned Development Zone, P-D(478), property located on the northwest side of Paradise Road and west of North Martin Luther King Drive, 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,

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 Map 31-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, and General Commercial Zone, C-2, to Planned Development Zone, P-D(478), property located on the northwest side of Paradise Road and west of North Martin Luther King Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, by Councilmember Patterson, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-914

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 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON TO C-3. (METROPOLITAN REAL ESTATE GROUP AND THRIFTY CORPORATION)

WHEREAS, on November 20, 1990, the City Council introduced Ordinance No. 2740-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 prezone to Highway Commercial Zone, C-3, property located on the northwest side of Paradise Road and north of Chicago 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 mitigated 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 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 31-3-9 of the Zoning Map of the City of Modesto to prezone to Highway Commercial Zone, C-3, property located on the northwest side of Paradise Road and north of Chicago Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, by Councilmember Patterson, 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: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-915

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 MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3 TO R-1. (METROPOLITAN REAL ESTATE GROUP AND THRIFTY CORPORATION)

WHEREAS, on November 20, 1990, the City Council introduced Ordinance No. 2741 -C.S. giving approval to a project relating to an amendment to Section Map 31-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, property located on the south side of Briggs Avenue and west of North Martin Luther King Drive, 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,

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 Map 31-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, property located on the south side of Briggs Avenue and west of North Martin Luther Kind Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, by Councilmember Patterson, 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: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-916

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PREZONED  
PLANNED DEVELOPMENT ZONE, P-PD(478). (METROPOLITAN REAL  
ESTATE GROUP AND THRIFTY CORPORATION)

WHEREAS, a verified application for an amendment to Section 31-3-9  
of the Zoning Map was filed by Metropolitan Real Estate Group and Thrifty  
Corporation on August 30, 1990, to prezone to Planned Development Zone, P-PD,  
the following described property:

Being all of Lot 7 of the "Ellen Tract" according to the official  
map thereof, filed for record in Volume 11 of Maps, Page 60,  
Stanislaus County Records, and a portion of Lot 4 of the "Re-Survey  
of Brichman's Addition to the City of Modesto" according to the  
official map thereof filed for record in Volume 2 of Maps, Page 1,  
Stanislaus County Records, located in the Southeast Quarter of  
Section 31, Township 3 South, Range 9 East, Mount Diablo Base and  
Meridian, in the County of Stanislaus, State of California,  
described as follows:

BEGINNING at the northwest corner of said Lot 7; thence South  
0°01'00" East along the west line of said Lot 7 a distance of 120.58  
feet to a point on a non-tangent curve from which a radial line  
bears South 0°01'00" East to the center; thence Southeasterly 140.50  
feet along said non-tangent curve being also the southerly line of  
said Lot 7, concave to the southwest, having a radius of 161.00 feet  
and a central angle of 50°00'02"; thence South 40°00'58" East 45.74  
feet; thence Easterly 23.53 feet along a tangent curve, concave to  
the north, having a radius of 15.00 feet and a central angle of  
89°52'02"; thence North 50°07'00" East along the north line of  
Paradise Road as shown on said map of the "Re-Survey of Brichman's  
Addition to the City of Modesto", a distance of 23.86 feet; thence  
North 0°44'00" West along the east line of said Lot 4 a distance of  
199.72 feet to the northeast corner of said Lot 4; thence South  
89°59'00" West along the north line of said Lot 4 a distance of  
189.65 feet to the point of beginning. Including also all of the  
north one-half of 83.00 foot wide Paradise Road located immediately  
adjacent to the above described property.

and

WHEREAS, said application was set for a public hearing before the  
Planning Commission on October 1, 1990, in the City Council Chambers, City  
Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on October 1, 1990, 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. 90-85, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. That prezone to P-D is consistent with the Modesto Urban Area General Plan which allows for a commercial center in the vicinity of Paradise Road and Tuolumne Boulevard.
5. That the Mitigated Negative Declaration dated August 29, 1990, as recommended by the Modesto Environmental Committee be certified.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on November 20, 1990, at 4:00 p.m., and

WHEREAS, after a public hearing held on November 20, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Metropolitan Real Estate Group and Thrifty Corporation 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. 90-85 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2742 -C.S. on the 20th day of November, 1990, rezoning the above-described property to Planned Development Zone, P-PD(478).

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-PD(478), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and elevations title "Modesto Center" as amended in red, stamped approved by the Planning Commission on October 1, 1990.
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 north property line along Briggs Avenue, the west property line, and the south property line along Ellen Avenue to the southeast end of building A. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan. Existing street trees along Paradise Road shall be saved where possible. Any tree removal shall be replaced with a minimum 24-inch box tree.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

Eight-foot-high decorative masonry wall along the north property line along Briggs Avenue, the west property line, and the south property line along Ellen Avenue to the southeast end of building A. There shall be a five foot offset where the wall abuts a public street.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris. The landscaping maintenance shall include the landscaping in the street right-of-way along Ellen Avenue, Briggs Avenue, and Metro Court adjacent to the project site.
5. The developer shall dedicate street right-of-way required by the Public Works and Transportation Director to complete Paradise Road to major street standards and N. Martin Luther King Drive to collector street standards consistent with adopted mitigation measures. Said dedication 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. That all street frontages shall be improved to City street standards 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. Prior to occupancy, the developer shall construct full sidewalk on the Paradise Road and N. Martin Luther King Drive frontage as required by the Public Works and Transportation Director.
9. All curbcuts serving two-way driveways shall be a minimum 41 feet in width. Prior to occupancy, all traffic mitigation measures shall be completed as approved by the Public Works and Transportation Director.
10. 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.
11. 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.
12. That on-site drainage be stored and disposed on on-site.
13. That the subdivider shall pay fees for rockwell maintenance as established by the Municipal Code.
14. 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.
15. Trash enclosures shall be of a size and design to permit the storage and removal of required recyclable material receptacles, or a separate enclosure of the collection for recyclable materials shall be provided as approved by the Public Works and Transportation Director.
16. 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.
17. That each property shall be served by separate water service with meter and a from the main to the property line, as approved by the Public Works and Transportation Director. No water or sewer service shall be placed in an easement to serve any property.

18. The supermarket shall be the first use to open for business in the center.
19. One freestanding shopping center identification sign shall be permitted on the Paradise Road frontage. This sign 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.
20. No signs shall be permitted above eight feet in height on the north face of the building along Briggs Avenue, on the west face of buildings A, B, and Save Mart, and the southwest face of building A along Ellen Avenue.
21. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
22. 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.
23. That the developer 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 P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code 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.
24. That prior to the issuance of a building permit, the traffic mitigation measures shall be completed as required by the adopted Mitigated Negative Declaration.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said rezoned Planned Development Zone, P-PD(478):

The entire construction program be accomplished in one phase, construction to begin on or before October 1, 1991, and completion to be not later than October 1, 1993.

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 rezoning the above-described property to Planned Development Zone, P-PD(478), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, by Councilmember Patterson, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Prineas  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-917

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 MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON TO P-PD(478). (METROPOLITAN REAL ESTATE GROUP AND THRIFTY CORPORATION)

WHEREAS, on November 20, 1990, the City Council introduced Ordinance No. 2742 -C.S. giving approval to a project relating to an amendment to Section Map 31-3-9 of the Zoning Map of the City of Modesto to prezone Planned Development Zone, P-PD(478), property located on the northwest side of Paradise Road and west of North Martin Luther King Drive, 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,

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 Map 31-3-9 of the Zoning Map of the City of Modesto to prezone to Planned Development Zone, P-PD(478), property located on the northwest side of Paradise Road and west of North Martin Luther King Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, by Councilmember Patterson, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-918

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 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON TO R-3. (METROPOLITAN REAL ESTATE GROUP AND THRIFTY CORPORATION)

WHEREAS, on November 20, 1990, the City Council introduced Ordinance No. 2743-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 prezone to Medium High Density Residential Zone, R-3, property located north and west of Ellen 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 mitigated 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 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 31-3-9 of the Zoning Map of the City of Modesto to prezone to Medium High Density Residential Zone, R-3, property located north and west of Ellen Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, by Councilmember Patterson, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-919

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED  
DEVELOPMENT ZONE, P-D(480). (GEORGE SIMVOULAKIS)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by George Simvoulakis on August 20, 1990, to reclassify from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D, to allow an office building, property located on the east corner of 16th and G Streets, described as follows:

R-3 to P-D

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

Lots 25, 26, 27, 28, 29, 30, 31 and 32, in block 128 of the City of Modesto, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on April 18, 1903, in Volume 1 of Maps, at Page 82.

Including also all of the Northeast one half of 80.00 foot wide 16th Street, Southeast one half of 80.00 foot wide G Street and the Southwest one half of the adjacent 20.00 foot wide alley and all immediately adjacent to the above described property.

and

WHEREAS, said application was set for a public hearing before the Planning Commission on October 15, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on October 15, 1990, 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. 90-89, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. There is general policy of support for office zoning and development in this fringe area of downtown west of Burney Street which has been periodically reinforced by other office zonings in this area.
2. The development will be made compatible with adjoining residential properties with screen landscaping and double-board and pilaster fencing.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on November 20, 1990, at 7:30 p.m., and

WHEREAS, after a public hearing held on November 20, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of George Simvoulakis 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. 90-89 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2844 -C.S. on the 20th day of November, 1990, reclassifying the above-described property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(480).

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(480), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan" as amended in red, stamped approved by the Planning Commission on October 15, 1990.

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 southeast property line. 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:

Six-foot (6') high, solid double-sided alternating board fence with decorative masonry pilasters at 16 foot on centers, or stucco wall with masonry pilasters at 16 foot on centers, or masonry wall along the southeast 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. The G Street and 16th Street frontages shall be improved to major and modified residential street standards respectively, 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 occupancy, the developer shall construct improvements on the alley frontage as required by the Public Works and Transportation Director.
8. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the G & 16th Street frontages. The number shall be as determined by the Public Works and Transportation Director. Existing street trees shall be retained or removed only under the supervision and requirements of the Parks and Recreation Director.
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. All signs shall comply with the sign requirements of the P-O Zone.
12. That the developer 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 P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code 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.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(480):

The entire construction program be accomplished in one phase, construction to begin on or before October 15, 1992, and completion to be not later than October 15, 1993.

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(480), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, by Councilmember Lang, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Mills  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-920

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 MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3 TO P-D(480). (GEORGE SIMVOULAKIS)

WHEREAS, on November 20, 1990, the City Council introduced Ordinance No. 2744-C.S. giving approval to a project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(480), property located on the east corner of 16th and G Streets, 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 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 Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(480), property located on the east corner of 16th and G Streets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, by Councilmember Lang, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-921

A RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO AND SUPERSEDING RESOLUTION NO. 90-3.

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. 90-3, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the Council Solid Waste Committee by memorandum dated November 14, 1990, has recommended to the City Council a revised schedule of rates and charges for garbage service in the City of Modesto, commencing January 1, 1991, and

WHEREAS, November 20, 1990, 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 revised schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, a public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, 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, and the City of Modesto should subsidize each residential household on the initial garbage container,

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 January 1, 1991, until revised by the City Council.

BE IT FURTHER RESOLVED that the City of Modesto shall subsidize each residential household \$1.35 on the initial garbage container until revised from time to time after holding a public hearing.

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. 90-3 is hereby superseded, effective December 31, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

STANDARD CONTAINERS  
Monthly Rates  
(Once a Week Pickup Service)

Residential Garbage  
Collection Rates

One 60 gallon container \$ 9.35  
One 90 gallon container 11.35  
Each additional container 6.00

Residential Rates Charged to  
Customers After City Subsidy

One 60 gallon container \$ 8.00  
One 90 gallon container 10.00  
Each additional container 6.00

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	26.30	42.60	58.90	75.20	91.50	107.80
1 1/2 CY	34.45	58.90	83.35	107.80	132.25	156.70
2 CY	42.60	75.20	107.80	140.40	173.00	205.60
3 CY	58.90	107.80	156.70	205.60	254.50	303.40
4 CY	75.20	140.40	205.60	270.80	336.00	401.20
5 CY	91.50	173.00	254.50	336.00	417.50	499.00
6 CY	107.80	205.60	303.40	401.20	499.00	596.60

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 \$80.00 Pickup  
Rental 2.00 Day with \$46.00 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	72.40	144.80	217.20	289.60	362.00	434.20
4 CY	93.20	186.40	279.60	372.80	466.00	559.20

Roll-Off Type - 6 CY to 40 CY 83.50 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 \$8.00 plus \$1.15/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
9.20	10.00	11.00	14.00	18.40

NOTATIONS

- The above residential rates include the 10 cent per month per household recycling surcharge.
- The above residential rates include the \$1.35 per month subsidized rate paid by the City of Modesto.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-922

A RESOLUTION ESTABLISHING FILING FEES FOR APPLICATIONS FOR  
ABANDONMENT OR VACATION OF PUBLIC RIGHTS-OF-WAY OR  
EASEMENTS AND RESCINDING RESOLUTION NO. 89-987C.

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

1. A filing fee of \$695.00 for each application filed with the City of Modesto for vacation and abandonment of a public right-of-way or easement except public walkways is hereby established.
2. A filing fee of \$115.00 for each application filed with the City of Modesto for vacation and abandonment of a public walkway is hereby established.
3. Said filing fee shall be paid at the same time as the application for vacation or abandonment is filed, except that public agencies shall be exempt from such fees.
4. All requests for abandonment shall be made to the Council, which will refer the request to the Planning Commission. Following a public hearing, the Planning Commission will make a recommendation to the Council which will also hold a public hearing and consider the request.
5. In the event staff determines that a title report is required, it shall be furnished by the applicant prior to consideration by the Planning Commission.
6. A filing fee of \$347.00 is hereby established for each application filed with the City of Modesto for vacation and abandonment of a public right-of-way or easement where such application is a rehearing of a previous application and it is determined by the Director of Planning and

Community Development that the application will not require further Planning Commission action or other substantial staff work as required for the original application.

BE IT FURTHER RESOLVED that Resolution No. 89-987C is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-923

A RESOLUTION ESTABLISHING CRITERIA FOR ISSUANCE OF HEALTH  
CARE FACILITY BONDS AND RESCINDING RESOLUTION NO. 89-987B.

WHEREAS, the City of Modesto is authorized pursuant to its Charter and Ordinance No. 2552-C.S. to issue and sell its bonds for the purpose of providing financing for the acquisition and construction of health care facilities located within the City, and

WHEREAS, the City of Modesto desires to encourage all applicants for bonds to adopt and follow a plan of Affirmative Action both in employment and in use of women- and minority-owned outside contractors, and

WHEREAS, the Council has determined that there is a need to establish criteria to be used to review specific Bond requests,

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

1. The proposed facility or project shall be on a site:
  - a. Owned or under option by the applicant
  - b. Within the Modesto City Limits
  - c. With appropriate zoning and an approved conditional use permit or other land use approval if required.
2. The proposed project shall create a significant number of new jobs for local residents. The applicant shall present a plan to the City to show linkage with established local training programs, and how and in what numbers it will train and/or hire local unemployed residents, particularly those who are displaced by plant closures or automation. Preference will be given to those applicants whose plans most effectively addresses the problem of local unemployment.
3. The applicant shall be encouraged to adopt and follow a plan of Affirmative Action in employment and in use of women- and minority-owned outside contractors.

4. The applicant shall present a plan to show that the project will provide services of direct benefit to the public, in particular additional patient capacity and related diagnostic, therapeutic and direct support facilities.
5. Prior to any authorization of bond sales, the applicant shall obtain all necessary approvals for the project including Certificates of Need if required, from the North San Joaquin Health Systems Agency and the Office of Statewide Health Planning and Development of the State of California or their successor organizations.
6. The applicant shall agree to accept any and all Medi-Cal patients on an equal basis with private pay patients, subject to applicable state law.
7. The applicant shall agree to provide emergency medical service without regard to ability to pay.
8. The use of bonds for the refinancing of existing debt shall be limited to (a) existing tax exempt financing, or (b) a small residual taxable loan where such refinancing is required in order for the bonds to be issued.
9. The applicant shall file an application on a form prescribed by the City which shall include a nonrefundable application fee of \$3,000. The fee is established to cover the City's indirect costs (staff time). The applicant shall also advance, as required, any third party fees, charges and other costs. In addition, contingent upon sale of the Bonds, the City may require a fee of up to 1/4 of one percent of the issue amount.
10. The applicant shall pay for a financial advisor to be hired by the City to review the proposal. The advisor will be selected by the City and will work on a time and materials basis. An advance deposit to cover the cost of this review shall be paid by the applicant based on the City's estimated cost. The applicant will be refunded any deposited funds in excess of the costs.
11. If the Bonds are publicly offered, they must be A rated or better by Standard and Poor's or Moody's rating service or a third-party security and/or guarantee must be provided in a form(s) acceptable to the City.
12. If the Bonds are privately placed with one or more institutional investors, said investors must submit a letter certifying that they performed their own credit rating analysis and, as professional investors, are satisfied with the credit worthiness of the applicant and the Bonds.

13. The Bonds shall be sold within one year of approval, or the City Council reserves the right to revoke approval.

BE IT FURTHER RESOLVED that Resolution No. 89-987B is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-924

A RESOLUTION ESTABLISHING CRITERIA FOR ISSUANCE OF  
INDUSTRIAL REVENUE BONDS AND RESCINDING RESOLUTION  
NO. 89-987A.

WHEREAS, the City of Modesto is authorized pursuant to its Charter  
and Ordinance No. 2551-C.S. to issue and sell its bonds for the purpose of  
providing financing for economic development purposes, and

WHEREAS, the Council has determined that there is a need to  
establish criteria to be used to review specific Bond requests,

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

1. The proposed facility or project shall be on a site:
  - a. Owned or under option by the applicant
  - b. Within the Modesto City Limits
  - c. With appropriate zoning and an approved conditional use permit or other land use approval if required.
2. The proposed project shall create a significant number of new jobs for local residents. The applicant shall present a plan to the City to show linkage with established local training programs, and how and in what numbers it will train and/or hire local unemployed residents, particularly those who are displaced by plant closures or automation. Preference will be given to those applicants whose plans most effectively addresses the problem of local unemployment.
3. The applicant shall be encouraged to adopt and follow a plan of Affirmative Action in employment and in use of women- and minority-owned outside contractors.
4. Bonds shall not be used for refinancing loans on existing facilities except in cases where there is a small residual loan and its financing is required in order for the Bonds to be issued.
5. The applicant shall file an application on a form prescribed by the City which shall include a nonrefundable application fee of

\$3,000. The fee is established to cover the City's indirect costs (staff time). The applicant shall also advance, as required, any third party fees, charges and other costs. In addition, contingent upon sale of the Bonds, the City may require a fee of up to 1/4 of one percent of the issue amount.

6. The applicant shall pay for a financial advisor to be hired by the City to review the proposal. The advisor will be selected by the City and will work on a time and materials basis. An advance deposit to cover the cost of this review shall be paid by the applicant based on the City's estimated cost. The applicant will be refunded any deposited funds in excess of the costs.
7. If the Bonds are publicly offered, they must be A rated or better by Standard and Poor's or Moody's rating service or a third-party security and/or guarantee must be provided in a form(s) acceptable to the City.
8. If the Bonds are privately placed with one or more institutional investors, said investors must submit a letter certifying that they performed their own credit rating analysis and, as professional investors, are satisfied with the credit worthiness of the applicant and the Bonds.
9. The Bonds shall be sold within one year of approval, or the City Council reserves the right to revoke approval.

BE IT FURTHER RESOLVED that Resolution No. 89-987A is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-925

A RESOLUTION ESTABLISHING FILING FEES FOR ZONE BOUNDARY CHANGES, USE PERMITS, VARIANCES, ENVIRONMENTAL REVIEW, SUBDIVISIONS, AND OTHER APPLICATIONS, AND RESCINDING RESOLUTION NO. 89-987.

WHEREAS, Sections 10-2.1704, 10-2.2506, 10-2.2605, 10-2.2703 and 10-2.2803 of the Modesto Municipal Code provides that the Council by resolution, shall establish filing fees for each application filed pursuant to Chapter 2 of Title X of said Code, and

WHEREAS, Sections 4-10.01 et seq. of the Modesto Municipal Code and the "City of Modesto Environmental Review Guidelines for Compliance with the California Environmental Quality Act" permit charges for environmental review,

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

SECTION 1. FEES. The following filing fees and environmental review fees are hereby established:

(a) P-D Zoning	\$885.00
(b) Amend P-D Zone pursuant to Sec. 10-2.1709(b)	885.00
(c) Amend P-D Zone pursuant to Sec. 10-2.1709(a)	635.00
(d) Rezoning	800.00
(e) Plot Plan Review	
- for a satellite antenna	
for a single-family house	110.00
- for a second-story addition to a	
single-family house	245.00
- all other plot plan reviews	440.00
(f) Conditional Use Permit	635.00
(g) Variance	
- on a lot with a single	
family house in the R-A,	
R-1, R-2 or R-3 zone	165.00
- all others	675.00

(h) Administrative Approval of Revised Plans	20% of applicable filing fee
(i) Letter of Verification - Zoning	\$ 25.00
(j) Tentative Subdivision Map	585.00
(k) Tentative Parcel Map	530.00
(l) Reversion to Acreage	515.00
(m) Parcel Map Waiver	515.00
(n) Lot Line Adjustment	120.00
(o) Time Extension	125.00
(p) Environmental Assessment	
- initial study	390.00
- staff evaluation of special studies	380.00
- Environmental Impact Report	Actual Cost
- Environmental Impact Report deposit	\$2,000 advance deposit. Refund or balance due upon completion of final EIR
(q) Appeals	
- of Planning Commission or Board of Zoning Adjustment	\$100.00
- of administrative decisions	100.00
(r) Annexation	\$435.00 plus State Board of Equalization fee
(s) Documents	
- Planning Commission Minutes	\$27.00/year
- Planning Commission Agendas	42.00/year
- Board of Zoning Adjustment Minutes	18.00/year
- Board of Zoning Adjustment Agendas	18.00/year
- Other Reports and Documents, as Established by the Planning and Community Development Director from time to time	

SECTION 2. EXEMPTIONS. Public agencies shall be exempt from all the above fees except those fees required for the preparation of Environmental Impact Reports; provided, however, that public agencies do not have to make an advance deposit for Environmental Impact Report preparation.

SECTION 3. REPEALS. Resolution No. 89-987 is rescinded effective December 31, 1990.

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-926

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING A TRUCK LOAD MACHINE AND A PULL-IN  
MACHINE

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

SECTION 1. The plans and specifications for the purchase of a truck load machine and a pull-in machine 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 17, 1990 at 10:00 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-927

A RESOLUTION ACCEPTING THE STORAGE POND WAVE PROTECTION PROJECT AT THE CITY'S  
SECONDARY WASTE TREATMENT PLANT

WHEREAS, a report has been filed by the Director of Public Works ,  
that the storage pond wave protection project at the City's secondary  
waste treatment plant

has been completed by Alta Pacific Constructors, Inc.  
in accordance with the contract agreement dated

NOW, THEREFORE, BE IT RESOLVED that the storage pond wave protection  
project at the City's secondary waste treatment plant

be accepted from said contractor, Alta Pacific Constructors, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$1,865,805 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 20th day of November,  
19<sup>90</sup>, by Councilmember Lang, who moved its adoption, which  
motion being duly seconded by Councilmember Patterson, was upon  
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-928

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 90-607 ENTITLED, "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE AND RESCINDING RESOLUTION NO. 88-490".

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 90-607. Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective July 3, 1990", attached to Resolution No. 90-607, is hereby amended as shown on the amended Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective November 20, 1990", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" modifies the salary for Assistant City Attorney from range 451 to 452 and modifies the salary for Senior Deputy City Attorney II from range 445 to range 448.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 20, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1990, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective November 20, 1990

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RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Word Processing Technician I Administrative Clerk II (Confidential)
408	
409	
410	
411	Word Processing Technician II Microfilm Services Supervisor
412	
413	Senior Personnel Clerk
414	
415	Senior Word Processing Technician Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	
420	Claims Representative Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary

112090

1359/WPPER

Exhibit "G"

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective November 20, 1990

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RANGE	TITLE
421	
422	Office Supervisor
423	Word Processing System Supervisor
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	Zoning Inspector Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I
429	
430	Associate Planner Parks Construction Supervisor I
431	Administrative Analyst II Personnel Analyst Training Coordinator Chief of Survey Party Assistant Risk Manager Recycling Program Coordinator Budget Analyst

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective November 20, 1990

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RANGE	TITLE
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Assistant Civil Engineer Senior Accountant Youth Program Supervisor
433	
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supv. Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Building Maintenance Supervisor Secondary Treatment Site Supv. Parks Maintenance Supervisor II Events Coordinator Operations Supervisor Landscape Designer Arborist Trees Maintenance Supv. II
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Public Information Officer Public Services Supervisor Budget Officer Financial Analyst
436	Senior Planner Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt. Associate Civil Engineer Transportation Planner Housing Program Supervisor
439	Deputy City Attorney II

Effective November 20, 1990

RANGE	TITLE
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. Parking & Traffic Supt. Parks Maintenance Supt. Risk Manager Personnel Manager Recreation Superintendent Golf Superintendent
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector
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.
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. 90-929

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR OVERLAYING SANTA CRUZ AVENUE, MONTEREY AVENUE TO THE M & E T RAILROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County for overlaying Santa Cruz Avenue, Monterey Avenue to the M & E T Railroad

be, and it is hereby approved.

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

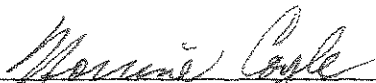
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November , 1990 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-930

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN RIGHT OF WAY CERTIFICATION FOR WIDENING STANDIFORD AVENUE, COFFEE ROAD RECONSTRUCTION AND TRAFFIC SIGNAL PROJECT AT CLAUS AND SCENIC

BE IT HEREBY RESOLVED by the Council of the City of Modesto that authorization to sign right of way certification for widening Standiford Avenue, Coffee Road reconstruction and traffic signal project at Claus and Scenic be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said right of way certification 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 November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-931

A RESOLUTION DESIGNATING COUNCILMEMBER STAN DOBBS 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 Stan Dobbs 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 20th day of November, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-932

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
CONFIRMING THE CANVASS OF THE SPECIAL MUNICIPAL ELECTION,  
WHICH WAS CONSOLIDATED WITH THE GENERAL ELECTION, HELD IN  
THE CITY OF MODESTO ON NOVEMBER 6, 1990, AND DECLARING THE  
RESULTS OF SAID ELECTION.

WHEREAS, the Council of the City of Modesto by Resolution No. 90-633  
duly called and ordered held in the City of Modesto a special advisory  
election for the purpose of submitting to the Electors of said City an  
advisory measure as follows:

MEASURE F

City of Modesto Sewer Extension to Village I Measure

Shall the City Council extend new sewer service to the Village  
One planned community, which is bordered by the Santa Fe  
railroad line on the east, Sylvan Avenue on the north, Roselle  
Avenue and Oakdale Road on the west, and Floyd Avenue, Parker  
Road and Briggsmore Avenue on the south and land north of  
Sylvan Avenue and east of Roselle Avenue for a community park  
and high school site?

and

WHEREAS, the Council of the City of Modesto by Resolution No. 90-655  
duly called and ordered held in the City of Modesto a special municipal  
election for the purpose of submitting to the Electors of said City a proposal  
to amend Section 1205 of the Charter of the City of Modesto as follows:

MEASURE G

City of Modesto Charter Amendment Measure

Shall the Modesto City Charter be amended to provide that where  
the right to appeal any suspension, demotion or dismissal is  
granted an employee, alternative procedures for hearing and  
final determination of appeals may be delineated by a valid and  
binding Memorandum of Understanding or other instrument for  
non-represented employees.

and

WHEREAS, by Resolution No. 90-634 adopted by the Council on July 3, 1990, the Council requested the Board of Supervisors of Stanislaus County to order the consolidation of a special advisory election, Measure F, with the State of California Special General Election to be held on November 6, 1990, and

WHEREAS, by Resolution No. 90-655 adopted by the Council on July 10, 1990, the Council requested the Board of Supervisors of Stanislaus County to order the consolidation of a special municipal election, Measure G, with the State of California Special General Election to be held on November 6, 1990, and

WHEREAS, the consolidated election was held on Tuesday, November 6, 1990 in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said advisory and special municipal election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated November 6, 1990,

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

1. Said canvass by the City Clerk is shown on said Certificate of Canvass and Statement of Votes dated November 6, 1990, and the results of the City of Modesto advisory and special municipal election are hereby ratified, confirmed and approved.

2. That at the election Measures F and G were submitted to the electors of the City, and the number of votes given in the City for and against said Measures F and G were as follows:

<u>Measures</u>	<u>Total Votes For</u>	<u>Total Votes Against</u>
Measure F, Sewer Extension to Village I	21,489 - 54.7%	17,788 - 45.3%
Measure G, Charter Amendment	19,208 - 51.6%	18,007 - 48%

3. That Measures F and G having received a majority of all the votes cast at the election in favor of said Measures and said Measures having been carried and approved by a majority of the qualified voters voting on said Measures, the Council does hereby declare said Measures to be duly and regularly approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-933

A RESOLUTION ACCEPTING THE BID OF CASE POWER & EQUIPMENT COMPANY OF MODESTO FOR FURNISHING ONE LOADER/BACKHOE

WHEREAS, Resolution No. 90-851 , adopted by the Council of the City of Modesto on October 16 , 19 90, approved the plans and specifications for the purchase of one loader/backhoe

and authorized the calling for bids; and

WHEREAS, the bids received for the loader/backhoe

were opened at 11:00 a.m. on November 5, 19 90, 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 Case Power & Equipment Company in the amount of \$22,164.56

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Case Power & Equipment Company in the amount of \$22,164.56 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 November , 19 90, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Lang , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Muratore

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-934

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE INDUSTRIAL FIRE PROTECTION DISTRICT FOR EXCHANGE OF FIRE PROTECTION AND RESCUE SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Industrial Fire Protection District for exchange of fire protection and rescue 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 27th day of November , 1990 , by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Lang , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Whiteside

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-935

A RESOLUTION DECLARING A 1955 VAN PELT FIRE ENGINE SURPLUS PROPERTY AND AUTHORIZING THE TRANSFER OF SAID FIRE ENGINE TO THE YOSEMITE COMMUNITY COLLEGE DISTRICT.

WHEREAS, the Fire Department of the City of Modesto possesses a 1955 Van Pelt fire engine that has become surplus property to the City's needs, and

WHEREAS, Mr. Tom Van Groningen, Chancellor of Yosemite Community College District has requested that the fire engine be donated to the Modesto Junior College to be used as instructional equipment in it's Fire Science Program and to be used at the Regional Fire Training Facility when completed, and would be an asset to training future firefighters, and

WHEREAS, it has been recommended by Fire Department personnel that the fire engine should 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 engine 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 a 1955 Van Pelt fire engine has become surplus property to the City's needs, and the Council hereby authorizes the transfer of said fire engine 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 1955 Van Pelt fire engine 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 27th day of November, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



MODESTO CITY COUNCIL  
RESOLUTION NO. 90-937

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE STANISLAUS UNION SCHOOL DISTRICT.

WHEREAS, the Stanislaus Union School District is participating in the Comprehensive Alcohol Drug Prevention Education (CADPE) Program, sponsored through the County of Stanislaus, and

WHEREAS, in order to be eligible for funds under this State Program, the school district must have a memorandum of understanding for service with its local law enforcement agency, in this instance, the City of Modesto's Police Department, and

WHEREAS, the memorandum of understanding formalizes the link that the Police Department has with the Stanislaus Union School District, and it addresses areas specified by the State Office of Criminal Justice Planning, which is the State agency administering the CADPE Program, and

WHEREAS, upon execution of said memorandum of understanding, a copy of which is on file in the office of the City Clerk, there will be no new impact on law enforcement services for the Stanislaus Union School District,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding, a copy of which is on file in the office of the City Clerk, is hereby approved to provide that there will be no new impact on law enforcement services for the Stanislaus Union School District, and the City Manager or Deputy/Acting City Manager or their designee is hereby authorized to execute the Memorandum of Understanding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-938

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HELEN M. PETTYJOHN FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1641 SHADDOX AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Helen M. Pettyjohn for water service to property outside City limits at 1641 Shaddox Avenue, located on the north side of Shaddox Avenue between Carpenter Road and Watts 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 27th day of November , 1990 , by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Lang , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-939

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RUEBEN H. & RUTH LORRAINE SAMUELSON FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1213 GARDEN AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Rueben H. & Ruth Lorraine Samuelson for sewer service to property outside City limits at 1213 Garden Avenue, located on the north side of Garden Avenue between Sutter Avenue and Colorado 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 27th day of November , 1990 , by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Lang , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-940

A RESOLUTION ACCEPTING IMPROVEMENTS IN EASTGATE  
SUBDIVISION AND AUTHORIZING RELEASE OF MONEY MARKET ACCOUNT

WHEREAS, Warner M. Soelling, subdivider of Eastgate Subdivision, has filed a money market account for faithful performance and labor and materials in the amount of \$300,000 to guarantee improvements in Eastgate Subdivision; and

WHEREAS, the Director of Public Works, in a memorandum dated November 19, 1990, 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 the notice of completion and release the money market account upon expiration of the statutory period.

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

1. The improvements in Eastgate Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to retain the amount of \$99,250 and release the balance of the money market account for faithful performance upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the remaining portion of the money market account for labor and materials in the amount of \$99,250, plus interest earnings, upon the 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 27th day of November, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-941

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$31,000 FROM CONTINGENCY RESERVE TO PROVIDE ADDITIONAL FUNDING FOR CONSULTANT SERVICES OF RECHT, HAUSRATH AND ASSOCIATES

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

FROM:	Contingency Reserve (139 800 8000 8003)	\$31,000
TO:	Staff Charges (139 120 P907 6000)	\$15,000
	Consultant Charges (139 140 P868 6000)	\$16,000

To provide additional funding for consultant charges of Recht, Hausrath and Associates who are working on Capital Facilities Fees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 19 90, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-942

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 1989 FOR THE STANDIFORD AVENUE SOUND WALL PROJECT.

WHEREAS, the Legislature of the State of California has enacted AB471 (Chapter 106 of the Statutes of 1989), which provides \$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 that applicant to certify by resolution the approval of application 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,

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

1. Approves the filing of an application for the Environmental Enhancement and Mitigation Program grant assistance.
2. Certifies that said applicant will make adequate provisions for operation and maintenance of the project.

3. Appoints the City Manager or Deputy/Acting City Manager 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Muratore


ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

I, the undersigned, hereby certify that the foregoing Resolution  
No. 90-942 was duly adopted by the City Council of the City of Modesto

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-943

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RON SMITH TO DEVELOP A FIRE DEPARTMENT MUTUAL AID SYSTEM FOR 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 Ron Smith to develop a Fire Department Mutual Aid System for 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 27th day of November, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: Muratore

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-944

A RESOLUTION AMENDING THE 1990-91 ANNUAL BUDGET OF THE  
CITY OF MODESTO.

WHEREAS, it has been determined that certain adjustments are  
required to be made to the Annual Budget of the City of Modesto for the Fiscal  
Year 1990-91 in order to provide funding for the approved supplemental  
requests,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the adjustments listed on Exhibit A attached hereto and incorporated  
herein by reference are approved and shall be made to the Annual Budget of the  
City of Modesto for the Fiscal Year 1990-91.

BE IT FURTHER RESOLVED that the Director of Finance 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 November,  
1990, by Councilmember Patterson, who moved its adoption, which motion  
being duly seconded by Councilmember Irizarry, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto  
STAN T. YAMAMOTO, City Attorney  
112990

10431CA2

CITY OF MODESTO  
Supplemental Requests - Other Funds  
Exhibit A

HCDA / HOUSING FUND

<i>Fund</i>	<i>Agcy</i>	<i>Org</i>	<i>Object</i>	<i>Line Description</i>	<i>Amount</i>
111	140	1452	0110	ADMINISTRATIVE CLERK II	10,750
111	140	1452	0110	HOUSING PROGRAM SPECIALIST	15,570
111	140	1452	0188	EMPLOYEE BENEFITS-SUMMARY	4,380
111	140	1452	0188	EMPLOYEE BENEFITS-SUMMARY	3,024
111	140	1452	0218	EQUIPMENT POOL RENTAL	1,123
111	140	1452	0301	OFFICE SUPPLIES	318
111	140	1452	0301	OFFICE SUPPLIES	318
111	140	1452	5900	DESK AND CHAIR	1,051
111	140	1452	5901	PERSONAL COMPUTER	2,200
111	140	1452	5902	PERSONAL COMPUTER	2,200
111	140	1452	5903	PC PRINTER	650
111	140	1452	5904	FILE CABINET	480
111	140	1452	5905	DESK AND CHAIR	1,051
111	700	7000	7720	TRANSFER OUT TO FUND 720	14,500
111	800	8000	8003	CONTINGENCY RESERVE	(57,615)
					0

WATER FUND

<i>Fund</i>	<i>Agcy</i>	<i>Org</i>	<i>Object</i>	<i>Line Description</i>	<i>Amount</i>
610	480	5012	0110	CROSS CONNECTION SPEC (UPGRADE)	823
610	480	5012	0120	INTERN (PART TIME)	14,400
610	480	5012	0188	EMPLOYEE BENEFITS-SUMMARY	242
610	480	5012	0235	UTILITIES	7,150
610	480	5012	0210	UTILITIES	312
610	480	5012	5906	FLAT FILES AND BASE	2,000
610	480	5012	5907	COMPUTER EQUIPMENT ENGINEERING	31,000
610	480	5012	5908	METER READING SYSTEM	25,000
610	480	5012	5909	MICROFILM READER AND PRINTER	20,000
610	480	5012	5910	COPIER 36"	12,000
610	480	5012	5911	COMPUTER SOFTWARE	10,000
610	480	5012	5912	FAX	3,500
610	480	5012	5913	XEROX	10,000
610	800	8000	8003	CONTINGENCY RESERVE	(136,427)
					0

SEWER FUND

<i>Fund</i>	<i>Agcy</i>	<i>Org</i>	<i>Object</i>	<i>Line Description</i>	<i>Amount</i>
621	480	5201	5914	WORD PROCESSOR-PC	3,000
621	480	5212	0110	EQUIPMENT OPERATOR (2)	30,974
621	480	5212	0188	EMPLOYEE BENEFITS-SUMMARY	9,721
621	480	5212	0208	BUSINESS EXPENSES	384
621	480	5212	0235	SERVICES, PROFESSIONAL & OTHER	7,150
621	480	5212	0235	SERVICES, PROFESSIONAL & OTHER	3,600
621	480	5212	5916	PAINT SPRAYER	2,876
621	480	5213	0110	PLANT MECHANIC	18,935
621	480	5213	0188	EMPLOYEE BENEFITS-SUMMARY	5,530
621	480	5213	0235	SERVICES, PROFESSIONAL & OTHER	1,200
621	480	5213	0235	SERVICES, PROFESSIONAL & OTHER	2,450
621	480	5213	5917	DRILL BIT SHARPENER	902
621	480	5213	5918	WEATHER GUARD ORGANIZER'S	1,242
621	480	5213	5919	CATWALKS/SLUDGE THICKENERS	10,000
621	480	5214	0110	SR WW TREATMENT PLANT OPERATOR	1,576
621	480	5214	0188	EMPLOYEE BENEFITS-SUMMARY	475
621	480	5214	0218	EQUIPMENT POOL RENTAL	1,030
621	480	5214	0223	REPAIR & MAINT-OUTSIDE FORCES	2,050

621	480	5214	0235	SERVICES, PROFESSIONAL & OTHER	1,200
621	480	5214	0235	SERVICES, PROFESSIONAL & OTHER	3,000
621	480	5214	0302	BOOKS AND PERIODICALS	600
621	480	5214	0308	TOOLS,SHOP AND FIELD SUPPLIES	7,350
621	480	5214	5922	FILE CABINETS (2)	670
621	480	5215	0301	OFFICE SUPPLIES	650
621	480	5215	0401	MEMBERSHIPS AND DUES	500
621	480	5215	5924	DISHWASHER REPLACEMENT	3,630
621	480	5215	5925	COMPUTER-LABORATORY	3,000
621	480	5216	0110	ADMIN CLERK II	10,713
621	480	5216	0188	EMPLOYEE BENEFITS-SUMMARY	2,781
621	480	5216	5926	COMPUTER-SEWER CAO	4,000
621	480	5216	5927	FURNITURE	4,500
621	480	5216	9990	SERVICE CREDIT	(6,644)
621	480	5217	0235	SERVICES, PROFESSIONAL & OTHER	5,000
621	480	5217	0235	SERVICES, PROFESSIONAL & OTHER	25,000
621	480	5217	0302	BOOKS AND PERIODICALS	450
621	480	5217	5928	COMPUTER-EQUIPMENT IND WASTE	4,000
621	480	P363	6000	THOUSAND OAKS RECONST. DISC LINE	310,000
621	480	P364	6000	WOODLAND AVE INFLUENT SLUICE GATES	4,000
621	480	P365	6000	REPLACE KANSAS SEWER	4,000
621	480	P367	6000	LAB WATER DISTILLATION SYSTEM	30,000
621	480	P368	6000	CLARIFIER #2 SANDBLAST & RECOAT	108,000
621	480	P369	6000	ANNUAL SEWER REHABILITATION	15,000
621	480	P370	6000	WQCP SITE MASTER PLAN	10,000
621	480	P371	6000	EMERALD LIFT/INFL SLUICE GATE-DESIGN	20,000
621	700	7000	7720	TRANSFER OUT TO FUND 720	201,500
621	800	8000	8003	CONTINGENCY RESERVE	(875,995)
					0

#### AIRPORT FUND

Fund	Agcy	Org	Object	Line Description	Amount
631	480	5412	0465	UNDERGROUND TANK REMOVAL	50,000
631	700	7000	9200	TRANSFER IN FROM FUND 200	(50,000)
200	700	7000	7631	TRANSFER OUT TO FUND 631	50,000
200	800	8000	8003	CONTINGENCY RESERVE	(50,000)
					0

#### CENTRE PLAZA FUND

Fund	Agcy	Org	Object	Line Description	Amount
670	340	3412	5931	COMPUTER SYSTEM EQUIPMENT	39,000
670	700	7000	9010	TRANSFER IN FROM FUND 010	(39,000)
010	700	7000	7670	TRANSFER OUT TO FUND 670	39,000
010	800	8000	8003	CONTINGENCY RESERVE	(39,000)
					0

#### SERVICE DIVISION FUND

Fund	Agcy	Org	Object	Line Description	Amount
720	480	5812	5923	FORKLIFT AND BINS (5213)*	22,000
720	480	5812	5935	ALIS CH 1.5 YD LOADER(3112/4612)	62,060
720	480	5812	5936	PICKUP TRUCK (4412)	14,012
720	480	5812	5937	1-TON CREWCAB (3212)	19,643
720	480	5812	5938	AUTO DIAGNOSTIC EQUIP-MAIN SHOP	15,000
720	480	5812	5939	PICKUP TRUCK (4212)	14,012
720	480	5812	5940	PICKUP TRUCK (4612)	14,012
720	480	5812	5941	PICKUP TRUCK (4212)	14,012
720	480	5812	5942	10 CHAINSAWS	4,405
720	480	5812	5943	1 TON VAN WITH AERIAL LIFT(4512)	33,170

720	480	5812	5944	KOHLER GENERATOR SET	1,600
720	480	5812	5945	1 MECHANICS VAN (3112)	23,872
720	480	5812	5946	REPLACE 2 UNDERGROUND TANKS	50,000
720	480	5812	5947	ABOVE GROUND OIL STORAGE TANK	10,000
720	480	5812	5948	PLASMA CUTTING SYSTEM	3,500
720	480	5812	5949	ANTIFREEZE RECYCLING UNIT (2)	3,640
720	480	5812	5950	FREON COLLECTION SYSTEM (2)	7,388
720	480	5812	5951	REPLACEMENT OF 4 OVERHEAD DOORS	6,800
720	480	5812	5952	EXHAUST EMISSIONS ANALYZER	15,000
720	480	5812	5953	1/2 TON PICK-UP (1452)*	14,500
720	480	5812	5954	1/2 TON PICK-UP (5214)*	14,500
720	480	5812	5955	VACTOR TRUCK (5212)*	165,000
720	480	5813	5957	AUTO DIAGNOSTIC EQUIP-POLICE SHOP	15,000
720	480	5813	5958	TIRE BALLANCER	3,285
720	480	5813	5959	GLASS BEAD BLASTER	1,115
720	480	5813	5960	SEDANS (2)(Org 5216 & 5213)	27,000
720	700	7000	9111	TRANSFER IN FROM FUND 111	(14,500)
720	700	7000	9621	TRANSFER IN FROM FUND 621	(201,500)
720	800	8000	8003	CONTINGENCY RESERVE	(358,526)
					0

SELF INSURANCE FUND

<i>Fund</i>	<i>Agcy</i>	<i>Org</i>	<i>Object</i>	<i>Line Description</i>	<i>Amount</i>
731	040	0472	0235	SERVICES, PROF & OTHER	30,100
731	040	0472	5961	COMPUTER TAPE BACKUP UNIT	750
731	040	0472	9990	SERVICE CREDITS	(30,850)
					0

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-945

A RESOLUTION AUTHORIZING FUEL EFFICIENT TRAFFIC SIGNAL  
MANAGEMENT PROGRAM GRANT APPLICATION.

WHEREAS, the City of Modesto recognizes that it is in the interest of the national economy to promote the conservation of energy resources and to reduce our nation's dependence on costly foreign oil, and

WHEREAS, fuel efficient traffic signal management by the City of Modesto will provide benefits to the local community in the form of improved traffic flow, reduced fuel consumption, reduced vehicle operating costs, reduced air pollutant emissions, and improved safety due to smoother flow, and

WHEREAS, funds have been established and are available through the California Department of Transportation for grants to local governments for efficient traffic signal management projects,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto authorizes the submittal of an application to the California Department of Transportation for a Fuel Efficient Traffic Signal Management grant and the City Manager or Deputy/Acting City Manager of the City of Modesto is hereby authorized and empowered to execute in the name of City of Modesto all necessary applications, contracts, and agreements to implement and carry out the purposes specified in 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 November, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-946

A RESOLUTION AUTHORIZING CITY STAFF TO REQUEST PROPOSALS FROM TRAFFIC ENGINEERING FIRMS FOR CONSULTANT SERVICES RELATING TO THE 1991 FUEL EFFICIENT TRAFFIC SIGNAL MANAGEMENT (FETSIM) PROJECT TO COORDINATE AND SYNCHRONIZE TRAFFIC SIGNALS IN NORTHWEST MODESTO.

WHEREAS, the City Council adopted Resolution No. 90-945 at its November 27, 1990, meeting which authorized filing a grant application with the State Department of Transportation for the 1991 Fuel Efficient Traffic Signal Management (FETSIM) program for the purpose of retiming traffic signals, which should improve traffic flow in the northwest area of Modesto and reducing fuel consumption, and

WHEREAS, upon approval of the grant application by the State Department of Transportation, the program would be administered by Caltrans' Division of Traffic Operations on behalf of the Federal Highway Administration and the Energy Committee, and

WHEREAS, consultant services will be needed to collect the vast amounts of traffic data, code the traffic data into a Transyt 7F computer model, and to simulate existing traffic conditions; subsequently, to optimize the signal timing to reduce travel delay and fuel consumption; and to prepare the final report for transmission to Caltrans, and

WHEREAS, the total estimated project cost is \$129,190; the City's share would be \$93,150; the grant would pay \$36,040; and the Finance Department has indicated that there are sufficient funds in Fund 070, Special Gas Tax Fund, to cover the City's share of this project and to front the grant portion until the grant revenue is received, and

WHEREAS, the specific 1991 project that staff is proposing would coordinate and synchronize the signals south of Briggsmore on Tully, College, Orangeburg, 9th, and Needham Streets; a total of 17 intersections would be synchronized using Time Base Coordination under the 1991 FETSIM program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to request proposals from traffic engineering firms for consultant services relating to the 1991 Fuel Efficient Traffic Signal Management (FETSIM) Project for coordination and synchronization of traffic signals in northwest Modesto south of Briggsmore on Tully, College, Orangeburg, 9th, and Needham Streets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-947

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE STATE GRANT REVENUE AND APPROPRIATE THE ADDITIONAL REVENUE AND CITY FUNDS FOR THE 1990-91 FUEL EFFICIENT TRAFFIC SIGNAL MANAGEMENT PROJECT (FETSIM).

WHEREAS, it has been determined that the City is eligible for State Grant monies through the FETSIM program, and

WHEREAS, the City is submitting a grant application for a total project cost of \$129,190, and

WHEREAS, this project will replace thirteen (13) traffic signal controllers to enable the retiming of seventeen (17) traffic signals in the northwest area, and

WHEREAS, the grant is estimated at \$36,040. The City's portion is estimated at \$93,150. The City's share will be provided by Gas Tax Funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1990-91:

GAS TAX FUND (070)

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
Revenue		
070-510-9510-3138	State Share of Street Projects	\$ 36,040
Expenditures		
070-160-P366-6000	1991 FETSIM Project	\$129,190
070-800-8000-8003	Gas Tax Contingency Reserve	\$ 93,150

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 27th day of November, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-948

A RESOLUTION APPROVING THE REQUEST BY CAROL BENSON, ON BEHALF OF K093 AND GOTTSCHALKS, JOINT SPONSORS, FOR DIRECT CITY ASSISTANCE FOR A CHRISTMAS PARADE TO BE HELD ON DECEMBER 1, 1990 IN THE CITY OF MODESTO.

WHEREAS, Carol Benson on behalf of K093 and Gottschalks, hereafter referred to as SPONSORS, has requested Direct City Assistance to hold a Christmas Parade on December 1, 1990, at 11:00 a.m., in the City of Modesto, and SPONSORS have also requested that City waive its fee for use of the reviewing stand, 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 the SPONSORS to hold a Christmas Parade to be held on December 1, 1990 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 Christmas Parade to be held on December 1, 1990, at 11:00 a.m., sponsored by K093 and GOTTSCHALKS, SPONSORS, 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 1, 1990, and will remove said reviewing stand thereafter.

2. SPONSORS are granted permission to use a public address system at the reviewing stand for the parade, if they so desire. Said public address system to be furnished by the SPONSORS.

3. The following parade route is approved as the parade route to be used on Saturday, December 2, 1989, subject to approval of the Chief of Police and Director of Public Works & Transportation: starting at 10th and F Streets, north from F to G Street; east on G Street to 11th Street, north on 11th Street to I Street, east on I Street to 17th Street; and then terminate and dismantle.

4. The City Public Works & Transportation Department will supply two (2) street sweepers for the parade.

5. The City of Modesto will provide four (4) Equestrian Police Officers and eight (8) Reserve Officers to maintain traffic control along the parade route.

6. The City Public Works & Transportation Department will provide barricades to be placed during parade activities on corners and at other appropriate locations as designated by the Police Department.

7. SPONSORS 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 Christmas Parade.

8. SPONSORS shall furnish to the City Clerk of City current and valid certificate of insurance evidencing coverages of general liability insurance as shall protect the SPONSORS and its agents and employees from claims for damages for bodily injury and property damage which may arise out

of the 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 fee for use of the City's reviewing stand is hereby waived.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the SPONSORS with a copy of this resolution. The SPONSORS 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 27th day of November, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

ACCEPTANCE

We do hereby agree with and accept all of the terms and conditions set forth in Resolution No. 90-948 pertaining to the 1990 Christmas Parade sponsored by K093 and Gottschalk's, joint SPONSORS.

Dated: \_\_\_\_\_

SPONSORS  
K093 RADIO STATION, a sponsor,

By \_\_\_\_\_

By \_\_\_\_\_

GOTTSCHALK'S, a sponsor,

By \_\_\_\_\_

By \_\_\_\_\_

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-949

A RESOLUTION ADDING A POSITION TO THE AIRPORT ADVISORY COMMITTEE TO BE FILLED BY SELECTION OF THE CERES CITY COUNCIL.

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

WHEREAS, the Council of the City of Modesto, by Modesto City Council Resolution No. 81-299, appointed five members to the Airport Advisory Committee representing the following:

Public-At-Large -	2 members
Non-Provider User/General Aviation Side -	1 member
Service-Provider/General Aviation Side -	1 member
Service-Provider/Public Side -	1 member

and

WHEREAS, the Council of the City of Modesto, by Modesto City Council Resolution No. 81-299, acknowledged two appointments made by the Stanislaus County to the Airport Advisory Committee representing the following:

Public-At-Large -	1 member
Non-Provider User/General Aviation Side -	1 member

and

WHEREAS, on November 8, 1990, representatives from the Modesto and Ceres City Councils with their respective staffs met in the City of Ceres to discuss concerns about development in Ceres adjacent to the Modesto City-County Airport, and

WHEREAS, as a result of said meeting, it was agreed that a member from the City of Ceres should be appointed to serve on the Airport Advisory Committee, and

WHEREAS, by letter dated November 15, 1990, received from Richard G. McBride, Mayor of the City of Ceres, the City of Ceres filed a request with the City Council of the City of Modesto for an appointment of a member from the City of Ceres to serve on the Airport Advisory Committee, and at its meeting of November 27, 1990, the Council of the City of Modesto considered said request,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, as requested from the City of Ceres, one position is hereby added to the Airport Advisory Committee to be filled by selection of the Ceres City Council.

BE IT FURTHER RESOLVED that the updated membership serving on the Airport Advisory Committee shall represent the following for a length of term to be determined by lot:

CITY APPOINTED

Public-At-Large -	2 members
Non-Provider User/General Aviation Side -	1 member
Service-Provider/General Aviation Side -	1 member
Service-Provider/Public Side -	1 member
Selected by the Ceres City Council -	1 member

STANISLAUS COUNTY APPOINTED

Public-At-Large -	1 member
Non-Provider User/General Aviation Side -	1 member

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the Airport Advisory Committee and the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-950

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF GEORGE SURFACE FROM THE CITY OF MODESTO CITIZENS' ADVISORY COMMITTEE FOR RECYCLING

WHEREAS, George Surface was appointed a member of the Recycling Committee on August 8, 1990; and

WHEREAS, George Surface has tendered his resignation from the Recycling Committee, effective November 27, 1990.

NOW, THEREFORE, BE IT RESOLVED that the resignation of George Surface from the Recycling 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 George Surface 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 27th day of November, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-951

A RESOLUTION CREATING THE VILLAGE ONE AFFORDABLE HOUSING COMMITTEE INCLUDING THE CHARGE AND GUIDELINES FOR THE COMMITTEE.

WHEREAS, the Council of the City of Modesto desires to establish a citizen's committee as the first priority of Village One implementation efforts, and at its November 13, 1990 City Council meeting, the Council directed City staff to report back with recommendations relating to the creation of a Village One Affordable Housing Committee, and

WHEREAS, at its December 11, 1990 City Council meeting, the Council considered a report dated December 4, 1990 from the Planning and Community Development Director which contained recommendations relating to the composition, charge and guidelines establishing the Village One Affordable Housing Committee, a copy of which 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 the report dated December 4, 1990, from the Planning and Community Development Director, which contained recommendations relating to the composition, charge and guidelines for establishing the Village One Affordable Housing Committee, a copy of which report is on file in the office of the City Clerk, is hereby approved.

BE IT FURTHER RESOLVED that the charge and formation and composition of the Village One Affordable Housing Committee shall be as follows:

1. The Village One Affordable Housing Committee shall be composed of a representative from each of the following organizations:

Building Industry Association  
California Rural Legal Assistance  
Coalition of Labor and Business

Ecology Action Educational Institute  
Growth Orderly, Affordable, Livable  
Hispanic Chamber of Commerce  
League of Women Voters  
Modesto Association of Realtors  
Modesto Chamber of Commerce  
Modesto Planning Commission  
Mortgage Lender Association of Stanislaus County

2. Two Councilmembers shall serve on the Committee, one as Chairperson and the other as Vice Chairperson.
3. The Planning and Community Development Department shall provide staff services to the Committee.
4. The Committee shall be charged with the responsibility of recommending to the City Council the appropriate means for developer participation in achieving the Affordable Housing goals of the Village One Specific Plan. Said recommendations to be made after the Committee has reviewed the full range of affordable housing programs that are available.
5. The Committee is directed to report its findings back to the City Council within 90 days from the Committee's first meeting, with progress reports to the Council at 30-day intervals. The first meeting should occur in early January 1991.
6. The Stanislaus County Housing Authority should be requested to be included as a resource to the Committee, and additional groups should be included as resources such as State and Federal agencies responsible for various Affordable Housing programs.

BE IT FURTHER RESOLVED, that a public hearing will be required by both the Planning Commission and the City Council to amend the Specific Plan's Affordable Housing Program, and the Committee's recommendations will serve as the basis for community input to the City Council, leading ultimately to an amendment of the Specific Plan's Affordable Housing Program.

BE IT FURTHER RESOLVED that the creation of the Affordable Housing Committee is consistent with the Village One Affordable Housing Program, attached hereto and marked Exhibit A, which was adopted by the City Council on October 16, 1990, as a part of the Village One Specific Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1990, by Councilmember Patterson, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

# AFFORDABLE HOUSING

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## INTRODUCTION

Affordable housing is defined as housing units with prices or rents not exceeding 30 percent of income for households earning less than 120 percent of the median income for the region. There are three levels of housing within the affordable category. Very low income households are defined as those earning less than 50 percent of the median; low income households between 50 percent and 80 percent of the regional median; and moderate income households between 80 percent and 120 percent of the regional median income.

As housing prices have escalated in recent years as a result of strong economies and restrictions on new development in many places, it has become very difficult to produce and retain housing for much of the population. Fewer affordable units have been produced in recent years. This is partly because of decreasing amounts of federal involvement as well as changes in the tax code which have made private ownership of rental housing less advantageous than in the past. Housing demand in Modesto has increased dramatically. This high demand is partly locally generated, and partly a result of Bay Area households moving toward less expensive housing markets, even if they still make long commutes back to Bay Area jobs.

Village One is anticipated to accommodate development in Modesto for several years, and the City wishes to make it a successful component of the community. It is expected to achieve several of the goals expressed in the 1984 Housing Element, namely: encouraging the availability of housing at affordable prices, and maximizing housing choice throughout the community. In including the full range of housing opportunities, Village One will only be expected to meet its fair proportion of affordable housing. Achieving affordable housing in Village One is but one component of an evolving overall city plan for affordable housing. It is also essential that affordable housing not diminish the high quality residential environment planned for Village One.

The following sections lay out the affordable housing objectives, policies, and implementation procedures for Village One.

*Exhibit "A"*

## OBJECTIVE 1

Maintain 15 percent of Village One housing as affordable units, and encourage that an additional 10 percent of the units be provided initially at affordable prices.

The affordable housing goals have two components: maintaining 15 percent of Village One housing as affordable by policy for 30 years, and encouraging an additional 10 percent of the housing to be built at prices which make them initially affordable without assistance or subsidy. At present, market rents for many apartments in Modesto are affordable to small low or moderate income households, and this should be encouraged to continue. The following policies shall guide the development of Village One affordable housing:

### POLICY 1

Include a mix of housing prototypes to provide increased opportunity for diverse income groups.

The Specific Plan for Village One contains a variety of potential housing types, ranging from senior housing in the Village Center to multi-family housing to single-family housing on lots ranging from 2,750 square feet to half an acre. The senior housing, multi-family housing, and small lot homes will make it possible to produce and maintain affordable housing.

### POLICY 2

Maintain the 15 percent designated affordable units as affordable for no less than 30 years.

It is important that units not just be affordable at construction, but that they remain affordable. State law requires that affordable units produced through provision of density bonuses remain affordable for 30 years. This is an appropriate standard to set for all units designated to remain affordable; however, because of the potential negative effect on below-market residents at year 30, the City should also consider either a permanent affordable designation or a 5 to 10-year transition beyond the 30 years to bring units from affordable status to full market price or rent.

### POLICY 3

Determine the mix of affordable units for very low, low, and moderate income households on a project-by-project basis, generally consistent with needs established in the City Housing Element.

The 1983 Housing Needs Report produced by the Stanislaus Area Association of Governments indicated that Modesto's affordable housing needs were distributed 39 percent very low income, 29 percent low income, and 32 percent moderate income. Until new data are available from the Census and a Housing Element is updated in 1992 as required by State law, the City could use this ratio for overall guidance. It is not realistic, however, to impose the same ratio on each housing type.

Table 4.1:  
 Modesto Village One  
 Affordable Housing Goals by Need Category  
 Revised October 4, 1990

Housing Prototype	Density (d.u.'s/acre)	Total Units	Affordable Goals				
			Percent	Number	Very Low	Low	Moderate
Senior Housing	55.5	375	100	375	225	75	75
Multi-Family	21.0	1,470	30	441	221	150	70
	25.0	50	30	15	0	15	0
Single-Family	<u>Lot Size</u>						
	Ranchette	80	0	0	0	0	0
	> 5,000 s.f.	1,975	5	99	0	30	69
	5,000 s.f.	1,317	6	79	0	24	55
	< 5,000 s.f.	2,159	6	130	0	39	91
<b>Totals</b>		<b>7,426</b>	<b>15</b>	<b>1,138</b>	<b>446</b>	<b>352</b>	<b>360</b>
<b>Percent of Affordable Units</b>					<b>39</b>	<b>29</b>	<b>32</b>

Because the subsidies required to make a low-density house on a large lot affordable to very low income households are so large, units for very low income households are likely to be restricted to higher density rental multi-family and senior housing developments. Housing for low income households can be produced in senior and multi-family units with little or no initial subsidy, or a limited number can be made available in single-family homes. Units for moderate income households can be integrated with all housing types, and include sales as well as rental units (see Table 4.1).

#### POLICY 4

Locate senior housing in close proximity to Village Center services in high-density and mixed-use developments.

An aging population suggests an increasing need for senior housing. The segment of the senior population needing housing assistance can best be accommodated in higher density units in the Village Center, with good access to amenities, shopping, and transit service. Such housing could achieve densities of 50 to 60 units per acre in three to four-story elevator buildings, including mixed-use buildings over retail or service uses. Standard parking requirements can be reduced for such housing.

## OBJECTIVE 2

Ensure that the provision of affordable units in Village One does not diminish the design quality of the community nor stigmatize the occupants of the units.

Successful affordable housing programs can be implemented in ways that represent positive enhancement for any community. Housing prices have escalated to the point where few households can afford to purchase a house, and over half of the households in a community have incomes that make them eligible for affordable housing. This includes young working households such as store clerks, teachers, and policemen; single parents; and senior citizens living on social security.

Dispersing the affordable units throughout the community and designing the units indistinguishable from market units will have a positive effect on the residents of the affordable housing and eliminate the stigma associated with more traditional public housing. The following policies will be utilized to guarantee the quality of Village One housing.

### POLICY 1

Disperse affordable housing, as defined by State Title 25 criteria (very low, low, and moderate income), throughout the village, making sure that it is indistinguishable from and integrated with market rate housing.

With the exception of senior housing and small 100 percent affordable developments, affordable housing shall be dispersed within the village and fully integrated and indistinguishable from market rate units in a given development. Also, with the above exceptions, no more than 20 percent of any development shall be rented to very low income households.

### POLICY 2

Ensure that affordable housing is built in a manner that does not diminish the quality of the community.

Affordable units will be built to the same construction standards, with the same parking requirements, same open space and other provisions, as market rate housing. The intent is for the affordable units to look like the market rate units around them. Therefore, the same standards will be adhered to for exterior finishes and details, however, if the builder wishes to alter interior details, such as reducing the number of bathrooms or leaving the top floor unfinished, to reduce costs and build a more affordable unit, he will be allowed to do so.

## IMPLEMENTATION PROGRAM

The affordable housing program will be a shared effort combining both City-initiated incentives and actions and requirements for developers. Village One developers will be

responsible for approximately half of the affordable housing objectives ~~through inclusionary requirements or in-lieu fees~~. The remaining portion will involve the City accessing federal and state assistance and tax incentive programs, encouraging density bonus provisions, and taking other potential actions to assist developers in the provision of affordable housing. It will be important that the specific affordability requirements to be met by each developer be clearly set forth in the development agreement executed for each project.

## Institutional Actions

### OBJECTIVE 3

Implement a variety of institutional actions by the City that will help achieve greater housing affordability.

### POLICY 1

~~The City will~~ Designate specific staff with the responsibility for ensuring development of affordable housing.

~~The City~~ staff must be aware of all available federal and state programs to assist with affordable housing, and have the responsibility to ensure that affordable housing programs are implemented.

### POLICY 2

~~The City will~~ Take steps to establish or attract a nonprofit developer, a Housing Development Corporation, or explore the potential of greater utilization of the Stanislaus County Housing Authority to assist in production of affordable housing.

Experience in other communities has indicated that nonprofit developers can contribute significant efforts to achieving affordable housing goals, either handling projects themselves or in conjunction with for-profit developers. Quasi-public housing development corporations have also been used, particularly where development fees or public revenues are available for investment in affordable housing. The Stanislaus County Housing Authority has a good record in the construction and management of affordable housing and is a potential community resource for the Village One affordable housing program.

### POLICY 3

~~The City will~~ Pursue the full range of state, federal, and private assistance and incentive programs available at the time of implementation.

Although the federal role in production of affordable housing is diminishing, there are still funds available for Section 202 Senior Housing, and limited funds for other assistance

programs such as Section 8 rent assistance. Federal incentive programs, such as mortgage revenue bonds, low income tax credits, and mortgage credit certificates, are examples of sources available at this time, although with great restrictions.

Current state housing assistance programs include Proposition 77 and 84 funds, and examples of private programs include foundation or corporate grants and Community Reinvestment Act low interest loans from financial institutions.

#### POLICY 4

~~The City shall~~ Use in-lieu fees collected from developers to assist with affordable housing production in Village One by such means as acquiring appropriate sites within Village One and providing subsidy assistance.

Although the program should encourage the direct production of affordable units by developers, the affordable housing program will generate in-lieu fees that will be used to assist in the production of affordable housing in Village One. Examples could include the public purchase of a site for reduced price sale to a nonprofit developer, or city provision of a low interest loan in exchange for a commitment of greater affordability in the development.

#### POLICY 5

~~Require a maximum density for multi-family housing without a density bonus will be of 21 units per acre, and the City will promote a 25 percent density bonus in exchange for greater affordability as specified in state law.~~

Government Code Sections 65913.4, 65915 and 65917 contain the State Density Bonus Law as of January 1, 1990, which stipulates that a jurisdiction will allow a density bonus of at least 25 percent over the otherwise maximum allowable residential density plus an additional concession or incentive in exchange for making 20 percent of the development's units available for low income households or 10 percent for very low income households.

#### POLICY 6

~~Utilize mixed-use development and reduced parking requirements can be utilized in order to achieve affordability in senior housing developments.~~

Housing over Village Center retail or a community facility can reduce the land cost associated with a senior housing development, thus reducing the need for additional subsidies. Reduced parking requirements would also allow greater site utilization.

POLICY

The City shall establish criteria for eligibility for affordable housing.

Demand for affordable housing units is always very high and the City will need to establish and monitor the guidelines and procedures for selecting tenants and buyers and verifying continued eligibility for residents. The City should also consider establishing a requirement that Modesto residents be given priority for the affordable housing created in Village One.

Developer Requirements

OBJECTIVE 4

Establish specific requirements for developers to assist in the implementation of affordable housing.

POLICY 1

Village One developers will be responsible for approximately half of the the Plan's long-term affordable housing objectives. Developer requirements to meet this objective will be established by the City Council prior to the approval of any Precise Plans, and shall be based on the recommendations of a Village One Affordable Housing Task Force. In making its recommendations to the City Council, the Village One Affordable Housing Task Force shall review a wide variety of housing programs that will accomplish this objective, including but not limited to: inclusionary zoning, in lieu fees, Mortgage Credit Certificates, housing trust, HUD's Joint Venture for Affordable Program, Proposition 84 Funds, and other HUD, ECD, and CHFA. The Affordable Housing Program of Village One Specific Plan shall be amended to reflect the program or programs selected by the City Council to implement this objective.

Table 4.2:  
Modesto Village One  
Affordable Housing Goals by Need Category  
Revised October 4, 1990

Housing Prototype	Density (d.u./sq.ac.)	Total Units	Affordable Goals		Developer Requirements	
			Percent	Number	Percent	Number
Senior Housing	55.5	373	100	373	15	55
Multi-Family	22.0	1,470	50	735	15	221
	25.0	50	50	25	15	8
Single-Family	<u>Lot Size</u>					
	Ranchettes	80	0	0	6	4
	> 5,000 sq.f.	1,975	5	99	6	189
	5,000 sq.f.	1,527	6	75	6	75
	< 5,000 sq.f.	2,159	6	153	6	153
Totals		7,425	15	1,156	8	616

~~Each developer of single family homes shall ensure that at least one unit or percentage of single family homes built during a phase of development, whichever is higher, meet affordability requirements specified by the city.~~

~~Such units do not need to be of the same size and density as the market priced units if they are integrated with other market priced units of comparable nature. Higher density single family developments will be required to incorporate affordable units of the same percentage as the market priced units. Developers of lower density, more expensive units may fulfill their production obligation directly through the construction of other projects.~~

POLICY

~~Where deemed appropriate by the city, payment to an affordable housing fund can be made in lieu of direct construction of single family affordable units. The rate will be five percent of building permit value, which should equate to less than two percent of sales price.~~

POLICY

~~Each developer of multi family rental units shall ensure that at least one unit or 15 percent of the multiple family units, whichever is higher, meet affordability requirements specified by the city.~~

~~The affordable housing objectives for Village One cannot be achieved without a significant proportion of multi family housing being affordable. At current market prices and prices in Modesto, many market price rental apartments meet the rent levels specified for low and moderate income households without subsidy.~~

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-951A

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COMPUTER PATHWAYS, INC. FOR LEASE OF THE INTERIOR CARD RACK SPACE ON THE CITY'S BUSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Computer Pathways, Inc. for lease of the interior card rack space on the City's buses

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 December 1990, 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: Bird, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Dobbs, Irizarry, Patterson

ABSENT: Councilmembers: None

ATTEST: \_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-952

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS  
FOR THE KANSAS AND LONE PALM WATERLINE EXTENSION

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

SECTION 1. The plans and specifications for the Kansas and Lone Palm waterline extension, 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, 1991, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-953

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS  
FOR FURNISHING CENTRE PLAZA COMPUTER EQUIPMENT

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

SECTION 1. The plans and specifications for furnishing Centre Plaza computer 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 January 7, 1991, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-954

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. CLASSIFICATIONS CREATED. The Positions Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Community Development Program Specialist

Police Administrative Assistant

The specifications for the classifications of Community Development Program Specialist (Range 124), as shown on the attached Exhibit "A", and Police Administrative Assistant (Range 119), as shown on the attached Exhibit "B", 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:

Housing Program Specialist

Police Administrative Technician

SECTION 3. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Senior Wastewater Treatment Plant Operator

The revised specifications for the classification of Senior Wastewater Treatment Plant Operator (Range 123), as shown on the attached Exhibit "C", 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 4. EFFECTIVE DATE. This resolution shall become effective on and after December 11, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

DEFINITION

To initiate and maintain contact with residents, organizations, and small business owners interested in or eligible to participate in all Community Development programs offered through the Housing Program Office; to coordinate all monitoring and business assistance duties required by the Economic Development Revolving Loan Fund; to coordinate all outreach, marketing, and educational programs offered under the Economic Development Program; to monitor all non-profit organizations assisted under the Community Development Block Grant Program; to provide information and explanation of programs to all interested persons; to market programs; and to assist affected persons with the initial inspections of area units.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from Community Development Program Manager. Exercises functional supervision over employees funded by other sources outside the City, as well as interns.

EXAMPLES OF DUTIES: Duties may include, but are not limited to, the following:

Provide administrative and technical support for Housing Program Office.

Assist residents with relocations (temporary and permanent); locate rental units, and schedule movers.

Assist property owners with loan packages.

Compile and analyze data for environmental reviews, including small business loans, Annual Grantee Performance Report, Annual Rental Rehabilitation Performance Report, and Housing Assistance Plan.

Provide statistical methodology for major projects.

Initiate and maintain contact with residents, organizations, and small business owners interested in or eligible for all Community Development Programs.

Assist small business owners in applying for Economic Development Revolving Loans.

Coordinate all educational seminars and programs for clients, small business owners, and non-profit organizations.

Assist in the marketing of the Economic Development Programs; write and produce brochures, video tape segments, newspaper and magazine advertising copy to explain and market Economic Development Programs.

Assist Economic Development Loan Pool Subcommittee with small business loan applications; prepare data and reports for citizen committees.

Monitor small business loans and non-profit organization grants for employment data, proper expenditures according to the loan or grant agreements, and Federal regulations.

Develop and maintain automated systems for the compilation of economic data, participant files, and employment information.

Monitor the low income benefit and the effectiveness of existing Community Development Programs and sub-recipients and recommend the addition, expansion, or modification of programs and public outreach to respond to diverse and changing community needs.

Assist the Community Development Program Manager as needed.

Perform related duties as assigned.

### QUALIFICATIONS

#### Knowledge of:

Federal, State, and local economic and community development programs and their funding sources.

Principles and practices of business loans and monitoring.

Principles and practices of basic small business operations and techniques.

Pertinent Federal, State, and local laws, codes and regulations.  
Effective communication skills with a wide diversity of clients.

Effective research methods, data collection, and practices.

Technical report writing styles.

Basic statistical and record-keeping methods.

Budgeting procedures and techniques.

#### Ability to:

Gather data and prepare recommendations.

Prepare statistical charts, graphs, and exhibits.

Foster cooperative working relationships with the general public.

Relate to the culture and problems of minority and lower income persons and groups.

Organize and implement a comprehensive program.

Interpret and apply Federal, State, and local policies, procedures, laws, and regulations.

Prepare and present reports for public meetings 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.

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:

Two years of increasingly responsible experience in finance, small business loan programs, community development programs, or a related field. Familiarity with housing program/funding jargon is highly desirable.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in finance, business management, public administration, or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

DEFINITION

To perform a wide variety of responsible technical and accounting work in support of administrative staff; and to provide analytical and technical staff assistance to Department and City staff.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from management or professional staff. May exercise functional supervision over technical and clerical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Supervise and participate in processing payroll; implement internal procedures as required for collection of data for budgetary and statistical information; assist in resolving problems and questions.

Supervise and participate in processing purchase requests and payment of bills; research and answer questions regarding status of accounts and the proper coding of transactions.

Conduct special studies and projects; prepare grant proposals; prepare various financial and operational reports.

Review the accounts, records and procedures of Bingo and Fortune Telling operations within the City limits to insure compliance with State and City laws, rules and regulations.

Provide technical information and instruction regarding applicable procedures and methods; interpret and explain rules and regulations; answer questions and resolve problems and complaints.

Assist in departmental budget preparation and review; assist in budget transactions including calculations, expenditures and tracking of funds.

Develop costs, maintain records and prepare billings for contracted services.

Research background information; compile, prepare and present a variety of statistical and financial and narrative reports; prepare correspondence.

Prepare annual budget, participant contributions and financial statements for the Stanislaus Drug Enforcement Agency (SDEA); track revenue and expenditures; provide staff assistance for the governing committee.

Contact the public and outside agencies in acquiring and providing information and making referrals.

Perform related duties as assigned.

## QUALIFICATIONS

### Knowledge of:

Principles and practices of governmental accounting and financial record keeping; auditing and examination procedures.

English usage, spelling, grammar and punctuation.

Modern office procedures, methods and computer equipment.

Pertinent Federal, State, and local laws, codes and regulations.

Technical report writing procedures and grant proposal development.

Principles and practices of budget preparation and administration.

### Ability to:

Interpret and apply policies and procedures.

Perform a variety of technical accounting work.

Work with and control sensitive, confidential information.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Analyze facts and make sound recommendations.

Communicate clearly and concisely, both orally and in writing.

Estimate and project revenues and expenditures.

Plan, initiate and complete work assignments with minimal direction.

### 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 administrative or advanced clerical experience including public contact, accounting and financial record keeping.

#### Training:

Equivalent to completion of the twelfth grade supplemented by additional course work in accounting or a related field.

DEFINITION

To operate, monitor and otherwise maintain the facilities of a wastewater treatment plant to ensure effective treatment of domestic and industrial wastewater; and to maintain discharge quality in accordance with State and Federal requirements.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Wastewater Treatment Plant Operator Supervisor.

Exercises technical supervision over plant operators and attendants.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Monitor the operation of wastewater treatment plant pumps, motors, and other equipment; read gauges, dials and other instruments that record data; maintain and update accurate logs of plant operations.

Make calculations to determine if plant is operating correctly and effectively; make necessary adjustments to maintain chemical balances and flow requirements; adjust treatment plant equipment to obtain maximum efficiency and treatment results.

Service and otherwise maintain a variety of plant equipment including pumps, valves, motors, filters, meter, and related plant equipment.

Collect various water and sewage samples for laboratory tests; on occasion may perform some of the more routine laboratory analyses.

Inspect wastewater treatment plant equipment and facilities to locate needed repairs to various plant equipment; perform general plant maintenance work.

Inspect and maintain wastewater collection facilities; report all suspected problems; prepare maintenance requests.

Prepare daily treatment plant log sheets; identify equipment status and lab sampling schedules; submit daily log sheets for evaluation by City, State, and monitory agencies.

Conduct tours of the treatment plant to visitors, civic organizations and other interested parties.

May assign work and provide training to other wastewater treatment plant staff.

Monitor pump lift station and water computer for alarms; notify response team to correct problem; operate two-way radio to coordinate with lift stations.

May be required to work irregular shifts.

Perform related duties as assigned.

## QUALIFICATIONS

### Knowledge of:

Principles and practices of wastewater treatment plant operations.

Operating principles of valves, pumps, and motors.

Principles and methods of bacteriological and chemical sewage analyses.

Wastewater discharge requirements.

Grit disposal unit.

Safe work practices.

### Ability to:

Use and maintain self-contained breathing apparatus (safety mask) per annual physical examination.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Operate, repair, and maintain wastewater treatment plant equipment.

Read and interpret gauges and other recording devices reflecting wastewater treatment plant operations.

Take wastewater and sludge samples and perform some routine laboratory tests.

Diagnose operating problems and take effective courses of action.

Make independent technical decisions to maintain proper treatment process.

Keep records and maintain reports.

Understand and carry out oral and written instructions.

Train and supervise assigned staff.

Work irregular work shifts.

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:

Two years experience in wastewater treatment plant operations.

#### Training:

Equivalent to the completion of the twelfth grade.

#### License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of a valid Grade III certificate from the California State Water Resources Control Board.

Persons employed as Senior Wastewater Treatment Plant Operators as of 12/1/90, will be required to obtain a valid Grade III certificate by 1/1/92, as issued through procedures established by the Board.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-955

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 90-607 ENTITLED, "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE AND RESCINDING RESOLUTION NO. 88-490".

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 90-607. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective July 3, 1990", attached to Resolution No. 90-607, is hereby amended as shown on the amended Exhibit "A" entitled, "City of Modesto Class Range Table General Non-Sworn Classes Effective December 11, 1990, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" deletes the position of Housing Program Specialist and Police Administrative Technician and establishes the salaries for two newly created positions; Community Development Program Specialist at Range 124 and Police Administrative Assistant at Range 119.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after December 11, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective December 11, 1990

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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 Data Processing Technician
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 Fire Supply Specialist Equipment Service Worker II

CITY OF HOUSTON  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective December 11, 1990

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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 Parking Meter Worker Traffic Painter Traffic Sign Worker Water Line Worker
117	Electrical Technician II
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
120	Welder/Fabricator Senior Equipment Operator Fire Prevention Technician II Equipment Mechanic Assistant Electrician Traffic Painter Crewleader Accountant I Assistant Lab Technician

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective December 11, 1990

---

RANGE	TITLE
121	
122	Coach Mechanic Fire Equipment Mechanic Nursery Propagator Tree Trimmer Crewleader Programmer Analyst I Industrial Waste Inspector I
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
125	Crime Analyst
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
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Materials Inspector

CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective December 11, 1990

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RANGE	TITLE
131	Sr. Civil Engineering Asst.
132	
133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

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MODESTO CITY COUNCIL  
RESOLUTION NO. 90-956

A RESOLUTION VACATING AND ABANDONING A PORTION OF THE  
10-FOOT PUBLIC UTILITY EASEMENT IN BLOCK 9923 IN THE CITY  
OF MODESTO.

WHEREAS, the California Streets and Highways Code authorizes a city  
council, by resolution, to summarily vacate easements, and

WHEREAS, there is an easement on the real property located in Block  
9923 in the City of Modesto, described in Exhibit "A" attached hereto, which  
is a portion of the 10-foot public utility easement in Block 9923 in the City  
of Modesto, and

WHEREAS, the Council finds and declares that:

1. The vacation is made pursuant to Chapter 4 (Sections 8330  
et seq.) 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 portion of the 10-foot public utility easement in Block  
9923 in the City of Modesto, is no longer necessary. This portion of the  
easement has not been used for the purpose for which it was dedicated or  
acquired for five consecutive years immediately preceding the vacation.

3. That from and after the date this resolution is recorded, the  
portion of 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 portion of the 10-foot public utility easement located in Block 9923  
in the City of Modesto which is described in Exhibit "A", which is attached  
hereto and incorporated by reference herein, be and it is hereby vacated and  
abandoned, such vacation and abandonment to be 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 11th day of December, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

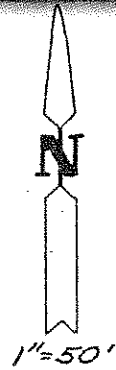
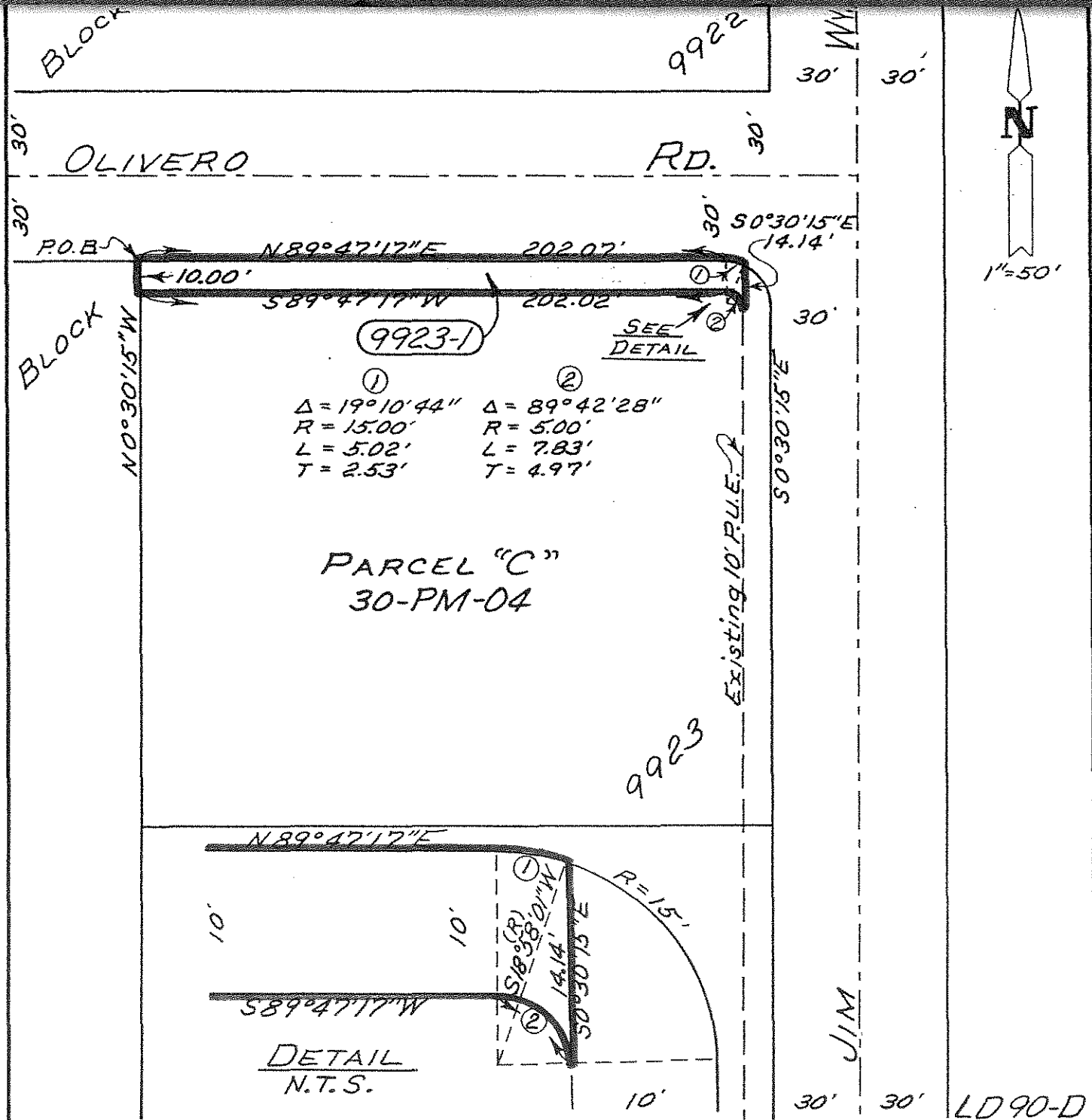
APPROVED AS TO DESCRIPTION:

By John L. Christian  
Public Works and Transportation  
Department - Engineering Division

VACATE AND ABANDON A PORTION OF THE 10-FOOT  
PUBLIC UTILITY EASEMENT IN BLOCK 9923

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

Beginning at the Northwestern corner of Parcel "C", as per map filed January 8, 1980 in Book 30 of Parcel Maps, Page 4, Stanislaus County Records; thence along the Northern line of said Parcel "C", said line also being the Southern line of 60.00 foot Olivero Road, North 89 degrees 47' 17" East, 202.07 feet; thence Southeasterly along a tangent curve concave to the Southwest, having a Radius of 15.00 feet, a Central Angle of 19 degrees 10' 44" and an Arc Length of 5.02 feet, to a point from which a radial line bears South 18 degrees 58' 01" West; thence along a non-tangent line, South 00 degrees 30' 15" East, 14.14 feet, to a point of cusp with a curve concave to the Southwest; thence Northwesterly along said curve having a Radius of 5.00 feet, a Central Angle of 89 degrees 42' 28" and an Arc Length of 7.83 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Southerly from said Northern line of Parcel "C"; thence along said parallel line, South 89 degrees 47' 17" West, 202.02 feet, to the Western line of Parcel "C"; thence along said Western line, North 00 degrees 30' 15" West, 10.00 feet, to the point of beginning.



RECOMMENDED BY:		Revisions		DATE	BY
		Corrected Block No. in Title		12-10-90	JLC
CITY OF MODESTO PUBLIC WORKS - TRANSPORTATION		VACATE AND ABANDON A PORTION OF THE 10-FT PUBLIC UTILITY EASE - MENT IN BLOCK 9923		FLD. BK. & PG.	
VAN W. SWITZER, ACTING DIRECTOR R.E. 22055				W. O. NO.	
By <i>Jerry H. Butler</i> JERRY H. BUTLER, Deputy				FILE NUMBER 4-A-739	
DATE Oct., 1990	DRAWN J. Christiansen	CHECKED			

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-957

A RESOLUTION APPOINTING MEMBERS OF THE COORDINATING COMMITTEE FOR PHASE 3  
OF THE TURLOCK IRRIGATION DISTRICT SURFACE WATER PROJECT

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

SECTION 1. The following persons are hereby appointed to the Coordinating  
Committee for Phase 3 of the Turlock Irrigation District Surface Water Project:

Regular member - Councilmember Frank Muratore

Alternate - Councilmember Richard Patterson

Alternate - Public Works & Transportation Director

SECTION 2. The City Clerk is hereby directed to transmit a copy of  
this resolution to the newly appointed members of the Coordinating Committee  
for Phase 3 of the Turlock Irrigation District Surface Water Project and the  
Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 11th day of December, 1990, by  
Councilmember Lang, who moved its adoption, which motion being duly seconded  
by Councilmember Bird, was upon roll call carried and the resolution adopted  
by the following vote:

AYES: Councilmembers: Bird, Dibbs, Irizarry, Lang, Muratore,  
Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-958

A RESOLUTION AMENDING THE 1990-91 ANNUAL BUDGET OF THE  
CITY OF MODESTO.

WHEREAS, it has been determined that certain adjustments are  
required to be made to the Annual Budget of the City of Modesto for the Fiscal  
Year 1990-91 in order to provide funding for the approved General Fund  
Supplemental requests,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the adjustments listed on Exhibit B attached hereto and incorporated  
herein by reference are approved and shall be made to the Annual Budget of the  
City of Modesto for the Fiscal Year 1990-91.

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 December,  
1990, by Councilmember Patterson, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

011591

10515CA2

CITY OF MODESTO  
 SUPPLEMENTAL REQUESTS - GENERAL FUND  
 1990-91  
 EXHIBIT B

Fund	Agcy	Org	Object	Line Description	Inc/Dec Amount	
CITY MANAGER						
010	020	0201	0223	OFFICE MODIFICATION FOR CITY MANAGER	3,500	
010	020	0201	0235	LABOR RELATIONS CONSULTANT	3,000	
010	020	0202	0230	1 DIRECT MAIN OR 2 INSERTS IN MOD BEE	20,000	
010	020	0212	5962	SWIVEL CHAIR, WITH ARMS	510	
010	020	0222	0110	ADMIN ANALYST II (UPGRADE)	888	
010	020	0222	0160	FRINGE BENEFITS	266	28,164
CITY ATTORNEY						
010	040	0401	0235	CITYLINK LEGAL SERVICES SYS. (LSS)	776	
010	040	0401	5963	4 STORAGE BINS/WITH TRACKS	2,196	
010	040	0401	5964	LATERAL FILE	438	
010	040	0401	5965	BUILT-IN WOODEN BOOKCASE	2,000	
010	040	0401	5966	DEERINGS ANNO CODES WITH 4 YRS SUP.	2,210	7,620
FINANCE						
010	120	1222	5967	CHECK SIGNER/MAIL MACHINE	6,210	
010	120	1222	5968	CABINETS, FILE 5 DRAWER LEGAL (2)	1,100	
010	120	1252	0120	PRINTING SVCS OPERATOR (PART-TIME)	10,000	
010	120	1252	0235	RECORDS MGMT SYSTEM-CONSULTANT	6,000	
010	120	1252	0301	RECORDS MGMT SYSTEM-MATERIALS	750	
010	120	1252	5969	RECORDS MANAGEMENT SYSTEM	8,340	32,400
PLANNING						
010	140	1401	5970	SLIDE PROJECTOR	600	
010	140	1401	5971	CAMERA FOR ZONING INSPECTION	680	
010	140	1401	5972	CHAIRS (6)	1,872	3,152
PARKING & TRAFFIC						
010	160	1601	0110	ASSISTANT TRAFFIC ENGINEER	16,123	
010	160	1601	0160	FRINGE BENEFITS	4,609	
010	160	1601	0209	TRAINING EXPENSE	335	
010	160	1601	0301	OFFICE SUPPLIES	200	
010	160	1601	5832	FURNITURE	2,000	
010	160	1601	5837	CAMERA	550	
010	160	1601	5849	TWO SWIVEL CHAIRS	832	24,649
FIRE DEPARTMENT						
010	180	1802	0209	2 EARTHQUAKE CLASSES AT C.S.T.I.	915	
010	180	1801	0210	RENT & UTILITIES FOR OFFICE SPACE	45,000	
010	180	1802	5868	UPDATE EOC	13,085	
010	180	1801	5973	OFFICE FURNITURE	8,000	
010	180	1801	5977	REGIONAL TRAINING CENTER	60,000	

010	180	1803	0120	ADMIN CLERK II (PART TIME)	3,399	
010	180	1832	0110	FIRE DEPT MECHANIC (1)	10,886	
010	180	1832	0160	FIRE DEPT MECHANIC FRINGE BENEFITS	3,120	
010	180	1832	0165	UNIFORM ALLOWANCE	110	
010	180	1832	0207	CONFERENCE	500	
010	180	1832	5974	LIFT JACKS FOR SHOP	50,400	
010	180	1832	5975	STOVE & OVEN COMBINATION (2)	1,500	
010	180	1832	5976	REPLACE CARPET AT STA 4 & 5	6,800	
010	180	1832	5978	STAIR MASTER EXERCISE MACHINE (1)	2,510	206,225

POLICE DEPARTMENT

010	190	1901	0210	UTILITIES-CELLULAR PHONES	12,000	
010	190	1921	0110	CUSTODIAN (1)	10,496	
010	190	1921	0160	CUSTODIAN FRINGE BENEFITS	3,250	
010	190	1921	0223	MAINTENACE AGREEMENT	158	
010	190	1921	0226	UNIFORM SERVICE	90	
010	190	1921	5986	CUSTODIAL EQUIPMENT (VACUUM, ETC.)	1,000	
010	190	1921	5988	SHARP CASH REGISTER ER-2395	725	
010	190	1921	5991	CANON 110 ELECTRONIC TYPEWRITER	575	
010	190	1941	0110	DETECTIVE (2)	43,716	
010	190	1941	0160	DETECTIVE FRINGE BENEFITS	14,609	
010	190	1941	0165	UNIFORM ALLOWANCE \$65/MO.	780	
010	190	1941	0218	EQUIPMENT RENTAL	4,368	
010	190	1941	0308	DEPARTMENT ISSUE EQUIPMENT	800	
010	190	1941	5979	DESKS AND CHAIRS	1,440	
010	190	1941	5981	VEHICLE EQUIP(SIREN, LIGHT, ETC)	7,966	
010	190	1961	0110	POLICE PERSONNEL (9)	162,241	
010	190	1961	0160	FRINGE BENEFITS	54,352	
010	190	1961	0165	UNIFORM ALLOWANCE	2,910	
010	190	1961	0218	EQUIPMENT RENTAL	13,800	
010	190	1961	0223	LOCKERS	588	
010	190	1961	0308	DEPARTMENT ISSUE EQUIPMENT	2,800	
010	190	1961	5983	VEHICLE EQUIP (SIREN, LIGHT, ETC)	29,760	
010	190	1961	5984	RADAR GUN	1,200	
010	190	1961	5985	DESK AND CHAIR (1)	760	
010	190	1961	5987	REP LIGHTBARS WITH OVERHEAD CONSOLE	17,659	
010	190	1961	5989	BULLET PROOF SHIELD	2,990	
010	190	1961	5990	LIGHTWEIGHT BULLET PROOF SHIELDS	1,570	392,603

PARKS & RECREATION

010	300	3001	0240	INTERGOVERNMENTAL SERVICES	10,000	
010	310	3112	0110	MAINTENANCE MECHANIC	10,892	
010	310	3112	0160	FRINGE BENEFITS	3,308	
010	310	3112	0218	RENT FOR ONE TON WALK THROUGH VAN	3,500	
010	310	3112	0226	LAUNDRY, CLEANING/SAFETY PATCHES	200	
010	310	3112	0308	TOOLS, SHOP AND FIELD SUPP	700	
010	310	3112	5995	SEWER AUGER	1,285	
010	310	3112	5996	30 YD DROP BIN	2,332	
010	310	3113	0120	PARK SECURITY	6,000	
010	310	3113	0218	EQUIPMENT POOL RENTAL	885	
010	310	3113	0235	FENCE/E. LA LOMA EROSION CONTROL	7,400	
010	320	3212	5997	TELESCOPING POWER PRUNER CHAIN SAW	750	

010	360	3613	0223	LANDSCAPING SERVICE	7,000	
010	370	3712	0120	PART-TIME STAFF FOR EXCURSIONS	4,407	
010	370	3712	0235	PROFESSIONAL SERVICES	11,011	
010	380	3811	0120	PART TIME STAFF - VACATION RELIEF	1,739	
010	380	3811	0226	SHIRTS AND LAUNDRY	25	
010	380	3812	0207	CONFERENCE - SAN DIEGO	1,020	
010	380	3812	0223	MINI BLINDS AND INSTALLATION	1,300	
010	380	3812	0235	PROFESSIONAL SERVICES	670	
010	380	3814	5994	DRAPES FOR THE AUDITORIUM.	2,500	76,924
PUBLIC WORKS & TRANSPORTATION						
010	410	4112	5834	CIVIL ENGINEERING SOFTWARE	10,000	
010	410	4112	5836	COPY MACHINE/KONICA 3290	11,500	
010	410	4112	5839	UPDATE EXISTING COMPUTER	6,000	
010	410	4112	5840	COMPUTER EQUIPMENT/CIVIL ENG	22,000	
010	410	4112	5850	2 DRAFTING CHAIRS	800	
010	420	4212	5833	CONSTRUCTION RELATED SOFTWARE	1,905	
010	420	4212	5846	TERRA 720 CH COMM. RADIO W/CHGR	478	
010	450	4512	0110	ELECTRICIAN	12,030	
010	450	4512	0160	ELECTRICIAN FRINGE BENEFITS	3,559	
010	450	4512	0218	EQUIPMENT POOL RENTAL	4,455	
010	450	4512	0301	OFFICE SUPPLIES	50	
010	450	4512	5831	MISC. TOOLS FOR VAN	4,000	
010	450	4512	5838	PORTABLE GENERATOR ES 6500	2,750	
010	450	4512	5842	RATCHET BENDER	2,850	
010	450	4512	5843	PIPE THREADER 1/2" - 2"	320	
010	450	4512	5845	CHAIR WITH ARMS, SWIVEL	416	
010	450	4512	5847	ELECT DIV OFFICE FLOOR REPL	700	
010	450	4512	5869	BORING TOOL	6,500	
010	460	4612	0209	TRAINING	1,390	
010	460	4612	0301	3 BOOKCASES @ \$200 EA	600	
010	460	4612	5870	BATTERY POWERED AUGER	600	
010	460	4612	5835	SIDEWALK GRINDING MACHINE	4,794	
010	460	4612	5841	3 HAND HELD RADIOS	3,000	
010	460	4612	5848	WATERLESS SAW	2,140	
010	490	4912	0209	TRAINING	1,700	
010	490	4912	0338	REAL PROPERTY MTC AND REPAIR SUP	12,400	
010	490	4912	5844	HEPA VACUUM	860	
010	490	4912	5851	RECEPTIONIST/LOBBY FURNITURE	3,000	
010	490	4912	5852	REPLACE DISPLAY CASE/DIRECTORY	2,600	123,397

GENERAL ADJUSTMENTS

010	700	7000	7130	TRANSFER OUT TO FUND 130	156,365	
010	700	7000	7670	TRANSFER OUT TO FUND 670	6,300	
010	700	7000	7720	TRANSFER OUT TO FUND 720	569,617	
010	800	8000	8003	CONTINGENCY RESERVE	(1,895,868)	
010	800	8000	8006	CAPITAL RESERVE	268,452	(895,134)

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0

SPECIAL FUND FOR CAPITAL OUTLAYS

130	190	P910	6000	DATA PROCESSING FUND	156,365	
130	700	7000	9010	TRANSFER IN FROM FUND 010	156,365	REVENUE

SERVICE DIVISION FUND

720	480	5812	5830	1-TON VAN (4512)	42,500	
720	480	5812	5853	PACKER TRUCK(4612)	115,759	
720	480	5812	5854	PACKER TRUCK(4612)	115,759	
720	480	5812	5855	1 TON CREWCAB DUMP PU(3212)	19,643	
720	480	5812	5856	1 TON CREWCAB DUMP PU(3113)	19,643	
720	480	5812	5857	1 TON CREWCAB DUMP PU(3113)	19,643	
720	480	5812	5858	1 TON CREWCAB DUMP PU(3113)	19,643	
720	480	5812	5859	BACKHOE/LOADER(3112)	19,725	
720	480	5812	5860	1/2 TON PICKUP(3113)	14,012	
720	480	5812	5861	GVW MECHANICS VAN(3112)	23,872	
720	480	5812	5862	1/2 TON PICK UP W/LIFT GATE(3212)	15,912	
720	480	5812	5863	1/2 TON PICK UP W/LIFT GATE(3113)	15,912	
720	480	5812	5864	1/2 TON PICK UP W/LIFT GATE(3113)	15,912	
720	480	5812	5865	TURK TRUCK(3113)	5,500	
720	480	5812	5866	PORTABLE WELDER(5812)	2,869	
720	480	5812	5992	ONE TON WALK THROUGH VAN (3112)	24,000	
720	480	5812	5993	WALK-BEHIND AERATOR/SEEDER (3113)	4,313	
720	480	5813	5980	VEHICLES (2) (1941)	24,000	
720	480	5813	5982	VEHICLES (3) PATROL (1961)	51,000	
720	700	7000	9010	TRANSFER IN FROM FUND 010	569,617	REVENUE

CENTRE PLAZA FUND

670	340	3412	0235	TELEPHONE INTERFACE	2,800	
670	340	3412	5867	RADIOS (3) WITH CHARGERS	3,500	
670	700	7000	9010	TRANSFER IN FROM FUND 010	6,300	REVENUE

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-959

A RESOLUTION ORDERING THE FLORENCE/PANAMA REORGANIZATION  
TO THE CITY OF MODESTO. (INHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution dated October 24, 1990, approved the proposed Florence/Panama Reorganization to the City of Modesto upon 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 Florence/Panama Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that the territory included in the proposed Florence/Panama Reorganization is inhabited territory, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution ordered that said Reorganization consist of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the Burbank-Paradise Fire Protection District; (c) the reorganization boundaries to include only the area on the north and south sides of Florence Avenue east of Panama Drive comprising an area of 10.75 acres; and (d) the annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus County Local Agency Formation Commission on October 24, 1990, ordered that a Negative Declaration be filed as to the environmental impact of the subject Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution designated, pursuant to Section 56852 of the Government Code of the State of California, the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization, and

WHEREAS, the reason for this annexation is as follows:

To maintain R-3 zoning and to receive City services.

WHEREAS, the regular county assessment roll is utilized by the City of Modesto, and

WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and

WHEREAS, the 18th day of December, 1990, at the hour of 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for hearing protests against said reorganization, and

WHEREAS, said public hearing was held on December 18, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, County of Stanislaus, State of California, and the Council of the City of Modesto did hear and pass the proposed reorganization, and

WHEREAS, no written protests were filed by any owners of land or registered voters within the affected territory at the conclusion of said hearing,

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 have been complied with.
2. That the area or territory designated as the Florence/Panama Reorganization is more particularly 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.

4. Said territory is hereby detached from the Burbank-Paradise Fire 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 negative declaration prepared by the Stanislaus County Local Agency Formation Commission including mitigation measures as to the environmental impact of this Reorganization has been reviewed and considered.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

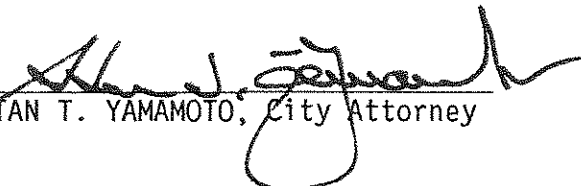
NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Public Works and Transportation  
Department - Engineering Division

FLORENCE PANAMA  
REORGANIZATION

All that certain real property situate, lying and being in the County of Stanislaus, State of California, as follows:

All that fractional portion of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and described with reference to that certain map of the High School Acre Tract, filed for record in Volume 9 of Maps, at Page 68, Stanislaus County Records, more particularly described as follows:

Beginning at a point on the existing city limits line of the City of Modesto at its intersection of the center line of Panama Drive and the westerly extension of the southerly line of Lot 28 of aforesaid High School Acre Tract; thence North  $0^{\circ}33'$  West along said existing city limits line and the center line of Panama Drive, a distance of 616.00 feet; thence North  $89^{\circ}27'$  East along said existing city limits line a distance of 380.00 feet to the southeast corner of Lot 7 of said High School Acre Tract; thence leaving said existing city limits line, North  $89^{\circ}27'$  East along the north side of Lots 17, 18, 19 and 20 of said High School Acre tract a distance of 362.80 feet to a point on the northwesterly side of Modesto Irrigation District, Lateral Number 5; thence South  $70^{\circ}41'$  East 100.00 feet to a point on the southeasterly side of Modesto Irrigation District, Lateral Number 5; thence along the southeasterly side of Modesto Irrigation District, Lateral Number 5 the following three (3) courses:

- (1) South  $19^{\circ}19'$  West 514.20 feet;
- (2) Southwesterly along the arc of a curve to the right, tangent to the preceding course, with a radius of 954.00 feet and a central angle of  $12^{\circ}35'00''$ , a distance of 209.52 feet and
- (3) South  $31^{\circ}54'$  West 61.90 feet to a point that bears South  $58^{\circ}06'$  East 100.00 feet from the most southerly corner of Lot 22 of said High School Acre Tract;

thence North  $58^{\circ}06'$  West 100.00 feet to the most southerly corner of said Lot 22; thence North  $0^{\circ}33'$  West along the westerly side of said Lot 22 a distance of 83.10 feet to the northeast corner of Lot 29 of said High School Acre Tract; thence South  $89^{\circ}27'$  West along the north side of said Lot 29, a distance of 452.00 feet to the Point of Beginning.

Containing 10.75 acres more or less.

Approved as to description

J12090RLH.500

ON

BY

*Oct 18-90*  
*H. J. Miller*

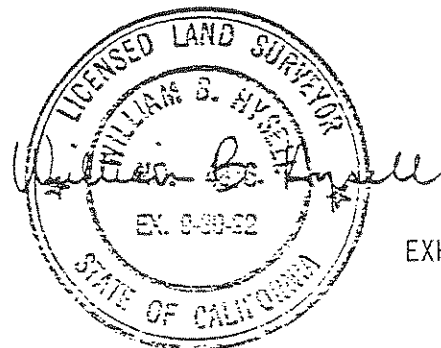


EXHIBIT A

California Ave.

Existing City Limits

Scale 1" = 200'

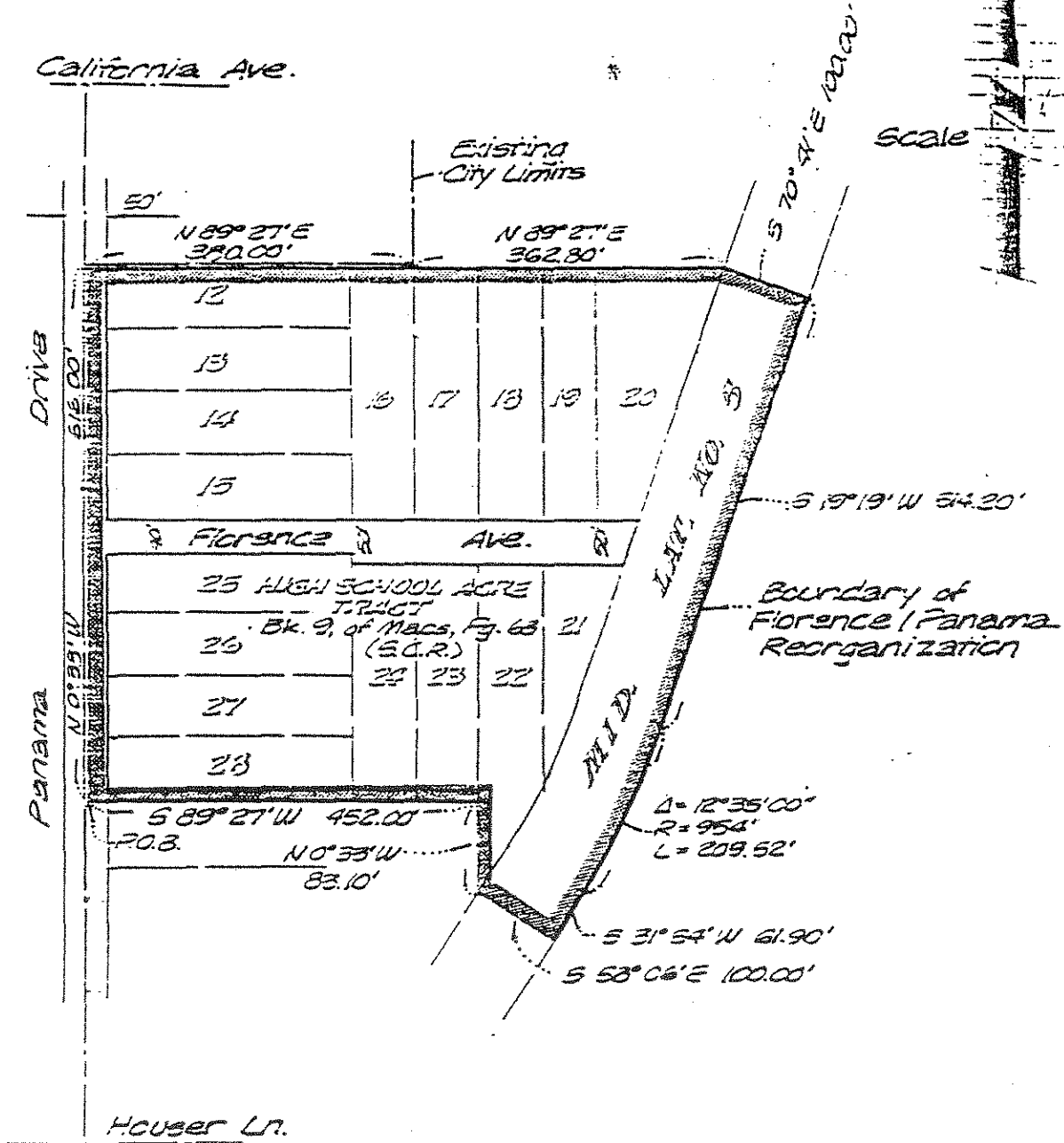
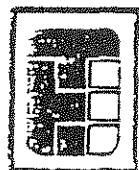


EXHIBIT A

BY *R.K.*  
 DATE *Sept 90*  
 SHT. *01* OF *01*

Florence - Panama Reorganization



**THOMPSON-HYSELL ENGINEERS**  
 1016 12TH ST. - MODESTO, CA 95354  
 (209) 521-3986

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-960

A RESOLUTION GRANTING THE APPEAL OF THOMPSON-HYSELL ENGINEERS ON BEHALF OF ZAGARIS ENTERPRISES TO THE DECISION OF THE PLANNING COMMISSION RELATING TO A CONDITION IMPOSED BY THE PLANNING COMMISSION UPON APPROVAL OF A VESTING TENTATIVE PARCEL MAP OF PROPERTY LOCATED AT THE SOUTH SIDE OF SCENIC DRIVE AT COFFEE ROAD. (SCENIC ROAD PROPERTIES)

WHEREAS, the vesting tentative parcel map of property on the south side of Scenic Drive at Coffee Road was filed in the office of the Secretary of the Planning Commission on October 4, 1990, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code, and

WHEREAS, copies of said vesting tentative parcel map have been sent to the Modesto Irrigation District, the local utility companies, and the City Public Works and Transportation Department, and

WHEREAS, city services, including sanitary sewer and water facilities, are available, and

WHEREAS, a public hearing was held by the Planning Commission on November 19, 1990, 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. 90-95, found and determined that the vesting tentative parcel map of property on the south side of Scenic Drive at Coffee Road accepted for filing in the office of the Secretary of the Planning Commission on October 4, 1990, should be approved as submitted and as shown in red on the face of the map subject to compliance with the conditions set forth in said Planning Commission Resolution, and

WHEREAS, an appeal to the decision of the Planning Commission approving said vesting tentative parcel map subject to the imposition of the requirement for a twenty foot access easement between the project site and the adjacent property to the west (Condition 14) was filed with the City Clerk by Thompson-Hysell Engineers on behalf of Zagaris Enterprises, by letter dated November 29, 1990, 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 the City Hall, 801 11th Street, Modesto, California, at 7:30 p.m. on December 18, 1990, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Thompson-Hysell Engineers on behalf of Zagaris Enterprises to the decision of the Planning Commission relating to Condition 14 of Planning Commission Resolution No. 90-95, should be granted for the following reason:

1. The difference in the elevation between the project site and the property to the west would make it difficult for vehicular access between the two properties.

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 with mitigation measures in regard to the environmental impact of the requested tentative parcel map,

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

SECTION 1. APPEAL GRANTED. The appeal of Thompson-Hysell Engineers on behalf of Zagaris Enterprises to the decision of the Planning Commission relating to Condition No. 14 of Planning Commission Resolution No. 90-95 is hereby granted.

SECTION 2. MODIFICATION OF CONDITIONS OF PLANNING COMMISSION RESOLUTION NO. 90-95. The conditions of Planning Commission Resolution No. 90-95 are hereby modified to read as follows:

1. That street dedication be provided along the Scenic Drive frontage of Parcels 1 and 8 for bus turnouts as approved by the Public Works and Transportation Director.
2. That the Scenic Drive and Coffee Road intersection shall be improved in accordance with City of Modesto Standard Specifications and the traffic mitigation measures required by the Mitigated Negative Declaration. Improvements along Scenic Drive involve Parcels 5, 6, 7, and 8. The traffic mitigation measures are as follows:
  - a. Medians shall be installed at the developer's expense on both Scenic Drive approaches to Coffee Road and on the Coffee Road approach to Scenic in accordance with City Council Policy 3.016 ("A Policy on Curbed Medians on Major Streets").
  - b. Driveways to the development shall be located in accordance with Standard Specifications Section 3.13. (The proposed site plan is consistent with this.)
  - c. The developer shall reconstruct Coffee Road at Scenic Drive to provide:
    - (1) two northbound lanes,
    - (2) two southbound left turn lanes,
    - (3) one widened southbound through-plus-right lane, and
    - (4) bike lanes in both directions of travel.
  - d. The developer shall dedicate right-of-way and widen both legs of Scenic Drive at Coffee Road to provide:

- (1) a westbound left turn lane, right turn lane, and three through lanes,
  - (2) two eastbound left turn lanes, and three through lanes, and
  - (3) two bus turnouts, one at the west end of the property and one at the east end of the property.
- e. The developer shall provide two lanes on the northbound approach (south leg): one lane for left turns only and a combined lane for through traffic and right turning traffic.
  - f. The developer shall modify the signal control system at the Scenic/Coffee intersection to accommodate the widening and restriping improvements set forth above. These improvements will include, but not necessarily be limited to, signal pole and mast arm relocation or replacement, detector loop relocation and additions, signal head modifications and additions, and controller modifications.
  - g. All roadway, intersection, and signal improvements shall be constructed prior to issuance of any occupancy permits and shall be constructed in accordance with City of Modesto Standard Specifications pursuant to improvement plans approved by the Public Works and Transportation Director.
  - h. The developer shall receive a credit against required Capital Facilities Fees (CFF) for the construction of any street improvements which are included in the CFF Projects List.
3. That the Scenic Drive frontages of Parcels 1, 2, 3, and 4 shall be improved to modified major street standards in accordance with City of Modesto Standard Specifications as approved by the Public Works and Transportation Director.
  4. That improvement plans for required improvements shall be prepared by a registered civil engineer and submitted for approval by the Public Works and Transportation Director. All improvements shall be constructed in accordance with the approved plans.
  5. That the street improvements shall be completed as required by the Municipal Code or the traffic mitigation measures prior to issuance of any occupancy permits or within two years of parcel map recordation, whichever occurs first.

6. That a certificate giving notice that street improvements are required along the Scenic Drive frontages of the property and at the Coffee Road and Scenic Drive intersection shall be placed on the parcel map.
7. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorders Office on a form available in the Planning and Community Development Department.
8. That sidewalk and planting easements shall be dedicated along the Scenic Drive frontages of the property as required by the Public Works and Transportation Director.
9. That payment shall be made to the City for the planting of street trees along the Scenic Drive frontage of the property in accordance with the provisions of Section 4-4.502(g) of the Modesto Municipal Code. The number of trees for which payment is required shall be as determined by the Public Works and Transportation Director.
10. That public utility easements shall be dedicated as required by utility companies serving the project. Any relocation of electrical lines shall be at the developer's expense and approved by Modesto Irrigation District.
11. That each property must be served by a separate water and sewer service from the main to the property line. No sewer or water service shall be placed in an easement to serve any property.
12. That prior to approval of a parcel map the subdivider shall submit for approval by the City Attorney the articles of incorporation and bylaws, as well as all covenants, conditions, and restrictions which are to be recorded to create a Property Association which shall guarantee continued maintenance of parking areas, driveways, and landscaping areas in the development. Said documents shall be recorded concurrently with the parcel map.
13. That direct vehicular access between Scenic Drive and the adjacent lots except for two curbcuts shall be denied by appropriate notes on the parcel map. One curbcut straddles Parcels 2 and 3. The second curbcut straddles Parcels 7 and 8. Specific location of the curb-cuts shall be approved by the Public Works and Transportation Department.
14. That the existing bicycle easement on the parcel map through Parcels 7 and 8 shall remain. Any modification shall be made consistent with the 1986 agreement between Scenic Road Properties, a partnership, and the City of Modesto for the bike path between Scenic Drive and Dry Creek at Coffee Road.

15. That an open-space easement be provided from top of bluff to Dry Creek to perpetuate the natural condition. No development shall be permitted below the top of bluff except on Parcel 8.
16. That all existing structures shall be removed or relocated to comply with applicable zoning regulations prior to recordation of the parcel map.
17. That the property owner 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 parcel map, 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 property owner of any claim, action, or proceeding and shall cooperate fully in the defense.
18. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this parcel map shall be based on the rates in effect at time of issuance of the building permit.
19. All construction within the 100 year floodplain shall be approved by the State Board of Reclamation and the Federal Emergency Management Agency.
20. If the existing access easement on Parcel 8 remains, no building construction shall occur on the easement.
21. That all trash and litter be cleared in the area from the top of the bluff to Dry Creek prior to recordation of the parcel map.

SECTION 3. OTHER PROVISIONS OF PLANNING COMMISSION RESOLUTION NO. 90-95. All other provisions of Planning Commission Resolution No. 90-95 not in conflict with this resolution shall remain in full force and effect.

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 with mitigation measures in regard to the environmental impact.

of the tentative parcel map.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1990, by Councilmember Irizarry, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-961

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE JOHN THURMAN FIELD BLEACHER RENOVATION

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

SECTION 1. The plans and specifications for the John Thurman Field  
bleacher renovation

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, 1991 at 11:05 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 18th day of December, 1990,  
by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-962

A RESOLUTION REJECTING ALL BIDS FOR THE SCENIC BEND PUMP STATION ODOR CONTROL PROJECT, APPROVING REVISED PLANS AND SPECIFICATIONS, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 90-871, adopted by the Council of the City of Modesto on November 6, 1990, approved the plans and specifications for the Scenic Bend Pump Station Odor Control Project, and authorized the call for bids; and

WHEREAS, the bids received for the Scenic Bend Pump Station Odor Control Project were opened at 11:00 a.m. on December 6, 1990 in the office of the City Clerk; and

WHEREAS, only one bid was received which was 33% over the Engineer's estimate and based on conversations with other potential bidders, staff believes a rebid with minor modifications to the plans will result in more competitive bidding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the Scenic Bend Pump Station Odor Control Project, and opened in the office of the City Clerk on December 6, 1990, are hereby rejected.


BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for the Scenic Bend Pump Station Odor Control Project to be opened January 10, 1991, 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 18th day of December, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-963

A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS AS THE PRIMARY FIRM TO FURNISH ANNUAL PUMP REPAIR FOR THE CITY'S GROUND WATER PUMPING STATIONS

WHEREAS, Resolution No. 90-899 , adopted by the Council of the City of Modesto on November 13, 1990 , approved the plans and specifications for purchase of annual pump repair for the City's ground water pumping stations and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of annual pump repair for the City's ground water pumping stations were opened at 10:00 a.m. on December 3, 1990 , 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 Howk Systems in the amount of \$8,960.00 per pump repair , as the primary firm to furnish annual pump repair for the City's ground water pumping stations be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Howk Systems in the amount of \$8,960.00 per pump repair 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 18th day of December , 1990, by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:                       
MORRINE COYLE

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-964

A RESOLUTION ACCEPTING THE BID OF CENTRAL PUMP AS THE BACKUP FIRM TO FURNISH ANNUAL PUMP REPAIR FOR THE CITY'S GROUND WATER PUMPING STATIONS

WHEREAS, Resolution No. 90-899 , adopted by the Council of the City of Modesto on November 13 , 1990 , approved the plans and specifications for purchase of annual pump repair for the City's ground water pumping stations and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of annual pump repair for the City's ground water pumping stations were opened at 10:00 a.m. on December 3, 1990 , 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 Central Pump in the amount of \$10,600 per pump repair, as the backup firm to furnish annual pump repair for the City's ground water pumping stations 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 Pump in the amount of \$10,600 per pump repair 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 18th day of December , 1990, by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Marianne Coyle

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-965

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SIX HAND-HELD ELECTRONIC METER READING SYSTEMS FROM SYSCON, INC.

WHEREAS, the Public Works and Transportation Department, Operations Division, has requested the purchase of six hand-held electronic meter reading systems to be used monthly to read all of the City's water meters for submission to the Finance Department for billing purposes; and

WHEREAS, informal bids were solicited from the only two known firms that manufacture and support the electronic hand-held meter reading systems that will furnish the City with the information required and is compatible with our IBM Mainframe and CUBIS software system; and

WHEREAS, due to the requirement of needing the meter readers in early January, and the competitive pricing received from the two firms solicited, staff recommends that formal bidding be waived and authorization be given for purchase of six hand-held meter readers from Syscon, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid for the purchase of six hand-held electronic meter reading systems is hereby waived.

BE IT FURTHER RESOLVED that authorization for purchase of six hand-held electronic meter reading systems from Syscon, Inc. for the total price of \$24,850 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 December, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-966

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND APPROVING AN AGREEMENT IN CONJUNCTION WITH STANISLAUS COUNTY FOR THE PURCHASE OF PERSONAL COMPUTERS, ASSOCIATED EQUIPMENT, AND SERVICES FROM NYNEX CORPORATION

WHEREAS, the City's Purchasing Division of Finance and the Purchasing Department of Stanislaus County have worked cooperatively to develop specifications for the purchase of personal computers, associated equipment, and services in a joint attempt to obtain firm discount price structures for the equipment and services that both agencies continually need; and

WHEREAS, formal bid procedures were opened on October 10, 1990, and after detailed analysis by a committee of City and County staff members, it was agreed to recommend award of contract to Nynex Corporation in Sacramento, who was also the only vendor to state in their proposal that all the terms and conditions contained in the Request for Proposals were acceptable and specifically agreed to by them.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid for the purchase of personal computers, associated equipment, and services is hereby waived.

BE IT FURTHER RESOLVED that the Acting City Manager is hereby authorized to sign an agreement in conjunction with Stanislaus County for the purchase of personal computers, associated equipment, and services from Nynex Corporation

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE City Clerk

*William T. and Veronica A. Loretelli*

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-967

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM T. AND VERONICA A. LORETELLI FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT THE NORTHEAST CORNER OF COFFEE ROAD AND MABLE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William T. and Veronica A. Loretelli for water service to property outside City limits at the northeast corner of Coffee Road and Mable 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 18th day of December , 19 90 , by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

m/d

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-968

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GERALD W. BORGMAN FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1424 WATTS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gerald W. Borgman for water service to property outside City limits at 1424 Watts Avenue between Woodland Avenue and Shaddox 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 18th day of December , 19 90 , by Councilmember Lang , 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \_\_\_\_\_

*Norrine Coyle*  
NORRINE COYLE, City Clerk



WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Enterprise Business Park 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.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, a site agreement with Modesto Industrial Park, Inc. required by Planning Commission Res. No. 90-93.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-970

A RESOLUTION VACATING AND ABANDONING A PORTION OF EXCESS STREET RIGHT-OF-WAY FOR SCENIC BEND, IN BLOCK 1505 IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request from Mid-Valley Engineering, representative for Mr. & Mrs. William McGhee, developers of Scenic Island Estates Subdivision, to abandon a portion of excess street right-of-way for Scenic Bend, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate excess street right-of-way, and

WHEREAS, said portion of excess street right-of-way is located on Scenic Bend, in Block 1505 in the City of Modesto, 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 of Part 3 of Division 9 of the Streets and Highways Code.

2. The portion of excess street right-of-way located on Scenic Bend in Block 1505 in the City of Modesto 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 Scenic Bend, in Block 1505 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 18th day of December, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

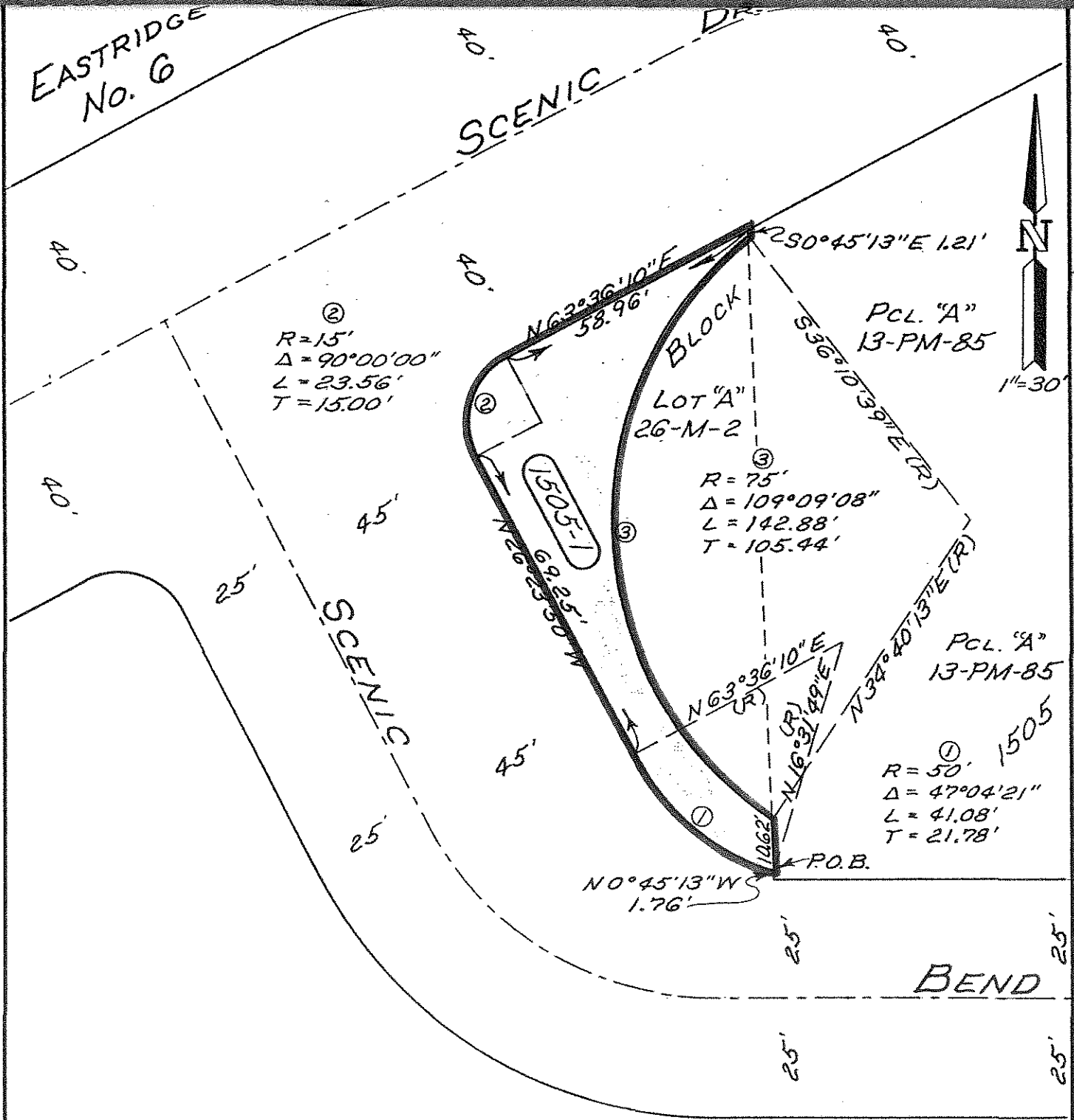
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By John P. Chastain  
Public Works and Transportation Department  
Engineering Division



RECOMMENDED BY:		DATE	BY
CITY OF MODESTO PUBLIC WORKS - TRANSPORTATION		VACATE AND ABANDON A PORTION OF THE SCENIC BEND RIGHT OF WAY AT BLOCK 1505-LD90-E	
VAN W. SWITZER, ACTING DIRECTOR		FLD. BK. & PG.	
By <i>Jerry H. Butler</i> JERRY H. BUTLER, Deputy		W. O. NO.	
DATE OCT., 1990	DRAWN J. Christiansen	FILE NUMBER 4-A-740	

VACATE AND ABANDON A PORTION OF THE SCENIC BEND  
RIGHT OF WAY AT BLOCK 1505

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 23 and the Northeast quarter of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southwestern corner of Parcel "A", as per map filed March 1, 1972 in Book 13 of Parcel Maps, Page 85, Stanislaus County Records; thence along the Western line of said Parcel "A", North  $00^{\circ} 45' 13''$  West, 1.76 feet, to a point on a non-tangent curve from which point a radial line bears North  $16^{\circ} 31' 49''$  East, and the true point of beginning of this description; thence Northwesterly along said non-tangent curve concave to the Northeast, having a Radius of 50.00 feet, a Central Angle of  $47^{\circ} 04' 21''$  and an Arc Length of 41.08 feet; thence along a tangent line, North  $26^{\circ} 23' 50''$  West, 69.25 feet; thence Northeasterly along a tangent curve concave to the East, having a Radius of 15.00 feet, a Central Angle of  $90^{\circ} 00' 00''$  and an Arc Length of 23.56 feet, to its point of tangency on a line which is parallel with and 40.00 feet, measured at right angles, Southeasterly from the centerline of Scenic Drive; thence along said parallel line, North  $63^{\circ} 36' 10''$  East, 58.96 feet, to the Northwestern corner of said Parcel "A"; thence along said Western line of Parcel "A", South  $00^{\circ} 45' 13''$  East, 1.21 feet, to the most Northerly corner of Lot "A" of the EASTRIDGE NO. 6 subdivision, as per map filed June 8, 1976 in Book 26 of Maps, Page 2, Stanislaus County Records, said point being on a non-tangent curve from which point a radial line bears South  $36^{\circ} 10' 39''$  East; thence Southerly along said non-tangent curve concave to the East, having a Radius of 75.00 feet, a Central Angle of  $109^{\circ} 09' 08''$  and an Arc Length of 142.88 feet, to a point on said Western line of Parcel "A", from which point a radial line bears North  $34^{\circ} 40' 13''$  East; thence along the Western line of Parcel "A", South  $00^{\circ} 45' 13''$  East, 10.62 feet, to the point of beginning, containing 2,503 square feet, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-971

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO AT PUBLIC AUCTIONS TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON JANUARY 5, 1991, AT 824 KIERNAN AVENUE, AND JANUARY 7, 1991, AT 501 NORTH JEFFERSON, CITY CORPORATION YARD.

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 Police Department, and

WHEREAS, it is desirable to authorize the sale of said surplus property at auctions to be held on January 5, 1991, and January 7, 1991, 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 Police Department 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 public auctions to be conducted by Roger Ernst and Associates on January 5, 1991, at 824 Kiernan Avenue, and January 7, 1991, at 501 North Jefferson, City Corporation Yard, subject to the execution of an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services.

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 18th day of December, 1990, by Councilmember Lang, 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: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

**SURPLUS/UNCLAIMED PROPERTY LISTING  
CHESTNUT WAREHOUSE**

Sales #	Inv. #	Serial #	Qty	Description, Including Brand & Model
06643	N/A	7502200Y	1	CALCULATOR SHARP QS-2660
06644	N/A	N/A	7	GLASS GLOBES LIGHTING
06830	N/A	N/A	3	TRASH CANS GREEN
08192	N/A	N/A	1	CASSETTE AM-FM PLAYER SHARP JC-128R
08340	N/A	N/A	1	TOOL BOX TEST-RITE
2097	N/A	N/A	1	TOOL BOX KENNEDY
2098	N/A	N/A	1	TOOL BOX CRAFTSMAN SEARS
06827	N/A	N/A	1	FOOT LOCKER WHITE
06829	N/A	N/A	1	FIRE EXTINGUISHER FYR-FYTER D1A10
08529	N/A	N/A	1	BINOCULARS JASON MODEL 221F
06794	9473	B70063720	1	TYPEWRITER SILVER-REED MODEL 225C
06769	11044	412445	1	CALCULATOR ELEC. MONROE MODEL 2125
06478	N/A	N/A	1	FOOT LOCKER GREEN
08753	N/A	M90811827	1	MICROWAVE WHIRLPOOL MODEL RFM7300
			136	LIGHT FIXTURES, 1000 WATTS SPORTSLITER SERIES 6000, NARROW AND WIDE BEAM.
				Exhibit "A"

MEMORANDUM

DATE: December 5, 1990

TO: Peter Lucido - Purchasing  
FROM: Al Hinkle - Service Division  
SUBJECT: Surplus Equipment

The following is a list of surplus vehicles and equipment for auction:

<u>EQUIP. NO.</u>	<u>EQUIPMENT DESCRIPTION</u>
30178	1971 Dodge 1/2-ton pickup truck (no brakes)
30147	1972 International 1/2-ton pickup truck
30146	1972 International 1/2-ton pickup truck
40294	1978 GMC 3/4-ton crew cab dump pickup truck
30100	1981 Ford Courier pickup truck
30184	1972 International 1/2-ton pickup truck
30197	1976 Dodge 1/2-ton pickup truck
30145	1972 International 1/2-ton pickup truck
30138	1978 Ford Courier pickup truck
30185	1972 International 1/2-ton pickup truck
30163	1978 Ford Courier pickup truck
40211	1969 Chevrolet 3/4-ton pickup truck, w/Chicago Pneumatic 125 CFM air compressor
30187	1972 International 1/2-ton pickup truck
30144	1978 Ford Courier pickup truck (engine knock)
40218	1969 Dodge 2-ton dump truck
30120	1976 Ford Courier pickup truck
30169	1976 Ford Courier pickup truck
30136	1969 Chevrolet 1/2-ton pickup truck
30125	1977 Ford Super Cab 1/2-ton pickup truck
70003	1975 Vermeer Stump Cutter (engine blown)
10045	1972 Dodge Coronet 4-door sedan
	Two (2) GMC DH478 Toro-Flow Diesel Engines and miscellaneous parts for same (2 pallets)
	Miscellaneous transmission parts (Allison MT41)
	One (1) 1,000 lb. capacity crane, electric, pickup mount
	Two (2) FMC Sweeper hulks (junk, not equipment pool items)

Please make the necessary arrangements to dispose of these items at the next City equipment auction. Thank you.

ALBERT HINKLE  
Equipment Maintenance Supt.

AH:dhd  
cc: Edwin von Borstel

438/915-350 - 05/09/83R WHITE  
438/915-360 - CANARY

CITY OF MODESTO

M E M O R A N D U M

DATE: Dec 6, 1990

TO: Purchasing Div  
FROM: Equipment Maint Supv Turner  
SUBJECT: Surplus Vehicles

The following vehicles have been removed from service and need to be surplusd and sold as soon as possible. We expect our new patrol fleet to arrive in Jan and parking is going to be tight for a while.

VEH #	DESCRIPTION
=====	=====
10001	1981 CHEVETTE
10004	1981 CHEVETTE
10005	1981 CHEVETTE
10055	1974 DUSTER
10059	1972 CORONET
10062	1972 CORONET
10076	1976 PINTO (WRECKED)
10074	1985 BONNEVILLE
10086	1981 DIPLOMAT
10087	1981 DIPLOMAT
10101	1985 CELEBRITY
10107	1985 REGAL
10108	1985 REGAL
10113	1985 CUTLASS
10120	1985 BONNEVILLE
10123	1985 CUTLASS
10125	1984 REGAL
10129	1985 REGAL
10143	1985 CUTLASS
10149	1985 CUTLASS
10160	1985 REGAL
18306	1983 DIPLOMAT
18311	1983 DIPLOMAT
18332	1983 DIPLOMAT
18408	1984 CROWN VICTORIA
18711	1987 DIPLOMAT
18801	1988 DIPLOMAT (WRECKED)
18803	1988 DIPLOMAT

## SURPLUS/UNCLAIMED PROPERTY LISTING

POLICE DEPARTMENT COST CENTER \_\_\_\_\_ FUND \_\_\_\_\_ BY \_\_\_\_\_ EXT. \_\_\_\_\_

SALES NUMBER	CASE NUMBER	SERIAL NUMBER	QUANTITY	COMPLETE DESCRIPTION, INCLUDING BRAND AND MODEL	LOCATION	TRANSFERRED	
						YES	NO
8664	90-51272		1	UNKNOWN BRAND 1 SPEED SILVER BICYCLE			
8665	90-47045		1	STURDEE 10 SPEED RED BICYCLE			
8666	90-45303		1	RAMPAR 10 SPEED BLUE BICYCLE			
8667	UNKNOWN		1	UNKNOWN BRAND 3-SPEED BLACK BICYCLE			
8668	90-46476		1	UNKNOWN BRAND 1 SPEED RED/GREEN BICYCLE			
8669	90-45799		1	UNKNOWN BRAND WHITE BICYCLE			
8670	90-47484		1	MURRAY 16 SPEED PURPLE BICYCLE			
8671	90-48407		1	RIVIERA 1 SPEED BLUE BICYCLE			
8672	90-47913		1	PEUGEOT UNKNOWN COLOR BICYCLE			
8674	90-50005		1	HUFFY 10 SPEED BLACK/WHITE BICYCLE			
8675	90-49640		1	UNKNOWN BRAND 10 SPEED YELLOW BICYCLE			
8676	90-50064		1	HUFFY 10 SPEED BLUE BICYCLE			
8677	90-48806		1	REGAL 10 SPEED RED BICYCLE			
8679	90-41173		1	DYNO 1 SPEED CHROME BICYCLE			
8680	90-49962		1	HUFFY 1 SPEED GREY/BLACK BICYCLE			
8766	90-45397		1	CT BMX 20 SPEED CHROME BICYCLE			
8767	90-45197		1	UNKNOWN BRAND 1 SPEED CHROME BICYCLE			
8768	90-51539		1	ROADMASTER 1 SPEED WHITE BICYCLE			
8769	90-48114		1	UNKNOWN BRAND 1 SPEED RED BICYCLE			
8770	90-48114		1	UNKNOWN BRAND 1 SPEED WHITE/RED BICYCLE			
8772	90-47433		1	DING 1 SPEED WHITE BICYCLE			
8773	90-50469		1	GENERAL 1 SPEED SILVER/BLACK BICYCLE			
8926	90-50256		1	BMX 1 SPEED GRAY BICYCLE			
8927	90-46629		1	GT 1 SPEED CHROME BICYCLE			

PROPERTY TRANSFER NOTICES MUST ACCOMPANY THIS LISTING FOR ALL INVENTORIED ITEMS NOT PREVIOUSLY TRANSFERRED

## SURPLUS/UNCLAIMED PROPERTY LISTING

POLICE DEPARTMENT COST CENTER \_\_\_\_\_ FUND \_\_\_\_\_ BY \_\_\_\_\_ EXT. \_\_\_\_\_

SALES NUMBER	CASE NUMBER	SERIAL NUMBER	QUANTITY	COMPLETE DESCRIPTION, INCLUDING BRAND AND MODEL	LOCATION	TRANSFERRED	
						YES	NO
8928	90-49714		1	REGAL 10 SPEED MAROON BICYCLE			
8929	90-50482		1	MURRAY 1 SPEED RED BICYCLE			
8930	90-41012		1	NISHIKI 10 SPEED WHITE BICYCLE			
8931	90-48911		1	OPEN ROAD 1 SPEED BLUE BICYCLE			
8932	90-36013		1	SCHWINN 10 SPEED GREEN BICYCLE			
8933	90-33694		1	HUFFY 1 SPEED BLACK BICYCLE			
8934	90-39353		1	HUFFY 12 SPEED WHITE BICYCLE			
8935	90-40567		1	HUFFY 10 SPEED RED BICYCLE			
8936	90-45971		1	HUFFY 1 SPEED BLACK BICYCLE			
8937	90-44700		1	UNKNOWN BRAND 1 SPEED BLACK/WHITE BICYCLE			
8938	90-39485		1	OPEN ROAD 12 SPEED PINK BICYCLE			
8939	90-41905		1	RALEIGH 10 SPEED BROWN BICYCLE			
8940	90-40230		1	UNKNOWN BRAND 1 SPEED SILVER BICYCLE			
8941	90-38720		1	HUFFY 10 SPEED BLUE BICYCLE			
8942	90-40717		1	UNKNOWN BRAND 1 SPEED YELLOW BICYCLE			
8943	90-39801		1	SCHWINN 10 SPEED RED BICYCLE			
8944	90-40592		1	STERLING 1 SPEED PINK BICYCLE			
8945	90-47636		1	ROADMASTER 10 SPEED SILVER BICYCLE			
8947	90-32485		1	UNKNOWN BRAND W/R BICYCLE			
8948	90-39565		1	MARIN 10 SPEED BLUE BICYCLE			
8949	90-43632		1	FREE SPIRIT 10 SPEED RED BICYCLE			
8950	90-50888		1	RALLYE 10 SPEED BLUE/SILVER BICYCLE			
8951	90-54430		1	SCHWINN 10 SPEED YELLOW BICYCLE #CH097248			
8952	90-54384		1	MURRAY 12 SPEED RED BICYCLE #M07006286			

PROPERTY TRANSFER NOTICES MUST ACCOMPANY THIS LISTING FOR ALL INVENTORIED ITEMS NOT PREVIOUSLY TRANSFERRED

## SURPLUS/UNCLAIMED PROPERTY LISTING

POLICE DEPARTMENT COST CENTER \_\_\_\_\_ FUND \_\_\_\_\_ BY \_\_\_\_\_ EXT. \_\_\_\_\_

SALES NUMBER	CASE NUMBER	SERIAL NUMBER	QUANTITY	COMPLETE DESCRIPTION, INCLUDING BRAND AND MODEL	LOCATION	TRANSFERRED	
						YES	NO
8953	90-57687		1	VISTA 10 SPEED YELLOW BICYCLE #P21939			
8955	90-57202		1	SCHWINN 1 SPEED BLACK BICYCLE #9057202			
8957	90-57707		1	BISCAYNE 10 SPEED RED BICYCLE #ML2012599			
8958	90-58797		1	SCHWINN 10 SPEED BROWN BICYCLE #1G0Z7698			
8959	90-59293		1	MURRAY 2 SPEED RED BICYCLE #M04501352			
8960	90-54550		1	MAGNA 1 SPEED BLACK BICYCLE #SB9641483			
8961	90-51347		1	MONGOOSE 1 SPEED GREEN BICYCLE #9051347			
8962	90-63447		1	SCHWINN 10 SPEED BLUE BICYCLE #H0583515			
8963	90-63462		1	BERALE GRESHAM FLYER 1 SPEED BLUE BICYCLE #K696225			
8964	90-61778		1	OPEN ROAD 10 SPEED BLUE BICYCLE #72220122			
8965	90-64051		1	OPEN ROAD-10 SPEED-BLUE			
8967	90-61186		1	POLARA-1 SPEED-RED			
8968	90-70047		1	NIGUE-1 SPEED-RED			
8969	90-65778		1	MAGNA 1 SPEED BLACK BICYCLE #SB9605163			
8970	90-69367		1	SKYWAY LEMURIAN 15 SPEED BLUE/GREY BICYCLE #9069367			
8971	90-65538		1	SEARS 1 SPEED BLUE BICYCLE #50346220			
8972	90-66123		1	HUFFY 10 SPEED WHITE BICYCLE #HC3403627			
8973	90-65044		1	SAVAGE-BMX-1 SPEED-WHITE			
8974	90-66404		1	KENT-STREET DRAGGER-5 SPEED-BLACK			
8977	90-68416		1	RALEIGH 10 SPEED BLUE BICYCLE #R808260058			
8983	90-72607		1	MURRAY-1 SPEED-BLUE			
8984	90-73577		1	WESTERN FLYER-10 SPEED-BLUE-#-9073577			
8985	90-69260		1	OPEN ROAD 10 SPEED WHITE BICYCLE #A860563389			
8986	90-71190		1	KENT 10 SPEED GREY BICYCLE #7905229			

PROPERTY TRANSFER NOTICES MUST ACCOMPANY THIS LISTING FOR ALL INVENTORIED ITEMS NOT PREVIOUSLY TRANSFERRED

## SURPLUS/UNCLAIMED PROPERTY LISTING

POLICE DEPARTMENT COST CENTER \_\_\_\_\_ FUND \_\_\_\_\_ BY \_\_\_\_\_ EXT. \_\_\_\_\_

SALES NUMBER	CASE NUMBER	SERIAL NUMBER	QUANTITY	COMPLETE DESCRIPTION, INCLUDING BRAND AND MODEL	LOCATION	TRANSFERRED	
						YES	NO
8987	90-66799		1	REDLINE 1 SPEED BLACK B CYCLE #L89091495			
9152	90-58342		1	BMX-1 SPEED-GREEN			
9153	90-89389		1	HUFFY-1 SPEED-PURPLE			
9154	90-70728		1	MONGOOSE 15 SPEED SILVER BICYCLE #9070728			
9155	90-69180		1	MURRAY-1 SPEED-PINK			
9156	90-64059		1	MURRAY-SPEED UNK.-CHROME/PURPLE			
9157	90-77897		1	BMX-1 SPEED-WHITE			
9158	90-68299		1	RALLYE BMX-1 SPEED-WHITE & RED			
9470	90-65830		1	UNK. BRAND-1SPEED-CHROME			
9471	90-72903		1	MURRAY 1000 1 SPEED RED/WHITE BICYCLE #M095350X12			
9472	90-62985		1	HUFFY 1 SPEED MULTI-COLORED BICYCLE #80148HUFFY23808			
9473	90-72030		1	BMX 1 SPEED CHROME COLORED #C80606680545			
9474	90-72524		1	CYCLE PRO MOTOCROSS 1 SPEED BLUE BICYCLE #9072524			
9476	90-53806		1	UNKNOWN BRAND 10 SPEED BLACK BICYCLE #9053806			
9477	90-64425		1	MURRAY 1 SPEED BLUE BICYCLE #M07536412			
9478	90-62420		1	BMX-1 SPEED-CHROME			
9479	90-77120		1	WARDS-1 SPEED-PURPLE			
9480	90-60253		1	GOLD CUP-10 SPEED-BLUE			
9481	90-57132		1	HUFFY SUNDANCE-10 SPEED-BLUE			
9485	90-74344		1	TRAIL.MATE-1 SPEED-RED			
9486	90-70805		1	SCHWINN VARSITY-10 SPEED-GREEN			
9490	90-95853		1	MURRAY 1000 1 SPEED RED/BLACK/WHITE BICYCLE #M08536012			
9491	90-89389		1	SCHWINN CONTINENTAL 10 SPEED YELLOW BICYCLE #0073			
9493	90-77305		1	JCPENNEY 10 SPEED ORANGE BICYCLE #HA501384			

PROPERTY TRANSFER NOTICES MUST ACCOMPANY THIS LISTING FOR ALL INVENTORIED ITEMS NOT PREVIOUSLY TRANSFERRED

## SURPLUS/UNCLAIMED PROPERTY LISTING

POLICE DEPARTMENT

COST CENTER \_\_\_\_\_

FUND \_\_\_\_\_

BY \_\_\_\_\_

EXT. \_\_\_\_\_

SALES NUMBER	CASE NUMBER	SERIAL NUMBER	QUANTITY	COMPLETE DESCRIPTION, INCLUDING BRAND AND MODEL	LOCATION	TRANSFERRED	
						YES	NO
9494	90-92661		1	MURRAY BAJA 10 SPEED RED BICYCLE #M04009772K5277575			
9495	90-52902		1	BICYCLE FRAME			
9496	UNKNOWN		1	MISC BICYCLE PARTS			
9988	90-76501		1	UNK. BRAND-10 SPEED-BLUE			
9989	90-77545		1	ROADMASTER-PRO TOUR-10 SPEED-BLUE			
9990	90-78455		1	SCHWINN CONTINENTAL-10 SPEED-IVORY			
9991	90-78358		1	SEARS-FREE SPIRIT-10 SPEED-MAROON			

PROPERTY TRANSFER NOTICES MUST ACCOMPANY THIS LISTING FOR ALL INVENTORIED ITEMS NOT PREVIOUSLY TRANSFERRED

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-972

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE WESSON RANCH PARK RESTROOM CONSTRUCTION

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

SECTION 1. The plans and specifications for the Wesson Ranch Park  
restroom 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 January 17, 1991, at 11:05 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.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 26th day of December, 1990,  
by Councilmember Irizarry, who moved its adoption, which motion  
being duly seconded by Councilmember Bird, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-973

A RESOLUTION ACCEPTING THE BID OF GENTZ CONSTRUCTION COMPANY FOR THE 18 INCH WATERLINE EXTENSION IN CROWSLANDING ROAD BETWEEN HATCH ROAD AND WHITMORE AVENUE

WHEREAS, Resolution No. 90-897 , adopted by the Council of the City of Modesto on November 13, 1990 , approved the plans and specifications for 18 inch waterline extension in Crowslanding Road between Hatch Road and Whitmore Avenue and authorized the calling for bids; and

WHEREAS, the bids received for the 18 inch waterline extension in Crows-landing Road between Hatch Road and Whitmore Avenue were opened at 11:05 a.m. on December 6, 1990 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and/ Transportation has recommended that the bid of Gentz Construction in the amount of \$373,544.50

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Gentz Construction in the amount of \$373,544.50 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 26th day of December , 19 90 by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-974

A RESOLUTION ACCEPTING THE MCHENRY MANSION RESTORATION ELECTRICAL WORK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the McHenry Mansion restoration electrical work

has been completed by Bowden Electric, Inc.

in accordance with the contract agreement dated May 1, 1990 .

NOW, THEREFORE, BE IT RESOLVED that the McHenry Mansion restoration  
electrical work

be accepted from said contractor, Bowden Electric, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$103,595 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 December ,  
19 90 by Councilmember Irizarry , who moved its adoption, which  
motion being duly seconded by Councilmember Bird , was upon  
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-975

A RESOLUTION ACCEPTING IMPROVEMENTS IN ORANGE PARK ESTATES SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Rule Enterprises, subdividers of Orange Park Estates Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 266,500.00 and \$133,250.00 respectively to guarantee improvements in Orange Park Estates Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated December 18, 1990 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:

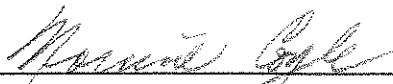
1. The improvements in Orange Park Estates Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 266,500.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$ 133,250.00 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 26th day of December, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-976

A RESOLUTION APPROVING THE FINAL MAP OF THE CALIFORNIA  
GLEN PHASE I SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Kaufman and Broad of Northern California, Inc., a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 11.3417 acres, known as the California Glen Phase I Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 20th day of February, 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 California Glen Phase I 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 26th day of December, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-977

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DARRELL L. DUARTE FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1420 PELTON AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Darrell L. Duarte for sewer service to property outside City limits at 1420 Pelton Avenue between Sutter Avenue and Colorado 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 December , 1990 , by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 90-978

A RESOLUTION APPROVING AN ENCROACHMENT PERMIT AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO INSTALL AN 18 INCH WATERLINE IN CROWSLANDING ROAD BETWEEN HATCH ROAD AND WHITMORE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to install an 18 inch waterline in Crowslanding Road between Hatch Road and Whitmore Avenue as a portion of a project to develop a connection between the City water system north and south of 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 December, 1990, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk